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►B REGULATION (EU) 2024/1392 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 May 2024

on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

(OJ L 1392, 29.5.2024, p. 1)

Corrected by:

►C1 Corrigendum, OJ L 90363, 20.6.2024, p. 1 (2024/1392)

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Article 1

Trade-liberalisation measures

1. The following preferential arrangements are introduced:

(a) the application of the entry price system shall be suspended for those products to which it applies as specified in Annex I-A to the Association Agreement. No customs duties shall apply to imports of those products;

(b) all tariff-rate quotas established under Annex I-A to the Association Agreement shall be suspended and the products covered by those quotas shall be admitted for importation into the Union from Ukraine without any customs duties.

2. The application of Chapter V and Article 24 of Regulation (EU) 2015/478 shall be temporarily suspended with regard to imports originating in Ukraine.

Article 2

Conditions for entitlement to the preferential arrangements

The preferential arrangements provided in Article 1(1) shall be subject to the following conditions:

(a) compliance by Ukraine with the rules of origin of products and the procedures related thereto as provided for in the Association Agreement;

(b) Ukraine's abstention from introducing new duties or charges having equivalent effect and new quantitative restrictions or measures having equivalent effect for imports originating in the Union, from increasing existing levels of duties or charges, or from introducing any other restrictions on trade with the Union, including discriminatory internal administrative measures, unless clearly justified in the war context; and

(c) Ukraine's respect for democratic principles, human rights and fundamental freedoms and respect for the principle of the rule of law as well as continued and sustained efforts with regard to the fight against corruption, and illegal activities provided for in Articles 2, 3 and 22 of the Association Agreement.

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Article 3

Temporary suspension

1. Where the Commission finds that there is sufficient evidence of Ukraine's failure to comply with the conditions set out in Article 2, it may, by means of an implementing act, suspend in whole or in part the preferential arrangements provided for in Article 1(1). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 5(3).

2. Where a Member State requests that the Commission suspends any of the preferential arrangements on the basis of Ukraine's failure to comply with the conditions set out in Article 2, point (b), the Commission shall provide a reasoned opinion within four months of the request on whether the claim of Ukraine's failure to comply is substantiated. If the Commission concludes that the claim is substantiated, it shall initiate the procedure referred to in paragraph 1 of this Article.

Article 4

Safeguard measures

1. Where a product covered by Article 1(1) originating in Ukraine is imported under conditions which adversely affect the Union market or the market of one or several Member States for like or directly competing products, the Commission may impose any measure which is necessary by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 5(3).

Such measure may be imposed for as long as necessary to counteract the adverse effects on the Union market or on the market of one or several Member States for like or directly competing products.

2. The Commission shall regularly monitor the impact of this Regulation, taking into account the information on exports, imports, prices on the Union market or the market of one or several Member States and Union production of the products subject to the trade-liberalisation measures under Article 1(1), point (b).

The Commission shall inform the Member States of the results of the regular monitoring every two months, starting from 6 June 2024.

3. The Commission shall carry out an assessment of the situation of the Union market or the market of one or several Member States for like or directly competing products with a view to imposing measures in accordance with paragraph 1. That assessment shall be launched:

(a) following a duly substantiated request from a Member State including sufficient prima facie evidence reasonably available to that Member State pursuant to paragraph 4 of imports adversely affecting the market referred to in paragraph 1, or

(b) on its own initiative, after it has become apparent to the Commission that there is sufficient prima facie evidence of imports adversely affecting the market that is referred to in paragraph 1.

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The assessment referred to in the first subparagraph shall be concluded within four months of its launch.

4. In carrying out the assessment pursuant to paragraph 3, the Commission shall take into consideration all relevant market developments, including the impact of the imports concerned on the situation of the Union market or the market of one or several Member States for like or directly competing products. That assessment shall include factors such as:

(a) the rate and amount of the increase in imports from Ukraine of the product concerned in absolute and relative terms,

(b) the effect of the imports concerned on production and prices on the Union market or the market of one or several Member States, while taking into consideration the development of imports from other sources.

The list of factors referred to in the first subparagraph is not exhaustive and other relevant factors may also be taken into consideration.

5. In critical circumstances where delay would cause damage that would be difficult to repair, the Commission may provisionally impose any measure which is necessary by means of an implementing act. Such measure may be imposed only after a duly substantiated request from a Member State pursuant to paragraph 3, point (a), of this Article and shall be adopted within 21 days after the request has been received. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 5(4). The duration of a provisional safeguard measure shall not exceed 120 days.

6. Where, as a result of the assessment referred to in paragraph 3, the Commission considers that the Union market or the market of one or several Member States for like or directly competing products has been adversely affected and intends to impose a definitive measure pursuant to paragraph 1, it shall publish a notice in the *Official Journal of the European Union* announcing the introduction of such a measure. The notice shall provide a summary of the main results of the assessment and specify the period within which interested parties may submit their views in writing. That period shall not exceed 10 days from the date of publication of the notice.

7. If, during the period 6 June to 31 December 2024, cumulative import volumes of eggs, poultry, sugar, oats, maize, groats or honey since 1 January 2024 reach the respective arithmetic mean of import volumes recorded in the period from 1 July to 31 December 2021, in 2022 and in 2023, the Commission shall, within 14 days and after informing the Committee on Safeguards established by Article 3(1) of Regulation (EU) 2015/478 (‘the Committee on Safeguards’):

(a) reintroduce for that product the corresponding tariff-rate quota suspended by Article 1(1), point (b), of this Regulation until 31 December 2024; and

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(b) introduce from 1 January 2025 either a tariff-rate quota equal to five twelfths of that arithmetic mean or the corresponding tariff-rate quota suspended by Article 1(1), point (b), of this Regulation whichever is higher.

If, during the period 1 January to 5 June 2025, cumulative import volumes of eggs, poultry, sugar, oats, maize, groats or honey for the period since 1 January 2025 reach five twelfths of the respective arithmetic mean of import volumes recorded in the period from 1 July to 31 December 2021, in 2022 and in 2023, the Commission shall, within 14 days and after informing the Committee on Safeguards, reintroduce for that product the corresponding tariff-rate quota suspended by Article 1(1), point (b).

For the purposes of this paragraph, the terms eggs, poultry, sugar, oats, maize, groats and honey refer to all products covered by the tariff-rate quotas in the Appendix to Annex I-A of the Association Agreement for, respectively, eggs and albumins, poultry meat and poultry meat preparations, sugars, oats, maize, flours and pellets, barley groats and meal; cereal grains otherwise worked, and honey. The arithmetic mean referred to in this paragraph shall be calculated by dividing the sum of import volumes in the period from 1 July to 31 December 2021, in 2022 and in 2023 by two and a half.

The Commission may adopt an implementing act laying down the arrangements for monitoring the import volumes referred to in this paragraph. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 5(4).

8. If the Commission imposes a measure pursuant to paragraph 1, 5, or 7 which reintroduces a tariff-rate quota suspended by Article 1(1), point (b), the quantity imported during the calendar year the Commission imposes that measure shall be taken into account in the management of that tariff-rate quota.

Article 5

Committee procedure

1. The Commission shall be assisted by the Customs Code Committee established by Article 285(1) of Regulation (EU) No 952/2013 of the European Parliament and of the Council [1] with regard to Article 3(1) of this Regulation. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. The Commission shall be assisted by the Committee on Safeguards with regard to Article 4(1) of this Regulation. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

4. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

[1] Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

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Article 6

Assessment of the implementation of the trade-liberalising measures

The Commission's annual report on the implementation of the Deep and Comprehensive Free Trade Area shall include a detailed assessment of the implementation of the trade-liberalisation measures provided for in this Regulation and shall include, in so far as appropriate, an assessment of the social impact of those measures in Ukraine and in the Union. Information on imports of products under Article 1 (1), point (b), shall be made available via the website of the Commission and shall be updated on a monthly basis.

Article 7

Entry into force and application

This Regulation shall enter into force on 6 June 2024.

This Regulation shall apply until 5 June 2025.

This Regulation shall be binding in its entirety and directly applicable in all Member States.