II

*(Non-legislative acts)*

# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2021/11

**of 7 January 2021**

**amending Implementing Regulation (EU) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2012/105/EU of 14 December 2011 on the signing, on behalf of the Union, and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union and the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to that Agreement ([1]), and in particular Article 4 thereof,

Whereas:

(1) On 22 August 2012, the Russian Federation acceded to the World Trade Organization. The commitments of the Russian Federation include tariff-rate quotas for the export of specified types of coniferous wood, a share of which has been allocated for exports to the Union. The modalities for the administration of those tariff-rate quotas are laid down in the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union ([2]) ('the Agreement') and in the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to the Agreement ([3]) ('the Protocol'). The Agreement and the Protocol were signed on 16 December 2011. They have been applied provisionally from the date of the accession of the Russian Federation to the World Trade Organization.

(2) Pursuant to Article 4 of Decision 2012/105/EU, Commission Implementing Regulation (EU) No 498/2012 ([4]) laid down the rules on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union. That Regulation will cease to apply on the date on which the procedure for the conclusion of the Protocol is completed.

(3) While the Agreement and the Protocol continue to be applied provisionally, pending the completion of the procedures for their conclusion, the experience gained with the implementation of Implementing Regulation (EU) No 498/2012 has revealed the need to amend some provisions of that Regulation.

([1]) OJ L 57, 29.2.2012, p. 1.
([2]) OJ L 57, 29.2.2012, p. 3.
([3]) OJ L 57, 29.2.2012, p. 5.
([4]) Commission Implementing Regulation (EU) No 498/2012 of 12 June 2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union (OJ L 152, 13.6.2012, p. 28).

(4) Article 7(1) of Implementing Regulation (EU) No 498/2012 should be amended in order to ensure that in the first part of each quota period the maximum import rights of traditional importers, for any of the product groups, are not lower than those granted to new importers.

(5) Pursuant to Article 3 of the Protocol, the classification of the covered products is based on the tariff and statistical nomenclature applied in Russia. Annexes I and III to Implementing Regulation (EU) No 498/2012 refer to the relevant tariff codes of the covered products. Considering that the nomenclature has been modified since the Protocol has applied provisionally, there is a need to reflect these modifications in the Annexes to reflect the tariff and statistical nomenclature currently applied in the Russian Federation. Annexes I and III should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Wood Committee established by Decision 2012/105/EU,

HAS ADOPTED THIS REGULATION:

*Article 1*

Implementing Regulation (EU) No 498/2012 is amended as follows:

(1) in Article 2, the second paragraph is replaced by the following:

'In addition, the following definition shall apply: "product group" means each of the two categories of covered products according to the classification of such products under the tariff and statistical nomenclature applied in the Russian Federation, namely spruce and pine. The relevant tariff codes applied in the Russian Federation and corresponding Combined Nomenclature (*) ("CN") and TARIC codes are attached as Annex I.

(*) Currently falling within Commission Regulation (EU) 2019/1776 (OJ L 280, 31.10.2019, p. 1.)';

(2) in Article 7, paragraph 1 is replaced by the following:

'1. Every year, the Commission shall calculate ceilings applicable to each traditional importer for the following quota period in accordance with the method established in Article 6(2). If the calculated ceiling of a traditional importer for a given product group is below the maximum of 1,5 % of the tariff quota granted to new importers in accordance with Article 4(3), the ceiling of the traditional importer concerned shall be established at a level of 1,5 % of the tariff quota for the respective product group.';

(3) Annex I is replaced by the text in Annex I to this Regulation;

(4) Annex III is replaced by the text in Annex II to this Regulation.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*

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

Done at Brussels, 7 January 2021.

*For the Commission*
*The President*
Ursula VON DER LEYEN

*ANNEX I*

*'ANNEX I*

**Relevant tariff codes applied in the Russian Federation and corresponding CN and TARIC codes as referred to in Article 2**

| | CN code | TARIC code | Russian Tariff code | Full description |
|---|---|---|---|---|
| 1. | ex 4403 23 10 | 10 | 4403 23 110 0 | Timber of spruce of the kind *Picea abies* Karst. or silver fir (*Abies alba* Mill.), of a diameter of no less than 15 cm but no more than 24 cm, of a length of no less than 1,0 m |
| | ex 4403 23 90 | 10 | 4403 23 190 0 | |
| 2. | ex 4403 23 10 | 10 | 4403 23 110 0 | Timber of spruce of the kind *Picea abies* Karst. or silver fir (*Abies alba* Mill.), of a diameter of more than 24 cm, of a length of no less than 1,0 m |
| | ex 4403 23 90 | 10 | 4403 23 190 0 | |
| 3. | ex 4403 24 00 | 10 | 4403 24 100 0 | Wood of spruce of the kind *Picea abies* Karst. or silver fir (*Abies alba* Mill.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, of a diameter of less than 15 cm |
| 4. | ex 4403 24 00 | 10 | 4403 24 100 0 | Other wood of spruce of the kind *Picea abies* Karst. or silver fir (*Abies alba* Mill.) |
| 5. | ex 4403 21 10 | 10 | 4403 21 110 0 | Timber of pine of the kind *Pinus sylvestris* L., of a diameter of no less than 15 cm but no more than 24 cm, of a length of no less than 1,0 m |
| | ex 4403 21 90 | 10 | 4403 21 190 0 | |
| 6. | ex 4403 21 10 | 10 | 4403 21 110 0 | Timber of pine of the kind *Pinus sylvestris* L., of a diameter of more than 24 cm, of a length of no less than 1,0 m |
| | ex 4403 21 90 | 10 | 4403 21 190 0 | |
| 7. | ex 4403 22 00 | 10 | 4403 22 100 0 | Wood of pine of the kind *Pinus sylvestris* L. (in the rough, whether or not stripped of bark or sapwood, or roughly squared) of a diameter of less than 15 cm |
| 8. | ex 4403 22 00 | 10 | 4403 22 100 0 | Other wood of pine of the kind *Pinus sylvestris* L.' |

*ANNEX II*

*'ANNEX III*

**Correction coefficients referred to in Article 11(2)**

| **Russian Tariff code** | **Correction coefficient** |
|---|---|
| 4403 23 11 00<br>4403 23 19 00<br>4403 24 10 00 | 0,88 |
| 4403 21 11 00<br>4403 21 19 00<br>4403 22 10 00 | 0,87' |