II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1629

of 9 August 2023

amending Implementing Regulation (EU) 2020/761 as regards the quantities that may be imported under certain tariff quotas in the sectors of sugar and of poultry following the agreement between the European Union and the Federative Republic of Brazil

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([1]), and in particular Article 187, points (a) to (e), thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2020/761 ([2]) lays down the rules for the management of import and export tariff quotas for agricultural products managed by a system of import and export licences and provides for specific rules.

(2) The Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom`s withdrawal from the European Union, concluded by Council Decision (EU) 2023/1056 ([3]), amends the quantities of products to be imported under some tariff quotas opened in favour of Brazil. The amendments concern tariff quotas in the sector of poultry with the following order numbers: 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4253, 09.4410 and 09.4420 and tariff quota 09.4318 in the sector of sugar, and the creation of two additional tariff quotas in the sector of sugar.

(3) The amendments made by that Agreement should be reflected in the respective Annexes to Implementing Regulation (EU) 2020/761: in Annex IV on tariff quotas in the sector of sugar and in Annex XII on tariff quotas in the sector of poultry.

(4) Implementing Regulation (EU) 2020/761 should therefore be amended accordingly.

([1]) OJ L 347, 20.12.2013, p. 671.

([2]) Commission Implementing Regulation (EU) 2020/761 of 17 December 2019 laying down rules for the application of Regulations (EU) No 1306/2013, (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the management system of tariff quotas with licences (OJ L 185, 12.6.2020, p. 24).

([3]) Council Decision (EU) 2023/1056 of 25 May 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union (OJ L 142, 1.6.2023, p. 1).

(5) The amendments to Implementing Regulation (EU) 2020/761 should apply to tariff quota periods starting after the entry into force of this Regulation. It is necessary to clarify that operators could apply for the difference between the new quantities and the quantities already allocated in the course of the ongoing tariff quota period as from the first application period starting after the entry into force of this Regulation. In particular, for the tariff quotas with order numbers 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4410, and 09.4420 which are divided in sub-periods, the difference between new quantities allocated to sub-periods already expired and the quantities actually allocated during those sub-periods should be available for allocation as from the allocation period starting after the entry into force of this Regulation.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2020/761

Annexes IV and XII to Implementing Regulation (EU) 2020/761 are amended in accordance with the Annex to this Regulation.

Article 2

Transitional provisions

Where the tariff quota period has already started on the day of entry into force of this Regulation, the difference between the new quantity and the quantities already allocated shall be made available to applications lodged after the entry into force of this Regulation.

The new quantity for tariff quotas 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4410, and 09.4420 shall follow the rules on distributions among sub-periods provided for in Annex XII to Implementing Regulation (EU) 2020/761. The difference between the quantities allocated and the new quantity that remained unused in the sub-periods expired before the entry into force of this Regulation, shall be allocated as of the first application period following the entry into force of this Regulation.

Article 3

Entry into force and application

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

It shall apply as of the first application period following the entry into force of this Regulation.

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

Done at Brussels, 9 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes IV and XII to Implementing Regulation (EU) 2020/761 are amended as follows:

(1) Annex IV is amended as follows:

(a) the table relating to the tariff quota with order number 09.4318 is amended as follows:

(i) the row 'International agreement or other act' is replaced by the following:

'**International agreement or other act**	**Council Regulation (EC) No 1095/96** of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations **Council Regulation (EC) No 1894/2006** of 18 December 2006 concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and Brazil relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Community, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff **Council Regulation (EC) No 880/2009** of 7 September 2009 concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff **Council Decision (EU) 2017/730** of 25 April 2017 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union **Council Decision (EU) 2023/1056** of 25 May 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union'

(ii) the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	TRQ period 2022/2023: 308 518 000 kg. TRQ period 2023/2024: 285 654 000 kg. TRQ period 2024/2025: 353 219 000 kg. TRQ periods from 2025/2026: 363 654 000 kg.'

(b) after the table for tariff quota with order number 09.4318, the following tables for tariff quota with order number 09.4354 and tariff quota with order number 09.4355 are inserted:

'**Order number**	**09.4354**
International agreement or other act	**Council Decision (EU) 2023/1056** of 25 May 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union
Tariff quota period	1 October to 30 September
Tariff quota sub-periods	No
Licence application	In accordance with Articles 6, 7 and 8 of this Regulation
Product description	Raw cane sugar for refining
Origin	Brazil
Proof of origin at licence application. If yes, body authorised to issue it	No
Proof of origin for release into free circulation	Yes. In accordance with Articles 57, 58 and 59 of Implementing Regulation (EU) 2015/2447
Quantity in kilograms	TRQ period 2023/2024: 5 963 000 kg. TRQ period 2024/2025: 4 472 000 kg. TRQ periods from 2025/2026: 0 kg.
CN codes	1701 13 10 and 1701 14 10
In-quota customs duty	EUR 11 per 1 000 kg. Where the polarimetric reading of the imported raw sugar departs from 96 degrees, the rate of EUR 11 per 1 000 kg shall be increased or reduced, as appropriate, by 0,14 % per tenth of a degree difference established (in accordance with Article 34(1), point (d), of this Regulation)
Proof of trade	Yes. 25 tonnes
Security for import licence	EUR 20 per 1 000 kg
Specific entries to be made on the licence application and on the licence	Section 8 of the import licence application and of the import licence shall indicate the country of origin; box 'yes' in that section shall be crossed. Section 20 shall indicate 'Sugar intended for refining' and the text as set out in Annex XIV.3 Part A to this Regulation
Period of validity of a licence	Until the end of the third month following that in which they were issued but no longer than 30 September (in accordance with Article 32 of this Regulation)
Transferability of licence	Yes

Reference quantity	No
Operator registered in LORI database	No
Specific conditions	Refining obligation in accordance with Article 34 of this Regulation

Order number	**09.4355**
International agreement or other act	**Council Decision (EU) 2023/1056** of 25 May 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union
Tariff quota period	1 October to 30 September
Tariff quota sub-periods	No
Licence application	In accordance with Articles 6, 7 and 8 of this Regulation
Product description	Raw cane sugar for refining
Origin	Brazil
Proof of origin at licence application. If yes, body authorised to issue it	No
Proof of origin for release into free circulation	Yes. In accordance with Articles 57, 58 and 59 of Implementing Regulation (EU) 2015/2447
Quantity in kilograms	TRQ period 2024/2025: 5 963 000 kg. TRQ periods from 2025/2026: 0 kg.
CN codes	1701 13 10 and 1701 14 10
In-quota customs duty	EUR 54 per 1 000 kg. Where the polarimetric reading of the imported raw sugar departs from 96 degrees, the rate of EUR 54 per 1 000 kg shall be increased or reduced, as appropriate, by 0,14 % per tenth of a degree difference established (in accordance with Article 34(1), point (d), of this Regulation)
Proof of trade	Yes. 25 tonnes
Security for import licence	EUR 20 per 1 000 kg
Specific entries to be made on the licence application and on the licence	Section 8 of the import licence application and of the import licence shall indicate the country of origin; box 'yes' in that section shall be crossed. Section 20 shall indicate 'Sugar intended for refining' and the text as set out in Annex XIV.3 Part A to this Regulation
Period of validity of a licence	Until the end of the third month following that in which they were issued but no longer than 30 September (in accordance with Article 32 of this Regulation)
Transferability of licence	Yes

Reference quantity	No
Operator registered in LORI database	No
Specific conditions	Refining obligation in accordance with Article 34 of this Regulation'

(2) Annex XII is amended as follows:

(a) in the table relating to the tariff quota with order number 09.4211, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	124 497 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'

(b) in the table relating to the tariff quota with order number 09.4214, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	37 453 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'

(c) in the table relating to the tariff quota with order number 09.4217, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	91 767 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'

(d) in the table relating to the tariff quota with order number 09.4251, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	13 800 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'

(e) in the table relating to the tariff quota with order number 09.4252, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kg**	59 343 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'

(f) in the table relating to the tariff quota with order number 09.4253, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	295 000 kg'

(g) in the table relating to the tariff quota with order number 09.4410, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	15 050 000 kg, divided as follows: 25 % for each sub-period'

(h) in the table relating to the tariff quota with order number 09.4420, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	4 420 000 kg, divided as follows: 25 % for each sub-period'