

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1401

of 25 August 2021

amending Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 as regards the quantities that may be imported under certain tariff quotas

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 and Article 223(3) thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽²⁾, and in particular Article 66(4) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽³⁾, and in particular Article 9, first paragraph, points (a) to (d), and Article 16(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/761 ⁽⁴⁾ 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) Commission Implementing Regulation (EU) 2020/1988 ⁽⁵⁾ lays down the rules for the administration of import tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations ("first come, first served" principle).

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ OJ L 150, 20.5.2014, p. 1.

⁽⁴⁾ 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).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/1988 of 11 November 2020 laying down rules for the application of Regulations (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the administration of import tariff quotas in accordance with the 'first come, first served' principle (OJ L 422, 14.12.2020, p. 4).

- (3) The Agreement between the European Union and the Kingdom of Thailand 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) 2021/1234 ⁽⁶⁾ amends some tariff quotas with regard to the quantities of products to be imported from Thailand.
- (4) The Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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) 2021/1213 ⁽⁷⁾, amends some tariff quotas with regard to the quantities of products to be imported from Argentina. It also amends the management system of tariff quotas under order numbers 09.4099 and 09.4104, and creates two new tariff quotas for poultry originating from Argentina.
- (5) The amendments made by those Agreements should be reflected in Implementing Regulations (EU) 2020/761 and (EU) 2020/1988.
- (6) Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 should therefore be amended accordingly.
- (7) Due to the urgent need to implement those Agreements, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*. This means that the amendments made by this Regulation to Implementing Regulation (EU) 2020/1988 also apply to tariff quota periods that are ongoing on the day of entry into force of this Regulation. The amendments to Implementing Regulation (EU) 2020/761 should apply as from the first licence application period following the entry into force of this Regulation. However, the amendments to the quantities of the tariff quotas under order numbers 09.4412 and 09.4213, as well as those relating to the creation of tariff quotas under order numbers 09.4288, 09.4289 and 09.4290, should apply as of the beginning of the tariff quota periods starting after the entry into force of this Regulation.
- (8) It is necessary to set certain transitional provisions on the continued application of Articles 38 and 40 of Implementing Regulation (EU) 2020/761 in respect of the ongoing tariff quota periods for the tariff quotas under order numbers 09.4099 and 09.4104, pending the beginning of the first tariff quota period of the tariff quota under order number 09.4288, and on the adaptation of ongoing tariff quota periods to the quantities available following the amendments made by this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2020/761

Implementing Regulation (EU) 2020/761 is amended as follows:

- (1) Articles 38 and 40 are deleted;
- (2) Annexes I, II, III, VI and XII are amended in accordance with Annex I to this Regulation.

⁽⁶⁾ Council Decision (EU) 2021/1234 of 13 July 2021 on the conclusion of the Agreement between the European Union and the Kingdom of Thailand 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 274, 30.7.2021, p. 55).

⁽⁷⁾ Council Decision (EU) 2021/1213 of 13 July 2021 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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 264, 26.7.2021, p. 1).

*Article 2***Amendments to Implementing Regulation (EU) 2020/1988**

Implementing Regulation (EU) 2020/1988 is amended as follows:

(1) Article 7 is amended as follows:

(a) the heading is replaced by the following:

“Definitions for tariff quotas under order numbers 09.0124, 09.0131, 09.0126, 09.0127, 09.0128, 09.0129 and 09.0130”;

(b) paragraph 2 is replaced by the following:

“2. For tariff quotas under order numbers 09.0126, 09.0127, 09.0128 and 09.0129, the products falling within CN code ex 0714 10 00 shall mean products other than pellets obtained from flours and meals falling within CN code 0714 10 00.”;

(2) Annex I is amended in accordance with Annex II to this Regulation.

*Article 3***Transitional provisions**

1. Articles 38 and 40 of Implementing Regulation (EU) 2020/761 shall continue to apply to the ongoing tariff quota periods for the tariff quotas under order numbers 09.4099 and 09.4104.

2. Unless otherwise provided in Annexes II to XII to Implementing Regulation (EU) 2020/761, where the tariff quota period of a given tariff quota 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.

In case of tariff quota periods divided in sub-periods, the difference between the new quantity and the quantities already allocated shall be distributed equally between the remaining sub-periods.

3. For the purposes of Implementing Regulation (EU) 2020/1988, the quantity available for the remainder of the tariff quota period that is ongoing on the day of entry into force of this Regulation shall be the difference between the new quantity and the quantities already allocated before the entry into force of this Regulation.

In case of an increase of the quantities set out in Annex I to Implementing Regulation (EU) 2020/1988, if on the day of entry into force of this Regulation the relevant tariff quota period has already started and the quantity previously available is exhausted, the difference between the new quantity and the previous quantity shall be allocated to operators following the chronological order of the acceptance date of the customs declaration for release for free circulation. Operators who imported their goods out of quota before the entry into force of this Regulation shall be reimbursed the difference in duty already paid.

In case of a decrease of the quantities set out in Annex I to Implementing Regulation (EU) 2020/1988, if on the day of entry into force of this Regulation the relevant tariff quota period has already started and a quantity higher than the quantity as amended by this Regulation has already been released for free circulation, operators shall not be required to pay the full duty for the in-quota quantities imported exceeding the new available volumes.

*Article 4***Entry into force and application**

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

Point (2) of Article 1 shall apply to the tariff quotas concerned as from the first licence application period following the entry into force of this Regulation, with the exception of points (1), (4) and (5)(b), (g) and (h) of Annex I, which shall apply to the tariff quota periods starting after 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, 25 August 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annexes I, II, III, VI and XII to Implementing Regulation (EU) 2020/761 are amended as follows;

(1) Annex I is amended as follows:

- (a) the rows relating to the tariff quotas with order numbers 09.4099 and 09.4104 are deleted;
- (b) the following row is inserted after the row for the tariff quota with order number 09.4286:

| | | | | | | | |
|----------|-----------------------|--------|------------------------------|----|-----|--|-----|
| '09.4288 | Fruits and vegetables | Import | EU: simultaneous examination | No | Yes | | No' |
|----------|-----------------------|--------|------------------------------|----|-----|--|-----|

(c) the following rows are inserted after the row for the tariff quota with order number 09.4283:

| | | | | | | | |
|----------|--------------|--------|------------------------------|-----|--|------------------------|------|
| '09.4289 | Poultry meat | Import | EU: simultaneous examination | Yes | Only when Article 9(9) of Delegated Regulation (EU) 2020/760 applies | Till end of TRQ period | Yes |
| 09.4290 | Poultry meat | Import | EU: simultaneous examination | Yes | Only when Article 9(9) of Delegated Regulation (EU) 2020/760 applies | Till end of TRQ period | Yes' |

- (2) in Annex II, in the table relating to the tariff quota with order number 09.4131, in the row "Quantity in kilograms", the quantity "269 214 000 kg" is replaced by "276 440 000 kg";
- (3) in Annex III, in the table relating to the tariff quota with order number 09.4168, in the row "Quantity in kilograms", the quantity "26 581 000 kg" is replaced by "28 360 000 kg";
- (4) Annex VI is amended as follows:
- (a) the tables relating to the tariff quotas with order numbers 09.4099 and 09.4104 are deleted;
- (b) the following table relating to the tariff quota with order number 09.4288 is added:

| | |
|---|--|
| 'Order number | 09.4288 |
| International agreement or other act | Council Decision (EU) 2021/1213 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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 June to 31 May |
| Tariff quota sub-periods | 1 June to 31 August 1 September to 30 November 1 December to 28 February or 29 February, as the case may be 1 March to 31 May |

| | |
|--|---|
| Licence application | In accordance with Articles 6, 7 and 8 of this Regulation |
| Product description | Fresh or chilled garlic falling within CN code 0703 20 00 |
| Origin | Argentina |
| Proof of origin at licence application. If yes, body authorised to issue it | No |
| Proof of origin for release into free circulation | No |
| Quantity in kilograms | 19 147 000 kg, divided as follows: 0 kg for sub-period 1 June to 31 August 0 kg for sub-period 1 September to 30 November 11 700 000 kg for sub-period 1 December to 28/29 February 7 447 000 kg for sub-period 1 March to 31 May |
| CN codes | 0703 20 00 |
| In-quota customs duty | 9,6 % <i>ad valorem</i> |
| Proof of trade | Yes. 25 tonnes |
| Security for import licence | EUR 60 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. |
| Period of validity of a licence | In accordance with Article 13 of this Regulation |
| Transferability of licence | Yes |
| Reference quantity | No |
| Operator registered in LORI database | No |
| Specific conditions | No' |

(5) Annex XII is amended as follows:

- (a) in the table relating to the tariff quota with order number 09.4212, in the row "Quantity in kilograms", the quantity "68 385 000 kg" is replaced by "81 968 000 kg";
- (b) the table relating to the tariff quota with order number 09.4213 is amended as follows:
- (i) the row "Origin" is replaced by the following:

| | |
|----------------|--|
| 'Origin | All third countries except Brazil, Thailand, Argentina and United Kingdom' |
|----------------|--|

- (ii) in the row "Quantity in kilograms", the quantity "824 000 kg" is replaced by "368 000 kg";
- (c) in the table relating to the tariff quota with order number 09.4215, in the row "Quantity in kilograms", the quantity "109 441 000 kg" is replaced by "53 866 000 kg";
- (d) in the table relating to the tariff quota with order number 09.4254, in the row "Quantity in kilograms", the quantity "8 019 000 kg" is replaced by "2 435 000 kg";
- (e) in the table relating to the tariff quota with order number 09.4255, in the row "Quantity in kilograms", the quantity "1 162 000 kg" is replaced by "1 940 000 kg";

- (f) in the table relating to the tariff quota with order number 09.4257, in the row “Quantity in kilograms”, the quantity “0 kg” is replaced by “10 000 kg”;
- (g) the table relating to the tariff quota with order number 09.4412 is amended as follows:
- (i) the row “Origin” is replaced by the following:

| | |
|---------------|--|
| Origin | All third countries except Brazil, Thailand, Argentina and United Kingdom' |
|---------------|--|

- (ii) in the row “Quantity in kilograms”, the quantity “2 868 000 kg” is replaced by “788 000 kg”;
- (h) the following tables relating to the tariff quotas with order numbers 09.4289 and 09.4290 are added:

| | |
|--|--|
| Order number | 09.4289 |
| International agreement or other act | Council Decision (EU) 2021/1213 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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 January to 31 December |
| Tariff quota sub-periods | 1 January to 31 March 1 April to 30 June 1 July to 30 September 1 October to 31 December |
| Licence application | In accordance with Articles 6, 7 and 8 of this Regulation |
| Product description | Chicken |
| Origin | Argentina |
| 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 Regulation (EU) 2015/2447 |
| Quantity in kilograms | 2 080 000 kg, divided as follows: 25 % for each subperiods |
| CN codes | 0207 14 10 0207 14 50 0207 14 70 |
| In-quota customs duty | EUR 0 |
| Proof of trade | Yes. Proof of trade required only when Article 9(9) of Delegated Regulation (EU) 2020/760 applies. 25 tonnes |
| Security for import licence | EUR 50 per 100 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 |

| | |
|--|--|
| Period of validity of a licence | In accordance with Article 13 of this Regulation |
| Transferability of licence | Yes |
| Reference quantity | Yes |
| Operator registered in LORI database | Yes |
| Specific conditions | No |
| Order number | 09.4290 |
| International agreement or other act | Council Decision (EU) 2021/1213 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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 July to 30 June |
| Tariff quota sub-periods | No |
| Licence application | In accordance with Articles 6, 7 and 8 of this Regulation |
| Product description | Poultry meat, salted or in brine |
| Origin | Argentina |
| 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 Regulation (EU) 2015/2447 |
| Quantity in kilograms | 456 000 kg |
| CN codes | Ex02 10 99 39 |
| In-quota customs duty | 15,4 % |
| Proof of trade | Yes. Proof of trade required only when Article 9(9) of Delegated Regulation (EU) 2020/760 applies. 25 tonnes |
| Security for import licence | EUR 50 per 100 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 |
| Period of validity of a licence | In accordance with Article 13 of this Regulation |
| Transferability of licence | Yes |
| Reference quantity | Yes |
| Operator registered in LORI database | Yes |
| Specific conditions | No' |

ANNEX II

Annex I to Implementing Regulation (EU) 2020/1988 is amended as follows:

- (1) in the section under the heading “Tariff quotas in the sector of cereals”, in the table relating to the tariff quota with order number 09.0138, in the row “Quantity”, the quantity “306 812 000 kg” is replaced by “307 105 000 kg”;
- (2) the section under the heading “Tariff quota in the sector of processed fruits and vegetables and wine” is amended as follows:
 - (a) the heading is replaced by “Tariff quotas in the sector of processed fruits and vegetables and wine”;
 - (b) before the table relating to the tariff quota with order number 09.6715, the following table relating to tariff quota with order number 09.0067 is inserted:

| | |
|---|--|
| Order number | 09.0067 |
| Specific legal basis | Council Decision (EU) 2021/1213 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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 |
| Product description and CN codes | Grape juice and must for the production of grape juice and/or non-wine sector products such as non-alcoholic drinks, jams and sauces: ex 2009 61 90 (see TARIC codes) ex 2009 69 11 (see TARIC codes) ex 2009 69 19 (see TARIC codes) ex 2009 69 51 (see TARIC codes) ex 2009 69 90 (see TARIC codes) |
| TARIC codes | 2009 61 90 10 2009 69 11 11 2009 69 11 19 2009 69 19 10 2009 69 51 10 2009 69 90 20 |
| Origin | All third countries except the United Kingdom |
| Quantity | 2 525 000 kg net weight |
| Tariff quota period | 1 September to 31 August |
| Tariff quota sub-periods | Not applicable |
| Proof of origin | Not applicable |
| In-quota customs duty | The ad valorem duties indicated for each CN code and, in respect of the products falling within CN code 2009 69 11, the specific duty expressed in euro/kg provided for in the Common Customs Tariff of the European Union: |

| | |
|--|---|
| | For CN code ex 2009 61 90: 22,4 % ad valorem For CN code ex 2009 69 11: 40 % ad valorem + EUR 20.6 per 100 kg net weight For CN code ex 2009 69 19: 40 % ad valorem For CN code ex 2009 69 51: 22,4 % ad valorem For CN code ex 2009 69 90: 22,4 % ad valorem |
| Security to be lodged in accordance with Article 2 of Delegated Regulation (EU) 2020/1987 | Difference between the in-quota customs duty and the erga omnes third-country duty rate. |
| Specific conditions | The transformation of this grape juice and must shall take place within six months following the release for free circulation of the products concerned' |

- (3) the section under the heading “Tariff quotas in the sector of beef and veal” is amended as follows:
- (a) in the table relating to the tariff quotas with order numbers 09.0161 and 09.0162, in the row “In-quota customs duty”, the words “20 % *ad valorem*” are replaced by “15 % *ad valorem*”;
 - (b) in the table relating to the tariff quotas with order numbers 09.0163 and 09.0164, in the row “In-quota customs duty”, the percentage “20 %” is replaced by “15 %”;
- (4) in the section under the heading “Tariff quotas in the sector of sheepmeat and goatmeat”, in the table relating to the tariff quotas with order numbers 09.2101, 09.2102, 09.2011, in the row “Quantity”, the quantity “17 006 000 kg” is replaced by “19 090 000 kg”.