

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/1406****of 26 August 2021****derogating from the rules on the proof of origin provided for in Implementing Regulation (EU) 2020/761 and applicable to certain import tariff quotas for poultry meat and amending Implementing Regulation (EU) 2020/761 with regard to the quantities of cheese available for export licences to the USA**

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 <sup>(1)</sup>, 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 <sup>(2)</sup>, 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 <sup>(3)</sup>, and in particular Article 9, first paragraph, points (a) to (d), and Article 16(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/761 <sup>(4)</sup> 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) 2021/760 <sup>(5)</sup> amended Annex XII to Implementing Regulation (EU) 2020/761 in respect of the rules applicable to tariff quotas under order numbers 09.4410, 09.4411, and 09.4420 (poultry meat). The new rules require that operators have to prove the origin of the goods for release into free circulation in compliance with Articles 57, 58, and 59 of Commission Regulation (EU) 2015/2447 <sup>(6)</sup>.
- (3) This requirement is applicable from 1 June 2021, date of the opening of the first licence application period following the entry into force of Implementing Regulation (EU) 2021/760.
- (4) Given the difficulties encountered by the authorities of third countries to provide the certificate of origin in compliance with the new rules, some operators could not submit the required documents at the customs, and the goods could not be released into free circulation in the European Union.
- (5) To ensure a smooth flow of goods at the level of customs, a derogation from the new rules should be provided for, during a certain period of time, where third countries or operators are not able to prove the origin of the goods in accordance with Articles 57, 58, and 59 of Regulation (EU) 2015/2447.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(3)</sup> OJ L 150, 20.5.2014, p. 1.

<sup>(4)</sup> 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).

<sup>(5)</sup> Commission Implementing Regulation (EU) 2021/760 of 7 May 2021 amending Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 as regards the management system of some tariff quotas with licences and repealing Implementing Regulation (EU) 2020/991 (OJ L 162, 10.5.2021, p. 25).

<sup>(6)</sup> Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

- (6) The derogation should apply from the date of application of Article 1 of Implementing Regulation (EU) 2021/760, which amended Annex XII to Implementing Regulation (EU) 2020/761.
- (7) In Annex XIV.5 (milk and milk products) to Implementing Regulation (EU) 2020/761, Part B1 identifies the export quotas opened by the United States of America, indicating the quantities that EU operators can export to the USA under those quotas.
- (8) On 6 July 2021, the USA published in the US Official Register <sup>(7)</sup> the new quantities of the import quotas for cheese, as adjusted following the United Kingdom's withdrawal from the European Union. It is therefore necessary to amend the quantities for tariff quotas in Annex XIV.5, Part B1 to Implementing Regulation (EU) 2020/761 before the application period opens on 1 September 2021.
- (9) Implementing Regulation (EU) 2020/761 should therefore be amended accordingly.
- (10) Due to the urgent need to implement the derogation from and the amendment to Implementing Regulation (EU) 2020/761, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (11) 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*

### **Derogation from Implementing Regulation (EU) 2020/761**

By way of derogation from the rule on proof of origin for release into free circulation laid down in Annex XII to Implementing Regulation (EU) 2020/761 as regards tariff quotas under order numbers 09.4410, 09.4411 and 09.4420, customs authorities may require any alternative evidence needed to prove the origin of the products if operators are not able to provide the certificate of origin referred to in Articles 57, 58, and 59 of Regulation (EU) 2015/2447 during the period from 1 June to 31 December 2021.

#### *Article 2*

### **Amendment to Implementing Regulation (EU) 2020/761**

In Annex XIV.5 to Regulation (EU) 2020/761, the table set out in Part B1 is replaced by the table set out in the Annex to this Regulation.

#### *Article 3*

### ***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*.

Article 1 shall apply from 1 June 2021.

<sup>(7)</sup> <https://www.federalregister.gov/public-inspection/2021-14344/modification-of-united-states-tariff-rate-quotas-and-the-harmonized-tariff-schedule>.

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

Done at Brussels, 26 August 2021.

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

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## ANNEX

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States		Quota identification	Annual quantity available
Group number	Group description		kg
(1)	(2)	(3)	(4)
16	Not specifically provided for (NSPF)	16-Tokyo	835 712
		16-Uruguay	3 168 597
17	Blue Mould	17- Uruguay	347 095
18	Cheddar	18-Uruguay	333 480
20	Edam/Gouda	20-Uruguay	1 100 000
21	Italian type	21-Uruguay	2 025 000
22	Swiss or Emmenthaler cheese other than with eye formation	22-Tokyo	393 006
		22-Uruguay	380 000
25	Swiss or Emmenthaler cheese with eye formation	25-Tokyo	4 003 172
		25-Uruguay	2 420 000'