

I

(Legislative acts)

REGULATIONS

REGULATION (EU) No 1150/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 29 October 2014

amending Regulation (EU) No 374/2014 on the reduction or elimination of customs duties on goods originating in Ukraine

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Ukraine is a priority partner country within the European Neighbourhood Policy and the Eastern Partnership. The European Union has been seeking an increasingly closer relationship with Ukraine in view of the latter's political association and economic integration with the Union. In that respect, between 2007 and 2011 the Union and Ukraine negotiated the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part ⁽²⁾ (the Association Agreement), including a Deep and Comprehensive Free Trade Area (DCFTA), which was signed by both parties on 27 June 2014. Under the provisions of the DCFTA, the Union and Ukraine are to establish a free trade area over a transitional period of a maximum of 10 years, starting from the entry into force of the Association Agreement, in accordance with Article XXIV of the General Agreement on Tariffs and Trade 1994.
- (2) In light of the unprecedented security, political and economic challenges faced by Ukraine, and in order to support its economy, it was decided to anticipate the implementation of the Schedule of concessions set out in Annex I-A to the Association Agreement by means of the autonomous trade preferences provided for under Regulation (EU) No 374/2014 of the European Parliament and the Council ⁽³⁾. In view of the challenges Ukraine still faces, the application of Regulation (EU) No 374/2014 should be extended until 31 December 2015. For the purpose of predictability, the customs duties and access to tariff quotas for the extended period should remain the same as for 2014.
- (3) Article 2 of the Association Agreement provides that respect for democratic principles, human rights and fundamental freedoms, and respect for the principle of the rule of law constitute essential elements of that Agreement. Furthermore, it provides that the promotion of respect for the principles of sovereignty and territorial integrity, inviolability of borders and independence, as well as countering the proliferation of weapons of mass destruction, related materials and their means of delivery also constitute essential elements of that Agreement. The autonomous preferences provided for under Regulation (EU) No 374/2014 should also be subject to the respect for those same principles by Ukraine. In order to align Regulation (EU) No 374/2014 with Union practice and other

⁽¹⁾ Position of the European Parliament of 23 October 2014 (not yet published in the Official Journal) and decision of the Council of 24 October 2014.

⁽²⁾ OJ L 161, 29.5.2014, p. 3.

⁽³⁾ Regulation (EU) No 374/2014 of the European Parliament and of the Council of 16 April 2014 on the reduction or elimination of customs duties on goods originating in Ukraine (OJ L 118, 22.4.2014, p. 1).

EU trade policy instruments, it is appropriate to introduce the possibility to temporarily suspend the preferences in case of failure to respect the fundamental principles of human rights, democracy and the rule of law by Ukraine.

- (4) In view of the urgency of the matter, it is important to apply an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national parliaments in the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 374/2014 is amended as follows:

- (1) Article 1 is replaced by the following:

'Article 1

Preferential arrangements

Customs duties on goods originating in Ukraine shall be reduced or eliminated in accordance with Annex I. Where reference is made in Annex I to staging categories, the basic rate of duties for 2014 and 2015 shall be eliminated in the case of staging category 0 and shall be reduced by 25 % in the case of staging category 3, by 16,7 % in the case of staging category 5 and by 12,5 % in the case of staging category 7.;

- (2) in Article 2, the following point is added:

'(e) respect for democratic principles, human rights and fundamental freedoms and respect for the principle of the rule of law provided for in Article 2 of the Association Agreement (*).

(*) OJ L 161, 29.5.2014, p. 3.;

- (3) in Article 7, the second paragraph is replaced by the following:

'It shall apply until 31 December 2015.;

- (4) Annexes II and III are replaced by the text set out respectively in Annexes I and II to this Regulation.

Article 2

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

It shall apply from 2 November 2014.

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

Done at Brussels, 29 October 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

S. GOZI

ANNEX I

ANNEX II

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the scope of the preferential scheme being determined, within the context of this Annex, by CN codes as they exist on 23 April 2014.

Order No	CN code	Description of goods	Quantity for the quota period running from 23.4.2014 until 31.12.2014 (in tonnes net weight unless otherwise specified)	Quantity for the quota period running from 1.1.2015 until 31.12.2015 (in tonnes net weight unless otherwise specified)
09.3050	0204 22 50 0204 22 90 0204 23 0204 42 30 0204 42 50 0204 42 90 0204 43 10 0204 43 90	Sheep legs, other cuts with bone in (excluding carcasses and half carcasses, short forequarters and chines and/or best ends), fresh or chilled Boneless meat of sheep, fresh or chilled Frozen cuts of sheep, with bone in (excluding carcasses and half-carcasses, and short forequarters) Frozen meat of lamb, boneless Frozen meat of sheep, boneless	1 500	1 500
09.3051	0409	Natural honey	5 000	5 000
09.3052	1701 12 1701 91 1701 99 1702 20 10 1702 90 30 1702 90 50 1702 90 71 1702 90 75 1702 90 79 1702 90 80 1702 90 95	Raw beet sugar not containing added flavouring or colouring matter Other sugar than raw sugar Maple sugar in solid form, containing added flavouring or colouring matter Isoglucose in solid form, containing in the dry state 50 % by weight of fructose Maltodextrine in solid form and maltodextrine syrup, containing in the dry state 50 % by weight of fructose Caramel Inulin syrup Other sugars, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose	20 070	20 070
09.3053	1702 30 1702 40	Glucose and glucose syrup, not containing fructose or containing in the dry state less than 50 % by weight of fructose, excluding invert sugar	10 000	10 000

Order No	CN code	Description of goods	Quantity for the quota period running from 23.4.2014 until 31.12.2014 (in tonnes net weight unless otherwise specified)	Quantity for the quota period running from 1.1.2015 until 31.12.2015 (in tonnes net weight unless otherwise specified)
	1702 60	Other fructose and fructose syrup, containing in the dry state more than 50 % by weight of fructose, excluding invert sugar		
09.3054	2106 90 30	Flavoured or coloured isoglucose syrups	2 000	2 000
	2106 90 55	Flavoured or coloured glucose syrup and maltodextrine syrup		
	2106 90 59	Flavoured or coloured sugar syrups (excl. isoglucose, lactose, glucose and maltodextrine syrups)		
09.3055	ex 1103 19 20	Barley groats	6 300	6 300
	1103 19 90	Groats and meals of cereals (excl. wheat, rye, oats, maize, rice and barley)		
	1103 20 90	Cereal pellets (excl. wheat, rye, oats, maize, rice and barley)		
	1104 19 10	Rolled or flaked wheat grains		
	1104 19 50	Rolled or flaked maize grains		
	1104 19 61	Rolled barley grains		
	1104 19 69	Flaked barley grains		
	1104 29	Worked grains (for example, hulled, pearled, sliced or kibbled), other than of oats, of rye or of maize		
	1104 30	Germ of cereals, whole, rolled, flaked or ground		
09.3056	1107	Malt, whether or not roasted	7 000	7 000
	1109	Wheat gluten, whether or not dried		
09.3057	1108 11	Wheat starch	10 000	10 000
	1108 12	Maize starch		
	1108 13	Potato starch		
09.3058	3505 10 10 3505 10 90	Dextrins and other modified starches (excl. starches, esterified or etherified)	1 000	1 000
	3505 20 30 3505 20 50 3505 20 90	Glues containing, by weight, 25 % or more of starches or dextrins or other modified starches		

Order No	CN code	Description of goods	Quantity for the quota period running from 23.4.2014 until 31.12.2014 (in tonnes net weight unless otherwise specified)	Quantity for the quota period running from 1.1.2015 until 31.12.2015 (in tonnes net weight unless otherwise specified)
09.3059	2302 10 2302 30 2302 40 10 2302 40 90 2303 10 11	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals (excl. those of rice) Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product exceeding 40 % by weight	16 000	16 000
09.3060	0711 51 2003 10	Mushrooms of the genus <i>Agaricus</i> provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption Mushrooms of the genus <i>Agaricus</i> , prepared or preserved otherwise than by vinegar or acetic acid	500	500
09.3061	0711 51	Mushrooms of the genus <i>Agaricus</i> provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	500	500
09.3062	2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid	10 000	10 000
09.3063	2009 61 90 2009 69 11 2009 69 71 2009 69 79 2009 69 90 2009 71 2009 79	Grape juice (including grape must), of a Brix value not exceeding 30, of a value exceeding 18 EUR per 100 kg net weight Grape juice (including grape must), of a Brix value exceeding 67, of a value not exceeding 22 EUR per 100 kg net weight Grape juice (including grape must), of a Brix value exceeding 30 but not exceeding 67, of a value not exceeding 18 EUR per 100 kg net weight Apple juice	10 000	10 000
09.3064	0403 10 51 0403 10 53 0403 10 59 0403 10 91 0403 10 93 0403 10 99 0403 90 71 0403 90 73	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, concentrated or not, flavoured or containing added fruit, nuts or cocoa	2 000	2 000

Order No	CN code	Description of goods	Quantity for the quota period running from 23.4.2014 until 31.12.2014 (in tonnes net weight unless otherwise specified)	Quantity for the quota period running from 1.1.2015 until 31.12.2015 (in tonnes net weight unless otherwise specified)
	0403 90 79 0403 90 91 0403 90 93 0403 90 99			
09.3065	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more but not exceeding 75 %	250	250
09.3066	0710 40 0711 90 30 2001 90 30 2004 90 10 2005 80	Sweetcorn	1 500	1 500
09.3067	1702 50 1702 90 10 ex 1704 90 99 1806 10 30 1806 10 90 ex 1806 20 95 ex 1901 90 99 2101 12 98 2101 20 98 3302 10 29	Chemically pure fructose Chemically pure maltose Other sugar confectionery, not containing cocoa, containing 70 % or more by weight of sucrose Cocoa powder, containing 65 % or more by weight of sucrose or isoglucose expressed as sucrose Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk in containers or immediate packings, of a content exceeding 2 kg, containing less than 18 % by weight of cocoa butter and 70 % or more by weight of sucrose Other food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % of cocoa calculated on a totally defatted basis, containing 70 % or more by weight of sucrose Preparations with a basis of coffee, tea or maté Mixtures of odoriferous substances and mixtures with a basis of one or more of these substances, of a kind used in the drink industries, containing all flavouring agents characterising a beverage, of an actual alcoholic strength by volume not exceeding 0,5 %	2 000	2 000
09.3068	1903 1904 30	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms Bulgur wheat	2 000	2 000

Order No	CN code	Description of goods	Quantity for the quota period running from 23.4.2014 until 31.12.2014 (in tonnes net weight unless otherwise specified)	Quantity for the quota period running from 1.1.2015 until 31.12.2015 (in tonnes net weight unless otherwise specified)
09.3069	1806 20 70 2106 10 80 2202 90 99	Chocolate milk crumb Other protein concentrates and textured protein substances Non-alcoholic beverages other than waters, containing 2 % or more by weight of fat obtained from the products of headings 0401 to 0404	300	300
09.3070	2106 90 98	Other food preparations not elsewhere specified or included	2 000	2 000
09.3071	2207 10 2208 90 91 2208 90 99 2207 20	Undenatured ethyl alcohol Ethyl alcohol and other spirits, denatured, of any strength	27 000	27 000
09.3072	2402 10 2402 20 90	Cigars, cheroots and cigarillos, containing tobacco Cigarettes containing tobacco, not containing cloves	2 500	2 500
09.3073	2905 43 2905 44 3824 60	Mannitol D-glucitol (sorbitol) Sorbitol other than that of subheading 2905 44	100	100
09.3074	3809 10 10 3809 10 30 3809 10 50 3809 10 90	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included, with a basis of amylaceous substances	2 000	2 000
09.3075	0703 20	Garlic, fresh or chilled	500	500
09.3076	1004	Oats	4 000	4 000

ANNEX II

ANNEX III

Tariff rate quotas for specific agricultural products referred to in Article 3(3)

Product	Tariff classification	Quantity for the quota period running from 23.4.2014 until 31.12.2014	Quantity for the quota period running from 1.1.2015 until 31.12.2015
Beef meat	0201.10.(00) 0201.20.(20-30-50-90) 0201.30.(00) 0202.10.(00) 0202.20.(10-30-50-90) 0202.30.(10-50-90)	12 000 tonnes/year expressed in net weight	12 000 tonnes/year expressed in net weight
Pork meat	0203.11.(10) 0203.12.(11-19) 0203.19.(11-13-15-55-59) 0203.21.(10) 0203.22.(11-19) 0203.29.(11-13-15-55-59)	20 000 tonnes/year expressed in net weight + 20 000 tonnes/year expressed in net weight (for the CN codes 0203.11.(10) 0203.12.(19) 0203.19.(11-15-59) 0203.21.(10) 0203.22.(19) 0203.29.(11-15-59))	20 000 tonnes/year expressed in net weight + 20 000 tonnes/year expressed in net weight (for the CN codes 0203.11.(10) 0203.12.(19) 0203.19.(11-15-59) 0203.21.(10) 0203.22.(19) 0203.29.(11-15-59))
Poultrymeat and poultrymeat preparations	0207.11.(30-90) 0207.12.(10-90) 0207.13.(10-20-30-50-60-99) 0207.14.(10-20-30-50-60-99) 0207.24.(10-90) 0207.25.(10-90) 0207.26.(10-20-30-50-60-70-80-99) 0207.27.(10-20-30-50-60-70-80-99) 0207.32.(15-19-51-59-90) 0207.33.(11-19-59-90) 0207.35.(11-15-21-23-25-31-41-51-53-61-63-71-79-99) 0207.36.(11-15-21-23-31-41-51-53-61-63-79-90) 0210.99.(39) 1602.31.(11-19-30-90) 1602.32.(11-19-30-90) 1602.39.(21)	16 000 tonnes/year expressed in net weight + 20 000 tonnes/year expressed in net weight (for the CN code 0207.12.(10-90))	16 000 tonnes/year expressed in net weight + 20 000 tonnes/year expressed in net weight (for the CN code 0207.12.(10-90))
Milk, cream, condensed milk and yogurts	0401.10.(10-90) 0401.20.(11-19-91-99) 0401.30.(11-19-31-39-91-99) 0402.91.(10-30-51-59-91-99) 0402.99.(10-31-39-91-99)	8 000 tonnes/year expressed in net weight	8 000 tonnes/year expressed in net weight

Product	Tariff classification	Quantity for the quota period running from 23.4.2014 until 31.12.2014	Quantity for the quota period running from 1.1.2015 until 31.12.2015
	0403.10.(11-13-19-31-33-39) 0403.90.(51-53-59-61-63-69)		
Milk powder	0402.10.(11-19-91-99) 0402.21.(11-17-19-91-99) 0402.29.(11-15-19-91-99) 0403.90.(11-13-19-31-33-39) 0404.90.(21-23-29-81-83-89)	1 500 tonnes/year expressed in net weight	1 500 tonnes/year expressed in net weight
Butter and dairy spreads	0405.10.(11-19-30-50-90) 0405.20.(90) 0405.90.(10-90)	1 500 tonnes/year expressed in net weight	1 500 tonnes/year expressed in net weight
Eggs and albumins	0407.00.(30) 0408.11.(80) 0408.19.(81-89) 0408.91.(80) 0408.99.(80) 3502.11.(90) 3502.19.(90) 3502.20.(91-99)	1 500 tonnes/year expressed in shell-egg equivalent + 3 000 tonnes/year expressed in net weight (for the CN code 0407.00.(30))	1 500 tonnes/year expressed in shell-egg equivalent + 3 000 tonnes/year expressed in net weight (for the CN code 0407.00.(30))
Common wheat, flours, and pellets	1001.90.(99) 1101.00.(15-90) 1102.90.(90) 1103.11.(90) 1103.20.(60)	950 000 tonnes/year	950 000 tonnes/year
Barley, flour and pellets	1003.00.(90) 1102.90.(10) 1103.20.(20)	250 000 tonnes/year	250 000 tonnes/year
Maize, flour and pellets	1005.90.(00) 1102.20.(10-90) 1103.13.(10-90) 1103.20.(40) 1104.23.(10-30-90-99)	400 000 tonnes/year	400 000 tonnes/year.