

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2405**of 18 December 2015****opening and providing for the management of EU tariff quotas for agricultural products originating in Ukraine**

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 point (a) of Article 187 thereof,

Whereas:

- (1) Council Decision 2014/668/EU ⁽²⁾ authorised the signature, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy and their Member States, of the one part, and Ukraine, of the other part ⁽³⁾ ('the Agreement') as regards certain provisions of that Agreement. Article 29(1) of the Agreement stipulates that customs duties on imports of goods originating in Ukraine must be reduced or eliminated in accordance with Annex I-A to Chapter I of Title IV of that Agreement. The Appendix to that Annex lists the import tariff quotas for certain goods originating in Ukraine, including agricultural products falling within the scope of Regulation (EU) No 1308/2013.
- (2) Pending the provisional application of the Agreement, in accordance with Regulation (EU) No 374/2014 of the European Parliament and of the Council ⁽⁴⁾, import tariff quotas for certain goods originating in Ukraine were opened for 2014 and 2015 and managed by the Commission on a first-come, first-served basis in accordance with Commission Regulation (EEC) No 2454/93 ⁽⁵⁾.
- (3) The Agreement will be provisionally applied as of 1 January 2016. It is therefore necessary to open annual import tariff quotas for the agricultural products listed in Annex I-A to Chapter I of Title IV of the Agreement as of 1 January 2016.
- (4) As provided for in the Agreement, in order to benefit from the tariff concessions provided for in this Regulation, the products listed in the Annex should be accompanied by proof of origin.
- (5) The combined nomenclature (CN) set out in Annex I to Council Regulation (EEC) No 2658/87 ⁽⁶⁾, as amended by Commission Implementing Regulation (EU) No 1101/2014 ⁽⁷⁾, contains new CN codes which differ from those referred to in the Agreement. The Annex to this Regulation should therefore reflect the new CN codes.
- (6) The Agreement is to be applied provisionally in part as of 1 January 2016. In order to ensure the effective application and management of the tariff quotas granted under the Agreement, this Regulation should apply from 1 January 2016.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Council Decision 2014/668/EU of 23 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards Title III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols (OJ L 278, 20.9.2014, p. 1).

⁽³⁾ Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part (OJ L 161, 29.5.2014, p. 3).

⁽⁴⁾ 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).

⁽⁵⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

⁽⁶⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽⁷⁾ Commission Implementing Regulation (EU) No 1101/2014 of 16 October 2014 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 312, 31.10.2014, p. 1).

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

EU tariff quotas shall be opened for the products listed in the Annex originating in Ukraine.

Article 2

Customs duties applicable to imports into the Union of products listed in the Annex and originating in Ukraine shall be suspended within the respective tariff quotas set out in the Annex.

Article 3

The products listed in the Annex shall be accompanied by proof of origin as set out in Annex III to Protocol I to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part.

Article 4

The tariff quotas set out in the Annex shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93.

Article 5

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 1 January 2016.

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

Done at Brussels, 18 December 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

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 at the time of adoption of this Regulation.

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)
09.6700	0204 22 50 0204 22 90	Sheep legs, other cuts with bone (excluding carcasses and half carcasses, short forequarters and chines and/or best ends), fresh or chilled	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12.	1 500 ⁽¹⁾
	0204 23	Boneless meat of sheep, fresh or chilled		
	0204 42 30 0204 42 50 0204 42 90	Frozen cuts of sheep, with bone in (excluding carcasses and half-carcasses, and short forequarters)		
	0204 43 10 0204 43 90	Frozen meat of lamb, boneless frozen meat of sheep, boneless		
	0409	Natural honey		
09.6702	0703 20	Garlic, fresh or chilled	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	500
09.6703	1004	Oats	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	4 000
09.6704	1701 12	Raw beet sugar not containing added flavouring or colouring matter	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	20 070
	1701 91			
	1701 99	Other sugar than raw sugar		
	1702 20 10	Maple sugar in solid form, containing added flavouring or colouring matter		
	1702 90 30	Isoglucose in solid form, containing in the dry state 50 % by weight of fructose		

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)
	1702 90 50	Maltodextrine in solid form and maltodextrine syrup, containing in the dry state 50 % by weight of fructose		
	1702 90 71	Caramel		
	1702 90 75			
	1702 90 79			
	1702 90 80	Inulin syrup		
	1702 90 95	Other sugars, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose		
09.6705	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	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	10 000 ⁽³⁾
	1702 60	Other fructose and fructose syrup, containing in the dry state more than 50 % by weight of fructose, excluding invert sugar		
09.6706	2106 90 30	Flavoured or coloured isoglucose syrups	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	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)		
09.6707	ex 1103 19 20	Barley groats and meals	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	6 300 ⁽⁴⁾
	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		

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)		
	ex 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				
09.6708	1107	Malt, whether or not roasted	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	7 000		
	1109	Wheat gluten, whether or not dried				
09.6709	1108 11	Wheat starch	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	10 000		
	1108 12	Maize starch				
	1108 13	Potato starch				
09.6710	3505 10 10 3505 10 90	Dextrins and other modified starches (excl. starches, esterified or etherified)	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	1 000 ⁽⁵⁾		
	3505 20 30 3505 20 50 3505 20 90	Glues containing, by weight, 25 % or more of starches or dextrins or other modified starches				
09.6711	2302 10 2302 30 2302 40 10 2302 40 90	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)			From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	17 000 ⁽⁶⁾
	2303 10 11	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				
09.6712	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	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	500		
	2003 10	Mushrooms of the genus <i>Agaricus</i> , prepared or preserved otherwise than by vinegar or acetic acid				

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)
09.6713	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	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	500
09.6714	2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	10 000
09.6715	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 not 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	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	10 000 (7)
09.6716	0403 10 51 0403 10 53 0403 10 59 0403 10 91 0403 10 93 0403 10 99 0403 90 71 0403 90 73 0403 90 79 0403 90 91 0403 90 93 0403 90 99	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	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	2 000
09.6717	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more but not exceeding 75 %	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	250

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)
09.6718	0710 40 0711 90 30 2001 90 30 2004 90 10 2005 80	Sweetcorn	From 1.1. to 31.12.2016 and for each period there- after from 1.1. to 31.12	1 500
09.6719	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 con- taining cocoa, containing 70 % or more by weight of sucrose Cocoa powder, containing 65 % or more by weight of sucrose or isoglu- cose 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 immedi- ate 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, contain- ing 70 % or more by weight of su- crose Preparations with a basis of coffee, tea or mate Mixtures of odoriferous substances and mixtures with a basis of one or more of these substances, of a kind used in the drink industries, contain- ing all flavouring agents characteris- ing a beverage, of an actual alcoholic strength by vol. not exceeding 0,5 %	From 1.1. to 31.12.2016 and for each period there- after from 1.1. to 31.12	2 000 (*)
09.6720	1903	Tapioca and substitutes therefor pre- pared from starch, in the form of flakes, grains, pearls, siftings or simi- lar forms	From 1.1. to 31.12.2016 and for each period there- after from 1.1. to 31.12	2 000

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)
	1904 30	Bulgur wheat		
09.6721	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	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	300 ⁽⁹⁾
09.6722	2106 90 98	Other food preparations not elsewhere specified or included	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	2 000
09.6723	2207 10 2208 90 91 2208 90 99 2207 20	Undenatured ethyl alcohol Ethyl alcohol and other spirits, denatured, of any strength	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	27 000 ⁽¹⁰⁾
09.6724	2402 10 2402 20 90	Cigars, cheroots and cigarillos, containing tobacco Cigarettes containing tobacco, not containing cloves	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	2 500
09.6725	2905 43 2905 44 3824 60	Mannitol D-glucitol (sorbitol) Sorbitol other than that of subheading 2905 44	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	100
09.6726	3809 10 10 3809 10 30 3809 10 50 3809 10 90	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyes 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	From 1.1. to 31.12.2016 and for each period thereafter from 1.1. to 31.12	2 000

- (¹) With an increase of 150 tonnes each year from 1 January 2017 to 1 January 2021.
(²) With an increase of 200 tonnes each year from 1 January 2017 to 1 January 2021.
(³) With an increase of 2 000 tonnes each year from 1 January 2017 to 1 January 2021.
(⁴) With an increase of 300 tonnes each year from 1.1.2017 to 1.1.2021.
(⁵) With an increase of 200 tonnes each year from 1.1.2017 to 1.1.2021.
(⁶) With an increase of 1 000 tonnes each year from 1.1.2017 to 1.1.2021.
(⁷) With an increase of 2 000 tonnes each year from 1.1.2017 to 1.1.2021.
(⁸) With an increase of 200 tonnes each year from 1.1.2017 to 1.1.2021.
(⁹) With an increase of 40 tonnes each year from 1.1.2017 to 1.1.2021.
(¹⁰) With an increase of 14 600 tonnes each year from 1.1.2017 to 1.1.2021.