

COMMISSION IMPLEMENTING REGULATION (EU) 2019/398**of 8 March 2019****amending Regulation (EC) No 616/2007 as regards some additional tariff quotas in the sector of poultrymeat and derogating from that Regulation for the quota year 2018/2019**

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 points (a) and (b) of Article 187 thereof,

Whereas:

- (1) The European Union and the People's Republic of China ('China') signed an Agreement in the form of an Exchange of Letters ('the Agreement') in relation to DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products on 18 September 2018. The signature of the Agreement on behalf of the European Union was authorised by Council Decision (EU) 2018/1252 ⁽²⁾ and its conclusion by Council Decision (EU) 2019/143 ⁽³⁾.
- (2) In accordance with the Agreement, the European Union is to open several tariff rate quotas for certain poultry meat products.
- (3) Commission Regulation (EC) No 616/2007 ⁽⁴⁾ provides for the opening and administration of certain Union import tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries.
- (4) It is therefore appropriate to amend Regulation (EC) No 616/2007 to take account of the tariff rate quotas to be opened pursuant to the Agreement.
- (5) The Agreement provides for entry into force on 1 April 2019. Therefore, for the quota year 2018/2019 the quantities of poultry meat products for the tariff rate quotas to be made available pursuant to the Agreement, should be calculated on a *pro rata* basis, taking into account the date of entry into force of the Agreement. As from the quota period commencing on 1 July 2019 the full annual quantities of poultry meat products under the Agreement should be available.
- (6) Given that some quotas for poultrymeat products allocated to China are to be administered on a quarterly basis and that the application period for the quarter commencing on 1 April 2019 will have expired at the time of entry into force of the Agreement, the quantities under the Agreement for the period covering 1 April to 30 June 2019 should be made available as from the date of application of this Regulation which should be that of the entry into force of the Agreement.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Council Decision (EU) 2018/1252 of 18 September 2018 on the signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China in connection with DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products (OJ L 237, 20.9.2018, p. 2).

⁽³⁾ Council Decision (EU) 2019/143 of 28 January 2019 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 People's Republic of China in connection with DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products (OJ L 27, 31.1.2019, p. 2).

⁽⁴⁾ Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries (OJ L 142, 5.6.2007, p. 3).

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 616/2007

Regulation (EC) No 616/2007 is amended as follows:

(1) In Article 1, paragraph 1 is replaced by the following:

'1. The tariff quotas in Annex I to this Regulation are hereby opened for imports of the products covered by the agreements between the Union and Brazil, the Union and Thailand, and the Union and China, as approved by Council Decisions 2007/360/EC, 2012/792/EU (*) and (EU) 2019/143 (**).

The tariff quotas are opened on an annual basis for the period from 1 July to 30 June.

(*) Council Decision 2012/792/EU of 6 December 2012 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994 (OJ L 351, 20.12.2012, p. 47).

(**) Council Decision (EU) 2019/143 of 28 January 2019 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 People's Republic of China in connection with DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products (OJ L 27, 31.1.2019, p. 2).'

(2) Article 3 is replaced by the following:

Article 3

1. With the exception of quotas in Groups Nos 3, 4B, 5B, 6B, 6C and 10, the quantity established for the annual quota period shall be spread out over four subperiods, as follows:

- (a) 30 % from 1 July to 30 September;
- (b) 30 % from 1 October to 31 December;
- (c) 20 % from 1 January to 31 March;
- (d) 20 % from 1 April to 30 June.

2. The annual quantity established for quotas in Groups Nos 3, 4B, 5B, 6B, 6C and 10 shall not be divided into subperiods.

3. The annual quantities established for quotas in Groups Nos 5A and 5B shall be managed by attributing import rights as a first step and issuing import licences as a second.'

(3) Article 4 is amended as follows:

(a) paragraph 4 is replaced by the following:

'4. By way of derogation from Article 6(1) of Regulation (EC) No 1301/2006, as regards Groups Nos 3, 6A, 6B, 6C, 6D and 8, each applicant may lodge more than one application for import licences for products in one group where such products originate in more than one country. Separate applications for each country of origin must be submitted simultaneously to the competent authority of a Member State. They shall be regarded as a single application, for the purposes of the maximum quantity referred to in paragraph 5 of this Article.'

(b) paragraph 6 is replaced by the following:

'6. Except for Groups Nos 3, 6A, 6B, 6C, 6D and 8, licences carry an obligation to import from the country that is specified. For the groups concerned by this obligation, the country of origin shall be entered in box 8 of the application and of the licence itself, and the word 'yes' shall be marked with a cross.'

(4) In Article 5, paragraph 2 is replaced by the following:

'2. A security of EUR 50 per 100 kilograms shall be lodged at the time of submission of the licence application for Groups Nos 2, 3, 6A, 6B, 6C, 6D, 8, 9 and 10. For Groups Nos 1, 4A, 4B and 7, the security shall be set at EUR 10 per 100 kilograms and for import rights applications for Groups Nos 5A and 5B the security shall be set at EUR 35 per 100 kilograms.'

(5) In Article 6(3), the second subparagraph is replaced by the following:

'For Groups Nos 3, 4B, 5B, 6B, 6C and 10 the notification referred to in point (a) of the first subparagraph shall not apply.'

(6) Article 8 is replaced by the following:

Article 8

1. Release for free circulation within the quotas referred to in Article 1 of this Regulation shall be subject to the presentation of a certificate of origin issued by the competent authorities of China (for Groups Nos 9 and 10), Brazil (for Groups Nos 1, 4A, 4B, and 7) or Thailand (for Groups Nos 2, 5A and 5B) in accordance with Articles 57, 58 and 59 of Commission Implementing Regulation (EU) 2015/2447 (*).

2. Paragraph 1 shall not apply to Groups Nos 3, 6A, 6B, 6C, 6D and 8.

(* 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).'

(7) Annex I is replaced by the text set out in the Annex to this Regulation.

Article 2

Derogations from Regulation (EC) No 616/2007 for the quota year 2018/2019

1. By way of derogation from Regulation (EC) No 616/2007, as regards the quotas corresponding to Groups Nos 6C, 6D, 9 and 10 set out in Annex I to that Regulation as amended by point (7) of Article 1 of the present Regulation, the following pro rata quantities shall be made available for the quota year 2018/2019:

- (a) for order number 09.4266: 15 tonnes;
- (b) for order number 09.4267: 15 tonnes;
- (c) for order number 09.4268: 1 250 tonnes;
- (d) for order number 09.4269: 1 500 tonnes;
- (e) for order number 09.4283: 150 tonnes.

2. By way of derogation from Regulation (EC) No 616/2007, as regards the quotas corresponding to Groups Nos 6C, 6D, 9 and 10 set out in Annex I to that Regulation as amended by point (7) of Article 1 of the present Regulation, the following rules shall apply for the quota year 2018/2019:

- (a) applications for import licences for Groups 6C and 10 shall be submitted between the 8th calendar day and, no later than 13.00, Brussels time, the 15th calendar day following the date from which this Regulation applies;
- (b) applications for import licences for the subperiod from 1 April to 30 June 2019 for Groups 6D and 9 shall be submitted between the 8th calendar day and, no later than 13.00, Brussels time, the 15th calendar day following the date from which this Regulation applies;
- (c) Member States shall notify the Commission of the total quantity applied for and broken down by order number and origin, no later than the 7th working day following the end of the period for the submission of applications referred to in points (a) and (b);
- (d) import licences shall be issued as from the 7th and no later than the 12th working day following the end of the notification period referred to in point (c);
- (e) Member States shall notify the Commission between 16 and 31 May 2019 the quantities covered by the licences they have issued.

*Article 3***Entry into force and application**

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

It shall apply from 1 April 2019.

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

Done at Brussels, 8 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

'ANNEX I

Poultry meat, salted or in brine ⁽¹⁾

Country	Group No	Management periodicity	Order number	CN Code	Customs duty	Annual quantity (tonnes)	Minimum per application	Maximum per application
Brazil	1	Quarterly	09.4211	ex 0210 99 39	15,4 %	170 807	100 t	10 %
Thailand	2	Quarterly	09.4212	ex 0210 99 39	15,4 %	92 610	100 t	5 %
Other	3	Annual	09.4213	ex 0210 99 39	15,4 %	828	10 t	10 %

⁽¹⁾ Applicability of the preferential arrangements is determined on the basis of the CN code and is subject to the meat salted or in brine being poultry meat of CN 0207.

Preparations of poultry meat other than turkey

Country	Group No	Management periodicity	Order number	CN Code	Customs duty	Annual quantity (tonnes)	Minimum per application	Maximum per application
Brazil	4A	Quarterly	09.4214	1602 32 19	8 %	79 477	100 t	10 %
			09.4251	1602 32 11	630 EUR/t	15 800	100 t	10 %
			09.4252	1602 32 30	10,9 %	62 905	100 t	10 %
	4B	Annual	09.4253	1602 32 90	10,9 %	295	10 t	100 %
Thailand	5A	Quarterly	09.4215	1602 32 19	8 %	160 033	100 t	10 %
			09.4254	1602 32 30	10,9 %	14 000	100 t	10 %
			09.4255	1602 32 90	10,9 %	2 100	10 t	10 %
			09.4256	1602 39 29	10,9 %	13 500	100 t	10 %
	5B	Annual	09.4257	1602 39 21	630 EUR/t	10	10 t	100 %
			09.4258	ex 1602 39 85 ⁽¹⁾	10,9 %	600	10 t	100 %
			09.4259	ex 1602 39 85 ⁽²⁾	10,9 %	600	10 t	100 %
Other	6A	Quarterly	09.4216	1602 32 19	8 %	11 443	10 t	10 %
			09.4260	1602 32 30	10,9 %	2 800	10 t	10 %
	6B	Annual	09.4261 ⁽³⁾	1602 32 11	630 EUR/t	340	10 t	100 %
			09.4262	1602 32 90	10,9 %	470	10 t	100 %
			09.4263 ⁽⁴⁾	1602 39 29	10,9 %	220	10 t	100 %
			09.4264 ⁽⁴⁾	ex 1602 39 85 ⁽¹⁾	10,9 %	148	10 t	100 %
			09.4265 ⁽⁴⁾	ex 1602 39 85 ⁽²⁾	10,9 %	125	10 t	100 %
	6C	Annual	09.4266 ⁽⁵⁾	1602 39 29	10,9 %	60	10 t	100 %
			09.4267 ⁽⁵⁾	1602 39 85	10,9 %	60	10 t	100 %

Country	Group No	Management periodicity	Order number	CN Code	Customs duty	Annual quantity (tonnes)	Minimum per application	Maximum per application
<i>Erga omnes</i>	6D	Quarterly	09.4268	1602 32 19	8 %	5 000	10 t	10 %
China	9	Quarterly	09.4269	1602 39 29	10,9 %	6 000	10 t	10 %
China	10	Annual	09.4283	1602 39 85	10,9 %	600	10 t	100 %

(¹) Processed duck, geese, guinea fowl meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal.

(²) Processed duck, geese, guinea fowl meat, containing less than 25 % by weight of poultry meat or offal.

(³) Other than Brazil, including Thailand.

(⁴) Other than Thailand, including Brazil.

(⁵) Other than China.

Preparations of turkey meat

Country	Group No	Management periodicity	Order number	CN Code	Customs duty	Annual quantity (tonnes)	Minimum per application	Maximum per application
Brazil	7	Quarterly	09.4217	1602 31	8,5 %	92 300	100 t	10 %
Other	8	Quarterly	09.4218	1602 31	8,5 %	11 596	10 t	10 %