

COMMISSION IMPLEMENTING REGULATION (EU) 2020/633**of 8 May 2020****laying down temporary measures for the acceptance of electronic copies of original official documents for applications for import tariff quotas for agricultural products managed by a system of import licences and for applications for import licences on husked Basmati rice, due to the pandemic of COVID-19**

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 Articles 178 and 187 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1301/2006 ⁽²⁾ lays down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences.
- (2) Commission Regulation (EC) No 972/2006 ⁽³⁾ lays down special rules for imports of husked Basmati rice falling within CN codes 1006 20 17 and 1006 20 98. Those imports are subject to the presentation of an import licence prior to the release for free circulation of the product.
- (3) The current pandemic of COVID-19 and the extensive movement restrictions put in place in the Member States represent an exceptional and unprecedented challenge for Member States and operators in relation to the exchange of official documents in accordance with Union legislation.
- (4) In its 'COVID-19 Guidelines for border management measures to protect health and ensure the availability of goods and essential services' ⁽⁴⁾, the Commission stressed that in the current situation, the smooth functioning of the single market should not be impacted.
- (5) In accordance with Article 5 of Regulation (EC) No 1301/2006, applicants for import licences or import rights have the obligation to prove that they have been engaged in trade with third countries for certain categories of agricultural products.
- (6) Where this is deemed necessary for the management of a given import tariff quota, the Commission Regulation governing that quota may provide for additional conditions. Commission Regulations (EC) No 2535/2001 ⁽⁵⁾, (EC) No 1342/2003 ⁽⁶⁾, (EC) No 2305/2003 ⁽⁷⁾, (EC) No 969/2006 ⁽⁸⁾, (EC)

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

⁽³⁾ Commission Regulation (EC) No 972/2006 of 29 June 2006 laying down special rules for imports of Basmati rice and a transitional control system for determining their origin (OJ L 176, 30.6.2006, p. 53).

⁽⁴⁾ C(2020) 1753 final of 16 March 2020.

⁽⁵⁾ Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas (OJ L 341, 22.12.2001, p. 29).

⁽⁶⁾ Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice (OJ L 189, 29.7.2003, p. 12).

⁽⁷⁾ Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries (OJ L 342, 30.12.2003, p. 7).

⁽⁸⁾ Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries (OJ L 176, 30.6.2006, p. 44).

No 1918/2006 ⁽⁹⁾, (EC) No 1964/2006 ⁽¹⁰⁾, (EC) No 1979/2006 ⁽¹¹⁾, (EC) No 341/2007 ⁽¹²⁾, (EC) No 533/2007 ⁽¹³⁾, (EC) No 536/2007 ⁽¹⁴⁾, (EC) No 539/2007 ⁽¹⁵⁾, (EC) No 616/2007 ⁽¹⁶⁾, (EC) No 1384/2007 ⁽¹⁷⁾, (EC) No 1385/2007 ⁽¹⁸⁾, (EC) No 382/2008 ⁽¹⁹⁾, (EC) No 412/2008 ⁽²⁰⁾, (EC) No 431/2008 ⁽²¹⁾, (EC) No 748/2008 ⁽²²⁾, (EC) No 1067/2008 ⁽²³⁾, (EC) No 1296/2008 ⁽²⁴⁾, (EC) No 442/2009 ⁽²⁵⁾, (EC) No 610/2009 ⁽²⁶⁾, (EC) No 891/2009 ⁽²⁷⁾ and (EU) No 1255/2010 ⁽²⁸⁾ as well as Commission Implementing Regulations (EU) No 1273/2011 ⁽²⁹⁾, (EU) No 480/2012 ⁽³⁰⁾, (EU) No 1223/2012 ⁽³¹⁾, (EU) No 82/2013 ⁽³²⁾, (EU) No 593/2013 ⁽³³⁾,

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- ⁽⁹⁾ Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia (OJ L 365, 21.12.2006, p. 84).
- ⁽¹⁰⁾ Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 (OJ L 408, 30.12.2006, p. 20).
- ⁽¹¹⁾ Commission Regulation (EC) No 1979/2006 of 22 December 2006 opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries (OJ L 368, 23.12.2006, p. 91).
- ⁽¹²⁾ Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).
- ⁽¹³⁾ Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector (OJ L 125, 15.5.2007, p. 9).
- ⁽¹⁴⁾ Commission Regulation (EC) No 536/2007 of 15 May 2007 opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America (OJ L 128, 16.5.2007, p. 6).
- ⁽¹⁵⁾ Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin (OJ L 128, 16.5.2007, p. 19).
- ⁽¹⁶⁾ 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).
- ⁽¹⁷⁾ Commission Regulation (EC) No 1384/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel (OJ L 309, 27.11.2007, p. 40).
- ⁽¹⁸⁾ Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat (OJ L 309, 27.11.2007, p. 47).
- ⁽¹⁹⁾ Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector (OJ L 115, 29.4.2008, p. 10).
- ⁽²⁰⁾ Commission Regulation (EC) No 412/2008 of 8 May 2008 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (OJ L 125, 9.5.2008, p. 7).
- ⁽²¹⁾ Commission Regulation (EC) No 431/2008 of 19 May 2008 opening and providing for the administration of an import tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (OJ L 130, 20.5.2008, p. 3).
- ⁽²²⁾ Commission Regulation (EC) No 748/2008 of 30 July 2008 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 (OJ L 202, 31.7.2008, p. 28).
- ⁽²³⁾ Commission Regulation (EC) No 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007 (OJ L 290, 31.10.2008, p. 3).
- ⁽²⁴⁾ Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal (OJ L 340, 19.12.2008, p. 57).
- ⁽²⁵⁾ Commission Regulation (EC) No 442/2009 of 27 May 2009 opening and providing for the administration of Community tariff quotas in the pigmeat sector (OJ L 129, 28.5.2009, p. 13).
- ⁽²⁶⁾ Commission Regulation (EC) No 610/2009 of 10 July 2009 laying down detailed rules for the application of the tariff quota for beef and veal originating in Chile (OJ L 180, 11.7.2009, p. 5).
- ⁽²⁷⁾ Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector (OJ L 254, 26.9.2009, p. 82).
- ⁽²⁸⁾ Commission Regulation (EU) No 1255/2010 of 22 December 2010 laying down detailed rules for the application of the import tariff quotas for baby beef products originating in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo (OJ L 342, 28.12.2010, p. 1).
- ⁽²⁹⁾ Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice (OJ L 325, 8.12.2011, p. 6).
- ⁽³⁰⁾ Commission Implementing Regulation (EU) No 480/2012 of 7 June 2012 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 00 (OJ L 148, 8.6.2012, p. 1).
- ⁽³¹⁾ Commission Implementing Regulation (EU) No 1223/2012 of 18 December 2012 laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 kg and originating in Switzerland provided for in the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 349, 19.12.2012, p. 39).
- ⁽³²⁾ Commission Implementing Regulation (EU) No 82/2013 of 29 January 2013 laying down detailed rules for the application of an import tariff quota of dried boneless beef originating in Switzerland (OJ L 28, 30.1.2013, p. 3).
- ⁽³³⁾ Commission Implementing Regulation (EU) No 593/2013 of 21 June 2013 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat (OJ L 170, 22.6.2013, p. 32).

(EU) 2015/2076 ⁽³⁴⁾, (EU) 2015/2077 ⁽³⁵⁾, (EU) 2015/2078 ⁽³⁶⁾, (EU) 2015/2079 ⁽³⁷⁾, (EU) 2015/2081 ⁽³⁸⁾ and (EU) 2017/1585 ⁽³⁹⁾ provide for such additional conditions, such as the obligation for the applicant to provide documents stating the 'reference quantity' of the operator, the origin or the quality of the product.

- (7) In accordance with Article 2(2) of Regulation (EC) No 972/2006, applicants for import licences are to prove that they have been engaged in commercial activity in the rice sector and to provide a product authenticity certificate issued by a competent body in the exporting country.
- (8) During the current pandemic of COVID-19, extensive movement restrictions are put in place in the Member States. Mail and courier services are also experiencing disruptions.
- (9) A number of Member States and stakeholders have informed the Commission that, as a consequence of such restrictions and disruptions, their capacity to provide and receive the official documents required by Regulations governing given import tariff quotas and imports of Basmati rice, is seriously impacted.
- (10) In accordance with Union legislation regulating the administration of import tariff quotas for agricultural products managed by a system of import licences, and regulating the administration of imports of Basmati rice, applications for import licences and import rights are to be accompanied by originals of those documents.
- (11) Therefore, in order to avoid disruptions of the single market, an alternative to the presentation of original paper official documents should be temporarily authorised. This alternative should be without prejudice to the obligation of operators in accordance with Union legislation to present original documents when technically feasible.
- (12) In order to simplify the administrative procedures for Member States and operators in relation to the licence application during the current pandemic of COVID-19, the obligation for the operators to lodge a higher security where presenting an electronic copy of a certificate of authenticity should be temporarily suspended.
- (13) This Regulation should be applicable until 31 July 2020 in order to facilitate licence application procedures during the current pandemic of COVID-19. In view of the information received from a number of Member States, it is appropriate to provide for temporary measures that should apply immediately. Therefore, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

⁽³⁴⁾ Commission Implementing Regulation (EU) 2015/2076 of 18 November 2015 opening and providing for the administration of Union import tariff quotas for fresh and frozen pigmeat originating in Ukraine (OJ L 302, 19.11.2015, p. 51).

⁽³⁵⁾ Commission Implementing Regulation (EU) 2015/2077 of 18 November 2015 opening and providing for the administration of Union import tariff quotas for eggs, egg products and albumins originating in Ukraine (OJ L 302, 19.11.2015, p. 57).

⁽³⁶⁾ Commission Implementing Regulation (EU) 2015/2078 of 18 November 2015 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine (OJ L 302, 19.11.2015, p. 63).

⁽³⁷⁾ Commission Implementing Regulation (EU) 2015/2079 of 18 November 2015 opening and providing for the administration of a Union import tariff quota for fresh and frozen beef and veal originating in Ukraine (OJ L 302, 19.11.2015, p. 71).

⁽³⁸⁾ Commission Implementing Regulation (EU) 2015/2081 of 18 November 2015 opening and providing for the administration of import tariff quotas for certain cereals originating in Ukraine (OJ L 302, 19.11.2015, p. 81).

⁽³⁹⁾ Commission Implementing Regulation (EU) 2017/1585 of 19 September 2017 opening and providing for the administration of Union tariff quotas for fresh and frozen beef and veal and pigmeat originating in Canada and amending Regulation (EC) No 442/2009 and Implementing Regulations (EU) No 481/2012 and (EU) No 593/2013 (OJ L 241, 20.9.2017, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down temporary measures providing for the acceptance of an electronic copy of the original of the official documents required to accompany the following applications:

- (a) applications for import licences and import rights for tariff quotas to which Regulation (EC) No 1301/2006 applies;
- (b) applications for licences for imports of husked Basmati rice falling within the scope of Regulation (EC) No 972/2006.

2. This Regulation also lays down temporary measures concerning the requirement to lodge a security where the operator has presented an electronic copy of the original certificate of authenticity to the competent authority.

Article 2

1. Official documents that must accompany applications for import licences or import rights may exceptionally be submitted in the form of an electronic copy of the original of such documents.

For that purpose, the operator shall present to the competent authority a statement according to which the original of the official document will be submitted as soon as technically feasible, and at the latest within 3 months from:

- (a) the closing date of the relevant application period for the import licences or import rights for tariff quotas to which Regulation (EC) No 1301/2006 applies;
- (b) the date of application for licences for imports of husked Basmati rice falling within the scope of Regulation (EC) No 972/2006.

2. Once the licence issuing authority has received the original of the official document, it shall verify its consistency with the information in the electronic copy of that official document. Article 3 of Regulation (EC) No 1301/2006 shall apply in case of copies containing incorrect information.

Article 3

By way of derogation from Article 5(3) of Regulation (EC) No 748/2008, Article 5(2) of Regulation (EC) No 610/2009, Article 2(4) of Implementing Regulation (EU) No 82/2013 and Article 8(4) of Implementing Regulation (EU) No 593/2013, the competent authorities may issue import licences where an electronic copy of the original certificate of authenticity has been presented, without requiring the operator to lodge a higher security amount.

Article 4

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 until 31 July 2020.

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

Done at Brussels, 8 May 2020.

For the Commission
The President
Ursula VON DER LEYEN
