

COMMISSION IMPLEMENTING REGULATION (EU) 2021/254**of 18 February 2021****amending Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 and Regulations (EC) No 218/2007 and (EC) No 1518/2007 as regards imports of products originating in the United Kingdom and excluding those products from the tariff quotas with ongoing quota periods**

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 Article 187 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 ⁽²⁾, 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 ⁽³⁾, and in particular points (a) to (d) of the first paragraph of Article 9 and point (a) of the first subparagraph of Article 16(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/761 ⁽⁴⁾ 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 replaces and repeals a certain number of acts that have opened these quotas and provides for specific rules.
- (2) Commission Implementing Regulation (EU) 2020/1988 ⁽⁵⁾ lays down the rules for the application of Regulation (EU) No 1308/2013 as regards the rules for the administration of import tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations ('first come, first served' principle).
- (3) Commission Regulation (EC) No 218/2007 ⁽⁶⁾ opens and provides for the administration of some tariff quotas for wine.
- (4) Commission Regulation (EC) No 1518/2007 ⁽⁷⁾ opens and provides for the administration of a tariff quota for vermouth.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ OJ L 150, 20.5.2014, p. 1.

⁽⁴⁾ 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).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/1988 of 11 November 2020 laying down rules for the application of Regulations (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the administration of import tariff quotas in accordance with the 'first come, first served' principle (OJ L 422, 14.12.2020, p. 4).

⁽⁶⁾ Commission Regulation (EC) No 218/2007 of 28 February 2007 opening and providing for the administration of Community tariff quotas for wines (OJ L 62, 1.3.2007, p. 22).

⁽⁷⁾ Commission Regulation (EC) No 1518/2007 of 19 December 2007 opening and providing for the administration of a tariff quota for vermouth (OJ L 335, 20.12.2007, p. 14).

- (5) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (hereafter 'the Agreement') ⁽⁸⁾ provides that products originating in the United Kingdom are not eligible to be imported into the Union under existing WTO tariff quotas as defined in Article GOODS.18 of the Agreement. That Article refers to tariff quotas apportioned between the Parties pursuant to Article XXVIII GATT negotiations initiated by the Union in WTO document G/SECRET/42/Add.2 ⁽⁹⁾ and by the United Kingdom in WTO document G/SECRET/44 ⁽¹⁰⁾ and as set out in each Party's respective internal legislation. That Article provides that the originating status of the products is to be determined on the basis of non-preferential rules of origin applicable in the importing Party.
- (6) The existing WTO tariff quotas as defined in Article GOODS.18 of the Agreement refer to WTO concessions of the Union included in the draft EU28 schedule of concessions and commitments under GATT 1994 submitted to the WTO in document G/MA/TAR/RS/506 ⁽¹¹⁾ as amended by documents G/MA/TAR/RS/506/Add.1 and G/MA/TAR/RS/506/Add.2 ⁽¹²⁾.
- (7) Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 and Regulations (EC) No 218/2007 and (EC) No 1518/2007 should therefore be amended to comply with Article GOOD.18 of the Agreement in order to exclude products originating in the United Kingdom from existing WTO tariff quotas.
- (8) As Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 apply only to tariff quotas with quota periods starting from 1 January 2021, the United Kingdom should also be excluded for purposes of the same tariff quotas whose quota periods have started before 1 January 2021 (ongoing quota periods on 1 January 2021) and for which imports occur as of 1 January 2021. Licences already issued are not needed for the import of products originating in the United Kingdom due to the possibility to import duty-free and quota-free under the Agreement. In case such licences have been issued before 1 January 2021, the relevant securities lodged should be released at the request of the operators concerned. As of 1 January 2021, licences for those tariff quotas should not be issued for products originating in the United Kingdom.
- (9) In order to ensure the conformity with Article GOODS.18 of the Agreement, this Regulation should enter into force as a matter of urgency on the day of its publication in the *Official Journal of the European Union* and apply as of 1 January 2021.
- (10) 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

Amendments to Implementing Regulation (EU) 2020/761

Implementing Regulation (EU) 2020/761 is amended as follows:

- (1) Annex II is amended as follows:
- (a) the box 'Origin' of the tables referring to TRQs with order numbers 09.4131, 09.4133, 09.4120, 09.4121 and 09.4122 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (b) the box 'Origin' of the table referring to TRQ with order number 09.4125 is replaced by the following:

'Origin'	All third countries except the United States of America, Canada and the United Kingdom'
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⁽⁸⁾ OJ L 444, 31.12.2020, p. 14.

⁽⁹⁾ <https://docs.wto.org>

⁽¹⁰⁾ <https://docs.wto.org>

⁽¹¹⁾ <https://docs.wto.org>

⁽¹²⁾ <https://docs.wto.org>

(2) Annex III is amended as follows:

- (a) the box 'Origin' of the tables referring to TRQs with order numbers 09.4138, 09.4148, 09.4166 and 09.4168 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (b) the box 'Origin' of the table referring to TRQ with order number 09.4119 is replaced by the following:

'Origin'	All third countries except India, Pakistan, Thailand, United States of America, and the United Kingdom'
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- (c) the box 'Origin' of the table referring to TRQ with order number 09.4130 is replaced by the following:

'Origin'	All third countries except Australia, Thailand, United States of America, and the United Kingdom'
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- (d) the box 'Origin' of the table referring to TRQ with order number 09.4154 is replaced by the following:

'Origin'	All third countries except Australia, Guyana, Thailand, United States of America, and the United Kingdom'
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- (3) in Annex IV, the box 'Origin' of the table referring to TRQ with order number 09.4320 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (4) in Annex VI, the box 'Origin' of the table referring to TRQ with order number 09.4287 is replaced by the following:

'Origin'	All third countries except China, Argentina and the United Kingdom'
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- (5) in Annex VII, the box 'Origin' of the table referring to TRQ with order number 09.4286 is replaced by the following:

'Origin'	All third countries except China and the United Kingdom'
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- (6) in Annex VIII, the box 'Origin' of the table referring to TRQ with order number 09.4003 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (7) in Annex IX, the box 'Origin' of the table referring to TRQ with order number 09.4595 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (8) in Annex X, the box 'Origin' of the table referring to TRQ with order number 09.4038 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (9) in Annex XI, the box 'Origin' of the tables referring to TRQs with order numbers 09.4401 and 09.4402 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (10) Annex XII is amended as follows:

- (a) the box 'Origin' of the tables referring to TRQs with order numbers 09.4067, 09.4068, 09.4069, 09.4070 and 09.4422 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (b) the tables referring to TRQs with order numbers 09.4213, 09.4216, 09.4260 and 09.4412 are amended as follows:

- (i) the box 'Origin' is replaced by the following:

'Origin'	All third countries except Brazil, Thailand and the United Kingdom'
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- (ii) the box 'Specific entries to be made on the licence application and on the licence' is replaced by the following:

'Specific entries to be made on the licence application and on the licence'	Licences shall contain in Section 24 the statement "Not to be used for products originating in Brazil, Thailand and the United Kingdom"
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- (c) the table referring to TRQ with order number 09.4218 is amended as follows:

- (i) the box 'Origin' is replaced by the following:

'Origin'	All third countries except Brazil and the United Kingdom'
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- (ii) the box 'Specific entries to be made on the licence application and on the licence' is replaced by the following:

'Specific entries to be made on the licence application and on the licence'	Licences shall contain in Section 24 the statement "Not to be used for products originating in Brazil and the United Kingdom"
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- (d) the tables referring to TRQs with order numbers 09.4263, 09.4264 and 09.4265 are amended as follows:

- (i) the box 'Origin' is replaced by the following:

'Origin'	All third countries except Thailand and the United Kingdom'
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- (ii) the box 'Specific entries to be made on the licence application and on the licence' is replaced by the following:

'Specific entries to be made on the licence application and on the licence'	Licences shall contain in Section 24 the statement "Not to be used for products originating in Thailand and the United Kingdom"
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Article 2

Amendments to Implementing Regulation (EU) 2020/1988

Annex I to Implementing Regulation (EU) 2020/1988 is amended as follows:

- (1) the box 'Origin' of the tables referring to TRQs with order numbers 09.0138, 09.0132, 09.0135, 09.2903, 09.2905, 09.0071, 09.0072, 09.0073, 09.0074, 09.0075, 09.0076, 09.0089, 09.0070, 09.0043, 09.0083, 09.0139,, 09.0056, 09.0057, 09.0041, 09.0039, 09.0058, 09.0094, 09.0059, 09.0060, 09.0061, 09.0062, 09.0063, 09.0040, 09.0025, 09.0027, 09.0033, 09.0092, 09.0093, 09.0035, 09.0144, 09.0161 (sub-tariff quota of 09.0144), 09.0162 (sub-tariff quota of 09.0144), 09.0145, 09.0163 (sub-tariff quota of 09.0145), 09.0164 (sub-tariff quota of 09.0145), 09.0113, 09.0114, 09.0115, 09.0147, 09.0148, 09.0149, 09.0150, 09.0151, 09.0152, 09.0153, 09.0159 (sub-tariff quota of 09.0153), 09.0160 (sub-tariff quota of 09.0153), 09.0118, 09.0119, 09.0120, 09.0121, 09.0122, 09.0123, 09.2178, 09.2179, 09.2016, 09.2181, 09.2019, 09.0154 and 09.0055 is replaced by the following:

'Origin'	All third countries except the United Kingdom'
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- (2) the box 'Origin' of the table referring to TRQ with order number 09.0128 is replaced by the following:

'Origin'	Third countries which are members of the WTO except China, Thailand, Indonesia and the United Kingdom'
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- (3) the box 'Origin' of the table referring to TRQs with order number 09.0131 is replaced by the following:

'Origin'	All third countries except China and the United Kingdom'
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- (4) the box 'Origin' of the table referring to TRQs with order number 09.0142 is replaced by the following:

'Origin'	All third countries except Argentina and the United Kingdom'
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- (5) the box 'Origin' of the tables referring to TRQs with order numbers 09.2171, 09.2175 and 09.2015 is replaced by the following:

'Origin'	All WTO members except Argentina, Australia, New Zealand, Uruguay, Chile, Greenland, Iceland and the United Kingdom'
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- (6) the box 'Origin' of the tables referring to TRQs with order numbers 09.0156 and 09.0158 is replaced by the following:

'Origin'	All third countries except Brazil and the United Kingdom'
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(7) the box 'Origin' of the table referring to TRQs with order number 09.0157 is replaced by the following:

'Origin'	All third countries except Brazil, Thailand and the United Kingdom'
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Article 3

Amendments to Regulation (EC) No 218/2007

Article 1 of Regulation (EC) No 218/2007 is amended as follows:

- (1) in point (a), the words '*erga omnes*' are replaced by the words '(all third countries except the United Kingdom)';
- (2) in point (b), the words '*erga omnes*' are replaced by the words '(all third countries except the United Kingdom)'.

Article 4

Amendment to Regulation (EC) No 1518/2007

In Article 1 of Regulation (EC) No 1518/2007, the words '*erga omnes*' are replaced by the words '(all third countries except the United Kingdom)'.

Article 5

Tariff quotas with ongoing quota periods

1. As of 1 January 2021, licences shall not be issued for products originating in the United Kingdom under the tariff quotas referred to in Article 1 whose quota period is ongoing on 1 January 2021. As of the same date, products originating in the United Kingdom shall not enter under the tariff quotas referred to in Article 2.
2. As regards imports into the Union from the United Kingdom on the basis of licenses under the tariff quotas referred to in Article 1 issued before 1 January 2021 that include the United Kingdom as a country of origin and whose quota period is ongoing on 1 January 2021 and which Member States do not place under release for free circulation in accordance with the Agreement, the respective securities lodged shall be released at the request of the operators concerned.

Article 6

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*.

It shall apply from 1 January 2021.

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

Done at Brussels, 18 February 2021.

For the Commission
The President
Ursula VON DER LEYEN