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COUNCIL REGULATION (EC) No 1215/2009

of 30 November 2009

introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process

(codified version)

(OJ L 328, 15.12.2009, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Regulation (EU) No 1336/2011 of the European Parliament and of the Council of 13 December 2011	L 347	1	30.12.2011
► <u>M2</u>	Council Regulation (EU) No 517/2013 of 13 May 2013	L 158	1	10.6.2013
► <u>M3</u>	Regulation (EU) No 1202/2013 of the European Parliament and of the Council of 20 November 2013	L 321	1	30.11.2013
► <u>M4</u>	Regulation (EU) 2015/2423 of the European Parliament and of the Council of 16 December 2015	L 341	18	24.12.2015
► <u>M5</u>	Commission Delegated Regulation (EU) 2017/1464 of 2 June 2017	L 209	1	12.8.2017
► <u>M6</u>	Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020	L 432	7	21.12.2020

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▼ **M6***Article 1***Preferential arrangements**

1. Products originating in Albania, Bosnia and Herzegovina, Kosovo ⁽¹⁾, Montenegro, North Macedonia, and Serbia ('the beneficiary parties') covered by Chapters 7 and 8 of the Combined Nomenclature shall be admitted for import into the Union without quantitative restrictions or measures having equivalent effect, and with exemption from custom duties and charges having equivalent effect.

2. Products originating in the beneficiary parties shall continue to benefit from the provisions of this Regulation where so indicated therein. Such products shall also benefit from any concession provided for in this Regulation which is more favourable than that provided for under bilateral agreements between the Union and those beneficiary parties.

*Article 2***Conditions for entitlement to the preferential arrangements**

1. Entitlement to benefit from the preferential arrangements introduced by Article 1 shall be subject to the following conditions:

- (a) compliance with the definition of 'originating products' provided for in Title II, Chapter 1, Section 2, Subsections 4 and 5 of Commission Delegated Regulation (EU) 2015/2446 ⁽²⁾, and Title II, Chapter 2, Section 2, Subsections 10 and 11 of Commission Implementing Regulation (EU) 2015/2447 ⁽³⁾;
- (b) abstention of the beneficiary parties from introducing new duties and charges having equivalent effect and new quantitative restrictions or measures having equivalent effect in respect of imports originating in the Union, from increasing existing levels of duties or charges or from introducing any other restrictions from 30 September 2000;

⁽¹⁾ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽²⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁽³⁾ 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).

▼ M6

- (c) the involvement of beneficiary parties in effective administrative cooperation with the Union in order to prevent any risk of fraud; and
- (d) abstention of the beneficiary parties from engaging in serious and systematic violations of human rights, including core labour rights, of fundamental principles of democracy and of the rule of law.

2. Without prejudice to the conditions set out in paragraph 1 of this Article, entitlement to benefit from the preferential arrangements referred to in Article 1 shall be subject to the readiness of the beneficiary parties to engage in effective economic reforms and in regional cooperation with other countries involved in the European Union's Stabilisation and Association process, in particular through the establishment of free trade areas in accordance with Article XXIV of the GATT 1994 and other relevant WTO provisions.

In the event of non-compliance with the first subparagraph, the Council may take the appropriate measures by a qualified majority vote, on the basis of a Commission proposal.

3. In the event of non-compliance by a beneficiary party with point (a), (b) or (c) of paragraph 1 or with paragraph 2 of this Article, the Commission may, by means of implementing acts, suspend, in whole or in part, the entitlement of the beneficiary party concerned to benefits under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).

▼ B*Article 3***Agricultural products — tariff quotas****▼ M6**

1. For certain wine products, as listed in Annex I, originating in the beneficiary parties, the customs duties applicable to imports into the Union shall be suspended during the periods, at the levels, within the limits of the Union tariff quota and under the conditions indicated for each product and origin set out in that Annex.

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4. Notwithstanding other provisions of this Regulation, and in particular Article 10, given the particular sensitivity of the agricultural and fishery markets, where imports of agricultural and fishery products cause serious disturbance to Union markets and their regulatory mechanisms, the Commission may adopt appropriate measures by means of

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implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).

▼ M6**▼ B***Article 5***Administration of tariff quotas****▼ M6**

The tariff quotas referred to in Article 3(1) of this Regulation shall be administered by the Commission in accordance with Title II, Chapter 1, Section 1 of Implementing Regulation (EU) 2015/2447.

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Communication for that purpose between the Member States and the Commission shall be effected, as far as possible, by telematic link.

*Article 6***Access to tariff quotas**

Each Member State shall ensure that importers have equal and uninterrupted access to the tariff quotas for as long as the balance of the relevant quota volume so permits.

▼ M1*Article 7***Conferral of powers**

The Commission shall be empowered to adopt delegated acts in accordance with Article 7a concerning:

- (a) necessary amendments and technical adjustments to Annexes I and II following amendments to the Combined Nomenclature codes and to the TARIC subdivisions;

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- (b) necessary adjustments following the granting of trade preferences under other arrangements between the Union and the beneficiary parties;

- (c) suspension, in whole or in part, of the entitlement of a beneficiary party concerned to benefits under this Regulation, in the event of non-compliance by that beneficiary party with point (d) of Article 2(1).

▼ M1*Article 7a***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for a period of five years from 3 December 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

*Article 8***Committee procedure**

1. For the purposes of Articles 2 and 10, the Commission shall be assisted by the Western Balkans Implementation Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽¹⁾.

2. For the purposes of Article 3(4), the Commission shall be assisted by the committee established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports ⁽²⁾. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

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4. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

⁽¹⁾ OJ L 55, 28.2.2011, p. 13.

⁽²⁾ OJ L 84, 31.3.2009, p. 1.

▼B*Article 9***Cooperation**

Member States and the Commission shall cooperate closely to ensure that this Regulation, and in particular the provisions set out in Article 10(1), are complied with.

*Article 10***Temporary suspension****▼M6**

1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as required for the verification of evidence of origin, or that there is a massive increase in exports into the Union above the level of normal production and export capacity or a failure of compliance with point (a), (b) or (c) of Article 2(1) by the beneficiary parties, it may take measures to suspend in whole or in part the arrangements provided for in this Regulation for a period of three months, provided that it has first:

- (a) informed the Western Balkans Implementation Committee;
- (b) called on the Member States to take such precautionary measures as are necessary in order to safeguard the Union's financial interests and/or to secure compliance by the beneficiary parties with Article 2(1);
- (c) published a notice in the *Official Journal of the European Union* stating that there are grounds for reasonable doubts about the application of the preferential arrangements and/or compliance with Article 2(1) by the beneficiary party concerned which may call into question its right to continue enjoying the benefits granted by this Regulation.

The measures referred to in the first subparagraph of this paragraph shall be adopted by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).

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3. On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure or to extend the suspension measure in accordance with paragraph 1.

▼B*Article 11***Repeal**

Regulation (EC) No 2007/2000 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

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Article 12

Entry into force and application

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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It shall apply until 31 December 2025.

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

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ANNEX I

CONCERNING THE TARIFF QUOTAS REFERRED TO IN
ARTICLE 3(1)

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by the application of the CN code and the corresponding description, taken together.

Order No	CN Code	Description	Quota volume per year ⁽¹⁾	Beneficiary parties	Rate of duty
09.1530	ex 2204 21 94 ex 2204 21 95 ex 2204 21 96 ex 2204 21 97 ex 2204 21 98 ex 2204 22 93 ex 2204 22 94 ex 2204 22 95 ex 2204 29 93 ex 2204 29 94 ex 2204 29 95	Wine of fresh grapes, of an actual alcoholic strength by volume not exceeding 15 % vol, other than sparkling wine	30 000 hl	Albania ⁽²⁾ , Bosnia and Herzegovina ⁽³⁾ , Kosovo ⁽⁴⁾ , Montenegro ⁽⁵⁾ , North Macedonia ⁽⁶⁾ , Serbia ⁽⁷⁾ .	Exemption

⁽¹⁾ One global volume per tariff quota accessible to imports originating in the beneficiary parties.

⁽²⁾ Access for wine originating in Albania to the global tariff quota is subject to the prior exhaustion of the individual tariff quota provided for in the Protocol on wine concluded with Albania. That individual quota is opened under order No 09.1512 and 09.1513.

⁽³⁾ Access for wine originating in Bosnia and Herzegovina to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Protocol on wine concluded with Bosnia and Herzegovina. Those individual quotas are opened under order Nos 09.1528 and 09.1529.

⁽⁴⁾ Access for wine originating in Kosovo to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Protocol on wine concluded with Kosovo. Those individual quotas are opened under order Nos 09.1570 and 09.1572.

⁽⁵⁾ Access for wine originating in Montenegro to the global tariff quota, insofar as it concerns products of CN code 2204 21, is subject to the prior exhaustion of the individual tariff quota provided for in the Protocol on wine concluded with Montenegro. That individual tariff quota is opened under order No 09.1514.

⁽⁶⁾ Access for wine originating in North Macedonia to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Additional Protocol on wine concluded with North Macedonia. Those individual quotas are opened under order Nos 09.1558 and 09.1559.

⁽⁷⁾ Access for wine originating in Serbia to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Protocol on wine concluded with Serbia. Those individual quotas are opened under order Nos 09.1526 and 09.1527.



ANNEX IV

Correlation table

Regulation (EC) No 2007/2000	This Regulation
Article 1(1)	Article 1(1)
Article 1(2)	Article 1(3)
Article 1(3)	Article 1(2)
Article 2	Article 2
Article 4(1)	Article 3(1)
Article 4(2), first subparagraph	Article 3(2), first subparagraph
Article 4(2), second subparagraph, introductory wording	Article 3(2), second subparagraph, introductory wording
Article 4(2), second subparagraph, point (a)	Article 3(2), second subparagraph, point (a)
Article 4(2), second subparagraph, point (d)	Article 3(2), second subparagraph, point (b)
Article 4(2), third and fourth subparagraphs	Article 3(2), third and fourth subparagraphs
Article 4(3)	Article 3(4)
Article 4(4)	Article 3(3)
Article 6	Article 4
Article 7	Article 5
Article 8	Article 6
Article 9	Article 7
Article 10	Article 8
Article 11	Article 9
Article 12	Article 10
Article 13	—
Article 14	—
Article 15	—
Article 16	—
—	Article 11
Article 17	Article 12
Annex I	Annex I
Annex II	Annex II
—	Annex III
—	Annex IV