

Commission Implementing Regulation (EU) No 498/2012 of 12  
June 2012 on the allocation of tariff-rate quotas applying to exports  
of wood from the Russian Federation to the European Union

CHAPTER 1

**SCOPE AND DEFINITIONS**

*Article 1*

This Regulation lays down detailed rules on the allocation of quota authorisations in accordance with Article 5(2) of the Protocol, and establishes other provisions necessary for the management by the Union of the quantities of the tariff-rate quotas allocated to exports to the Union in implementation of the Agreement and the Protocol.

*Article 2*

For the purposes of this Regulation the definitions set out in Article 1(3), Article 2 and Article 5(3) and (4) of the Protocol shall apply.

In addition, the following definition shall apply: ‘product group’ means each of the two categories of covered products according to the classification of such products under the tariff and statistical nomenclature applied in the Russian Federation, namely spruce (tariff lines 4403 20 110 and 4403 20 190) and pine (tariff lines 4403 20 310 and 4403 20 390). The relevant tariff codes applied in the Russian Federation and corresponding Combined Nomenclature<sup>(1)</sup> (‘CN’) and TARIC codes are attached as Annex I.

CHAPTER 2

**ALLOCATION PRINCIPLES**

*[<sup>F1</sup>Article 3*

The method for allocating the tariff quota shall depend on the date of submission of the application by the importer, as follows:

- (a) for any application submitted by 31 May of each year (hereinafter referred to as ‘first part of the quota period’), the Commission shall allocate tariff quotas in accordance with the ‘traditional’ or ‘new’ categories of importers, pursuant to Article 5(2)(b) of the Protocol; and
- (b) for any application submitted from 1 June (hereinafter referred to as ‘second part of the quota period’), the Commission shall allocate the remaining quantities of the tariff quotas in accordance with the chronological order of receipt by the Commission of notifications from the competent authorities of Member States (hereinafter referred to as ‘Licence Office(s)’) of applications submitted by individual importers, pursuant to Article 5(2)(a) of the Protocol.]

**Textual Amendments**

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2016/623 of 21 April 2016 amending Implementing Regulation \(EU\) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union.](#)

*Article 4*

- 1 During the first part of the quota period:
- a 70 % of each tariff quota per product group shall be allocated to traditional importers (hereinafter referred to as ‘quota for traditional importers’); and
  - b 30 % of each tariff quota per product group shall be allocated to new importers (hereinafter referred to as ‘quota for new importers’).
- 2 The quota for new importers shall be allocated in accordance with the chronological order of receipt by the Commission of notifications from the Licence Offices of applications for a quota authorisation from such importers.
- 3 Each new importer shall be granted a maximum of 1,5 % of the tariff quota for each product group in accordance with the allocation procedure referred to in paragraph 2.

*Article 5*

During the second part of the quota period, each importer shall be granted a maximum of 5 % of the remaining tariff quota for each product group.

*Article 6*

1 During the first part of the quota period, each traditional importer shall only be entitled to request quota authorisations for a specific share of the quota for traditional importers for each product group (hereinafter referred to as ‘ceiling’), calculated in accordance with paragraph 2. All the quota authorisations granted to a traditional importer during the first part of the quota period shall be counted against such importer’s ceilings.

[<sup>F12</sup> The ceiling for each product group of a traditional importer applicable in the following quota period (‘quota period n+1’) shall be calculated in accordance with the average of such importer's actual imports of the product group concerned during the two quota periods preceding the year of calculation of such ceiling, on the basis of the following formula:

$$C_i = T * (\bar{I}_i / \sum \bar{I}_i)$$

where:

‘C<sub>i</sub>’ represents the ceiling for the product group concerned (spruce or pine) for importer i during quota period n+1;

‘T’ represents the quota for traditional importers available for the product group concerned during the year of calculation of the ceiling (‘quota period n’);

‘ $\bar{I}_i$ ’ represents the average of the actual imports by the traditional importer i of the product group concerned, in the two quota periods preceding the calculation (‘quota period n-2’ and ‘quota period n-1’, respectively), as follows:

$[(\text{actual imports of importer } i \text{ in quota period } n-2) + (\text{actual imports of importer } i \text{ in quota period } n-1)]/2$

‘ $\sum \bar{I}_i$ ’ represents the sum of all traditional importers' average imports  $\bar{I}_i$  for the product group concerned.]

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 498/2012. (See end of Document for details)

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#### Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2016/623 of 21 April 2016 amending Implementing Regulation \(EU\) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union.](#)

#### *F1* Article 7

1 Every year, the Commission shall calculate ceilings applicable to each traditional importer for the following quota period in accordance with the method established in Article 6(2). If the calculated ceiling of a traditional importer for a given product group is higher than 0 %, but lower than the maximum of 1,5 % of the tariff quota granted to new importers in accordance with Article 4(3), the ceiling of the traditional importer concerned shall be established at a level of 1,5 % of the tariff quota for the respective product group.

2 Licence Offices shall provide the Commission, by 31 March of quota period n at the latest, with information on actual imports of covered products in quota period n-1 notified to them in accordance with Article 11(1). Such summary shall be submitted in an electronic format, in conformity with the information technology system established by the Commission.

3 The Commission shall inform the Licence Offices of ceilings resulting from the calculations made in accordance with Articles 6(2) and 7(1) by 30 April of quota period n at the latest.]

#### Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2016/623 of 21 April 2016 amending Implementing Regulation \(EU\) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union.](#)

### CHAPTER 3

#### BUSINESS CONTINUITY

##### *Article 8*

1 Where an importer claiming status of traditional importer under Article 5(4) of the Protocol (hereinafter referred to as ‘the applicant’) does not provide satisfactory evidence that it is the same natural or legal person that imported the covered products during the reference period retained pursuant to Article 17(2) (hereinafter referred to as ‘the predecessor’), it shall provide the Licence Office with the necessary evidence to prove that it has business continuity with the activities of the predecessor.

2 Business continuity as referred to in paragraph 1 shall be deemed to exist where:

- a the applicant and the predecessor are under the control of the same legal entity within the meaning of Council Regulation (EC) No 139/2004<sup>(2)</sup>; or
- b the economic activity of the predecessor, as regards the covered products, has been legally transferred to the applicant, for instance as a result of a merger or acquisition within the meaning of Regulation (EC) No 139/2004.

3 Importers that do not provide evidence of business continuity shall be considered as new importers.

### Article 9

The provisions of Article 8 shall apply *mutatis mutandis* where an importer claims status of traditional importer under Article 5(3) of the Protocol.

## CHAPTER 4

### APPLICATIONS FOR QUOTA AUTHORISATIONS

#### Article 10

1 Applications for quota authorisations shall be submitted in the form established in Annex II. If information provided in the application is considered inadequate, the Licence Office may require additional details from the applicant.

2 The granting of a quota authorisation shall be subject to the requirement that the corresponding products undergo processing, within the customs territory of the Union, conferring Union origin in accordance with Article 24 of Council Regulation (EEC) No 2913/92<sup>(3)</sup>.

3 Applications for quota authorisations shall be accompanied by an affidavit by the applicant containing a commitment to:

- a assign the products concerned to the prescribed processing within one year from the date on which the customs declaration for release for free circulation, containing the exact description of the goods and the TARIC codes, was accepted by the competent customs authorities;
- b keep adequate records in the Member State where the authorisation was granted enabling the Licence Office to carry out any checks which they consider necessary to ensure that the products are actually assigned to the prescribed processing, and to retain such records; for the purpose of this subparagraph, 'records' means the data containing all the necessary information and technical details on whatever medium, enabling the Licence Offices to supervise and control operations;
- c enable the Licence Office to trace the products concerned to their satisfaction in the premises of the undertaking concerned throughout their processing;
- d notify the Licence Office of all factors which may affect the authorisation.

4 Where the products concerned are transferred, the applicant shall provide sufficient evidence of their assignment to the prescribed processing in accordance with paragraph 3(a).

5 Article 308d of Commission Regulation (EEC) No 2454/93<sup>(4)</sup> shall apply.

6 Non-compliance with the commitment referred to in paragraph 3 of this Article, by the importer or by any natural or legal person to whom the importer subsequently transfers such products, shall be considered as equivalent to an unused quota authorisation, in accordance with Article 13, for the relevant amount of products.

7 The Commission shall publish a list of the Licence Offices in the *Official Journal of the European Union* and update it as necessary.

## CHAPTER 5

### PROOF OF ACTUAL IMPORTS

#### *Article 11*

[<sup>F1</sup>1 Not later than 15 calendar days after the end of each third month, the importers shall inform the Licence Office of the Member State from which they received a quota authorisation of their actual imports of covered products into the European Union during the last 3 months. For that purpose, the importer shall provide the Licence Office with a copy of the customs declarations of the imports concerned. The Licence Offices shall provide the Commission, not later than 30 calendar days after the end of each third month, with a summary of actual imports of covered products into the European Union during the last 3 months notified by importers.]

2 Where the quantity recorded in the customs declaration is measured free of bark and the quantity mentioned in entry 9 of the quota authorisation form includes bark, the importer shall provide the Licence Office, in addition to the information provided in paragraph 1, and within the same time limit, with correct import quantities for each customs declaration, that take account of the bark. The correct quantities shall be established by application of the correction coefficients set out in Annex III.

#### **Textual Amendments**

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2016/623 of 21 April 2016 amending Implementing Regulation \(EU\) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union.](#)

## CHAPTER 6

### UNUSED QUOTA AUTHORISATIONS

#### *[<sup>F1</sup>Article 12*

1 Where a quota authorisation remains unused after 6 months of its issuing, the importer shall either notify the Licence Office of its intention to use it within the remainder of the quota period or return the quota authorisation to the relevant Licence Office. Should the importer be unable to retrieve the unused quota authorisation from the authorities of the Russian Federation, it can present instead a corresponding sworn declaration to the Licence Office in the form set out in Annex IV stating its inability to reclaim the unused quota authorisation despite its best efforts. In any case, by the end of quota period n at the latest, the importer shall return any unused quota authorisation or present, if applicable, the corresponding sworn declaration(s) using the form set out in Annex IV. Where a quota authorisation has been issued before the beginning of the quota period in accordance with Article 4 of the Protocol, the 6-month time limit shall be counted as from 1 January of the year corresponding to the quota period.

2 The Licence Offices shall immediately notify the Commission of any quota authorisation or any sworn declaration returned by importers in accordance with paragraph 1. The balance of traditional importers' ceilings available for the product group concerned shall be modified for the corresponding amount.

**Textual Amendments**

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2016/623 of 21 April 2016 amending Implementing Regulation \(EU\) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union.](#)

*Article 13*

1 Where the actual imports by a traditional importer during quota period n-1 are less than 75 % of the quantities covered by all quota authorisations for a product group granted to such importer during the same quota period, the importer's import ceilings for the product group concerned during quota period n+1 shall be reduced by an amount proportional to the size of missing actual imports.

2 The reduction referred to in paragraph 1 shall be calculated as follows:

$$r_i = (0,75 * \Sigma A_i - I_i) / \Sigma A_i$$

where:

‘ $r_i$ ’ represents the reduction applicable to the import ceiling of importer  $i$ , for the product group concerned, during the quota period n+1;

‘ $\Sigma A_i$ ’ represents the sum of the quantities covered by quota authorisations for the product group concerned granted to the traditional importer  $i$  during the quota period n-1;

‘ $I_i$ ’ represents the actual imports of the product group concerned of importer  $i$  during the quota period n-1.

**Textual Amendments**

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2016/623 of 21 April 2016 amending Implementing Regulation \(EU\) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union.](#)

*Article 14*

1 Where a quota authorisation that has not been returned or covered by a corresponding sworn declaration pursuant to Article 12 remains unused at the end of quota period n-1, the importer's import ceilings for the product group concerned during quota period n+1 shall be reduced by the amount proportional to the size of the unused quota authorisation.

2 The reduction referred to in paragraph 1 shall be calculated as follows:

$$R_i = \Sigma U_i / \Sigma A_i$$

where:

‘ $R_i$ ’ represents the reduction applicable to the import ceiling of importer  $i$ , for the product group concerned, during quota period n+1;

‘ $\Sigma U_i$ ’ represents the sum of unused quantities covered by quota authorisations for the product group concerned granted to importer  $i$  during the quota period n-1;

‘ $\Sigma A_i$ ’ represents the sum of the quantities covered by quota authorisations granted to importer  $i$ , for the product group concerned, during the quota period n-1.]

**Changes to legislation:** There are currently no known outstanding effects for the  
Commission Implementing Regulation (EU) No 498/2012. (See end of Document for details)

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#### *[<sup>F2</sup>Article 15*

1 Should the conditions for reduction of import ceilings provided for in Articles 13 and 14 be both met simultaneously, only the higher reduction ( $R_i$  or  $r_i$ ) shall be applied.

[<sup>F12</sup> The provisions of Article 13 and 14 shall not apply during the first three quota periods following the transitional period.]]

#### Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2016/623 of 21 April 2016 amending Implementing Regulation \(EU\) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union.](#)
- F2** Substituted by [Commission Implementing Regulation \(EU\) No 449/2014 of 2 May 2014 amending Implementing Regulation \(EU\) No 498/2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union.](#)

## CHAPTER 7

### TRANSITIONAL MEASURES APPLYING TO THE FIRST THREE QUOTA PERIODS

#### *Article 16*

1 The allocation method set out in Article 4 of this Regulation shall apply to the entire first quota period of application of this Regulation. During this quota period, the provisions of Chapter 6 shall not apply.

2 Articles 17 to 19 shall apply during the first three quota periods of application of this Regulation.

#### *Article 17*

1 The reference period provided for in Article 5(4) of the Protocol shall be, at the choice of the importer, year 2004, year 2007, or the combination of both years.

2 Importers claiming status of traditional importer shall specify which of the three options provided for in paragraph 1 is retained for the calculation of their ceilings, in accordance with Article 6, not later than 20 calendar days after the entry into force of this Regulation.

3 The reference period retained by each importer in accordance with paragraph 2 shall apply to all the first three quota periods of application of this Regulation.

#### *Article 18*

1 Importers claiming status of traditional importer shall inform the Licence Office(s) of the Member State(s) from which they intend to request quota authorisations, not later than 20 calendar days after the entry into force of this Regulation, of their actual imports of covered

products into that Member State(s) during the reference period retained in accordance with Article 17(2). In order to substantiate such actual import claims, the importer shall provide the Licence Office with a copy of the customs declarations of the imports concerned.

2 The Licence Offices shall provide the Commission, not later than 35 calendar days after the entry into force of this Regulation, with a summary of actual imports of covered products notified to them in accordance with paragraph 1 of this Article. Such summary shall be submitted in an electronic spreadsheet format, in conformity with the template set out in Annex V.

#### *Article 19*

1 Where a single year is retained pursuant to Article 17(2), the variable  $\bar{I}_i$  referred to in Article 6(2) shall represent the importer's actual imports of the product group concerned during such year.

2 Where the combination of both 2004 and 2007 is retained pursuant to Article 17(2), the variable  $\bar{I}_i$  referred to in Article 6(2) shall represent the average of the importer's actual imports of the product group concerned in years 2004 and 2007, calculated as follows:

$[(\text{Actual imports in 2004}) + (\text{Actual imports in 2007})]/2.$

3 The Commission shall inform the Licence Offices of the ceilings resulting from the calculations made according to Article 6(2) not later than 65 calendar days after the entry into force of this Regulation.

4 In case the ceilings referred to in Article 6 have not been calculated by the time the Agreement and the Protocol are applied on a provisional basis, the tariff quotas per product group shall be allocated to all importers in accordance with the allocation procedure referred to in Article 3(b) until the Commission has notified the Licence Offices that the ceilings have been established and that the allocation procedure referred to in Article 3(b) has ended. For the purposes of this paragraph, each importer shall be granted a maximum of 2,5 % of the tariff quota for each product group.

## CHAPTER 8

### *Article 20*

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

It shall cease to apply on the date on which the Protocol ceases to be applied provisionally.

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



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**Changes to legislation:** There are currently no known outstanding effects for the  
Commission Implementing Regulation (EU) No 498/2012. (See end of Document for details)

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- (1) Currently falling within Commission Regulation (EU) No 1006/2011 ([OJ L 282, 28.10.2011, p. 1](#)).
- (2) [OJ L 24, 29.1.2004, p. 1](#).
- (3) [OJ L 302, 19.10.1992, p. 1](#).
- (4) [OJ L 253, 11.10.1993, p. 1](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 498/2012.