

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1085**of 19 June 2017****amending Regulation (EC) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector**

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,

Whereas:

- (1) An Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union ⁽²⁾ ('the Agreement') was signed on 25 November 2016. Its signature on behalf of the European Union was authorised by Council Decision (EU) 2016/1995 ⁽³⁾ and its conclusion by Council Decision (EU) 2017/730 ⁽⁴⁾.
- (2) Under the terms of the Agreement, the European Union is to allocate an additional 78 000 tonnes to the present allocation for Brazil under the EU tariff rate quota 'Raw Cane sugar, for refining', tariff item 1701.13.10 and 1701.14.10, maintaining the present in quota rate of EUR 98 per tonne, and to allocate an additional 36 000 tonnes to the present allocation under the 'Any third country' part of the EU tariff rate quota 'Raw Cane sugar, for refining', tariff item 1701.13.10 and 1701.14.10, maintaining the present in quota rate of EUR 98 per tonne.
- (3) As regards the volume of 78 000 tonnes allocated to Brazil under the EU tariff rate quota, the Agreement further provides that the European Union is to autonomously apply an in quota rate of no more than EUR 11 per tonne for the first six years during which this volume is available and an in quota rate of no more than EUR 54 per tonne in the seventh year.
- (4) Commission Regulation (EC) No 891/2009 ⁽⁵⁾ provides for the opening and the administration of tariff quotas in the sugar sector, including those originating in Brazil and Any third country. To implement the tariff quotas for sugar laid down in the Agreement, it is therefore necessary to amend that Regulation accordingly.
- (5) The proposed amendments should apply from the date of entry into force of the Agreement.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (OJ L 108, 26.4.2017, p. 3).

⁽³⁾ Council Decision (EU) 2016/1995 of 11 November 2016 on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (OJ L 308, 16.11.2016, p. 1).

⁽⁴⁾ Council Decision (EU) 2017/730 of 25 April 2017 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (OJ L 108, 26.4.2017, p. 1).

⁽⁵⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 891/2009 is amended in accordance with the Annex to this Regulation.

Article 2

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 the date of entry into force of the Agreement.

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

Done at Brussels, 19 June 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex I to Regulation (EC) No 891/2009, Part I: CXL concessions sugar is replaced by the following:

Part I: CXL concessions sugar

Third country	Order number	CN code	Quantities (tonnes)	In quota rate (EUR/tonne)
Australia	09.4317	1701 13 10 and 1701 14 10	9 925	98
Cuba	09.4319	1701 13 10 and 1701 14 10	68 969	98
Any third country	09.4320	1701 13 10 and 1701 14 10	289 977 ⁽¹⁾	98
India	09.4321	1701	10 000	0

⁽¹⁾ For the marketing year 2016/2017, the quantity shall be 262 977 tonnes.

Third country	Order number	CN code	Marketing Year	Quantities (tonnes)	In quota rate (EUR/tonne)
Brazil	09.4318	1701 13 10 and 1701 14 10	2016/2017 until 2023/2024	334 054	98
	09.4318	1701 13 10 and 1701 14 10	From 2024/2025	412 054	98
	09.4329	1701 13 10 and 1701 14 10	2016/2017	19 500	11
			2017/2018	78 000	11
			2018/2019	78 000	11
			2019/2020	78 000	11
			2020/2021	78 000	11
2021/2022	78 000	11			
2022/2023	58 500	11			
09.4330	1701 13 10 and 1701 14 10	2022/2023	19 500	54	
		2023/2024	58 500	54'	