

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

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1988

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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 and Article 223(3) 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⁽²⁾, and in particular Article 16(1) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 lays down rules regarding tariff quota management and special treatment of imports by third countries. It also empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the management of tariff quotas in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace a certain number of acts laying down common rules or specific sectoral rules, based on acts adopted pursuant to Article 43(2) or Article 207 of the Treaty on the Functioning of the European Union (‘TFEU’), which are repealed by Commission Delegated Regulation (EU) 2020/1987⁽³⁾.
- (2) The Union has undertaken in international agreements and in acts adopted pursuant to Article 43(2) and Article 207 TFEU to open tariff quotas for certain agricultural products and in some cases to administer those quotas according to the ‘first come, first served’ principle. Commission Regulations and Commission Implementing Regulations which have opened those quotas and provide for specific rules are repealed by Delegated Regulation (EU) 2020/1987. It is appropriate to maintain those rules, at the same time replacing outdated provisions and streamlining the administration of the tariff quotas.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2020/1988. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In the interest of administrative simplification and of transparency, it is appropriate to lay down all the rules for the administration of those tariff quotas in a single Regulation.
- (4) Commission Regulations (EC) No 2535/2001⁽⁴⁾ and (EC) No 442/2009⁽⁵⁾, and Commission Implementing Regulation (EU) No 1273/2011⁽⁶⁾ opened and managed certain tariff quotas managed by applying the simultaneous examination method of import licence applications and other tariff quotas managed under the ‘first come, first served’ principle. Those regulations were repealed by Commission Delegated Regulation (EU) 2020/760⁽⁷⁾ that established new rules for the administration of import and export tariff quotas subject to licences. To ensure that also the tariff quotas managed under the ‘first come, first served’ principle in accordance with the repealed Regulations remain operable, it is necessary to provide for management rules for those tariff quotas.
- (5) Commission Regulations (EC) No 2535/2001, (EC) No 2305/2003⁽⁸⁾, (EC) No 1964/2006⁽⁹⁾, (EC) No 539/2007⁽¹⁰⁾, (EC) No 616/2007⁽¹¹⁾, (EC) No 1384/2007⁽¹²⁾, (EC) No 1385/2007⁽¹³⁾, (EC) No 412/2008⁽¹⁴⁾, (EC) No 748/2008⁽¹⁵⁾, and Commission Implementing Regulations (EU) No 1273/2011, (EU) No 480/2012⁽¹⁶⁾ and (EU) No 1223/2012⁽¹⁷⁾ providing for the administration of certain import tariff quotas by applying the simultaneous examination method of import licence applications, as referred to in Article 184(2)(b) of Regulation (EU) No 1308/2013 were repealed by Delegated Regulation (EU) 2020/760. Those tariff quotas should remain open and their management method should be adjusted. The use of the ‘first come, first served’ principle has proved positive in several agricultural sectors for tariff quotas not considered to be sensitive and characterised by limited demand. In the interest of administrative simplification, those import quotas should henceforth be administered in accordance with this principle.
- (6) The tariff quotas covered by the repealed Regulations should be managed in accordance with Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447⁽¹⁸⁾ which regulate the management of tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations (‘first come, first served’ principle).
- (7) In order to ensure consistent imports over time for certain tariff quotas, it is appropriate to sub-divide their annual tariff quota period into sub-periods.
- (8) Specific provisions should ensure that certain requirements as to the use or quality of imported products are complied with. Imports at reduced or zero in-quota import duty should therefore be made conditional on the submission of a proof by the importer as to the use or quality of the product or on the lodging of a security equal to the difference between the in-quota duty and the conventional (MFN) duty. Where applicable, a reasonable time should be allowed for the processing of the product.
- (9) Specific provisions should be laid down to provide for a degree of flexibility in relation to the documentary requirements in case of *force majeure*, such as a pandemic.
- (10) The United Kingdom left the Union on 31 January 2020. The Withdrawal Agreement concluded between the Union and the United Kingdom, which established a transitional period until 31 December 2020, entered into force on 1 February 2020. On the basis

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of that Agreement, as of 1 July 2020 the United Kingdom has no possibility to request an extension of this transition period beyond 2020. Regulation (EU) 2019/216 of the European Parliament and of the Council⁽¹⁹⁾ provides that from the day following that on which Council Regulation (EC) No 32/2000⁽²⁰⁾ ceases to apply to and in the United Kingdom, the tariff rate quotas included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 are to be apportioned between the Union and the United Kingdom based on the EU-27 share in the quota usage set out in the Annex to Regulation (EU) 2019/216. Therefore, this Regulation should include the new EU-27 quantities resulting from the apportionment, as laid down in Regulation (EU) 2019/216 and Commission Implementing Regulation (EU) 2019/386⁽²¹⁾.

- (11) 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:

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- (1) [OJ L 347, 20.12.2013, p. 671.](#)
- (2) [OJ L 150, 20.5.2014, p. 1.](#)
- (3) Commission Delegated Regulation (EU) 2020/1987 of 14 July 2020 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council and Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the lodging and release of securities in the administration of tariff quotas based on the chronological order of the submission of applications (See page 1 of this Official Journal).
- (4) 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.](#))
- (5) 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.](#))
- (6) 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.](#))
- (7) Commission Delegated Regulation (EU) 2020/760 of 17 December 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the rules for the administration of import and export tariff quotas subject to licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the lodging of securities in the administration of tariff quotas ([OJ L 185, 12.6.2020, p. 1.](#))
- (8) 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.](#))
- (9) 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.](#))
- (10) 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.](#))
- (11) Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas in the sector of poultry-meat originating in Brazil, Thailand and other third countries ([OJ L 142, 5.6.2007, p. 3.](#))
- (12) 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 poultry-meat products originating in Israel ([OJ L 309, 27.11.2007, p. 40.](#))
- (13) 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.](#))
- (14) 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.](#))
- (15) 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 (Recast) ([OJ L 202, 31.7.2008, p. 28.](#))
- (16) 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.](#))
- (17) 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.](#))

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- (18) 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](#)).
- (19) Regulation (EU) 2019/216 of the European Parliament and of the Council of 30 January 2019 on the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union, and amending Council Regulation (EC) No 32/2000 ([OJ L 38, 8.2.2019, p. 1](#)).
- (20) Council Regulation (EC) No 32/2000 of 17 December 1999 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas and establishing detailed rules for adjusting the quotas, and repealing Council Regulation (EC) No 1808/95 ([OJ L 5, 8.1.2000, p. 1](#)).
- (21) Commission Implementing Regulation (EU) 2019/386 of 11 March 2019 laying down rules with regard to the apportionment of tariff rate quotas for certain agricultural products included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and with regard to import licences issued and import rights allocated under those tariff rate quotas ([OJ L 70, 12.3.2019, p. 4](#)).

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