



Council of the
European Union

Brussels, 20 October 2023
(OR. en)

14503/23

PECHE 469
DELECT 162

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	12 October 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2023) 6750 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 12.10.2023 amending Council Regulation (EC) No 32/2000 as regards the volumes of food preparations, processed shrimp of the species <i>Pandalus borealis</i> and certain plywood of coniferous species that may be imported under tariff quotas 09.0013, 09.0047, 09.0088 and 09.0096

Delegations will find attached document C(2023) 6750 final.

Encl.: C(2023) 6750 final



Brussels, 12.10.2023
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COMMISSION DELEGATED REGULATION (EU) .../...

of 12.10.2023

amending Council Regulation (EC) No 32/2000 as regards the volumes of food preparations, processed shrimp of the species *Pandalus borealis* and certain plywood of coniferous species that may be imported under tariff quotas 09.0013, 09.0047, 09.0088 and 09.0096

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Council Regulation (EC) No 32/2000¹ opens and provides, *inter alia*, for the administration of Community tariff quotas under the 1994 General Agreement on Tariffs and Trade (GATT).

In the light of United Kingdom's withdrawal from the European Union and following negotiations with the United States pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV, the EU has agreed to amend certain tariff quotas with regard to the volumes to be imported.

It is therefore necessary to amend Regulation (EC) No 32/2000.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

On 5 March 2021, following the conclusion of their negotiations, the EU and the USA initialled an Agreement between the European Union and the United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union.

The Commission has consulted the Member States on the draft text at the Customs Expert Group – Tariff Measures Section.

Apart from some requests for linguistic corrections, the Commission has received no comments during this consultation exercise.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis for this delegated Regulation is contained in Article 10a of Council Regulation (EC) 32/2000 which, for the purpose of apportioning tariff rate quotas included in the schedule of concessions and commitments of the Union following the withdrawal of the United Kingdom from the Union, provides for the delegation of power to the Commission to amend its Annex I in order to take account of, *inter alia*, any international agreement concluded by the Union under Article XXVIII of GATT 1994, concerning the tariff rate quotas referred to in that Annex I.

This delegated act amends the volumes of tariff quotas 09.0013, 09.0047, 09.0088 and 09.0096 following the conclusion of an Agreement between the EU and the USA.

¹ OJ L 5, 8.1.2000, p. 1.

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amending Council Regulation (EC) No 32/2000 as regards the volumes of food preparations, processed shrimp of the species *Pandalus borealis* and certain plywood of coniferous species that may be imported under tariff quotas 09.0013, 09.0047, 09.0088 and 09.0096

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 1808/95¹, and in particular Article 10a thereof,

Whereas:

- (1) The Agreement between the European Union and the United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union² ('the Agreement'), approved by Council Decision (EU) 2023/912³, amends certain tariff quotas with regard to the volumes of products to be imported. The Agreement entered into force on 2 May 2023⁴. Those amendments should be reflected in Regulation (EC) No 32/2000.
- (2) Regulation (EC) No 32/2000 should therefore be amended accordingly.
- (3) Due to the urgent need to implement the Agreement, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*. As the amendments made by this Regulation apply to tariff quota periods that are ongoing on the day of its entry into force, it is necessary to lay down transitional provisions for those periods,

¹ OJ L 5, 8.1.2000, p. 1.

² OJ L 119, 5.5.2023, p. 3.

³ Council Decision (EU) 2023/912 of 25 April 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union (OJ L 119, 5.5.2023, p. 1).

⁴ OJ L 135, 23.5.2023, p. 52.

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 32/2000

The table to Annex I to Regulation (EC) No 32/2000 is amended as follows:

- (a) in the row for serial number 09.0013, in the column headed 'Quota volume', the volume '482 648 m³' is replaced by '448 500 m³';
- (b) in the row for serial number 09.0047, in the column headed 'Quota volume', the volume '474 tonnes' is replaced by '500 tonnes';
- (c) in the row for serial number 09.0088, in the column headed 'Quota volume', the volume '702 tonnes' is replaced by '783 tonnes';
- (d) in the row for serial number 09.0096, in the column headed 'Quota volume', the volume '831 tonnes' is replaced by '1 286 tonnes'.

Article 2

Transitional provisions for the ongoing tariff quota periods

1. The volumes available for the remainder of the tariff quota periods that are ongoing on [OP: please insert the date of entry into force of this Regulation] shall be the difference between the quota volumes as amended by this Regulation and the quota volumes already allocated before that date.
2. In the case of an increase of the volume, if, on [OP: please insert the date of entry into force of this Regulation], the quotas applicable on [OP: please insert the date = the day prior to the date of entry into force of this Regulation] were exhausted, the new quota volumes available shall be allocated to operators following the chronological order of the acceptance dates of their customs declarations for release for free circulation. Operators who imported their goods out of quota before [OP: please insert the date of the entry into force of this Regulation] shall be reimbursed, on their request and to the extent that the balance of the tariff quotas so permits, the difference in duty already paid.
3. In the case of a decrease of the volume, if, on [OP: please insert the date of entry into force of this Regulation] for the quota applicable on [OP: please insert the date = the day prior to the date of entry into force of this Regulation], a volume higher than the quota volume as amended by this Regulation has been released for free circulation, operators shall not be required to pay any additional duty for the in-quota volumes imported exceeding the new available volume.

Article 3

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

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

Done at Brussels, 12.10.2023

For the Commission
The President
Ursula VON DER LEYEN