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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	13 March 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2024) 1499 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 13.3.2024 amending Commission Delegated Regulation (EU) 2020/760 as regards some provisions following the free trade agreement between the European Union and New Zealand and deletion of obsolete provisions as regards export tariff quota for milk powder

Delegations will find attached document C(2024) 1499 final.

Encl.: C(2024) 1499 final



EUROPEAN
COMMISSION

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COMMISSION DELEGATED REGULATION (EU) .../...

of 13.3.2024

amending Commission Delegated Regulation (EU) 2020/760 as regards some provisions following the free trade agreement between the European Union and New Zealand and deletion of obsolete provisions as regards export tariff quota for milk powder

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Commission Delegated Regulation (EU) 2020/760 lays down certain rules as regards the administration of tariff rate quotas subject to licences.

The Free Trade Agreement between the European Union and New Zealand introduced several new tariff rate quotas and amended some existing WTO country specific tariff rate quotas for products originating in New Zealand.

The amended existing tariff rate quotas are those with order numbers 09.4182 and 09.4195.

For the management of new tariff rate quotas, the Agreement introduces a certificate of eligibility to be issued by New Zealand.

The above changes need to be reflected in Regulation (EU) 2020/760 by deleting some of the provisions on tariff quotas 09.4182 and 09.4195 and by amending the provisions on notifications to the Commission.

In addition, the provisions on export tariff quota for milk powder opened by the Dominican Republic should be deleted, as the export quota in question was removed in 2023.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This delegated act was presented and discussed with experts at the GREX (Group of Experts) – Horizontal questions concerning the CAP meetings on 13 December 2023, 17 January and 21 February 2024.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act provides for the deletion of Article 4, point (c) and Article 8(2), points (c), (e) and (f), and for the amendment of Article 17, point (g) of Delegated Regulation (EU) 2020/760.

COMMISSION DELEGATED REGULATION (EU) .../...

of 13.3.2024

amending Commission Delegated Regulation (EU) 2020/760 as regards some provisions following the free trade agreement between the European Union and New Zealand and deletion of obsolete provisions as regards export tariff quota for milk powder

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 1234/2007¹, and in particular Article 186 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/760² supplements Regulation (EU) No 1308/2013 as regards the rules for the administration of import and export tariff quotas for agricultural products subject to licences.
- (2) Delegated Regulation (EU) 2020/760 contains provisions as regards export tariff quota for milk powder opened by the Dominican Republic. That export quota has been removed from Commission Implementing Regulation (EU) 2020/761³ by Commission Implementing Regulation (EU) 2023/953⁴. Therefore, the provisions on that export quota in Regulation (EU) 2020/760 should be deleted.
- (3) In accordance with Council Decision (EU) 2024/244⁵, the Free Trade Agreement between the European Union and New Zealand ('the Agreement') was concluded on 27 November 2023.
- (4) The Agreement amends the tariff quotas with order numbers 09.4182 and 09.4195 and introduces a certificate of eligibility to be issued by New Zealand. Those changes should be reflected in Delegated Regulation (EU) 2020/760.

¹ OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>.

² 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, ELI: http://data.europa.eu/eli/reg_del/2020/760/oj).

³ Commission Implementing Regulation (EU) 2020/761 of 17 December 2019 laying down rules for the application of Regulations (EU) No 1306/2013, (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the management system of tariff quotas with licences (OJ L 185, 12.6.2020, p. 24, ELI: http://data.europa.eu/eli/reg_impl/2020/761/oj).

⁴ Commission Implementing Regulation (EU) 2023/953 of 12 May 2023 amending Implementing Regulation (EU) 2020/761 as regards the rules governing the tariff rate quota for export of milk powder to the Dominican Republic (OJ L 128, 15.5.2023, p. 81, ELI: http://data.europa.eu/eli/reg_impl/2023/953/oj).

⁵ Council Decision (EU) 2024/244 of 27 November 2023 on the conclusion, on behalf of the Union, of the Free Trade Agreement between the European Union and New Zealand (OJ L, 2024/244, 28.2.2024, ELI: <http://data.europa.eu/eli/dec/2024/244/oj>).

(5) Delegated Regulation (EU) 2020/760 should therefore be amended accordingly,
HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2020/760

Delegated Regulation (EU) 2020/760 is amended as follows:

- (1) in Article 4, point (c) is deleted;
- (2) in Article 8(2), points (c), (e) and (f) are deleted;
- (3) in Article 17, point (g) is replaced by the following:

“(g) for import tariff quotas administered with documents issued by third countries, for each certificate of authenticity, Inward Monitoring Arrangement (‘IMA 1’) certificate, or certificate of eligibility referred to in Annex XIV to Implementing Regulation (EU) 2020/761 lodged by an operator, the number of the corresponding licence issued and the quantities covered.”.

Article 2

Entry into force and application

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

It shall apply from [XX XXX 2024] [OP: please insert the application date = the date of entry into force of the Agreement that will be communicated to OP at the end of the scrutiny period.].

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

Done at Brussels, 13.3.2024

For the Commission
The President
Ursula VON DER LEYEN