Commission Implementing Regulation (EU) 2020/2122 of 16 December 2020 on the granting of unlimited duty-free access to the Union for 2021 to certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2122

of 16 December 2020

on the granting of unlimited duty-free access to the Union for 2021 to certain goods originating in Norway resulting from the processing of agricultural products covered by Regulation (EU) No 510/2014 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

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[(1)], and in particular Article 16(1)(a) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway[(2)], and in particular Article 3 thereof,

Whereas:

(1) Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway of 14 May 1973[(3)] ('the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway') and Protocol 3 to the Agreement on the European Economic Area ('EEA Agreement')[(4)] as amended by the Decision of the EEA joint committee No 140/2001 of 23 November 2001 amending Protocols 2 and 3 to the EEA Agreement, concerning processed and other agricultural products[(5)], determine the trade arrangements between the Union and the Kingdom of Norway for certain agricultural and processed agricultural products.

(2) Protocol 3 to the EEA Agreement provides for a zero rate of duty for waters containing added sugar or other sweetening matter or flavoured, classified under CN code 2202 10 00, and other non-alcoholic beverages not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404, classified under CN code 2202 90 10.

(3) Since 1 January 2017, CN code 2202 90 has been replaced by CN codes 2202 91 00 and 2202 99. Therefore, this Regulation should cover products of CN codes 2202 10 00, ex 2202 91 00 and ex 2202 99.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2122. (See end of Document for details)*

(4) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway[(6)] ('the Agreement in the form of an Exchange of Letters') temporarily suspends the duty free regime applied under Protocol 2 to goods classified under CN codes 2202 10 00 (waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured) and ex 2202 90 10 (other non-alcoholic beverages containing sugar) replaced by CN codes 2202 10 00, ex 2202 91 00 and ex 2202 99. In accordance with the Agreement in the form of an Exchange of Letters, duty free imports of those goods, originating in Norway, are to be allowed only within the limits of a duty free quota. A duty is to be paid for imports that exceed that duty-free quota.

(5) Furthermore, the Agreement in the form of an Exchange of Letters requires that the products in question be granted unlimited duty free access to the Union if the tariff quota has not been exhausted by 31 October of the previous year.

(6) According to data provided to the Commission, the annual quota for 2020 for the products in question opened by Commission Implementing Regulation (EU) 2019/2154[(7)] had not been exhausted by 31 October 2020. Therefore, the products in question should be granted unlimited duty free access to the Union from 1 January to 31 December 2021.

(7) Therefore, the temporary suspension of the duty-free regime applied under Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway should not be applied for year 2021.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

1 From 1 January to 31 December 2021, the goods originating in Norway which are listed in the Annex shall be granted unlimited duty free access to the Union.

2 The rules of origin laid down in Protocol 3 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway shall apply to the goods listed in the Annex to this Regulation.

Article 2

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 1 January 2021.

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

Done at Brussels, 16 December 2020.

For the Commission

The President

Ursula VON DER LEYEN