Commission Implementing Regulation (EU) 2020/2099 of 15 December 2020 amending Implementing Regulation (EU) 2019/386 as regards the specific rules for the apportionment of tariff rate quotas in respect of which the quota period is ongoing at the date of application of Article 1(2) of Regulation (EU) 2019/216 of the European Parliament and of the Council

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2099

of 15 December 2020

amending Implementing Regulation (EU) 2019/386 as regards the specific rules for the apportionment of tariff rate quotas in respect of which the quota period is ongoing at the date of application of Article 1(2) of Regulation (EU) 2019/216 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 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 points (a) and (c) of Article 187 thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2019/386[(2)] lays 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. Those rules are to apply from the day from which Article 1(2) of Regulation (EU) 2019/216 of the European Parliament and of the Council[(3)] applies.

(2) For certain tariff rate quotas, the tariff quota period has begun before the day from which Article 1(2) of Regulation (EU) 2019/216 applies and ends after that day. For these cases, Implementing Regulation (EU) 2019/386 provides for specific rules for the apportionment between the Union and the United Kingdom of the remaining quantities to be allocated under those tariff quotas from the day from which Article 1(2) of Regulation (EU) 2019/216 applies.

(3) Following discussions between the Union and the United Kingdom, a common understanding was reached on how to apportion such tariff rate quotas. This common understanding should ensure that the overall tariff rate quota quantities available for allocation do not exceed the quantities laid down in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union.

(4) Implementing Regulation (EU) 2019/386 should therefore be amended accordingly.

(5) To ensure legal certainty and in order for the thus apportioned quantities to be the basis for licence applications submitted as of 1 January 2021, this Regulation should enter

into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*.

(6) Since Implementing Regulation (EU) 2019/386 applies from the day from which Article 1(2) of Regulation (EU) 2019/216 applies, that is from 1 January 2021, this amending Regulation should apply from the same date.

(7) 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:

Article 1

Amendment to Implementing Regulation (EU) 2019/386

In Article 1 of Implementing Regulation (EU) 2019/386, paragraph 3 is replaced by the following:

3. By way of derogation from paragraph 1, where for a tariff rate quota the quota period begins before the day from which Article 1(2) of Regulation (EU) 2019/216 applies and ends after that day, the apportionment of the quantities to be allocated from that day under the tariff rate quota concerned shall be made as follows for the Union:

(a) if the quantities allocated in the Member States other than the United Kingdom before the day from which Article 1(2) of Regulation (EU) 2019/216 applies are equal or higher than the quantity set out in the third column of Annex I to this Regulation as regards tariff rate quotas managed by the simultaneous examination method or Annex II to this Regulation as regards tariff rate quotas managed by the "first come, first served" method, no additional quantities shall be available for allocation;

(b) if the quantities allocated in the Member States other than the United Kingdom before the day from which Article 1(2) of Regulation (EU) 2019/216 applies are less than the quantity set out in the third column of Annex I to this Regulation as regards tariff rate quotas managed by the simultaneous examination method or Annex II to this Regulation as regards tariff rate quotas managed by the "first come, first served" method, the quantity available for allocation shall be the difference between the quantity set out in the third column of Annex I or Annex II to this Regulation and the quantities already allocated in those Member States.

However, where the quantities allocated in the United Kingdom before the day from which Article 1(2) of Regulation (EU) 2019/216 applies are greater than the difference between the EU-28 quantity as set out in the WTO schedule of the Union and the EU-27 quantity set out in the third column of Annex I or Annex II to this Regulation, those exceeding quantities shall be deducted from the quantity available for allocation in the Member States other than the United Kingdom from the day from which Article 1(2) of Regulation (EU) 2019/216 applies.

Within two working days from the day from which Article 1(2) of Regulation (EU) 2019/216 applies, the Commission shall publish, by means of an appropriate web publication, the quantities available for each tariff rate quota referred to in the first