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

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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

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 186 thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008[(2)], and in particular Article 66(3) thereof,

Whereas:

(1) Regulation (EU) No 1308/2013 lays down rules regarding the management of tariff quotas and special treatment of imports by third countries. It also empowers the Commission to adopt related delegated and implementing acts, in order to ensure smooth management of tariff quotas.

(2) In the interest of administrative simplification, under-used tariff quotas for agricultural products are managed using the ‘first come, first served’ principle in accordance with Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447[(3)], which regulate the management of tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations.

(3) It should be provided that participation in those tariff quotas may be subject to the lodging of a security to ensure that certain requirements relating to processing, end-use, quality standards of products as well as slaughtering and fattening of animals are complied with. Those requirements are set out in detail for each of the tariff quotas concerned in an implementing act adopted pursuant to Article 187 of Regulation (EU) No 1308/2013.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/1987. (See end of Document for details)*

(4) With the aim of simplification of the procedure and of the legislation, it is appropriate to replace existing rules for the management of tariff quotas administered by applying the method based on the 'first come, first served' principle contained in several Union acts by one act. Commission Regulations (EC) No 440/96[(4)], (EC) No 1831/96[(5)], (EC) No 2133/2001[(6)], (EC) No 2094/2004[(7)], (EC) No 937/2006[(8)], (EC) No 437/2009[(9)], (EC) No 438/2009[(10)], (EC) No 933/2009[(11)], (EC) No 1064/2009[(12)], (EU) No 1085/2010[(13)] and (EU) No 59/2011[(14)] and Commission Implementing Regulations (EU) No 1354/2011[(15)], (EU) No 481/2012[(16)], (EU) No 988/2014[(17)], (EU) No 989/2014[(18)], (EU) No 1233/2014[(19)], (EU) 2015/2405[(20)], (EU) 2017/1466[(21)] and (EU) 2018/567[(22)] should therefore be repealed.

(5) In order to ensure a smooth transition to the rules provided for in this Regulation and to fulfil the obligation to notify the new rules to the World Trade Organisation prior to their applications, it is appropriate to defer the application of this Regulation to the tariff quota periods starting from 1 January 2021 onwards,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down rules supplementing Regulations (EU) No 1308/2013 and (EU) No 1306/2013 as regards the lodging and release of securities in the administration of tariff quotas based on the chronological order of the submission of applications.

Article 2

Lodging of a security

Eligibility for the reduced import duty under a tariff quota based on the chronological order of the submission of applications may be subject to the lodging of a security with the competent authorities.

Operators shall lodge the security at the moment when they submit an application for an authorisation for end-use in accordance with Article 211 of Regulation (EU) No 952/2013 of the European Parliament and of the Council[(23)], or when they lodge the customs declaration for release for free circulation of the goods, as the case may be.

The exchange rate shall be established in accordance with Article 106 of Regulation (EU) No 1306/2013.

Article 3

Release and forfeiture of securities

1 The security shall be released immediately once the competent authority has received the satisfactory proof that the requirements linked to that security are met.

2 Where the relevant requirements are not entirely met, the security shall be released in proportion to the quantity for which the requirements are met. The amount of the security which is not released shall be forfeited in accordance with Article 24 of Commission Delegated Regulation (EU) No 907/2014[(24)].

Article 4

Repeals

Regulations (EC) No 440/96, (EC) No 1831/96, (EC) No 2133/2001, (EC) No 2094/2004, (EC) No 937/2006, (EC) No 437/2009, (EC) No 438/2009, (EC) No 933/2009, (EC) No 1064/2009, (EU) No 1085/2010 and (EU) No 59/2011 and Implementing Regulations (EU) No 1354/2011, (EU) No 481/2012, (EU) No 988/2014, (EU) No 989/2014, (EU) No 1233/2014, (EU) 2015/2405, (EU) 2017/1466 and (EU) 2018/567 are repealed with effect from 1 January 2021.

However, they shall continue to apply to tariff quota periods that have not yet ended on that date.

Article 5

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*.

This Regulation shall apply to the tariff quota periods starting from 1 January 2021 onwards.

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

Done at Brussels, 14 July 2020.

For the Commission

The President

Ursula VON DER LEYEN