Commission Delegated Regulation (EU) 2020/1588 of 25 June 2020 amending Annex I to Regulation (EU) 2017/821 of the European Parliament and of the Council by establishing volume thresholds for tantalum or niobium ores and concentrates, gold ores and concentrates, tin oxides and hydroxides, tantalates and carbides of tantalum

COMMISSION DELEGATED REGULATION (EU) 2020/1588

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas[(1)], and in particular Article 1(4) thereof,

Whereas:

(1) Annex I to Regulation (EU) 2017/821 contains a list of minerals and metals within the scope of that Regulation and sets out certain annual import volume thresholds with regard to those minerals and metals.

(2) In accordance with Article 1(3) of Regulation (EU) 2017/821, that Regulation does not apply to Union importers where their annual import volume of each of the minerals or metals concerned is below the thresholds set out in Annex I to that Regulation. Those thresholds are set at a level that ensures that no less than 95 % of the total volumes imported into the Union of each mineral and metal is subject to the obligations of Union importers set out in that Regulation.

(3) At the time the Regulation was adopted in 2017, there were no sufficiently disaggregated Combined Nomenclature codes with regard to five of the specific minerals and metals listed in Annex I. As a result, the import data with regard to those minerals and metals were not available and five volume thresholds in Annex I are therefore still to be established.

(4) Pursuant to Article 1(4) of Regulation (EU) 2017/821 the Commission is to establish the volume thresholds that remains to be set out in Annex I by adopting a delegated act, in accordance with Articles 18 and 19 of Regulation (EU) 2017/821 in order to amend Annex I. If feasible, the delegated act should be adopted by 1 April 2020 but no later than 1 July 2020.

(5) Regulation (EU) 2017/821 created five new Integrated Tariff of the European Communities (‘TARIC’) subdivisions corresponding to the five minerals and metals

with thresholds that are yet to be established, with respect to which the customs authorities of the Member States have collected customs data since the Regulation entered into force in June 2017.

(6) Pursuant to Article 18 of Regulation (EU) 2017/821 the Commission is to rely on the import information for each Union importer provided by the Member States for the previous two years, hence for 2018 and 2019.

(7) Annex I to Regulation (EU) 2017/821 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2017/821 is amended in accordance with the Annex to this Delegated Regulation.

Article 2

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

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

Done at Brussels, 25 June 2020.

For the Commission

The President

Ursula VON DER LEYEN