Commission Implementing Regulation (EU) 2020/991 of 13 May 2020 opening and providing for the administration of import tariff quotas for rice originating in the Socialist Republic of Vietnam

COMMISSION IMPLEMENTING REGULATION (EU) 2020/991

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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) to (d) of the first paragraph of Article 187 thereof,

Whereas:

(1) The Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam ('the Agreement') was approved by Council Decision (EU) 2020/753[(2)]. Article 2.7 of the Agreement provides, in particular, for the reduction or elimination of customs duties on goods originating in the other Party in accordance with the Schedules set out in Annex 2-A thereto.

(2) In accordance with points 5 to 10 of Sub-Section 1 of Section B of Annex 2-A to the Agreement, the Union is to open tariff rate quotas for the import of 80 000 tonnes of rice originating in Vietnam.

(3) Consequently, tariff quotas for imports of rice originating in Vietnam should be opened. To ensure the proper management of these tariff quotas, imports should be made subject to the issue of import licences, for which a security should be lodged. The Commission should administer these tariff quotas according to the method referred to in Article 184(2)(b) of Regulation (EU) No 1308/2013. In addition, Commission Regulations (EC) No 1301/2006[(3)], (EC) No 1342/2003[(4)] and Commission Delegated Regulation (EU) 2016/1237[(5)] should apply, save as otherwise provided for in this Regulation.

(4) To prevent imports under those tariff quotas from causing disturbance in the normal marketing of Union-grown rice, the quota period should be divided in sub-periods for each separate quota and the imports should be divided among these sub-periods so they can be absorbed more easily by the Union market.

(5) To ensure the proper management of these quotas, deadlines for the lodging of import licence applications should be laid down and the information to be included in applications and licences should be specified. Product weight should be indicated separately for husked and milled rice in order to comply with the requirement set

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/991. (See end of Document for details)*

out in the Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice[6], concluded by Council Decision 2005/476/EC[7] and in the Agreement in the form of an Exchange of Letters between the European Community and Thailand pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to GATT 1994[8], concluded by Council Decision 2005/953/EC[9].

(6) Applications for import licences and notifications by Member States of the quantities covered by these applications should refer to the real product weight in kilograms. Thus, the Commission will transform the quantities notified in the type of equivalent specified for each quota, which is either husked rice equivalent or milled rice equivalent, in order to verify if they exceed the quota and, in such case, calculate the allocation coefficient.

(7) Protocol 1 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation sets out the rules to be applied as regards the proof of origin. It is therefore appropriate to lay down provisions on the presentation of a proof of origin in accordance with that Protocol.

(8) In the interest of efficient administration, when notifying the Commission, Member States should use the information systems provided for in Commission Delegated Regulation (EU) 2017/1183[10].

(9) This Regulation should apply from the date of entry into force of the Agreement.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Opening and management of tariff quotas

1 The following import tariff quotas for rice originating in Vietnam shall be open annually from 1 January to 31 December:

a 20 000 metric tonnes expressed in husked rice equivalent of rice covered by HS subheadings ex1006 10 or 1006 20. This quota carries order number 09.4729;

b 30 000 metric tonnes expressed in milled rice equivalent of rice covered by HS subheading 1006 30. This quota carries order number 09.4730;

c 30 000 metric tonnes expressed in milled rice equivalent of rice covered by HS subheadings ex1006 10 or 1006 20 or 1006 30 and belonging to one of the varieties of fragrant rice listed in Annex I. This quota carries order number 09.4731.

All quota volumes referred to in the first subparagraph shall be divided in sub-periods as laid down in Annex I.

2 By way of derogation from paragraph 1, for the year of entry into force of this Regulation, the quota period is opened from the date of entry into force of this Regulation to 31 December of the same year.

3 For year 1 of each import tariff quota referred to in paragraph 1, the volume of that tariff quota shall be calculated by discounting the volume corresponding to the period running between 1 January and the date of entry into force of the Agreement.

4 The rate of import duty within the tariff quotas referred to in paragraph 1 is set at EUR 0 per tonne.

5 The conversion rates between paddy rice, husked rice, semi-milled rice and milled rice referred to in Article 1 of Commission Regulation (EC) No 1312/2008[(11)] shall apply.

6 The tariff quotas referred to in paragraph 1 shall be managed in accordance with the method referred to in point (b) of Article 184(2) of Regulation (EU) No 1308/2013.

7 Regulations (EC) No 1301/2006, (EC) No 1342/2003 and Delegated Regulation (EU) 2016/1237 shall apply, save as provided for in Article 2(4) of this Regulation.

Article 2

Applications for import licences

1 Applications for import licences shall be submitted to the competent authorities of the Member States within the first seven calendar days of each month during the tariff quota period, except for December where no applications shall be submitted. Applications for import licences that are valid from 1 January shall be submitted between 23 and 30 November of the preceding year. Each import licence application shall refer to a single order number and a single CN code. The description of the products and their CN code shall be referred to in sections 15 and 16, respectively, of the licence application.

2 Each import licence application shall indicate a quantity in product weight specified for the order number referred to in the first subparagraph of Article 1(1). This shall be expressed in kilograms rounded down to the nearest unit for the CN code.

3 Section 8 of the import licence application shall contain the name ‘Viet Nam’ or ‘Viet-Nam’ or ‘Vietnam’ and the ‘Yes’ box shall be marked with a cross. The licences are valid solely for products originating in Vietnam. A proof of origin as defined by Article 15(2) of Protocol 1 to the Agreement shall be presented for the release into free circulation.

4 By way of derogation from Article 6(1) of Regulation (EC) No 1301/2006, applicants may submit up to one import licence application per month for the same quota order number.

5 A security of EUR 30 per tonne shall be lodged at the time of submission of an import licence application.

Article 3

Allocation coefficient and issue of import licence

1 Import licences shall be issued for the quantity in product weight for each order number referred to in the first subparagraph of Article 1(1), subject to paragraphs 2 and 3 of this Article.

2 Where the information notified by the Member States pursuant to Article 7 indicates that the quantities covered by licence applications exceed the quantities available for the import tariff quota sub-period, the Commission shall fix an allocation coefficient, in accordance with Article 7(2) of Regulation (EC) No 1301/2006. For this purpose, the Commission shall

transform the quantities in product weight notified by the Member States in quantities in the type of equivalent specified for each order number referred to in the first subparagraph of Article 1(1) of this Regulation.

The allocation coefficient shall be made public, via an appropriate web-publication, at the latest on the 22nd day of each month. At the same time, the Commission shall make public the quantities available in respect of the following sub-period. Where the application was lodged between 23 and 30 November, the allocation coefficient shall be made public no later than on 14 December.

3 Import licences shall be issued for the quantities in product weight for each order number referred to in the first subparagraph of Article 1(1) calculated multiplying the quantities in import licence applications by the allocation coefficient. The quantity resulting from the application of the allocation coefficient shall be rounded down to the nearest unit.

4 Import licences shall be issued after the Commission makes public the allocation coefficient and before the end of the month.

5 Import licences that are valid from 1 January shall be issued in the period between 15 and 31 December of the preceding year.

Article 4

Validity of import licences

1 Import licences shall be valid:

a from the first calendar day of the month following the submission of the application in case of applications submitted during the tariff quota period;

b from 1 January of the following year in case of applications submitted between the 23 and 30 November of the preceding year.

2 The tariff quota volumes are divided into sub-periods, and licences issued each month are valid four months, but shall expire not later than the end of the tariff quota period.

3 If the period of validity of an import licence for tariff quotas referred to in Article 1(1) is extended due to force majeure as provided for in Article 16 of Commission Implementing Regulation (EU) 2016/1239[(12)], the extension shall not exceed the tariff quota period.

Article 5

Authenticity certificate

1 The authenticity certificate, issued by a competent body of Vietnam listed in Annex II, stating that the rice belongs to one of the specific varieties of fragrant rice set out in Annex I shall be drawn up on a form in accordance with the specimen laid down in Annex III.

The forms shall be printed and completed in English.

2 Each authenticity certificate shall contain a serial number in the top right-hand box. The copies shall bear the same number as the original.

3 The authenticity certificate shall be valid for 120 days from the date of issue.

It shall be valid only if the boxes are duly completed and it is signed.

The authenticity certificates shall be considered to have been duly signed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

4 The authenticity certificate shall be submitted to the customs authorities in order to verify the existence of the necessary conditions to benefit from the tariff quota for order number 09.4731.

The competent body of Vietnam listed in Annex II, shall provide the Commission with any relevant information, which may assist in verifying the information contained on the certificates of authenticity, in particular specimens of the stamps it has used.

Article 6

Proof of origin

The release of the products into free circulation within the Union shall be subject to the presentation to the Union customs authorities of a proof of origin as laid down in Article 15(2) of Protocol 1 to the Agreement. The proof of origin shall be a certificate of origin or a declaration on an invoice, delivery note or any other commercial document, which describe the products concerned in sufficient details to enable them to be identified.

Article 7

Notifications of quantities to the Commission

1 Member States shall notify the Commission of the total quantities for each CN code covered by import licence applications for each tariff quota referred to in Article 1(1):

a before the 14th day of a month, where applications for a licence are submitted in the first seven calendar days of a month;

b before 6 December, where applications for a licence are submitted from 23 to 30 November.

2 Member States shall notify the Commission of the quantities for each CN code covered by import licences that they have issued for each tariff quota referred to in Article 1(1):

a before the last day of the month, where applications for licences for a tariff quota are submitted in the first seven calendar days of the month;

b before 31 December, where applications for licences for a tariff quota are submitted from 23 to 30 of November.

3 Member States shall notify the Commission of the unused quantities covered by the issued import licences within four months following the expiry of the period of validity of the licences concerned. Unused quantities shall correspond to the difference between the quantities entered on the back of the import licences and the quantities for which those licences were issued.

4 During the last sub-period, the unused quantities shall be notified together with the notification referred to in point (a) of paragraph 1.

5 The quantities shall be expressed in kilograms of product weight and broken down by order number and origin, where applicable.