Commission Implementing Regulation (EU) 2020/633 of 8 May 2020 laying down temporary measures for the acceptance of electronic copies of original official documents for applications for import tariff quotas for agricultural products managed by a system of import licences and for applications for import licences on husked Basmati rice, due to the pandemic of COVID-19

COMMISSION IMPLEMENTING REGULATION (EU) 2020/633

of 8 May 2020

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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 Articles 178 and 187 thereof,

Whereas:

(1) Commission Regulation (EC) No 1301/2006[(2)] lays down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences.

(2) Commission Regulation (EC) No 972/2006[(3)] lays down special rules for imports of husked Basmati rice falling within CN codes 1006 20 17 and 1006 20 98. Those imports are subject to the presentation of an import licence prior to the release for free circulation of the product.

(3) The current pandemic of COVID-19 and the extensive movement restrictions put in place in the Member States represent an exceptional and unprecedented challenge for Member States and operators in relation to the exchange of official documents in accordance with Union legislation.

(4) In its 'COVID-19 Guidelines for border management measures to protect health and ensure the availability of goods and essential services'[(4)], the Commission stressed that in the current situation, the smooth functioning of the single market should not be impacted.

(5) In accordance with Article 5 of Regulation (EC) No 1301/2006, applicants for import licences or import rights have the obligation to prove that they have been engaged in trade with third countries for certain categories of agricultural products.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/633. (See end of Document for details)*

(6) Where this is deemed necessary for the management of a given import tariff quota, the Commission Regulation governing that quota may provide for additional conditions. Commission Regulations (EC) No 2535/2001[(5)], (EC) No 1342/2003[(6)], (EC) No 2305/2003[(7)], (EC) No 969/2006[(8)], (EC) No 1918/2006[(9)], (EC) No 1964/2006[(10)], (EC) No 1979/2006[(11)], (EC) No 341/2007[(12)], (EC) No 533/2007[(13)], (EC) No 536/2007[(14)], (EC) No 539/2007[(15)], (EC) No 616/2007[(16)], (EC) No 1384/2007[(17)], (EC) No 1385/2007[(18)], (EC) No 382/2008[(19)], (EC) No 412/2008[(20)], (EC) No 431/2008[(21)], (EC) No 748/2008[(22)], (EC) No 1067/2008[(23)], (EC) No 1296/2008[(24)], (EC) No 442/2009[(25)], (EC) No 610/2009[(26)], (EC) No 891/2009[(27)] and (EU) No 1255/2010[(28)] as well as Commission Implementing Regulations (EU) No 1273/2011[(29)], (EU) No 480/2012[(30)], (EU) No 1223/2012[(31)], (EU) No 82/2013[(32)], (EU) No 593/2013[(33)], (EU) 2015/2076[(34)], (EU) 2015/2077[(35)], (EU) 2015/2078[(36)], (EU) 2015/2079[(37)], (EU) 2015/2081[(38)] and (EU) 2017/1585[(39)] provide for such additional conditions, such as the obligation for the applicant to provide documents stating the 'reference quantity' of the operator, the origin or the quality of the product.

(7) In accordance with Article 2(2) of Regulation (EC) No 972/2006, applicants for import licences are to prove that they have been engaged in commercial activity in the rice sector and to provide a product authenticity certificate issued by a competent body in the exporting country.

(8) During the current pandemic of COVID-19, extensive movement restrictions are put in place in the Member States. Mail and courier services are also experiencing disruptions.

(9) A number of Member States and stakeholders have informed the Commission that, as a consequence of such restrictions and disruptions, their capacity to provide and receive the official documents required by Regulations governing given import tariff quotas and imports of Basmati rice, is seriously impacted.

(10) In accordance with Union legislation regulating the administration of import tariff quotas for agricultural products managed by a system of import licences, and regulating the administration of imports of Basmati rice, applications for import licences and import rights are to be accompanied by originals of those documents.

(11) Therefore, in order to avoid disruptions of the single market, an alternative to the presentation of original paper official documents should be temporarily authorised. This alternative should be without prejudice to the obligation of operators in accordance with Union legislation to present original documents when technically feasible.

(12) In order to simplify the administrative procedures for Member States and operators in relation to the licence application during the current pandemic of COVID-19, the obligation for the operators to lodge a higher security where presenting an electronic copy of a certificate of authenticity should be temporarily suspended.

(13) This Regulation should be applicable until 31 July 2020 in order to facilitate licence application procedures during the current pandemic of COVID-19. In view of the information received from a number of Member States, it is appropriate to provide for temporary measures that should apply immediately. Therefore, this Regulation should

enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(14) 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

1 This Regulation lays down temporary measures providing for the acceptance of an electronic copy of the original of the official documents required to accompany the following applications:

a applications for import licences and import rights for tariff quotas to which Regulation (EC) No 1301/2006 applies;

b applications for licences for imports of husked Basmati rice falling within the scope of Regulation (EC) No 972/2006.

2 This Regulation also lays down temporary measures concerning the requirement to lodge a security where the operator has presented an electronic copy of the original certificate of authenticity to the competent authority.

Article 2

1 Official documents that must accompany applications for import licences or import rights may exceptionally be submitted in the form of an electronic copy of the original of such documents.

For that purpose, the operator shall present to the competent authority a statement according to which the original of the official document will be submitted as soon as technically feasible, and at the latest within 3 months from:

a the closing date of the relevant application period for the import licences or import rights for tariff quotas to which Regulation (EC) No 1301/2006 applies;

b the date of application for licences for imports of husked Basmati rice falling within the scope of Regulation (EC) No 972/2006.

2 Once the licence issuing authority has received the original of the official document, it shall verify its consistency with the information in the electronic copy of that official document. Article 3 of Regulation (EC) No 1301/2006 shall apply in case of copies containing incorrect information.

Article 3

By way of derogation from Article 5(3) of Regulation (EC) No 748/2008, Article 5(2) of Regulation (EC) No 610/2009, Article 2(4) of Implementing Regulation (EU) No 82/2013 and Article 8(4) of Implementing Regulation (EU) No 593/2013, the competent authorities may issue import licences where an electronic copy of the original certificate of authenticity has been presented, without requiring the operator to lodge a higher security amount.

Article 4

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

It shall apply until 31 July 2020.

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

Done at Brussels, 8 May 2020.

For the Commission

The President

Ursula VON DER LEYEN