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Commission Implementing Regulation (EU) 2020/94 of 22 January 2020 amending Implementing Regulation (EU) 2015/2078 as regards tariff quotas for poultrymeat originating in Ukraine and derogating from that Implementing Regulation for the quota year 2020

COMMISSION IMPLEMENTING REGULATION (EU) 2020/94

of 22 January 2020

amending Implementing Regulation (EU) 2015/2078 as regards tariff quotas for poultrymeat originating in Ukraine and derogating from that Implementing Regulation for the quota year 2020

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 (b) of the first subparagraph of Article 187 thereof,

Whereas:

(1) By Council Decision (EU) 2019/2145[(2)], the Council approved, on behalf of the European Union, an Agreement in the form of an Exchange of Letters between the European Union and Ukraine amending the trade preferences for poultry meat and poultry meat preparations provided for by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement').

(2) Commission Implementing Regulation (EU) 2015/2078[(3)] provides for the opening and administration of Union import tariff quotas for poultry meat originating in Ukraine.

(3) In accordance with the Agreement, the Union is to increase by 50 000 tonnes the tariff quota for meat and edible offal of poultry, fresh, chilled or frozen and for other prepared or preserved meat of turkeys and of fowls of the species *Gallus domesticus* concerning CN codes corresponding to order number 09.4273 set out in Implementing Regulation (EU) 2015/2078.

(4) It is therefore appropriate to amend Implementing Regulation (EU) No 2015/2078 to take account of the tariff rate quota quantities to be made available pursuant to the Agreement.

(5) The Agreement will enter into force as of 1 February 2020. For the quota year 2020, the additional quantities of poultry meat products for the tariff rate quota to be made available pursuant to the Agreement are to be calculated on a pro rata basis, taking into account the date of entry into force of the Agreement. As from the quota period

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commencing on 1 January 2021, the full annual quantities of poultry meat products under the Agreement should be available.

(6) The additional quota quantity for poultry meat products allocated to Ukraine under the Agreement should be made available as from 1 February 2020, the date of entry into force of the Agreement. According to Article 2 of Implementing Regulation (EU) 2015/2078, the quota for poultry meat products allocated to Ukraine is administered on a quarterly basis.

(7) According to Article 3(1) of Implementing Regulation (EU) 2015/2078, the application period for import rights is the first seven days of the month preceding each quarter. Therefore, for the subperiod covering 1 January to 31 March 2020, the application period will have already expired at the date of entry into force of the Agreement. Thus, an additional application period for import rights corresponding to the additional quota quantity under the Agreement for the period covering 1 February to 31 March 2020 should be set for the first seven days of February 2020.

(8) Article 3(3) of Implementing Regulation (EU) 2015/2078 provides that applicants for import rights, when presenting their first application for a given quota year are to submit the proof that a quantity of poultry products falling under CN codes 0207, 0210 99 39, 1602 31, 1602 32 or 1602 39 21 has been imported by them under the relevant customs provisions ('the reference quantity') and that such proof is to relate to the 12 months' period ending one month before their first application. At the date of entry into force of this Regulation, such proof of past imports will have been already submitted by applicants who submitted applications for import rights in December 2019 concerning a quarter of the original quantity of 19 200 tonnes made available in December 2019. However, the annual quantity for the 2020 quota year provided for by the Agreement is 65 033 tonnes. Therefore, there is a risk that the proof of past imports submitted by applicants for import rights in December 2019 do not take into account the increase in the quota quantities provided for by the Agreement. It is therefore appropriate to open, for those applicants who submitted proof of past imports in December 2019, an additional period for submission of additional proof of past imports.

(9) Article 3(4) of Implementing Regulation (EU) 2015/2078 sets at 25 % of the applicant's reference quantities the total quantity of products that an application for import rights may cover in each of the subperiods provided for in Article 2 of that Implementing Regulation. In order to apply a consistent framework to the additional application period opened by this Regulation, such a limit should also apply for the additional application period for import rights corresponding to the additional quota quantity under the Agreement for the period covering 1 February to 31 March 2020.

(10) Implementing Regulation (EU) 2015/2078 should therefore be amended accordingly.

(11) This Regulation should apply from the date of entry into force of the Agreement. Therefore, this Regulation should enter into force as a matter of urgency.

(12) 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:

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Article 1

Amendment to Implementing Regulation (EU) 2015/2078

Annex I to Implementing Regulation (EU) 2015/2078 is replaced by the text set out in the Annex to this Regulation.

Article 2

Derogations from Implementing Regulation (EU) 2015/2078 for the quota year 2020

1 By way of derogation from Article 2 of Implementing Regulation (EU) 2015/2078, as regards the quota under order number 09.4273 set out in Annex I to that Implementing Regulation as amended by Article 1 of this Regulation, the additional quantity of 8 333 tonnes shall be made available covering the period from 1 February to 31 March 2020.

2 By way of derogation from Article 3(1) of Implementing Regulation (EU) 2015/2078, as regards the quota under order number 09.4273 set out in Annex I to that Implementing Regulation as amended by Article 1 of this Regulation, for the period from 1 February to 31 March 2020, applications for import rights covering the additional quantity referred to in paragraph 1, shall be submitted in the first seven days of February 2020.

3 By way of derogation from Article 3(3) of Implementing Regulation (EU) 2015/2078, applicants who applied for import rights in December 2019 may submit additional proof of the quantity of poultry products falling under CN codes 0207, 0210 99 39, 1602 31, 1602 32 or 1602 39 21 that has been imported by them or on their behalf under the relevant customs provisions during the period 1 November 2018 to 31 October 2019 included. Such additional proof of past imports shall be submitted in the first seven days of February 2020.

Article 3

Import rights applications submitted in February 2020

The total quantity of products covered by the application for import rights submitted in February 2020 pursuant to Article 2(2) shall not exceed 25 % of the applicant's reference quantity. For applicants who submitted additional proof in accordance with Article 2(3), the reference quantity shall be determined taking into account that additional proof.

Article 4

Entry into force and application

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

It shall apply from 1 February 2020.

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

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Done at Brussels, 22 January 2020.

For the Commission

The President

Ursula VON DER LEYEN