Council Regulation (EU) 2019/2220 of 19 December 2019 amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products

COUNCIL REGULATION (EU) 2019/2220

of 19 December 2019

amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) In order to ensure a sufficient and uninterrupted supply of certain agricultural and industrial products which are produced in insufficient quantities in the Union and thereby avoid any disturbances on the market for those products, autonomous tariff quotas were opened by Council Regulation (EU) No 1388/2013[(1)]. Within those tariff quotas, products can be imported into the Union at reduced or zero duty rates.

(2) As it is in the Union's interest to ensure an adequate supply of certain industrial products and having regard to the fact that identical, equivalent or substitute products are not produced in sufficient quantities within the Union, it is necessary to open new tariff quotas with order numbers 09.2586 to 09.2593 inclusive at zero duty rates for appropriate quantities of those products.

(3) In the case of tariff quotas with order numbers 09.2594, 09.2595, 09.2596, 09.2597, 09.2598, 09.2599, 09.2738, 09.2742 and 09.2872, the quota volumes should be increased, as an increase is in the interest of the Union.

(4) For the tariff quota with order number 09.2738, the reference to 'tin' in the product description should be replaced with 'zinc'.

(5) For the tariff quotas with order numbers 09.2595, 09.2596, 09.2597, 09.2598 and 09.2599, the quota period should be prolonged from six months to one year.

(6) As the scope of the tariff quota with order number 09.2652 has become inadequate to fulfil the needs of the economic operators in the Union, the description of the product covered by this quota should be amended.

(7) The products covered by the tariff quota with order number 09.2740 are classifiable under TARIC code 2309903187 and not under TARIC code 2309909697. The indication of the applicable CN code and TARIC subheading for those products should therefore be amended.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2019/2220. (See end of Document for details)*

(8) As it is no longer in the Union's interest to maintain the tariff quotas with order numbers 09.2690, 09.2850, 09.2878, 09.2906, 09.2909, 09.2929 and 09.2932, they should be closed with effect from 1 January 2020.

(9) For the tariff quota with order number 09.2828, it is in the interest of the Union to apply the quota only from 1 April to 31 October of each year, which are the months with the highest demand for the products concerned, and to reduce the volume by half.

(10) The tariff quota with order number 09.2722 has been applied simultaneously with a suspension of tariff duties in accordance with Council Regulation (EU) No 1387/2013[(2)] from 1 July 2019 to 31 December 2019. As that suspension should be closed with effect from 1 January 2020, it is in the interest of the Union to increase the quota volume.

(11) The substances Dimethyl Sulphate (CAS RN 77-78-1), 2#Methylaniline (CAS RN 95# 53#4) and 4,4'-Methanediyldianiline (CAS RN 101-77-9) are included on the candidate list referred to in Article 59 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council[(3)] and the substance with CAS RN 101-77-9 is included in Annex XIV to that Regulation. For that reason, existing tariff quotas for such products will be progressively closed and any newly opened tariff quotas will apply for a limited period. Therefore, the tariff quotas with order numbers 09.2648 and 09.2730 should apply only from 1 January 2020 to 30 June 2020 and the relevant quota volumes should be reduced in proportion. The tariff quota with order number 09.2590 should only be opened for the same period.

(12) The early exhaustion of the tariff quota with order number 09.2872 indicated that demand for the product covered by this tariff quota is high and that the production capacity in the Union is insufficient to cover that demand. To enhance the competitive capacity of Union enterprises, the quota volume should be increased with a retroactive effect to cover the period from 1 January 2019 to 31 December 2019.

(13) Taking into account the amendments to be made and for the sake of clarity, the Annex to Regulation (EU) No 1388/2013 should be replaced.

(14) In order to avoid any interruption of the application of the tariff quota scheme and to comply with the guidelines set out in the communication from the Commission of 13 December 2011 concerning autonomous tariff suspensions and quotas, the changes provided for in this Regulation regarding the tariff quotas for the products concerned should apply from 1 January 2020 and, for the tariff quota with order number 09.2872, from 1 January 2019. This Regulation should therefore enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 1388/2013 is amended as follows:

(1) the row for the tariff quota with order number 09.2872 is replaced by the following:

09.2872	ex 2833 29 80	40	Caesium sulphate	1.1.-31.12.	200 tonnes	0 %

			(CAS RN 10294-54-9) in solid form or as aqueous solution containing by weight 48 % or more but not more than 52 % of caesium sulphate			

(2) it is replaced by the text set out in the Annex to this Regulation.

Article 2

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 from 1 January 2020. However, point (1) of Article 1 shall apply from 1 January 2019 to 31 December 2019.

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

Done at Brussels, 19 December 2019.

For the Council

The President

K. MIKKONEN

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2019/2220. (See end of Document for details)*

ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2637	ex 0710 40 00 ex 2005 80 00	20 30	Corn cobs (*Zea mays* var. *saccharata*) whether or not cut, with a diameter of 10 mm or more, but not more than 20 mm, for use in the manufacture of products of the food industry for treatment other than simple repacking[abc]	1.1.-31.12.	550 tonnes	0 %[c]
09.2849	ex 0710 80 69	10	Mushrooms of the species *Auricularia polytricha* (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals[ab]	1.1.-31.12.	700 tonnes	0 %
09.2664	ex 2008 60 39	30	Sweet cherries containing added	1.1.-31.12.	1 000 tonnes	10 %

a However, the suspension of tariff duties does not apply where the processing is carried out by retail or catering undertakings.

b Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

c Only the *ad valorem* duty is suspended. The specific duty shall continue to apply.

			spirit, with a sugar content of not more than 9 % by weight, of a diameter of not more than 19,9 mm, with stones, for use in chocolate products[b]			
09.2740	ex 2309 90 31	87	Soya bean protein concentrate containing by weight: — 60 % (± 10 %) of crude protein, — 5 % (± 3 %) of crude fibre, — 5 % (± 3 %) of crude ash, and	1.1.-31.12.	30 000 tonnes	0 %

a However, the suspension of tariff duties does not apply where the processing is carried out by retail or catering undertakings.

b Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

c Only the *ad valorem* duty is suspended. The specific duty shall continue to apply.