Commission Implementing Regulation (EU) 2019/386 of 11 March 2019 laying down rules with regard to the apportionment of tariff rate quotas for certain agricultural products included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and with regard to import licences issued and import rights allocated under those tariff rate quotas

COMMISSION IMPLEMENTING REGULATION (EU) 2019/386

of 11 March 2019

laying down rules with regard to the apportionment of tariff rate quotas for certain agricultural products included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and with regard to import licences issued and import rights allocated under those tariff rate quotas

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 (c) of Article 187 thereof,

Whereas:

(1) Regulation (EU) 2019/216 of the European Parliament and of the Council[(2)] provides that the tariff rate quotas included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 are to be apportioned between the Union and the United Kingdom based on the EU-27 share in the quota usage set out in the Annex to that Regulation.

(2) As a result, measures need to be adopted in order to implement the apportionment of the relevant tariff rate quotas for certain agricultural products set out in Part A of the Annex to Regulation (EU) 2019/216. In particular, it should be established that the tariff rate quota quantities set out in the Regulations opening the respective tariff rate quotas are replaced by the new quantities resulting from the apportionment implemented by this Regulation.

(3) Within certain tariff rate quotas included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 quantities have been allocated to particular third countries as part of the Union's international commitments. It is therefore necessary to apportion those specifically allocated quantities between the Union and the United Kingdom, based on the apportionments set out in Regulation (EU) 2019/216 and taking into account historic trade flows between those third countries, the Union and the United Kingdom.

(4) As the day from which the relevant Article of Regulation (EU) 2019/216 will possibly begin to apply is likely to be a day falling in a quota period that has started running, it

is necessary to provide for specific rules for the implementation of the apportionment for the quantities not yet allocated on that day for the tariff rate quotas in respect of which the quota period begins before the day from which Article 1(2) of Regulation (EU) 2019/216 applies and ends after that day. However, in such cases the apportioned tariff rate quota quantities should not exceed the new quantities available for the EU-27 as set out in this Regulation for each tariff rate quota managed by the simultaneous examination method, taking into account the quantities allocated in the Member States other than the United Kingdom before the day from which Article 1(2) of Regulation (EU) 2019/216 applies.

(5) In order to ensure legal certainty and transparency for the operators, the Commission should publish the quantities that are available following the apportionment of those tariff rate quotas within two working days from the day from which Article 1(2) of Regulation (EU) 2019/216 applies.

(6) It is also necessary to lay down rules on the validity of rights and obligations deriving from import licences issued and import rights allocated by the license issuing authorities of the United Kingdom or by the licence issuing authorities of other Member States.

(7) In order to ensure that from the day from which Article 1(2) of Regulation (EU) 2019/216 applies imports under the tariff rate quotas included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 are performed only by operators established in the Union, it is necessary to provide for a specific rule concerning the validity of import licences and import rights transferred to operators established in the United Kingdom and not used by that day.

(8) In the interest of legal certainty and transparency for the operators, it should be clarified that, except where import licences were issued and import rights were allocated by the licence issuing authorities in the United Kingdom, the Union rules in force as regards rights and obligations deriving from import licences and import rights, including those concerning securities, remain applicable. In addition, rules concerning import licences transferred to operators established in the United Kingdom need to be laid down.

(9) The agreement in the form of an Exchange of Letters on the consultations between the European Community and the Kingdom of Thailand under GATT Article XXIII[(3)], approved by Council Decision 96/317/EC[(4)], provides for the opening of an additional autonomous annual tariff quota of 10 500 tonnes of manioc starch, of which 10 000 tonnes are reserved for Thailand and 500 tonnes are available for all third countries. For management purposes, those 500 tonnes were added to WTO tariff quota under order number 09.0132 (CN 1108 14 00 manioc starch) that needs to be apportioned in view of the United Kingdom's withdrawal from the Union. In view of this, the tariff quota of 500 tonnes (CN 1108 14 00 manioc starch) needs to be separated from the quantities that should be apportioned in view of the United Kingdom's withdrawal from the Union and as such should be made available under a separate order number.

(10) This Regulation should apply from the day from which Article 1(2) of Regulation (EU) 2019/216 applies.

(11) 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

Apportionment of tariff rate quotas

1 The tariff rate quotas for certain agricultural products included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 shall be apportioned between the Union and the United Kingdom as follows:

a the apportioned quantities of the tariff rate quotas managed by the simultaneous examination method shall be as set out in Annex I;

b the apportioned quantities of the tariff rate quotas managed by the 'first come, first served' method shall be as set out in Annex II.

2 The tariff rate quota quantities set out in the Regulations opening the tariff rate quotas referred to in Annexes I and II to this Regulation shall be replaced by the quantities set out in the third column of those Annexes.

3 By way of derogation from paragraph 1, where for a tariff rate quota the quota period begins before the day from which Article 1(2) of Regulation (EU) 2019/216 applies and ends after that day, the apportionment of the tariff rate quota concerned shall be made by applying the EU-27 percentage to the quantities of that tariff rate quota available after the last allocation. Taking into account the quantities allocated in the Member States other than the United Kingdom for each such tariff quota in the same quota period before the day from which Article 1(2) of Regulation (EU) 2019/216 applies, the apportioned tariff rate quota quantities shall not exceed the quantities set out in the third column of Annex I to this Regulation for each tariff rate quota managed by the simultaneous examination method.

Within two working days from the day from which Article 1(2) of Regulation (EU) 2019/216 applies, the Commission shall publish, by means of an appropriate web publication, the quantities available for each tariff rate quota referred to in the first subparagraph of this paragraph on the day from which Article 1(2) of that Regulation applies.

Article 2

Import licences issued and import rights allocated before Article 1(2) of Regulation (EU) 2019/216 applies

1 Rights and obligations deriving from import licenses issued and import rights allocated by the licensing issuing authorities of the United Kingdom under the tariff rate quotas referred to in Annexes I and II to this Regulation shall expire in the Union as soon as Article 1(2) of Regulation (EU) 2019/216 applies.

2 Rights and obligations deriving from import licences issued and import rights allocated by the licencing authorities of Member States other than the United Kingdom under the tariff rate quotas referred to in Annexes I and II to this Regulation shall remain valid in the Union.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/386. (See end of Document for details)

However, where before Article 1(2) of Regulation (EU) 2019/216 applies such licences were transferred to operators established in the United Kingdom, the rights and obligations deriving from those licences shall expire in the Union as soon as Article 1(2) of Regulation (EU) 2019/216 applies.

Article 3

Amendment of Commission Regulation (EU) No 1085/2010

In the Annex to Commission Regulation (EU) No 1085/2010[(5)] the following new line is added:

Order number	**CN codes/ product**	**Origin**	**Customs duty**	**Annual tariff quota (tonnes, net weight)**
'09.0135	1108 14 00 Manioc starch	All third countries	Duty equal to the most favoured nation duty (MFN duty) in force, less EUR 100/ tonne	500'

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 from the day from which Article 1(2) of Regulation (EU) 2019/216 applies.

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

Done at Brussels, 11 March 2019.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/386. (See end of Document for details)*

ANNEX I

Tariff rate quotas managed by the simultaneous examination method with licences

TRQ Order Number	Legal basis/ Opening Regulation	New quantity EU-27	EU-27 share in quota[a]
09.4451	Commission Implementing Regulation (EU) No 593/2013[b]	2 481 tonnes	34,7 %
09.4450	Implementing Regulation (EU) No 593/2013	16 936 tonnes	99,6 %
	Implementing Regulation (EU) No 593/2013	12 453 tonnes	100 %
09.4452	Implementing Regulation (EU) No 593/2013	2 022 tonnes	87,9 %
	Implementing Regulation (EU) No 593/2013	3 584 tonnes	87,9 %
09.4002	Implementing Regulation (EU) No 593/2013	11 481 tonnes	99,8 %
09.4455	Implementing Regulation (EU) No 593/2013	711 tonnes	71,1 %
09.4454	Implementing Regulation (EU) No 593/2013	846 tonnes	65,1 %
09.4453	Implementing Regulation (EU) No 593/2013	8 951 tonnes	89,5 %
09.4003	Commission Regulation (EC) No 431/2008[c]	43 732 tonnes	79,7 %
09.4001	Implementing Regulation (EU) No 593/2013	1 405 tonnes	62,4 %
09.4004	Implementing Regulation (EU) No 593/2013	200 tonnes	100 %