Council Regulation (EU) 2018/2070 of 20 December 2018 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) 2018/2070

of 20 December 2018

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 the sufficient and uninterrupted supply of certain goods insufficiently produced in the Union and to avoid disturbances on the market for certain agricultural and industrial products, autonomous tariff quotas were opened by Council Regulation (EU) No 1388/2013[(1)]. Products within those tariff quotas can be imported into the Union at reduced or zero duty rates.

(2) For those reasons, it is necessary to open, with effect from 1 January 2019, six new tariff quotas with order numbers 09.2600, 09.2617, 09.2720, 09.2738, 09.2740 and 09.2742 at zero duty rates for appropriate volumes of those products. For the two new tariff quotas with order numbers 09.2740 and 09.2742, it is in the interest of the Union to open those tariff quotas only for the purposes of using the products concerned for the manufacture of specific goods produced in the Union. The application of those two tariff quotas should therefore be made conditional on the specific use of the products in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council[(2)].

(3) In the case of four tariff quotas with order numbers 09.2684, 09.2686, 09.2723 and 09.2864, the quota volumes should be increased, as an increase is in the interest of the Union.

(4) For one tariff quota with order number 09.2850, the classification in the Combined Nomenclature (CN) of the products covered by that tariff quota should be amended.

(5) The classification in the CN of the products currently covered by the tariff quota with order number 09.2844 has been clarified. For the sake of clarity and legal certainty, that tariff quota should be replaced by a new tariff quota with order number 09.2820, indicating the applicable CN code.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2018/2070. (See end of Document for details)*

(6) In the case of five tariff quotas with order numbers 09.2684, 09.2728, 09.2730, 09.2734 and 09.2736, the quota period should be extended with effect from 1 January 2019, as those tariff quotas were opened for a period of six months only and it is still in the interest of the Union to maintain those tariff quotas.

(7) As the scope of the five tariff quotas with order numbers 09.2620, 09.2668, 09.2736, 09.2850 and 09.2908 has become inadequate to fulfil the needs of the economic operators of the Union, the description of the products covered by those tariff quotas should be amended. For the two tariff quotas with order numbers 09.2668 and 09.2850, it is in the interest of the Union to maintain those tariff quotas only for the purposes of the incorporation of the products concerned into specific goods produced in the Union. The application of those two tariff quotas should therefore be made conditional on the specific use of the products in accordance with Article 254 of Regulation (EU) No 952/2013.

(8) As it is no longer in the interest of the Union to maintain the seven tariff quotas with order numbers 09.2695, 09.2726, 09.2732, 09.2818, 09.2836, 09.2838 and 09.2886, they should be closed with effect from 1 January 2019.

(9) In the interest of clarity, and taking into account the number of amendments to be made, the Annex to Regulation (EU) No 1388/2013 should be replaced.

(10) Regulation (EU) No 1388/2013 should therefore be amended accordingly.

(11) 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 concerning autonomous tariff suspensions and quotas[(3)], the changes provided for in this Regulation regarding the tariff quotas for the products concerned have to apply 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 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 2019.

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

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2018/2070. (See end of Document for details)*

Done at Brussels, 20 December 2018.

For the Council

The President

E. KÖSTINGER

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2018/2070. (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	20	Corn cobs (*Zea Mays 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[ab]	1.1.-31.12.	550 tonnes	0 %[c]
	ex 2005 80 00	30				
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 spirit, with	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.

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2018/2070. (See end of Document for details)*

			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 96	97	Soya bean protein concentrate containing by weight: — 60 % (± 10 %) of crude protein, — 5 % (± 3 %) of crude fibre, — 5 % (± 3 %) of crude ash, and — 3 %	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.