# Commission Implementing Regulation (EU) 2017/1585 of 19 September 2017 opening and providing for the administration of Union tariff quotas for fresh and frozen beef and veal and pigmeat originating in Canada and amending Regulation (EC) No 442/2009 and Implementing Regulations (EU) No 481/2012 and (EU) No 593/2013

## COMMISSION IMPLEMENTING REGULATION (EU) 2017/1585

## of 19 September 2017

## opening and providing for the administration of Union tariff quotas for fresh and frozen beef and veal and pigmeat originating in Canada and amending Regulation (EC) No 442/2009 and Implementing Regulations (EU) No 481/2012 and (EU) No 593/2013

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), (b), (c) and (d) of Article 187 thereof,

Whereas:

(1) Pursuant to Council Decision (EU) 2017/38[(2)], the Council agreed on the provisional application of the Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part ('the Agreement'). Article 2.4 of the Agreement provides for the reduction or elimination of customs duties on imports of goods originating in either Party in accordance with the tariff elimination schedules in Annex 2-A to the Agreement.

(2) Annex 2-A to the Agreement provides, among others, for Union tariff quotas for beef and veal and pigmeat. Annex 2-B to the Agreement provides for specific aspects concerning tariff rate quotas administration. Point 6 of Annex 2-A provides for transitional rules for the first year.

(3) The Agreement applies provisionally from 21 September 2017. It is therefore necessary to open annual import tariff quota periods for fresh and frozen beef and veal and pigmeat originating in Canada from 21 September 2017 onwards. In order to give due weight to the supply requirements of the existing and emerging production, processing and consumption market in the Union beef and veal and pigmeat sectors in terms of competitiveness, certainty and continuity of supply and the need to safeguard the equilibrium of that market, it is appropriate that those quotas are administered by the Commission in accordance with Article 184(2)(b) of Regulation (EU) No 1308/2013.

(4) Commission Delegated Regulation (EU) 2016/1237[3] and Commission Implementing Regulation (EU) 2016/1239[4] lay down detailed rules for applying the system of import and export licences. In addition, Commission Regulation (EC) No 382/2008[5] lays down detailed specific rules for the application of the system of import and export licences in the beef and veal sector. Those Regulations should apply to import licences issued pursuant to this Regulation, save where derogations are appropriate.

(5) Furthermore, the provisions of Commission Regulation (EC) No 1301/2006[6] which concern applications for licences, the status of applicants, the issue of import licences and the security to be lodged should apply to import licences issued pursuant to this Regulation, without prejudice to additional conditions laid down in this Regulation.

(6) Annex 2-B to the Agreement also provides how to proceed when a licence is returned. It is necessary to lay down provisions on returning of unused licences.

(7) The Protocol on rules of origin and origin procedures, attached to the Agreement, sets out the rules to be applied as regards the proof of origin. It is therefore appropriate to lay down provisions on the presentation of a proof of origin in accordance with this Protocol.

(8) Annex 2-A to the Agreement provides that, beginning in year 1, the quantities established for a pigmeat tariff quota have to be increased by 4 624 metric tonnes product weight (5 549 metric tonnes carcass weight equivalent) pursuant to the volume for pigmeat products originating in Canada established in Commission Regulation (EC) No 442/2009[7]. Moreover, the quantities established for a fresh or chilled beef and veal tariff quota have to be increased, beginning in year 1, by 3 200 metric tonnes product weight (4 160 metric tonnes carcass weight equivalent) resulting from the application of Council Regulation (EC) No 617/2009[8] and managed in accordance with Commission Implementing Regulation (EU) No 481/2012[9]. Therefore, Regulation (EC) No 442/2009 and Implementing Regulation (EU) No 481/2012 should be amended accordingly in order to deduct the corresponding volumes.

(9) Annex 2-A to the Agreement also provides that goods originated in Canada imported into the Union through the existing tariff quota for high quality fresh, chilled and frozen meat of bovine animals as set out in Commission Implementing Regulation (EU) No 593/2013[10] have to be duty-free on the date the Agreement enters into force. Implementing Regulation (EU) No 593/2013 should therefore be amended accordingly.

(10) In view of the provisional application of the Agreement as of 21 September 2017, all quantities for the quota period for 2017 should be made available for applications as of October 2017 for all eligible applicants.

(11) In view of the date of provisional application of the Agreement, this Regulation should enter into force as soon as possible.

(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:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1585. (See end of Document for details)*

*Article 1*

**Opening and management of tariff quotas**

1 This Regulation opens and manages annual import tariff quotas for the products indicated in Annex I, for the period from 1 January until 31 December.

2 The quantity of products covered by the quotas referred to in paragraph 1, the applicable rate of customs duty and the order numbers shall be as set out in Annex I.

3 By way of derogation from paragraph 1, for year 2017 the quota period is opened from the date of application of this Regulation to 31 December 2017.

4 The import tariff quotas referred to in paragraph 1 shall be managed in accordance with the method referred to in Article 184(2)(b) of Regulation (EU) No 1308/2013.

5 Regulations (EC) No 1301/2006, (EC) No 382/2008, Delegated Regulation (EU) 2016/1237 and Implementing Regulation (EU) 2016/1239 shall apply, unless otherwise provided for in this Regulation.

*Article 2*

**Import tariff quota subperiods**

The quantities of the products set for the annual import tariff quotas for the order numbers set out in Annex I shall be subdivided into four subperiods, as follows:

(a) 25 % from 1 January to 31 March;

(b) 25 % from 1 April to 30 June;

(c) 25 % from 1 July to 30 September;

(d) 25 % from 1 October to 31 December.

Unused quantities notified in accordance with Article 8(2)(a) shall be added to the quantities available for the next subperiod. No unused balance at the end of the annual quota period shall be transferred to the next annual quota period.

*Article 3*

**Conversion factors**

The conversion factors laid down in Annex II shall be used to convert product weight to carcass weight equivalent for the products covered by order numbers set out in Annex I.

*Article 4*

**Import licence applications**

1 The release into free circulation of the quantities awarded under the import tariff quotas referred to in Article 1(1) shall be subject to the presentation of an import licence.

2 For the purposes of Article 5 of Regulation (EC) No 1301/2006, applicants for import licences shall demonstrate that a quantity of products has been imported by them or on their behalf under the relevant customs provisions, during the 12-month period immediately prior to the time of submission of the import licence application. The quantity imported shall concern the following products:

a for the beef and veal tariff quotas: products falling under CN codes 0201, 0202, 0206 10 95 or 0206 29 91;

b for the pigmeat tariff quotas: products falling under CN codes 0201, 0202, 0206 10 95 or 0206 29 91 or products from the pigmeat sector within the meaning of Article 1(2)(q) of Regulation (EU) No 1308/2013.

3 Applications for import licences shall be submitted within the first 7 days of the second month preceding each of the subperiods referred to in Article 2.

4 In case the quantity for the subperiod is not exhausted following the first application period referred to in paragraph 3, eligible applicants may submit new applications for import licences in the first 7 days of the 2 following months. In these cases, eligible applicants shall also include food business operators with establishments approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council[11]. However, in December, no application period shall be opened.

5 Once the quantity available under a subperiod is exhausted following one application period, the Commission shall suspend further applications for that subperiod.

6 Import licence applications shall refer to only one order number. They may concern several products covered by different CN codes. In that case, all the CN codes and their descriptions shall be entered in boxes 16 and 15, respectively, of the licence application and the licence itself. The total quantity shall be converted into carcass weight equivalent.

7 Import licence applications and import licences shall contain:

a in box 8, the name ‘Canada’ as country of origin and box ‘yes’ marked by a cross;

b in box 20, one of the entries listed in Annex III.

8 Member States shall notify the Commission, by the 14th day of the month in which applications are submitted as referred to in paragraphs 3 and 4, of the total quantities, including nil returns, of all applications, expressed in kilograms of carcass weight equivalent and broken down by order number.

9 By way of derogation from paragraphs 3 and 4, as regards the quota period of 2017, all eligible applicants within the meaning of paragraph 4 shall submit the applications for import licences in the first 7 days of the month of October 2017.

*Article 5*

**Issue of import licences**

1 Import licences shall be issued as of the 23rd day until the end of the month in which the applications are submitted as referred to in Article 4(3) and (4).

2 Import licences shall be valid for 5 months from the actual day of issue within the meaning of Article 7 of Implementing Regulation (EU) 2016/1239 or the date of the beginning of the subperiod for which the import licence is issued, whichever is later. However, the validity of the import licence shall expire on 31 December of each import tariff quota period at the latest.

3 Import licences shall not be transferable.

*Article 6*

**Return of licences**

Licence holders may return unused licence quantities before the expiration of the licence and up to 4 months prior to the end of the tariff quota period. Each licence holder may return up to 30 % of their individual licence quantity.

*Article 7*

**Securities**

1 A security of EUR 9,5 for beef and veal and EUR 6,5 for pigmeat, per 100 kilograms of carcass weight equivalent, shall be lodged at the time of submission of an import licence application.

2 Where the application of the allocation coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 results in a lower quantity to be allocated than the quantity that had been applied for, the security lodged in accordance with Article 6(2) of that Regulation shall be released proportionally without delay.

3 When, in accordance with Article 6, a part of the licence quantity is returned, 60 % of the corresponding security shall be released.

4 When 95 % of an individual licence quantity is actually imported, the full security shall be released.

*Article 8*

**Notifications**

1 By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission not later than the 10th day of the month following each month in which the applications are submitted of the quantities, including nil returns, covered by licences they have issued during the preceding month.

2 By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission of the quantities, including nil returns, covered by the licence quantities returned in accordance with Article 6 and by unused or partially used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued:

a not later than the 10th day of each month of the annual quota period;

b for quantities not yet notified at the time of the notification provided for in point (a): by 30 April following the end of each import tariff quota period at the latest.

3 In the case of the notifications referred to in paragraphs 1 and 2, the quantity shall be expressed in kilograms carcass weight equivalent and broken down by order number.