Commission Implementing Regulation (EU) 2016/2253 of 14 December 2016 opening and providing for the management of Union tariff quotas for certain agricultural and processed agricultural products originating in South Africa

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2253

of 14 December 2016

opening and providing for the management of Union tariff quotas for certain agricultural and processed agricultural products originating in South Africa

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code[(1)], and in particular Article 58(1) thereof,

Whereas:

(1) By Decision (EU) 2016/1623 of 1 June 2016[(2)], the Council authorised the signing and the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part[(3)] ('the Agreement').

(2) The Agreement stipulates that customs duties on imports into the Union of goods originating in the SADC EPA States are to be reduced or eliminated in accordance with the tariff elimination schedule in Annex I to the Agreement. Annex I provides that for certain goods originating in South Africa the reduction or elimination of customs duties is granted within tariff quotas.

(3) Part 1, Section B, of Annex I to the Agreement stipulates that the Union is to manage those tariff quotas on a first-come, first-served basis. The Commission shall manage those tariff quotas in accordance with the rules on the management of tariff quotas laid down in Commission Implementing Regulation (EU) 2015/2447[(4)].

(4) Protocol 4 to the Agreement stipulates that, in the case of provisional application of this Agreement by the EU and ratification by South Africa, the application of the Articles of the Trade, Development and Cooperation Agreement with South Africa[(5)] which are laid down in Title II on trade and Title III on trade-related issues and its corresponding annexes and Protocols, with the exception of its Article 31 on maritime transport, shall be suspended. Therefore, Council Regulation (EC) No 2793/1999[(6)] should be suspended as of the date of provisional application of the Agreement.

(5) Article 16 of Protocol 3 of the Agreement stipulates that the agricultural market access concessions shall only be granted to the Party that lodges the notification pursuant to Article 3(3) of this Protocol from the first day of the month following receipt by the other Party of such notification. As the related notification has been received in October 2016, the related concessions should be granted as from 1 November 2016.

In order to ensure the effective application and management of the tariff quotas granted under the Agreement which the Commission shall manage on a first-come first-served basis, this Regulation should apply from 1 November 2016.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Union tariff quotas are opened for goods originating in South Africa as set out in the Annex.

Article 2

The tariff quotas set out in the Annex shall be managed in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

Article 3

In accordance with Protocol 4 of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, the application of Council Regulation (EC) No 2793/1999 shall be suspended.

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 1 November 2016.

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

Done at Brussels, 14 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/2253. (See end of Document for details)*

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value. The preferential scheme is determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Tariff quota duty (% reduction)
09.1801	0402 10		Milk and cream, concentrated or containing added sugar or other sweetening matter, in powder, granules or in other solid forms, of a fat content, by weight, not exceeding 1,5 %	From 1.11.2016 to 31.12.2016	83,3	0
				For each year thereafter from 1.1 to 31.12	500	
09.1802	0405 10		Butter	From 1.11.2016 to 31.12.2016	83,3	0
				For each year thereafter from 1.1 to 31.12	500	
09.1804	0811 10 90		Strawberries, frozen	From 1.11.2016 to 31.12.2016	377,5[a]	0

				For each year thereafter from 1.1 to 31.12	385[b]	
09.1806	1701 13 10 1701 14 10 1701 99 10		Cane sugar for refining and white sugar, not containing added flavouring or colouring matter	From 1.11.2016 to 31.12.2016	8 333	0
				For each year thereafter from 1.1 to 31.12	50 000	
09.1808	1701 13 10 1701 14 10		Cane sugar for refining, not containing added flavouring or colouring matter	From 1.11.2016 to 31.12.2016	16 667	0
				For each year thereafter from 1.1 to 31.12	100 000	
09.1818	1702 30 50		Glucose and glucose syrup, in the form of white crystalline powder, whether or not agglomerated, not containing fructose or containing in the dry state less than 20 % by weight of fructose	From 1.11.2016 to 31.12.2016	83,3	0
				For each year thereafter from 1.1 to 31.12	500	
09.1820	2007 91 30		Jams, jellies, marmalades, purée or pastes of citrus	From 1.11.2016 to 31.12.2016	16,7	50 % MFN
				For each year	100	

			fruit, with a sugar content exceeding 13 % but not exceeding 30 % by weight	thereafter from 1.1 to 31.12		
09.1822	ex 2007 99 39	16 17 18 19 22 24 26 27 29 30 32 34 39 40 46 47 54 56	Fruit purées of pears, apricots, peaches (incl. nectarines) or mixtures (excluding tropical fruit) obtained by sieving then brought to the boil in a vacuum, the texture and chemical composition of which have not been changed by the heat treatment; pears, apricots, peaches (incl. nectarines) or mixtures (excluding tropical fruit), prepared or preserved, not containing added spirit	From 1.11.2016 to 31.12.2016	57 156[c]	From 1.11.2016 to 31.12.2016: 45 % MFN From 1.1.2017 to 31.12.2017: 41 % MFN From 1.1.2018 to 31.12.2018: 36 % MFN From 1.1.2019 to 31.12.2019: 32 % MFN From 1.1.2020 to 31.12.2020: 27 % MFN From 1.1.2021 to 31.12.2021: 23 % MFN From 1.1.2022 to 31.12.2022: 18 % MFN From 1.1.2023 to 31.12.2023: 14 % MFN From 1.1.2024 to 31.12.2024: 9 % MFN From 1.1.2025 to 31.12.2025: 5 % MFN
	ex 2007 99 50	41 42 43 45 47 49 51 52 53 62 64 67		For each year thereafter from 1.1 to 31.12	57 156	
	2007 99 97	32 33 35 37 38 39 40 41 42 44 46 48				