Council Regulation (EU) No 1388/2013 of 17 December 2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 7/2010

COUNCIL REGULATION (EU) No 1388/2013

of 17 December 2013

opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 7/2010

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) The Union production of certain agricultural and industrial products is insufficient to meet the specific requirements of the user industries in the Union. Consequently Union supplies of those products depend to a considerable extent on imports from third countries. The most urgent Union needs for the products in question should be met immediately on the most favourable terms. Union tariff quotas at preferential duty rates should therefore be opened within the limits of appropriate volumes taking into account the need not to perturb the markets for such products or impede the establishment or development of Union production.

(2) It is necessary to ensure for all Union importers equal and uninterrupted access to those quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been exhausted.

(3) Commission Regulation (EEC) No 2454/93[(1)] provides for a system of tariff quota management which ensures equal and uninterrupted access to the quotas and uninterrupted application of the rates and follows the chronological order of dates of acceptance of declarations of release for free circulation. The tariff quotas opened by this Regulation should therefore be managed by the Commission and the Member States in accordance with that system.

(4) The quota volumes are usually expressed in tonnes. For certain products for which an autonomous tariff quota is opened the quota volume is set out in another measurement unit. Where for those products no supplementary measurement unit is specified in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87[(2)] there can be uncertainty in respect of the measurement unit used. For the sake of clarity and in the interests of better quota management it is therefore necessary to provide that, in order to benefit from those autonomous tariff quotas, the exact quantity

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 1388/2013. (See end of Document for details)*

of the products imported be entered in the declaration for release for free circulation using the measurement unit of the quota volume set out for those products in the Annex to this Regulation.

(5) Council Regulation (EU) No 7/2010[3] has been amended many times. In the interest of transparency and in order to facilitate economic operators in following the goods subject to autonomous tariff quotas, it is appropriate to replace Regulation (EU) No 7/2010 in its entirety.

(6) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of promoting trade between Member States and third countries to lay down rules in order to balance the commercial interest of economic operators in the Union without changing the Union's Word Trade Organisation (WTO) schedule. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued in accordance with Article 5(4) of the Treaty on European Union.

(7) Since the tariff quotas must take effect from 1 January 2014, this Regulation should enter into force immediately upon its publication in the *Official Journal of the European Union* and should apply from 1 January 2014,

HAS ADOPTED THIS REGULATION:

Article 1

1 For the products listed in the Annex, autonomous tariff quotas of the Union shall be opened within which the autonomous Common Customs Tariff duties shall be suspended for the periods, at the duty rates, and up to the volumes indicated therein.

2 Paragraph 1 does not apply to any mixtures, preparations or products made up of different components containing products listed in the Annex.

Textual Amendments

F1 Substituted by Council Regulation (EU) 2015/981 of 23 June 2015 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.

Article 2

The tariff quotas referred to in Article 1 of this Regulation shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

Where a declaration for release for free circulation is presented for a product mentioned in this Regulation, for which the quota volume is expressed in a measurement unit other than the weight in tonnes or kilograms and other than the value, for products for which no supplementary unit is set out in the Combined Nomenclature laid down in Annex I to Regulation (EEC) No 2658/87, the exact quantity of the products imported shall be entered in ‘Box 41: Supplementary units’ of that declaration using the measurement unit of the quota volume for those products as set out in the Annex to this Regulation.

Article 4

Regulation (EU) No 7/2010 is hereby repealed.

Article 5

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2014.

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) No 1388/2013. (See end of Document for details)*

[F2ANNEX

Textual Amendments

F2 Substituted by Council Regulation (EU) 2020/875 of 15 June 2020 amending Regulation (EU) No 1388/2013 quotas of the Union for certain agricultural and industrial products.

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 at least 10 mm 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	1.1.-31.12.	700 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 continues to apply.]

			of prepared meals[ab]			
09.2664	ex 2008 60 39	30	Sweet cherries containing added 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]	1.1.-31.12.	1 000 tonnes	10 %
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 % (±	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 continues to apply.**]**