Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (codified version)

COUNCIL REGULATION (EC) No 1215/2009

of 30 November 2009

introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process

(codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000[(1)], has been substantially amended several times[(2)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) At its meeting in Lisbon on 23 and 24 March 2000, the European Council concluded that Stabilisation and Association Agreements with Western Balkan countries should be preceded by asymmetrical trade liberalisation.

(3) A continued Community market opening to imports from the Western Balkan countries is expected to contribute to the process of political and economic stabilisation in the region while not creating negative effects for the Community.

(4) It is, therefore, appropriate further to improve the Community's autonomous trade preferences by removing all remaining tariff ceilings for industrial products and by further improving access to the Community market for agricultural and fishery products, including processed products.

(5) These measures are proposed as part of the EU Stabilisation and Association process, in a response to the specific situation in the Western Balkans. They will not constitute a precedent for Community trade policy with other third countries.

(6) In accordance with the EU Stabilisation and Association process, based on the earlier Regional Approach and the Council Conclusions of 29 April 1997, the development of bilateral relations between the European Union and the Western Balkan countries is subject to certain conditions. The granting of autonomous trade preferences is linked to

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1215/2009. (See end of Document for details)*

respect for fundamental principles of democracy and human rights and to the readiness of the countries concerned to develop economic relations between themselves. The granting of improved autonomous trade preferences in favour of countries participating in the EU Stabilisation and Association process should be linked to their readiness to engage in effective economic reforms and in regional cooperation, in particular through the establishment of free trade areas in accordance with relevant GATT/WTO standards. In addition, entitlement to benefit from autonomous trade preferences is conditional on the involvement of the beneficiaries in effective administrative cooperation with the Community in order to prevent any risk of fraud.

(7) Trade preferences can only be granted to countries or territories possessing a customs administration.

(8) Bosnia and Herzegovina, Serbia and Kosovo, as defined by the United Nations Security Council Resolution 1244 (1999) subject to international civil administration by the United Nations Mission in Kosovo (UNMIK) (hereinafter referred to as Kosovo), fulfil these conditions, and similar trade preferences should be granted to all of them in order to avoid discrimination within the region.

(9) The trade measures provided for in this Regulation should take into account that Serbia and Kosovo each constitute a separate customs territory.

(10) The Community has concluded an agreement on trade in textile products with Serbia[(3)].

(11) Albania, Croatia, the former Yugoslav Republic of Macedonia and Montenegro should remain beneficiaries of this Regulation only in so far as this Regulation provides for concessions which are more favourable than the concessions existing under the contractual regimes between the Community and those countries.

(12) For the purposes of certification of origin and administrative cooperation procedures, the relevant provisions of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code[(4)] should be applied.

(13) For the sake of rationalisation and simplification, it is appropriate to provide that the Commission may, after consulting the Customs Code Committee and without prejudice to the specific procedures provided for in this Regulation, make any necessary changes and technical amendments necessary to this Regulation.

(14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(5)].

(15) The import arrangements provided for by this Regulation should be renewed on the basis of the conditions established by the Council and in the light of the experience gained in granting these arrangements under this Regulation. It is appropriate to limit the duration of the arrangements to 31 December 2010,

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1215/2009. (See end of Document for details)*

[F1 Article 1

Preferential arrangements

1 Products originating in Albania, Bosnia and Herzegovina, Kosovo[6], Montenegro, North Macedonia, and Serbia ('the beneficiary parties') covered by Chapters 7 and 8 of the Combined Nomenclature shall be admitted for import into the Union without quantitative restrictions or measures having equivalent effect, and with exemption from custom duties and charges having equivalent effect.

2 Products originating in the beneficiary parties shall continue to benefit from the provisions of this Regulation where so indicated therein. Such products shall also benefit from any concession provided for in this Regulation which is more favourable than that provided for under bilateral agreements between the Union and those beneficiary parties.

Textual Amendments

F1 Substituted by Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

Article 2

Conditions for entitlement to the preferential arrangements

1 Entitlement to benefit from the preferential arrangements introduced by Article 1 shall be subject to the following conditions:

a compliance with the definition of 'originating products' provided for in Title II, Chapter 1, Section 2, Subsections 4 and 5 of Commission Delegated Regulation (EU) 2015/2446[7], and Title II, Chapter 2, Section 2, Subsections 10 and 11 of Commission Implementing Regulation (EU) 2015/2447[8];

b abstention of the beneficiary parties from introducing new duties and charges having equivalent effect and new quantitative restrictions or measures having equivalent effect in respect of imports originating in the Union, from increasing existing levels of duties or charges or from introducing any other restrictions from 30 September 2000;

c the involvement of beneficiary parties in effective administrative cooperation with the Union in order to prevent any risk of fraud; and

d abstention of the beneficiary parties from engaging in serious and systematic violations of human rights, including core labour rights, of fundamental principles of democracy and of the rule of law.

2 Without prejudice to the conditions set out in paragraph 1 of this Article, entitlement to benefit from the preferential arrangements referred to in Article 1 shall be subject to the readiness of the beneficiary parties to engage in effective economic reforms and in regional cooperation with other countries involved in the European Union's Stabilisation and Association process, in particular through the establishment of free trade areas in accordance with Article XXIV of the GATT 1994 and other relevant WTO provisions.

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In the event of non-compliance with the first subparagraph, the Council may take the appropriate measures by a qualified majority vote, on the basis of a Commission proposal.

3 In the event of non-compliance by a beneficiary party with point (a), (b) or (c) of paragraph 1 or with paragraph 2 of this Article, the Commission may, by means of implementing acts, suspend, in whole or in part, the entitlement of the beneficiary party concerned to benefits under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).**]**

Textual Amendments

F1 Substituted by Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

Article 3

Agricultural products — tariff quotas

[F1 1 For certain wine products, as listed in Annex I, originating in the beneficiary parties, the customs duties applicable to imports into the Union shall be suspended during the periods, at the levels, within the limits of the Union tariff quota and under the conditions indicated for each product and origin set out in that Annex.**]**

F2 2 . . . . . .

F3 3 . . . . . .

[F4 4 Notwithstanding other provisions of this Regulation, and in particular Article 10, given the particular sensitivity of the agricultural and fishery markets, where imports of agricultural and fishery products cause serious disturbance to Union markets and their regulatory mechanisms, the Commission may adopt appropriate measures by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).**]**

Textual Amendments

F1 Substituted by Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

F2 Deleted by Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

F3 Deleted by Regulation (EU) No 1336/2011 of the European Parliament and of the Council of 13 December 2011 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

F4 Substituted by Regulation (EU) No 1336/2011 of the European Parliament and of the Council of 13 December 2011 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade

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measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

[F2]Article 4

[[F2][F4]Implementation of tariff quota for 'baby beef]]'

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Textual Amendments

F2 Deleted by Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

F4 Substituted by Regulation (EU) No 1336/2011 of the European Parliament and of the Council of 13 December 2011 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

Article 5

Administration of tariff quotas

[[F1]The tariff quotas referred to in Article 3(1) of this Regulation shall be administered by the Commission in accordance with Title II, Chapter 1, Section 1 of Implementing Regulation (EU) 2015/2447.**]**

Communication for that purpose between the Member States and the Commission shall be effected, as far as possible, by telematic link.

Textual Amendments

F1 Substituted by Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

Article 6

Access to tariff quotas

Each Member State shall ensure that importers have equal and uninterrupted access to the tariff quotas for as long as the balance of the relevant quota volume so permits.