

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/852****of 27 May 2021****amending Council Regulation (EC) No 32/2000 and Commission Regulation (EC) No 847/2006 as regards the exclusion of imports of products originating in the United Kingdom from tariff quotas**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 32/2000 of 17 December 1999 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas and establishing detailed rules for adjusting the quotas, and repealing Council Regulation (EC) No 1808/95 <sup>(1)</sup>, and in particular the first indent of Article 9(1)(b) thereof,

Having regard to Council Decision 2006/324/EC of 27 February 2006 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Thailand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union <sup>(2)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('the Agreement') <sup>(3)</sup> was signed, on behalf of the Union, on 29 December 2020. It is to be applied on a provisional basis from 1 January 2021.
- (2) Regulation (EC) No 32/2000 opens and provides for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas and establishes detailed rules for adjusting the quotas, and repeals Council Regulation (EC) No 1808/95 <sup>(4)</sup>.
- (3) Commission Regulation (EC) No 847/2006 <sup>(5)</sup> opens and provides for the administration of Community tariff quotas for certain prepared or preserved fish.
- (4) The Agreement states that products originating in the United Kingdom are not eligible to be imported into the Union under existing WTO tariff quotas as defined in the Agreement. It refers to tariff quotas apportioned between the parties pursuant to Article XXVIII GATT negotiations initiated by the Union in WTO document G/SECRET/42/Add.2 <sup>(6)</sup> and by the United Kingdom in WTO document G/SECRET/44 <sup>(7)</sup> and as set out in each party's respective internal legislation. The Agreement further states that the originating status of the products is to be determined on the basis of non-preferential rules of origin applicable in the importing party.
- (5) The existing WTO tariff quotas as defined in the Agreement refer to WTO concessions of the Union included in the draft EU28 schedule of concessions and commitments under GATT 1994 submitted to the WTO in document G/MA/TAR/RS/506 <sup>(8)</sup> as amended by documents G/MA/TAR/RS/506/Add.1 and G/MA/TAR/RS/506/Add.2 <sup>(9)</sup>.
- (6) Regulations (EC) No 32/2000 and (EC) No 847/2006 currently apply to such imports originating in the United Kingdom. In order to comply with the Agreement, those Regulations should be amended to exclude import of products originating in the United Kingdom from existing WTO tariff quotas.

<sup>(1)</sup> OJ L 5, 8.1.2000, p. 1.

<sup>(2)</sup> OJ L 120, 5.5.2006, p. 17.

<sup>(3)</sup> OJ L 444, 31.12.2020, p. 14.

<sup>(4)</sup> Council Regulation (EC) No 1808/95 of 24 July 1995 opening and providing for the administration of Community tariff quotas bound in GATT for certain agricultural, industrial and fisheries products and establishing the detailed provisions for adapting these quotas (OJ L 176, 27.7.1995, p. 1).

<sup>(5)</sup> Commission Regulation (EC) No 847/2006 of 8 June 2006 opening and providing for the administration of Community tariff quotas for certain prepared or preserved fish (OJ L 156, 9.6.2006, p. 8).

<sup>(6)</sup> <https://docs.wto.org>

<sup>(7)</sup> <https://docs.wto.org>

<sup>(8)</sup> <https://docs.wto.org>

<sup>(9)</sup> <https://docs.wto.org>

- (7) The Agreement is to be applied on a provisional basis from 1 January 2021. Therefore, import of products originating in the United Kingdom should also be excluded from the application of tariff quotas the quota periods of which started before 1 January 2021 and were still ongoing on that date, as regards imports that took place on or after 1 January 2021.
- (8) In order to ensure conformity with the Agreement, this Regulation should enter into force as a matter of urgency on the day of its publication in the *Official Journal of the European Union* and apply from 1 January 2021 the date of application of the Agreement.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

In Title II of Regulation (EC) No 32/2000 the following Section 4 is added:

‘Section 4

#### **List of Community tariff quotas bound in GATT**

*Article 7a*

The Community tariff quotas listed in Annex I shall apply to imports originating in all third countries except the United Kingdom.’

#### *Article 2*

Article 2 of Regulation (EC) No 847/2006 is amended as follows:

- (1) in paragraph 1, the words ‘all countries’ are replaced by the words ‘all third countries except the United Kingdom’;
- (2) in paragraph 2, the words ‘all countries’ are replaced by the words ‘all third countries except the United Kingdom’.

#### *Article 3*

### **Entry into force and application**

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 2021.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 27 May 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN