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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	7 May 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 264 final
Subject:	Proposal for a COUNCIL REGULATION 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

Delegations will find attached document COM(2018) 264 final.

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EUROPEAN
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Brussels, 7.5.2018
COM(2018) 264 final

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Proposal for a

COUNCIL REGULATION

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

EN EN

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Autonomous tariff quotas are needed for certain products when production in the European Union is insufficient to meet the needs of the user industry in the Union. Union tariff quotas should be opened at zero or reduced duty rates for appropriate volumes, without disturbing the markets for such products.

On 17 December 2013, the Council of the European Union adopted Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products so that the Union demand for the products in question could be met under the most favourable conditions.

The Regulation is updated every six months to accommodate the needs of Union industry. The Commission, assisted by the Economic Tariff Questions Group, has reviewed all requests from the Member States for autonomous tariff quotas duties.

Following this review, the Commission considers that the opening of autonomous tariff quotas is justified for some new products, currently not listed in the Annex to Council Regulation (EU) No 1388/2013. In relation to some other products, the product description has to be modified to take into account the latest technical developments, or the initial quota volume has to be adjusted.

• Consistency with existing policy provisions in the policy area

This proposal does not affect countries that have a preferential trading agreement with the Union nor - candidate countries or potential candidates for preferential agreements with the Union (e.g. Generalised System of Preferences; the African, Caribbean and Pacific group trade regime; Free Trade Agreements).

• Consistency with other Union policies

The proposal is in line with Union policies on agriculture, trade, enterprise, development, environment, and external relations.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis of this proposal is Article 31 of the Treaty on the Functioning of the European Union (TFEU).

• Subsidiarity (for non-exclusive competence)

The proposal falls under the Union's exclusive competence. The subsidiarity principle therefore does not apply.

• Proportionality

The proposal complies with the principle of proportionality. The measures envisaged are in line with the principles for simplifying procedures for operators engaged in foreign trade, as stated in the Commission communication concerning autonomous tariff suspensions and quotas[1]. This Regulation does not go beyond what is necessary to achieve the objectives pursued in accordance with Article 5(4) of the Treaty on European Union (TEU).

- **Choice of the instrument**

By virtue of Article 31 of the Treaty on the Functioning of the European Union (TFEU), "Common Customs Tariff duties shall be fixed by the Council on a proposal from the Commission". Therefore, a regulation is the appropriate instrument.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The autonomous tariff quotas scheme was part of an evaluation study carried out in 2013 on autonomous tariff suspensions[2].

This is because the two measures are similar, except that quotas limit import volumes. The evaluation concluded that the core rationale for the scheme remains valid. The cost savings for Union businesses importing goods under the scheme can be significant. In turn, depending on the product, company and sector, these savings can have wider benefits, such as boosting competitiveness, making production methods more efficient, and creating or keeping jobs in the Union. Details of the savings of this regulation can be found in the attached legislative financial statement.

- **Stakeholder consultations**

The Economic Tariff Questions Group, which consists of delegations from all Member States plus Turkey, assisted the Commission to assess this proposal. The group met three times before agreeing the changes in this proposal.

It carefully assessed each request (new, or for an amendment). It particularly examined each case to ensure that it was not causing any harm to Union producers and was strengthening and consolidating the competitiveness of Union's production. The members of the Economic Tariff Questions Group carried out the assessment through discussions, and Member States consulted the concerned industries, associations, chambers of commerce and other stakeholders involved.

All listed quotas were the subject of agreements or compromises reached in the discussions held at the Economic Tariff Questions Group. No potentially serious risks with irreversible consequences were mentioned.

- **Impact assessment**

The proposed amendment is of a purely technical nature and concerns only the coverage of quotas listed in the Annex to Regulation (EU) No 1388/2013. Therefore, no impact assessment was carried out for this proposal.

- **Fundamental rights**

The proposal has no consequences on fundamental rights.

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1 OJ C 363, 13.12.2011, p. 6.

2 http://ec.europa.eu/taxation_customs/common/publications/studies/index_en.htm

4. BUDGETARY IMPLICATIONS

This proposal has no financial impact on expenditure but has a financial impact on revenue which leads to uncollected customs duties of a total amount of approximately EUR 0,8 million per year. The negative effect on the traditional own resources of the budget is EUR 0,6 million per year (80 % of EUR 0,8 million per year).

The loss of revenue in traditional own resources shall be compensated by Member States' Gross National Income (GNI) based on resource contributions.

5. OTHER ELEMENTS

• Implementation plans and monitoring, evaluation and reporting arrangements

The measures proposed are managed within the framework of the Integrated Tariff of the European Union (TARIC) and applied by the Member States' customs administrations.

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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) In order to ensure sufficient and uninterrupted supply of certain agricultural and industrial products which are produced in insufficient quantities in the Union and thereby avoid any disturbances on the market for those products, autonomous tariff quotas were opened by Council Regulation (EU) No 1388/2013[3]. Within those tariff quotas products can be imported into the Union at reduced or zero duty rates.

(2) As it is in the Unions interest and having regard to the fact that identical, equivalent or substitute products are not produced in sufficient quantities within the Union, it is necessary to open tariff quotas at zero duty rates for appropriate quantities as regards seven new products which are listed in Annex I to this regulation.

(3) In the case of eight additional products with order numbers 09.2700, 09.2624, 09.2647, 09.2648, 09.2682, 09.2696, 09.2697, and 09.2643, the quota volumes should be increased, as an increase is in the interest of economic operators of the Union. In the case of three products with order numbers 09.2676, 09.2876, and 09.2721, the description should be amended.

(4) Regulation (EU) No 1388/2013 should therefore be amended accordingly. In order to avoid any interruption of the application of the quota scheme, the changes provided for in this Regulation regarding the quotas for the products concerned should apply from 1 July 2018. The Regulation should therefore enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EU) No 1388/2013, the table is amended as follows:

(1) in the first column, all asterisks (*) are deleted;

(2) the rows for the tariff quotas with order numbers 09.2726, 09.2728, 09.2684, 09.2730, 09.2732, 09.2734 and 09.2736 set out in Annex I to this Regulation

[3] 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 (OJ L 354, 28.12.2013, p. 319).

are inserted following the order of the CN codes indicated in the second column of that table;

(3) the rows for the tariff quotas with order numbers 09.2700, 09. 2624, 09.2647, 09.2648, 09.2682, 09.2696, 09.2697, 09.2676, 09.2876, 09.2721, and 09.2643 are replaced by the corresponding rows set out in Annex II to this Regulation.

Article 2

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 July 2018.

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

Done at Brussels,

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL:

Council Regulation 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

2. BUDGET LINES

Chapter and Article:
Chapter 1 2 and Article 1 2 0 – Customs duties and other duties referred to in point (a) of Article 2(1) of Decision 2014/335/EU, Euratom;

Amount budgeted for the year 2018 (22 844 000 000 EUR)

3. FINANCIAL IMPACT

☐ Proposal has no financial implications

X Proposal has no financial impact on expenditure but has a financial impact on revenue. The effect is as follows:

(EUR million to one decimal place)

Budget line	Revenue[4]	6 month period, starting dd/mm/yyyy	[Year: second half of 2018]
Article 120	*Impact on own resources*	01/07/2018	- 0,6

Annex I contains 7 new products. The uncollected duties corresponding to these quotas, calculated on the basis of requesting Member State projections for the period 1.7.2018 to 31.12.2018, amount to EUR 0,6 million.

On the basis of the above, the impact on the loss of revenue for the EU budget resulting from this Regulation is estimated at EUR 700 820 (gross amount, including collection costs) x 0,8 = EUR 560 656 per semester (net amount).

4. ANTI-FRAUD MEASURES

Checks on the end-use of some of the products covered by this Council Regulation will be carried out 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.

[4] Regarding traditional own resources (agricultural duties, sugar levies, customs duties) the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % of collection costs.