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European Union

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#### COVER NOTE

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 29 November 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 29.11.2017  
amending Regulation (EU) 2015/936 of the European Parliament and of  
the Council as regards updating the Combined Nomenclature codes listed  
in Annex I to that Regulation

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Delegations will find attached document C(2017) 7289 final.

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Encl.: C(2017) 7289 final



Brussels, 29.11.2017  
C(2017) 7289 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 29.11.2017**

**amending Regulation (EU) 2015/936 of the European Parliament and of the Council as regards updating the Combined Nomenclature codes listed in Annex I to that Regulation**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

The Delegated Act aims at updating the Combined Nomenclature codes in Annex I of Regulation (EU) 2015/936 of the European Parliament and of the Council<sup>1</sup>. This amendment is needed in light of the amendment of Annex I to the Combined Nomenclature adopted by Commission Implementing Regulation (EU) 2016/1821<sup>2</sup>.

Regulation (EU) 2015/936 lays down the common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules and its Annex I, as amended by Regulation (EU) 2017/354 of the European Parliament and of the Council<sup>3</sup>, identifies the Combined Nomenclature codes to which Article 1 of the same Regulation applies.

The Combined Nomenclature is set up by Council Regulation (EEC) 2658/87. Annex I thereto on the tariff and statistical nomenclature is updated every year and published as a stand-alone Implementing Regulation to align the Combined Nomenclature with possible changes adopted by the World Customs Organization with regard to the Harmonized System nomenclature or within the framework of the World Trade Organization with regard to conventional duty rates.

In light of Implementing Regulation (EU) 2016/1821 amending Annex I to Council Regulation (EEC) 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (Combined Nomenclature), Annex I of Regulation (EU) 2015/936 needs to be adapted accordingly.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

A consultation was carried out in line with paragraph 4 of the Common Understanding on delegated acts between the European Parliament, the Council and the European Commission. No additional consultations with interested parties or stakeholders, or a preparation of an impact assessment are necessary.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The legal basis for the proposal is Article 35 of Regulation (EU) 2015/936. Article 35 empowers the Commission to adopt delegated acts in accordance with Article 31 in order to amend the relevant Annexes to the Regulation, where this is necessary to take into account the conclusion, amendment or expiry of agreements or arrangements with third countries or amendments made to Union rules on statistics, custom arrangements or common rules for imports.

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<sup>1</sup> Regulation (EU) 2015/936 of the European Parliament and of the Council of 9 June 2015 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules (OJ L 160, 25.6.2015, p. 1).

<sup>2</sup> Commission Implementing Regulation (EU) 2016/1821 of 6 October 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 294, 28.10.2016, p. 1).

<sup>3</sup> Regulation (EU) 2017/354 of the European Parliament and of the Council of 15 February 2017 amending Regulation (EU) 2015/936 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules (OJ L 57, 3.3.2017, p. 31).

# COMMISSION DELEGATED REGULATION (EU) .../...

of 29.11.2017

**amending Regulation (EU) 2015/936 of the European Parliament and of the Council as regards updating the Combined Nomenclature codes listed in Annex I to that Regulation**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/936 of the European Parliament and of the Council of 9 June 2015 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules<sup>4</sup>, and in particular Article 35 thereof,

Whereas:

- (1) Common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules are laid down in Regulation (EU) 2015/936. Annex I to that Regulation determines the textile products referred to in Article 1 by listing the relevant Combined Nomenclature codes.
- (2) Council Regulation (EEC) 2658/87<sup>5</sup> set up the Combined Nomenclature. Annex I to that Regulation is updated every year and published as a stand-alone Implementing Regulation to align the Combined Nomenclature with the possible changes adopted by the World Customs Organization with regard to the Harmonized System nomenclature or within the framework of the World Trade Organization with regard to conventional duty rates.
- (3) On 6 October 2016 the Commission adopted Implementing Regulation (EU) 2016/1821<sup>6</sup>, which modified the nomenclature of some products covered by Annex I to Regulation (EU) 2015/936.
- (4) In order to align Regulation (EU) 2015/936 with Implementing Regulation (EU) 2016/1821, Annex I to Regulation (EU) 2015/936 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

## *Article 1*

Annex I to Regulation (EU) 2015/936 is amended in accordance with the Annex to this Regulation.

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<sup>4</sup> OJ L 160, 25.6.2015, p. 1.

<sup>5</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

<sup>6</sup> Commission Implementing Regulation (EU) 2016/1821 of 6 October 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 294, 28.10.2016, p. 1).

*Article 2*

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

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

Done at Brussels, 29.11.2017

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*