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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 6.7.2021 amending Delegated Regulation (EU) 2016/1237 as regards the export licence obligation for rice

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Delegations will find attached document C(2021) 4862 final.

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Encl: C(2021) 4862 final



Brussels, 6.7.2021  
C(2021) 4862 final

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

**of 6.7.2021**

**amending Delegated Regulation (EU) 2016/1237 as regards the export licence obligation  
for rice**

## **EXPLANATORY MEMORANDUM**

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

Commission Delegated Regulation (EU) 2016/1237 stipulates among others the export licence obligation for “husked (brown) rice” and “semi-milled or wholly milled rice, whether or not polished or glazed”. However, effective export monitoring can be carried out through other means now, e.g. by using the surveillance system (DG TAXUD). Based on the request of some stakeholders and also from Member States and in the interest of simplification and for the purpose of alleviating the administrative burden for Member States and operators, the requirement of export licences for “husked (brown) rice” and “semi-milled or wholly milled rice, whether or not polished or glazed” should be abolished. While for the same reasons, import licences for rice could also be abolished, these need to be maintained in order to fulfil the Union’s obligations under the Agreements of 2005 with Thailand (Council Decision of 20 December 2005 (2005/953/EC) on the conclusion of an agreement in the form of an Exchange of Letters between the European Community and Thailand pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to GATT 1994, OJ L 346, 29.12.2005, p. 24) and the United States of America (Council Decision of 21 June 2005 (2005/476/EC) on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice and amending Decisions 2004/617/EC, 2004/618/EC and 2004/619/EC, OJ L 170, 1.7.2005, p.67).

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

This delegated act was presented and discussed with experts at the GREX (Group of Experts) – Horizontal questions concerning the CAP meetings on 16 March and 15 April 2021. The act was published for consultation under the feedback mechanism which took place from 9 April to 7 May 2021. During the feedback mechanism one feedback was received which was a general comment not concerning the act as such. Therefore, no modification of the act was necessary.

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

This delegated act provides for abolition of the export licence obligation for “husked (brown) rice” and “semi-milled or wholly milled rice, whether or not polished or glazed”. It is achieved by amending Regulation (EU) 2016/1237. In parallel, Commission Implementing Regulation amending corresponding Commission Implementing Regulation (EU) 2016/1239 as regards the provisions on the amount of security, periods of validity of export licences for rice to be abolished by this Regulation is being adopted.

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

of 6.7.2021

## amending Delegated Regulation (EU) 2016/1237 as regards the export licence obligation for rice

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007<sup>1</sup>, and in particular Article 177 thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008<sup>2</sup>, and in particular Article 66(3), points (c) and (e), thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2016/1237<sup>3</sup> supplements Regulation (EU) No 1308/2013 with regard to the system of licences for agricultural products including the list of products subject to the presentation of an import or export licence.
- (2) Article 2(2), point (a), of Delegated Regulation (EU) 2016/1237 in conjunction with its Annex, Part II, point A, provides for a licence obligation for exports of “husked (brown) rice” falling within CN code 1006 20 and “semi-milled or wholly milled rice, whether or not polished or glazed” falling within CN code 1006 30.
- (3) Currently, effective export monitoring can be carried out through other means. In the interest of simplification and for the purpose of alleviating the administrative burden for Member States and operators, the obligation of export licences for husked (brown) rice and semi-milled or wholly milled rice, whether or not polished or glazed should be abolished.

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<sup>1</sup> OJ L 347, 20.12.2013, p. 671.

<sup>2</sup> OJ L 347, 20.12.2013, p. 549.

<sup>3</sup> Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (OJ L 206, 30.7.2016, p. 1).

(4) For the sake of clarity it is appropriate to lay down rules concerning the export licences issued for husked (brown) rice and for semi-milled or wholly milled rice, whether or not polished or glazed for which the export licence obligation is abolished by this Regulation and which are still valid on the date of application of this Regulation.

(5) Delegated Regulation (EU) 2016/1237 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

### *Article 1*

#### **Amendment to Delegated Regulation (EU) 2016/1237**

In Part II of the Annex to Delegated Regulation (EU) 2016/1237, point A is deleted.

### *Article 2*

#### **Transitional provisions**

At the request of the titular holder, the security lodged for an export licence for husked (brown) rice and for semi-milled or wholly milled rice, whether or not polished or glazed shall be released when all of the following conditions are met:

- (a) the validity of the licence has not expired on the date of entry into force of this Regulation;
- (b) the licence has been used partially or has not been used at all on the date of entry into force of this Regulation.

### *Article 3*

#### **Entry into force**

This Regulation shall enter into force on the seventh 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, 6.7.2021

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