



Brussels, 17.8.2017
C(2017) 5656 final

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

of 17.8.2017

**amending Delegated Regulation (EU) 2016/1237 as regards the nature and type of
information to be notified for licences in the rice sector**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The 2013 reform of the Common Agricultural Policy (CAP) confirmed that the system of agricultural import and export licences as a tool for monitoring trade flows should continue to apply and as a primary management requirement (they should be addressed in a flexible way).

Therefore, provisions as regards the general licensing rules were updated following the reform and replaced the previous ones by Delegated Regulation (EU) 2016/1237 and Implementing Regulation (EU) 2016/1239.

Among other things, Delegated Regulation (EU) 2016/1237 sets out a list of products with import and / or export licence obligation which includes rice. In addition, the nature and type of information to be notified by the Member States to the Commission is also laid down. In order to keep the ongoing practice [in accordance with Article 16(1)(a)(i) and 16(2) of Regulation (EC) No 1342/2003 which were repealed by Article 11(1)(b) of Regulation (EU) 2016/1237] and to make use of the data gathered through licences, Regulation (EU) 2016/1237 should set out also the nature and type of information to be notified by the Member States as regards the notifications of the quantities of rice covered by licences.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In the period July 2014 to July 2015, the provisions on import and export licences laid down in at the time existing Commission Regulations and the issues arising from them were discussed extensively with the experts of the Member States and resulted then in Delegated Regulation (EU) 2016/1237 and Implementing Regulation (EU) 2016/1239. The current draft Delegated Act is just to put formally in line the existing practice as regards the notifications of the quantities of rice covered by licences.

The Commission discussed the draft Delegated Act with experts nominated by the Member States in the framework of the CMO Expert Group and took account of the views and positions expressed.

The experts of the European Parliament were informed about the discussions and invited to the meetings. In addition the draft delegated regulation was subject to the Feedback Mechanism.

Public consultation through the feedback mechanism on the draft Delegated Regulation was carried out for four weeks (06/06/2017 – 04/07/2017) and no contribution has been received during this period.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act supplements Regulation (EU) No 1308/2013 as regards the import and export licences. In particular, the basic act empowers the Commission to adopt delegated acts as regards the nature and type of information to be notified (Article 223(2)(a)).

The delegated act confirms the longstanding practice as regards the notifications by the Member States to the Commission as regards quantities of rice covered by licences.

Finally, the delegated act amends the existing Delegated Regulation (EU) 2016/1237 in this respect.

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(Text with EEA relevance)

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 1234/2007¹, and in particular Article 223(2)(a) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2016/1237² supplements Regulation (EU) No 1308/2013 as regards the rules for applying the system of import and export licences. It sets out the relevant rules for rice and also lays down the nature and type of information to be notified by Member States to the Commission.
- (2) It is appropriate to include the obligation for Member States to notify the Commission of the quantities of rice covered by licences, as it existed in previous Regulations.
- (3) At the occasion of the amendment of Delegated Regulation (EU) 2016/1237 it is appropriate to align a term used in Article 2(2)(c)(iii) of that Regulation with the customs terminology used in the Union Customs Code and to make a more precise reference to relevant provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council³.
- (4) Delegated Regulation (EU) 2016/1237 should therefore be amended accordingly.
- (5) As the main reason for amending Delegated Regulation (EU) 2016/1237 is formally confirming a longstanding notification obligation and given the need to ensure continuity and legal certainty for notifications concerning rice, this Regulation should enter into force on the day following that of its publication,

¹ OJ L 347, 20.12.2013, p. 671.

² 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).

³ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2016/1237 is amended as follows:

(1) in Article 2(2)(c), point (iii) is replaced by the following:

"(iii) products that are subject to the repayment or remission of the amount of import or export duty as set out in Section 3 of Chapter 3 of Title III of Regulation (EU) No 952/2013 of the European Parliament and of the Council* in respect of which a final decision has not yet been taken.

* Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1)."

(2) in Article 8, the following point (ea) is inserted after point (e):

"(ea) as regards rice, the quantities referred to in Article 19a of Implementing Regulation (EU) 2016/1239."

Article 2

This Regulation shall enter into force on the 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, 17.8.2017

For the Commission
The President
Jean-Claude JUNCKER