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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

opening and providing for the administration of certain Union tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues (codification)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided¹ to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues³. The new Regulation will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in 23 official languages, of Regulation (EC) No 774/94 and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table set out in Annex II to the codified Regulation.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Entered in the legislative programme for 2014.

⁴ See Annex I to this proposal.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union , and in particular Article 207(2) thereof,
Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national Parliaments,
Having regard to the opinion of the European Economic and Social Committee⁵,
Acting in accordance with the ordinary legislative procedure,
Whereas:



- (1) Council Regulation (EC) No 774/94⁶ has been substantially amended several times⁷. In the interests of clarity and rationality, that Regulation should be codified.

↓ 774/94 recital 1 (adapted) and 2198/95 recital 1 (adapted)

- (2) The Union negotiated tariff concessions under Article XXVIII of the General Agreement on Tariffs and Trade (GATT) and under the Uruguay Round of multilateral trade negotiations . Those negotiations led to agreements which were approved by Council Decision 94/87/EC⁸ and Council Decision 94/800/EC⁹ .

⁵ OJ C [...], [...], p. [...].

⁶ Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues (OJ L 91, 8.4.1994, p. 1).

⁷ See Annex I.

⁸ Council Decision 94/87/EC of 20 December 1993 concerning the conclusion of Agreements in the form of Agreed Minutes on certain oil seeds between the European Community and Argentina, Brazil, Canada, Poland, Sweden and Uruguay, respectively, pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) (OJ L 47, 18.2.1994, p. 1).

⁹ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986–1994) (OJ L 336, 23.12.1994, p. 1).

↓ 774/94 recital 2 (adapted)

- (3) The agreements in question provide for the opening under certain conditions, of annual tariff quotas for high-quality beef falling within CN codes 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91, pigmeat falling within CN codes 0203 19 13 and 0203 29 15, poultrymeat falling within CN codes ☒ 0207 14 10 ☒, ☒ 0207 14 50 ☒, ☒ 0207 14 70 ☒, ☒ 0207 27 10 ☒, ☒ 0207 27 20 ☒ and ☒ 0207 27 80 ☒, wheat and meslin falling within CN codes ☒ 1001 11 00 ☒, ☒ 1001 19 00 ☒ and ☒ 1001 99 00 ☒, and brans, sharps and other residues falling within CN codes 2302 30 10, 2302 30 90, ☒ 2302 40 10 ☒ and ☒ 2302 40 90 ☒.
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↓ 774/94 recital 3 (adapted)

- (4) ☒ Those ☒ agreements cover an undetermined period. In the interests of rationalisation and efficiency, the quotas should therefore be opened on a multiannual basis.
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↓ 774/94 recital 4 (adapted)

- (5) A system guaranteeing the nature, provenance and origin of the products may prove to be appropriate. To that end imports within the framework of ☒ the agreed ☒ tariff concessions should be subject, where appropriate, to the presentation of a certificate of authenticity.
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↓ 774/94 recital 5 (adapted)

- (6) It may be appropriate to spread out ☒ those ☒ imports over the year on the basis of the needs of the ☒ Union ☒ market. To that end a system for using up quotas based on the presentation of an import licence may prove appropriate.
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↓ 252/2014 recital 3 (adapted)

- (7) In order to supplement or amend certain non-essential elements of ☒ this ☒ Regulation, the power to adopt acts in accordance with Article 290 ☒ of the Treaty ☒ should be delegated to the Commission in respect of the adoption of amendments to ☒ this ☒ Regulation, should the volumes and other conditions of quota arrangements be adjusted, in particular ☒ as a result of ☒ a Council decision ☒ concluding ☒ an agreement with one or more third countries. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
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↓ 252/2014 recital 4 (adapted)

- (8) In order to ensure uniform conditions for the implementation of ☒ this ☒ Regulation in respect of the rules necessary for the administration of the quota arrangements referred to in ☒ this ☒ Regulation, implementing powers should be conferred on the

Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁰,

↓ 2198/95 Art. 1 (adapted)

HAVE ADOPTED THIS REGULATION:

Article 1

An annual Union tariff quota of a total of 20 000 tonnes, expressed in product weight, is opened for high-quality fresh, chilled or frozen beef covered by CN codes 0201 and 0202 and for the products covered by CN codes 0206 10 95 and 0206 29 91.

The Common Customs Tariff duty applicable to that quota shall be 20 %.

Article 2

An annual Union tariff quota of a total of 7 000 tonnes is opened for fresh, chilled or frozen pigmeat covered by CN codes 0203 19 13 and 0203 29 15.

The Common Customs Tariff duty applicable to that quota shall be 0 %.

Article 3

An annual Union tariff quota of a total of 15 500 tonnes is opened for poultrymeat covered by CN codes 0207 14 10 , 0207 14 50 and 0207 14 70 .

The Common Customs Tariff duty applicable to that quota shall be 0 %.

Article 4

An annual Union tariff quota of a total of 2 500 tonnes is opened for turkeymeat covered by CN codes 0207 27 10 , 0207 27 20 and 0207 27 80 .

The Common Customs Tariff duty applicable to that quota shall be 0 %.

Article 5

An annual Union tariff quota of a total of 300 000 tonnes is opened for quality wheat covered by CN codes 1001 11 00 , 1001 19 00 and 1001 99 00 .

The Common Customs Tariff duty applicable to that quota shall be 0 %.

Article 6

An annual Union tariff quota of a total of 475 000 tonnes is opened for brans, sharps and other residues of wheat and cereals other than maize and rice covered by CN codes 2302 30 10, 2302 30 90, 2302 40 10 and 2302 40 90.

The Common Customs Tariff duty applicable to that quota shall be EUR 30,60 per tonne in the case of products covered by CN codes 2302 30 10 and 2302 40 10 and

¹⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⊗ EUR ⊗ 62,25 per tonne in the case of products covered by CN codes 2302 30 90 and 2302 40 90.

↓ 252/2014 Art. 1(1) (adapted)

Article 7

In order to comply with international commitments and where the volumes and other conditions of the quota arrangements referred to in this Regulation are adjusted by the European Parliament and the Council or by the Council, in particular by a Council decision concluding an agreement with one or more third countries, the Commission shall be empowered to adopt delegated acts in accordance with Article 9 concerning the resulting amendments to this Regulation.

Article 8

The Commission shall, by means of implementing acts, adopt rules necessary for the administration of the quota arrangements referred to in this Regulation and, as appropriate ⊗ , provisions ⊗:

- (a) guaranteeing the nature, provenance and origin of the product;
- (b) relating to the recognition of the document allowing the guarantees referred to in point (a) to be verified; and
- (c) ⊗ on ⊗ the issue of import licences and their ⊗ period ⊗ of validity.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

↓ 252/2014 Art. 1(2)

Article 9

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for a period of five years from 9 April 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 10

1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council¹¹. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where the opinion of the Committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the Committee so decides or at least a quarter of committee members so request.

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Article 11

Regulation (EC) No 774/94 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

↓ 774/94 (adapted)

Article 12

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

↓ 774/94

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

¹¹ 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 (OJ L 347, 20.12.2013, p. 671).