



11 May 2023

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Committee on Import Licensing

Original: English

AGREEMENT ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 5.1 TO 5.4 OF THE AGREEMENT¹

EUROPEAN UNION

The following notification dated 10 May 2023, is being circulated at the request of the delegation of the European Union.

	Category	Notification details
1	Notifying Member	European Union
2	Title of new legislation/procedure	Commission Implementing Regulation (EU) No. 2023/254 of 6 February 2023 amending Implementing Regulation (EU) No. 2020/761 as regards certain technical rules on the management of tariff rate quotas
3	Date of Publication	7 February 2023
4	Date of entry into force	14 February 2023
5	Website link/Official publication of the new regulation/procedure	Official Journal of the European Union L 35/4 of 7 February 2023, p. 4–10 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R0254&qid=1679330474516
6	Have you attached a copy of the regulation (PDF) to the Secretariat	[] Yes. (Please attach a copy of the regulation to the notification.) [X] No.
7	Type of notification	[] (a) New licensing regulation/procedure ² ; (please answer question 8 to 14) [X] (b) Changes to a regulation/procedure which has been previously notified in documents: G/LIC/N/2/EU/13, G/LIC/N/2/EU/15, G/LIC/N/2/EU/16, G/LIC/N/2/EU/17 and G/LIC/N/2/EU/18, G/LIC/N/2/EU/19, G/LIC/N/2/EU/20, G/LIC/N/2/EU/21; (please answer question 15 and 16)
8	List of products subject to licensing	
9	Nature of licensing	Automatic: [] Non-Automatic: []
10	Administrative purpose/measure being implemented	(a) <input type="checkbox"/> Protect public morals; (b) <input type="checkbox"/> Protect human, animal or plant life and health; protect environment; (c) <input type="checkbox"/> Collect trade statistics or market surveillance; (d) <input type="checkbox"/> Protection of patents, trademarks and copyrights, and the prevention of deceptive practices;

¹ It is understood that the notifying Member has also completed its notification obligations under Article 1.4(a) and Article 8.2(b) regarding the relevant law/regulation/procedure notified for by filling this form in a full and complete manner.

² "New licensing regulation/procedure" is understood to refer to any newly introduced law, regulation or procedure, and those which are in force but being notified for the first time to the Committee.

	Category	Notification details
		(e) <input type="checkbox"/> Pursue obligations under the UN Charter and other international treaties (<i>i.e. CITES, Basel Convention, Rotterdam Convention, UNSC Resolutions etc.</i>) (f) <input type="checkbox"/> Quota (including TRQ) administration; (g) <input type="checkbox"/> Regulate imports of arms, ammunition or fissionable materials and safeguard national security; (h) <input type="checkbox"/> Other: _____ (<i>please specify</i>)
11	Administrative body(ies) for submission of applications	Ministry/authority and Department: [] Address: [] Website: [] Telephone: [] E-Mail: []
12	Contact point for information on eligibility	Ministry/authority and Department: [] Address: [] Website: [] Telephone: [] E-Mail: []
13	Expected duration of licensing procedure	
14	A summary of the notification in one of the WTO official languages	
15	In the case of 7(b), please indicate the type of new change(s)	(a) <input type="checkbox"/> Termination (b) <input type="checkbox"/> Suspension (c) <input checked="" type="checkbox"/> Modification of specific details in existing procedures: <input type="checkbox"/> Product coverage; <input checked="" type="checkbox"/> Administrative purpose; <input type="checkbox"/> Automatic or Non-automatic; <input type="checkbox"/> Duration of licensing; <input type="checkbox"/> Change the nature of quantity/value restriction; <input type="checkbox"/> Eligibility of applicants; <input type="checkbox"/> Contact information on eligibility; <input type="checkbox"/> Administrative body(ies) for submission of application; <input type="checkbox"/> Documentation requirements (including application form); <input type="checkbox"/> Period for Application; <input type="checkbox"/> Administrative body(ies) to issue licence; <input type="checkbox"/> Processing time for issuing licence; <input type="checkbox"/> Licence fee/administrative charge; <input checked="" type="checkbox"/> Deposit/advance payment and relevant conditions; <input type="checkbox"/> Appeal regulations/procedures; <input type="checkbox"/> Validity of licence; <input checked="" type="checkbox"/> Other conditions of licence (extension, transferability, penalty of non-use etc.); <input type="checkbox"/> Foreign exchange requirements; <input type="checkbox"/> Other: _____ (<i>please specify</i>).
16	Please elaborate the changes in detail (in one of the WTO official languages)	<p>Commission Implementing Regulation (EU) No. 2020/761 lays down the rules for the management of import and export tariff quotas for agricultural products managed by a system of import and export licences and provides for specific rules.</p> <p>Article 6(4) of Implementing Regulation (EU) No. 2020/761 provided, that if an applicant submits more applications for a tariff quota than the maximum number set out in Article 6(3) of that Implementing Regulation, all his applications are inadmissible, and the securities lodged forfeited. To avoid excessive punishment the possibility to forfeit the security is eliminated.</p>

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		<p>According to Article 9 of Implementing Regulation (EU) No. 2020/761, operators applying for licences for tariff rate quotas referred to in Article 4 of Commission Delegated Regulation (EU) No. 2020/760 are bound to lodge the relevant securities before the end of the application period. For licences not related to tariff quotas, instead, operators are to lodge the security on the day of application for a licence. This situation could create difficulties in the management of licences. To avoid any risks of mismanagement and abuse, national licence issuing authorities are given the possibility to set the deadline for lodging the securities for tariff quota licences.</p> <p>Due to an excessive demand for volumes under the tariff quotas with order numbers 09.4268 and 09.4269, the rules on the registration in the Licence Operator Registration and Identification electronic system (LORI) and on the reference quantity now also apply to those tariff quotas. Moreover, the rules on proof of trade now apply only if the reference quantity requirement is suspended in accordance with Article 9(9) of Delegated Regulation (EU) No. 2020/760.</p> <p>Due to difficulties with the full use of tariff quotas with order numbers 09.4225, 09.4226 and 09.4227, the requirement of a proof of trade in case of those quotas is lifted.</p> <p>For clarity reasons the templates for IMA 1 certificates set out in Annex XIV.5 to Implementing Regulation (EU) No. 2020/761, Parts A.1 and A.2, now indicate – in box 16 – the number of the tariff rate quota to which the certificate refers. Moreover, to avoid any confusion with box 4, box 3 of the template of IMA 1 certificate for tariff quotas with order numbers 09.4195 and 09.4182 set out in Annex XIV.5, Part A.2, to that Implementing Regulation contains the name of the buyer instead of the number and the date of invoice.</p>