

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

PART III

**TRADE WITH THIRD COUNTRIES**

*CHAPTER I*

*Import and export licences*

*Article 176*

**General rules**

1 Without prejudice to cases where import or export licences are required in accordance with this Regulation, the import for release into free circulation into, or the export of one or more products of the following sectors from, the Union may be made subject to the presentation of a licence:

- a cereals;
- b rice;
- c sugar;
- d seeds;
- e olive oil and table olives, with regard to products falling within CN codes 1509, 1510 00, 0709 92 90, 0711 20 90, 2306 90 19, 1522 00 31 and 1522 00 39;
- f flax and hemp, as far as hemp is concerned;
- g fruit and vegetables;
- h processed fruit and vegetables;
- i bananas;
- j wine;
- k live plants;
- l beef and veal;
- m milk and milk products;
- n pigmeat;
- o sheepmeat and goatmeat;
- p eggs;
- q poultrymeat;
- r ethyl alcohol of agricultural origin.

2 Licences shall be issued by Member States to any applicant, irrespective of their place of establishment in the Union, unless an act adopted in accordance with Article 43(2) TFEU provides otherwise, and without prejudice to the application of Articles 177, 178 and 179 of this Regulation.

3 Licences shall be valid throughout the Union.

#### *Article 177*

#### **Delegated powers**

1 In order to take into account the international obligations of the Union and the applicable Union social, environmental and animal welfare standards, the need to monitor the evolution of trade and market developments, of imports and exports of products, the need for sound market management and the need to reduce the administrative burden, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 determining:

- a the list of the products of the sectors referred to in Article 176(1) subject to the presentation of an import or export licence;
- b the cases and situations where the presentation of an import or export licence is not required, taking account of the customs status of the products concerned, the trade arrangements to be respected, the purposes of operations, the legal status of the applicant and the quantities involved.

2 In order to provide further elements of the licence system, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 laying down rules on:

- a the rights and obligations deriving from the licence, its legal effects, and the cases where a tolerance applies as regards compliance with the obligation to import or export the quantity mentioned in the licence or where the origin is to be indicated in the licence;
- b the issue of an import licence or the release into free circulation being subject to the presentation of a document issued by a third country or an entity certifying *inter alia* the origin, the authenticity and the quality characteristics of the products;
- c the transfer of the licence or restrictions on its transferability;
- d additional conditions for import licences for hemp in accordance with Article 189 and the principle of administrative assistance between Member States to prevent or deal with cases of fraud and irregularities;
- e the cases and situations where the lodging of a security guaranteeing that the products are imported or exported within the period of validity of the licence is or is not required.

#### *Article 178*

#### **Implementing powers in accordance with the examination procedure**

The Commission shall adopt implementing acts laying down the measures necessary for the application of this Chapter, including rules on:

- (a) the format and content of the licence;
- (b) the submission of applications and the issuing of licences and their use;
- (c) the period of validity of the licence,
- (d) the procedures for, and the amount of, a security to be lodged;
- (e) the proof that the requirements for the use of licences have been fulfilled;
- (f) the level of the tolerance as regards the respect of the obligation to import or export the quantity mentioned in the licence;

- (g) the issue of replacement licences and duplicate licences;
- (h) the treatment of licences by Member States and the exchange of information needed for the management of the system, including the procedures relating to the specific administrative assistance between Member States.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

#### *Article 179*

### **Other implementing powers**

The Commission may adopt implementing acts:

- (a) limiting the quantities for which licences may be issued;
- (b) rejecting the quantities applied for;
- (c) suspending the submission of applications in order to manage the market where large quantities are applied for.

Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).

## *CHAPTER II*

### ***Import duties***

#### *Article 180*

### **Implementation of international agreements and certain other acts**

The Commission shall adopt implementing acts laying down measures to comply with requirements laid down in international agreements which have been concluded in accordance with the TFEU or in any other relevant act adopted in accordance with Article 43(2) or Article 207 TFEU or the Common Customs Tariff as regards the calculation of import duties for agricultural products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

#### *Article 181*

### **Entry price system for certain products of the fruit and vegetables, processed fruit and vegetables and wine sectors**

1 For the application of the Common Customs Tariff duty rate for products of the fruit and vegetables and processed fruit and vegetables sectors and for grape juice and musts, the entry price of a consignment shall be equal to its customs value calculated in accordance with Council Regulation (EC) No 2913/92<sup>(1)</sup> (the Customs Code) and Commission Regulation (EC) No 2454/93<sup>(2)</sup>.

2 In order to ensure the efficiency of the system, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to provide that the veracity of the declared

entry price of a consignment is to be checked using a flat-rate import value, and to provide the conditions under which the lodging of a security is required.

3 The Commission shall adopt implementing acts establishing rules for the calculation of the flat-rate import value referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

#### *Article 182*

### **Additional import duties**

1 The Commission may adopt implementing acts determining the products of the cereals, rice, sugar, fruit and vegetables, processed fruit and vegetables, beef and veal, milk and milk products, pigmeat, sheepmeat and goatmeat, eggs, poultry and bananas sectors, as well as of grape juice and grape must, to which, when imported subject to the rate of duty laid down in the Common Customs Tariff, an additional import duty shall apply in order to prevent or counteract adverse effects on the Union market which may result from those imports, if:

- a the imports are made at a price below the level notified by the Union to the WTO (the trigger price); or
- b the volume of imports in any year exceeds a certain level (the trigger volume).

The trigger volume shall be based on market access opportunities defined as imports expressed as a percentage of the corresponding domestic consumption during the three previous years.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

2 Additional import duties shall not be imposed where the imports are unlikely to disturb the Union market, or where the effects would be disproportionate to the intended objective.

3 For the purposes of point (a) of the first subparagraph of paragraph 1, import prices shall be determined on the basis of the c.i.f. import prices of the consignment under consideration. C.i.f. import prices shall be checked against the representative prices for the product on the world market or on the Union import market for that product.

4 The Commission may adopt implementing acts laying down the measures necessary for the application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

#### *Article 183*

### **Other implementing powers**

The Commission may adopt implementing acts:

- (a) fixing the level of the applied import duty in accordance with the rules set out in an international agreement concluded in accordance with the TFEU, in the Common Customs Tariff and in the implementing acts referred to in Article 180;
- (b) fixing the representative prices and trigger volumes for the purposes of applying additional import duties in the framework of the rules adopted pursuant to Article 182(1).

Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).

### CHAPTER III

#### ***Tariff quota management and special treatment of imports by third countries***

##### *Article 184*

#### **Tariff quotas**

1 Tariff quotas for the import of agricultural products for release into free circulation in the Union or a part thereof, or tariff quotas for imports of Union agricultural products into third countries, which are to be partly or fully administered by the Union, resulting from international agreements concluded in accordance with the TFEU or any other act adopted in accordance with Article 43(2) or Article 207 TFEU, shall be opened and/or administered by the Commission by means of delegated acts pursuant to Article 186 of this Regulation and implementing acts pursuant to Articles 187 and 188 of this Regulation.

2 Tariff quotas shall be administered in a manner which avoids any discrimination between the operators concerned, by applying one of the following methods or a combination of them or another appropriate method:

- a a method based on the chronological order of the submission of applications ("first come, first served" principle);
- b a method of distribution in proportion to the quantities requested when the applications were submitted (the "simultaneous examination method");
- c a method based on taking traditional trade patterns into account (the "traditional/newcomers method").

3 The method of administration adopted shall:

- a for import tariff quotas, give due weight to the supply requirements of the existing and emerging Union production, processing and consumption market in terms of competitiveness, certainty and continuity of supply and the need to safeguard the equilibrium of that market; and
- b for export tariff quotas, permit the full use of the possibilities available under the quota concerned.

##### *Article 185*

#### **Specific tariff quotas**

In order to give effect to tariff quotas for import into Spain of 2 000 000 tonnes of maize and 300 000 tonnes of sorghum and tariff quotas for import into Portugal of 500 000 tonnes of maize, the Commission shall be empowered to adopt delegated acts, in accordance with Article 227, establishing the provisions necessary for carrying out the tariff quota imports and, where appropriate, the public storage of the quantities imported by the paying agencies of the Member States concerned and their disposal on the markets of those Member States.

## Article 186

### Delegated powers

1 In order to ensure fair access for the quantities available and the equal treatment of operators within the tariff quota, the Commission shall be empowered to adopt delegated acts in accordance with Article 227:

- a determining the conditions and eligibility requirements that an operator has to fulfil to submit an application within the tariff quota; the provisions concerned may require a minimum experience in trade with third countries and assimilated territories, or in processing activity, expressed as a minimum quantity and period of time in a given market sector; those provisions may include specific rules to suit the needs and practices in force in a certain sector and the uses and needs of the processing industries;
- b establishing rules on the transfer of rights between operators and, where necessary, the limitations to such transfer within the management of the tariff quota;
- c making participation in the tariff quota subject to the lodging of a security;
- d providing, where necessary, for any particular specific characteristics, requirements or restrictions applicable to the tariff quota as set out in the international agreement or other act referred to in Article 184(1).

2 In order to ensure that exported products may benefit from a special treatment on importation into a third country under certain conditions, pursuant to international agreements concluded by the Union in accordance with the TFEU, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 of this Regulation concerning rules requiring the competent authorities of Member States to issue, on request and after appropriate checks, a document certifying that the conditions are met for products that, if exported, may benefit from a special treatment on importation into a third country if certain conditions are respected.

## Article 187

### Implementing powers in accordance with the examination procedure

The Commission may adopt implementing acts laying down:

- (a) the annual tariff quotas, if necessary suitably phased over the year, and the method of administration to be used;
- (b) procedures for the application of the specific provisions laid down in the agreement or act adopting the import or export regime, in particular, on:
  - (i) guarantees covering the nature, provenance and origin of the product;
  - (ii) recognition of the document used for verifying the guarantees referred to in point (i);
  - (iii) the presentation of a document issued by the exporting country;
  - (iv) destination and use of the products;
- (c) the period of validity of the licences or of the authorisations;
- (d) the procedures for, and the amount of, the security to be lodged;

- (e) the use of licences, and, where necessary, specific measures relating to, in particular, the conditions under which applications for import shall be submitted and authorisation granted within the tariff quota;
- (f) procedures and technical criteria for the application of Article 185;
- (g) necessary measures concerning the content, form, issue and use of the document referred to in Article 186(2).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

#### *Article 188*

### **Other implementing powers**

1 The Commission shall adopt implementing acts concerning the management of the process guaranteeing that the quantities available within the tariff quota are not exceeded, in particular by fixing an allocation coefficient to each application when the available quantities are reached, rejecting pending applications and where necessary suspending the submission of applications.

2 The Commission may adopt implementing acts concerning the reallocation of the unused quantities.

3 Implementing acts referred to in this Article shall be adopted without applying the procedure referred to in Article 229(2) or (3).

#### *CHAPTER IV*

### ***Special import provisions for certain products***

#### *Article 189*

### **Imports of hemp**

1 The following products may be imported into the Union only if the following conditions are met:

- a raw true hemp falling within CN code 5302 10 00 meeting the conditions laid down in Article 32(6) and in Article 35(3) of Regulation (EU) No 1307/2013
- b seeds of varieties of hemp falling within CN code ex 1207 99 20 for sowing accompanied by proof that the tetrahydrocannabinol level of the variety concerned does not exceed that fixed in accordance with Article 32(6) and in Article 35(3) of Regulation (EU) No 1307/2013;
- c hemp seeds other than for sowing, falling within CN code 1207 99 91 and imported only by importers authorised by the Member State in order to ensure that such seeds are not intended for sowing.

2 This Article shall apply without prejudice to more restrictive rules adopted by Member States in compliance with the TFEU and the obligations under the WTO Agreement on Agriculture.

### *Article 190*

#### **Imports of hops**

1 Products of the hops sector may be imported from third countries only if their quality standards are at least equivalent to those adopted for like products harvested within the Union or made from such products.

2 Products shall be considered to be of the standard referred to in paragraph 1 if they are accompanied by an attestation issued by the authorities of the country of origin and recognised as equivalent to the certificate referred to in Article 77.

In the case of hop powder, hop powder with higher lupulin content, extract of hops and mixed hop products, the attestation may be recognised as being equivalent to the certificate only if the alpha acid content of those products is not lower than that of the hops from which they have been prepared.

3 In order to minimise the administrative burden, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 setting the conditions under which obligations related to an attestation of equivalence and the labelling of packaging are not to apply.

4 The Commission shall adopt implementing acts laying down the measures necessary for the application of this Article, including the rules on the recognition of attestations of equivalence and on the checking of imports of hops. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

### *Article 191*

#### **Derogations for imported products and special security in the wine sector**

Derogations from point 5 of Section B or Section C of Part II of Annex VIII for imported products may be adopted in accordance with Article 43(2) TFEU, pursuant to the international obligations of the Union.

In the case of derogations from point 5 of Section B of Part II of Annex VIII, importers shall lodge a security for those products with the designated customs authorities at the time of release into free circulation. The security shall be released on the presentation of proof by the importer, to the satisfaction of the customs authorities of the Member State of release into free circulation, that:

- (a) the products have not benefited from the derogations; or,
- (b) if they have benefited from the derogations, the products have not been vinified, or if they have been vinified, the resulting products have been appropriately labelled.

The Commission may adopt implementing acts laying down rules to ensure the uniform application of this Article, including on the amounts of the security and appropriate labelling. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).



## Article 192

### Imports of raw sugar for refining

1 Until the end of the 2016-2017 marketing year, an exclusive import capacity of 2 500 000 tonnes per marketing year, expressed in white sugar, shall be granted to full-time refiners.

2 The sole sugar beet processing plant at work in 2005 in Portugal shall be deemed to be a full-time refiner.

3 Import licences for sugar for refining shall be issued only to full-time refiners provided that the quantities concerned do not exceed the quantities referred to in paragraph 1. The licences may be transferred only between full-time refiners and their validity shall expire at the end of the marketing year for which they have been issued.

This paragraph shall apply for the first three months of each marketing year.

4 Taking into account the need to ensure that sugar for refining imported in accordance with this Article is refined, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 laying down:

- a the use of terms for the operation of the import arrangements referred to in paragraph 1;
- b the conditions and eligibility requirements that an operator has to fulfil to lodge an application for an import licence, including the lodging of a security;
- c rules on administrative penalties to be charged.

5 The Commission may adopt implementing acts laying down necessary rules concerning the supporting documents to be supplied in connection with the requirements and obligations applicable to importers, and in particular to full-time refiners. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

## Article 193

### Suspension of import duties in the sugar sector

In order to guarantee the supply necessary for the manufacturing of products referred to in Article 140(2), the Commission may, until the end of the 2016-2017 marketing year, adopt implementing acts suspending import duties in whole or in part for certain quantities in respect of the following products:

- (a) sugar falling within CN code 1701;
- (b) isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

## CHAPTER V

### **Safeguard and inward processing**

#### *Article 194*

#### **Safeguard measures**

1 Safeguard measures against imports into the Union shall be taken by the Commission, subject to paragraph 3 of this Article, in accordance with Council Regulations (EC) No 260/2009<sup>(3)</sup> and (EC) No 625/2009<sup>(4)</sup>.

2 Save as otherwise provided for in any other act of the European Parliament and the Council and any other act of the Council, safeguard measures against imports into the Union provided for in international agreements concluded in accordance with the TFEU shall be taken by the Commission in accordance with paragraph 3 of this Article.

3 The Commission may adopt implementing acts establishing the measures referred to in paragraphs 1 and 2 of this Article at the request of a Member State or on its own initiative. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

Where the Commission receives a request from a Member State, it shall, by means of implementing acts, take a decision thereon within five working days following the receipt of the request. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 229(3).

The measures adopted shall be communicated to the Members States and shall take effect immediately.

4 The Commission may adopt implementing acts revoking or amending Union safeguard measures adopted pursuant to paragraph 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 229(3).

#### *Article 195*

#### **Suspension of processing and inward processing arrangements**

Where the Union market is disturbed or is liable to be disturbed by processing or inward processing arrangements, the Commission may adopt implementing acts, at the request of a Member State or on its own initiative, fully or partially suspending the use of processing or inward processing arrangements for the products of the cereals, rice, sugar, olive oil and table olives, fruit and vegetables, processed fruit and vegetables, wine, beef and veal, milk and milk products, pigmeat, sheepmeat and goatmeat, eggs, poultrymeat and agricultural ethyl alcohol sectors. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

Where the Commission receives a request from a Member State, it shall, by means of implementing acts, take a decision thereon within five working days following the receipt of the request. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 229(3).

The measures adopted shall be communicated to the Members States and shall take effect immediately.

## CHAPTER VI

### *Export refunds*

#### *Article 196*

#### **Scope**

1 To the extent necessary to enable exports on the basis of world market quotations or prices when conditions on the internal market are such as those described in Article 219(1) or Article 221 and within the limits resulting from international agreements concluded in accordance with the TFEU, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

- a the products of the following sectors to be exported without further processing:
  - (i) cereals;
  - (ii) rice;
  - (iii) sugar, with regard to the products listed in points (b) to (d) and (g) of Part III of Annex I;
  - (iv) beef and veal;
  - (v) milk and milk products;
  - (vi) pigmeat;
  - (vii) eggs;
  - (viii) poultrymeat;
- b the products listed in points (i) to (iii), (v) and (vii) of point (a) of this paragraph to be exported in the form of processed goods in accordance with Council Regulation (EC) No 1216/2009<sup>(5)</sup>, and in the form of the products containing sugar listed in point (b) of Part X of Annex I to this Regulation.

2 Export refunds on products exported in the form of processed goods shall not be higher than those applicable to the same products exported without further processing.

3 Without prejudice to the application of Article 219(1) and Article 221, the refund available for the products referred to in paragraph 1 of this Article shall be EUR 0.

### *Article 197*

#### **Export refund distribution**

The method of allocation for quantities which may be exported with an export refund shall be the one that:

- (a) is most suited to the nature of the product and the situation on the relevant market, allowing the most efficient use of the resources available, taking into account the efficiency and structure of Union exports and their impact on the market balance without creating discrimination between the operators concerned, and in particular between large and small operators;
- (b) is least cumbersome administratively for operators, taking into account the administrative requirements.

### *Article 198*

#### **Export refund fixation**

1 The same export refunds shall apply to the same products in the whole Union. They may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from international agreements concluded in accordance with the TFEU make this necessary.

2 Measures on the fixing of refunds shall be taken by the Council in accordance with Article 43(3) TFEU.

### *Article 199*

#### **Granting of export refund**

1 Refunds on products listed in point (a) of Article 196(1) exported as such without further processing shall only be granted on application and on presentation of an export licence.

2 The refund applicable to products listed in point (a) of Article 196(1) shall be the refund applicable on the day of application for the licence or the refund resulting from the tendering procedure concerned and, in the case of a differentiated refund, the refund applicable on the same day:

- a for the destination indicated on the licence; or
- b for the actual destination if it differs from the destination indicated on the licence, in which case the amount applicable shall not exceed the amount applicable to the destination indicated on the licence.

3 The refund shall be paid upon submission of proof that:

- a the products have left the customs territory of the Union in accordance with the export procedure referred to in Article 161 of the Customs Code;
- b in the case of a differentiated refund, the products have been imported into the destination indicated on the licence or another destination for which a refund was fixed, without prejudice to point (b) of paragraph 2.

### *Article 200*

#### **Export refunds for live animals in the beef and veal sector**

With regard to products of the beef and veal sector, the granting and the payment of the refund for exports of live animals shall be subject to compliance with the animal welfare requirements established in Union law, and in particular with those for the protection of animals during transport.

### *Article 201*

#### **Export limits**

The volume commitments resulting from the international agreements concluded in accordance with the TFEU shall be respected on the basis of export licences issued for the reference periods applying to the products concerned.

With regard to compliance with the obligations under the WTO Agreement on Agriculture, the ending of a reference period shall not affect the validity of export licences.

### *Article 202*

#### **Delegated powers**

1 In order to ensure the proper functioning of the export refund system, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 laying down the requirement to lodge a security guaranteeing the fulfilment of the operators' obligations.

2 In order to minimise the administrative burden for operators and authorities, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 setting thresholds below which the obligation to issue or present an export licence may not be required, designating destinations or operations where an exemption for the obligation to present an export licence may be justified and permitting export licences to be granted ex-post in justified situations.

3 In order to address practical situations justifying the full or partial eligibility for export refunds and to help operators bridge the period between the application and the final payment of the export refund, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning rules on:

- a another date for the refund;
- b advance payment of export refunds, including the conditions for the lodging and release of a security;
- c additional proof where doubts exist as to the real destination of products, and the opportunity for re-importation into the customs territory of the Union;
- d destinations treated as exports from the Union, and the inclusion of destinations within the customs territory of the Union eligible for export refunds.

4 In order to ensure the equal access of exporters of products listed in Annex I to the Treaties and of products processed therefrom to export refunds, the Commission shall be

empowered to adopt delegated acts in accordance with Article 227 on the application of Article 199(1) and (2) to products referred to in point (b) of Article 196(1).

5 In order to ensure that products benefiting from export refunds are exported from the customs territory of the Union, and to avoid their return to that territory and to minimise the administrative burden for operators in generating and submitting proof that refund products reached a country of destination for differentiated refunds, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning rules on:

- a the time limit by which the exit from the customs territory of the Union must be finalised, including the time for temporary re-entry;
- b the processing that products benefiting from export refunds may undergo during that period;
- c the proof of having reached a destination in order to be eligible for differentiated refunds;
- d the refund thresholds and conditions under which exporters may be exempted from such proof;
- e conditions for approval of proof, provided by independent third parties, of reaching a destination where differentiated refunds apply.

6 In order to encourage exporters to respect animal welfare conditions, and in order to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties.

7 In order to take into account the specific characteristics of the different sectors, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 establishing specific requirements and conditions for operators and for the products eligible for an export refund, and coefficients for the purposes of calculating export refunds taking into account the ageing process of certain spirit drinks obtained from cereals.

### *Article 203*

#### **Implementing powers in accordance with the examination procedure**

The Commission shall adopt implementing acts laying down the measures necessary for the application of this Chapter, in particular on:

- (a) the redistribution of exportable quantities which have not been allocated or utilised;
- (b) the method for recalculation of the payment of the export refund when the product code or destination mentioned in a licence is not in conformity with the actual product or destination;
- (c) products referred to in point (b) of Article 196(1);
- (d) the procedures for, and the amount of, the security to be lodged;
- (e) the application of measures adopted pursuant to Article 202(4).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

## *Article 204*

### **Other implementing powers**

The Commission may adopt implementing acts:

- (a) laying down appropriate measures to prevent abuse of the flexibility provided for in Article 199(2), in particular concerning the procedure for submitting applications;
- (b) laying down the measures necessary to respect the volume commitments referred to in Article 201, including ceasing or limiting the issue of export licences when such commitments are or can be exceeded;
- (c) fixing coefficients which apply to the export refunds in accordance with the rules adopted pursuant to Article 202(7).

Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).

## *CHAPTER VII*

### ***Outward processing***

## *Article 205*

### **Suspension of outward processing arrangements**

Where the Union market is disturbed or could be disturbed by outward processing arrangements, the Commission may adopt implementing acts, on a request from a Member State or on its own initiative, fully or partially suspending the use of outward processing arrangements for the products of the cereals, rice, fruit and vegetables, processed fruit and vegetables, wine, beef and veal, pigmeat, sheepmeat and goatmeat and poultrymeat sectors. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

Where the Commission receives a request from a Member State, it shall, by means of implementing acts, take a decision thereon within five working days following receipt of the request. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 229(3).

The measures adopted shall be communicated to the Members States and shall take effect immediately.

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*Status: This is the original version (as it was originally adopted).*

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- (1) Council Regulation (EC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ([OJ L 302, 19.10.1992, p. 1](#)).
- (2) Commission Regulation (EC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ([OJ L 253, 11.10.1993, p. 1](#)).
- (3) Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports ([OJ L 84, 31.3.2009, p. 1](#)).
- (4) Council Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries ([OJ L 185, 17.7.2009, p. 1](#)).
- (5) Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ([OJ L 328, 15.12.2009, p. 10](#)).