

---

STATUTORY INSTRUMENTS

---

**2020 No. 1432**

**The Customs (Tariff Quotas) (EU Exit) Regulations 2020**

**PART 3**

**Import Licences: Part C of the Quota Table and the Preferential Quota Table**

**CHAPTER 5**

**Transitional provision**

**Transitional provision**

**44.**—(1) Subject to paragraph (2), any licence, or any extract from a licence, which was granted by the Secretary of State to import goods which are subject to a quota listed in Part A of the Licensing Table and which has effect immediately before the appointed day remains in force as if it were granted under these Regulations; and, for these purposes, any goods released under the licence before the appointed day are deemed to have been released under the free-circulation procedure.

(2) Paragraph (1) does not apply to a licence of a description referred to in that paragraph which was transferred prior to the appointed day to a person who is not an operator, or to an extract from any such licence to import the quantity of goods licensed for import by virtue of the transfer of the extract.

(3) Any licence which—

(a) remains in force by virtue of paragraph (1), and

(b) is a licence to import goods under quotas 05.4215, 05.4254, 05.4255, 05.4256, 05.4258, 05.4259 or 05.4003,

remains valid until 30th June 2021, irrespective of the period of validity which was applicable to that licence when it was granted.

(4) Where the Secretary of State publishes a notice under regulation 22(1) inviting applications to be made for an import licence in respect of a quota period or sub-period which commences on 1st January 2021, the Secretary of State may publish that notice within 10 days of the appointed day, notwithstanding the provision otherwise made under regulation 22(2) for the publication of a notice before the commencement of the relevant quota period or sub-period.

(5) Where the Secretary of State has published a notice before the appointed day inviting applications for a licence to import goods which are subject to a quota listed in the Licensing Table in respect of a quota period which commences on 1st January 2021, that notice is to be treated as though it had been published under regulation 22(1).

(6) Any import licence which is granted in respect of an application referred to in paragraph (4) or (5) is to be valid from the day on which it was issued, notwithstanding the provision otherwise made under regulation 35(2) concerning the date of validity of the licence.

(7) Where an applicant for an import licence is required to submit evidence of applicable reference quantity in accordance with regulation 27, or proof of trade in accordance with regulation 29 (including that regulation as modified by paragraph (9) of this regulation)—

- (a) such evidence may include documentation relating to goods or products which were released by the applicant for free-circulation within a member State during any part of a preceding period which is relevant to the application and which falls before the appointed day; and
  - (b) for these purposes, any evidence so submitted is to be treated as though the goods or products had been released under the free-circulation procedure.
- (8) The requirement to submit evidence of applicable reference quantity in accordance with regulation 27 is not to apply in respect of any application for an import licence which is made on or after the appointed day and in respect of any quota period which commences before 1st June 2021.
- (9) Where the requirement to submit evidence of proof of trade in accordance with regulation 29 applies in respect of an application for an import licence which is made on or after the appointed day and in respect of any sub-period of a quota period which commenced before the appointed day—
- (a) for quotas marked PoT1 and PoT2 in the Licensing Table—
    - (i) notwithstanding the quantity of goods specified in regulation 29(1), the proof of trade must show that the applicant has, during each relevant preceding period, released at least—
      - (aa) 50 tonnes of goods as regards the quotas marked PoT1; and
      - (bb) 250 tonnes of goods as regards the quotas marked PoT2,
 and the goods must be of a description which meets the requirements specified in regulation 29(1)(b) (irrespective of whether the application is for a quota to which regulation 27 or 32 applies); and
    - (ii) for these purposes, the meaning of “relevant preceding period” in regulation 29(4) (b) is modified to mean the period of 12 months preceding the commencement of the period for receiving applications for an import licence for the relevant goods under regulation 25(1)(a) or 25(2) and the period of 12 months immediately preceding that 12 month period;
  - (b) for quotas marked PoT3 in the Licensing Table—
    - (i) notwithstanding the quantity of goods specified in regulation 29(1), the proof of trade must show that the applicant has, during each relevant preceding period, released at least —
      - (aa) 50 tonnes of goods as regards goods which have been released under the free-circulation procedure, which must be fruit and vegetables of a description which meets the requirements specified in regulation 29(1)(b) (irrespective of whether the application is for a quota to which regulation 27 or 32 applies); or
      - (bb) 50 tonnes of garlic which have been exported to a territory outside the United Kingdom; and
    - (ii) for these purposes, the meaning of “relevant preceding period” in regulation 29(4) (b) is modified to mean—
      - (aa) the period of 12 months preceding the commencement of the period for receiving applications for an import licence for the relevant goods under regulation 25(1)(a) or 25(2) and the period of 12 months immediately preceding that 12 month period; or
      - (bb) as regards any application for an import licence in respect of a sub-period which commences on 1st March 2021, the two quota periods preceding that sub-period.

(10) For the purposes of regulation 25(6)(c) and 29(3), an EORI number assigned before IP completion day by HMRC, in its capacity as a customs authority referred to in Article 9 of Regulation (EU) No 952/2013<sup>(1)</sup> read with Articles 5 and 6 of Commission Delegated Regulation (EU) 2015/2446<sup>(2)</sup> as those Regulations had effect in the United Kingdom immediately before IP Completion day, is to be treated as a valid EORI number.

(11) The requirement to submit a declaration of independence in accordance with regulation 32 is not to apply in respect of any application for an import licence which is made on or after the appointed day and in respect of any quota period which commences before 1st June 2021.

(12) Where, under quotas 05.4215, 05.4254, 05.4255 or 05.4256—

(a) import rights which have been attributed to an operator by the Secretary of State pursuant to Article 3(3) of [Commission Regulation \(EC\) No 616/2007](#) opening and providing for the administration of Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries<sup>(3)</sup> remain in effect immediately before the appointed day; and

(b) the grant of a licence consequent to the attribution to the operator of import rights under that Article has not taken place before the appointed day,

the Secretary of State must grant an import licence to the operator concerned to import the quantity of goods for which import rights had been attributed, and the period of validity of that licence is to be from 1st January 2021 until 30th June 2021.

(13) Where—

(a) a licence is surrendered in accordance with regulation 39; and

(b) the surrender of the licence is made within one month of the appointed day,

any security held by the Secretary of State for goods which had not been released under the free-circulation procedure by the date of surrender is to be returned to the person who lodged the security.

---

(1) OJ No L269, 10.10.2013, p. 1.

(2) OJ No L343, 29.12.2015, p. 1.

(3) OJ No L142, 5.6.2007, p. 3. [Commission Regulation \(EC\) No 616/2007](#) is prospectively repealed by Commission Delegated Regulation (EU) 2020/760 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as it has effect in EU law.