

---

STATUTORY INSTRUMENTS

---

**2021 No. 1192**

**The Customs Tariff (Preferential Trade Arrangements and Tariff Quotas) (EU Exit) (Amendment) (No. 4) Regulations 2021**

**Amendment of the Customs (Tariff Quotas) (EU Exit) Regulations 2020**

6.—(1) The Customs (Tariff Quotas) (EU Exit) Regulations 2020<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1), in the definition of “Quota Table”<sup>(2)</sup>, for the words from “entitled” to the end substitute “entitled “Tariff Quotas, version 2.2” dated 25th October 2021”.

(3) In regulation 6(2A)(a)<sup>(3)</sup>, for the words from “until” to the end substitute “within the period ending with the day of the next quota close date marking the expiry of the quota period for the quota concerned”.

(4) In regulation 23—

(a) in paragraph (3)—

(i) omit “and” at the end of sub-paragraph (a);

(ii) omit sub-paragraph (b);

(b) in paragraph (5)—

(i) omit “and” at the end of sub-paragraph (a);

(ii) omit sub-paragraph (b).

(5) After regulation 28(3) insert—

“(4) For the purposes of the requirement to show proof of trade in accordance with regulation 29(1)(a)<sup>(4)</sup> for a quota to which regulation 27 applies, regulation 27 is deemed to apply irrespective of whether reference quantity is suspended under this regulation in respect of the quota concerned.”.

(6) After regulation 29 insert—

**“Suspension of proof of trade**

**29A.**—(1) The Secretary of State may publish a notice suspending the requirement to show proof of trade in accordance with regulation 29 in respect of any quota specified in the notice.

(2) The notice may be given if, in the opinion of the Secretary of State, due to the occurrence of abnormal and unforeseeable circumstances, the number of licence applications likely to be submitted in respect of the quota concerned is fewer than the equivalent number of such applications received in the preceding quota period.

(3) The period of any suspension must be specified in the notice and may not exceed the end of the quota period.”.

---

(1) [S.I. 2020/1432](#), as amended by [S.I. 2020/1657](#) and [S.I. 2021/382](#), 527, 693.

(2) The definition of “Quota Table” in regulation 2 was amended by [S.I. 2020/1657](#) and [S.I. 2021/693](#).

(3) Paragraph (2A) was inserted by regulation 2 of [S.I. 2021/693](#).

(4) Regulation 29(1)(a) was amended by regulation 4 of [S.I. 2021/382](#).

(7) In regulation 36(6) at the beginning insert “Unless the additional allocation procedure under regulation 36A applies,”.

(8) After regulation 36 insert—

**“Allocation of quota 05.4105**

**36A.—**(1) The additional allocation procedure under this regulation applies where—

- (a) the grant of the licence concerned is for an application received in respect of the quota identified by the quota number 05.4105—
  - (i) within the period of seven days beginning with 1st February 2022, or
  - (ii) within the period of seven days beginning with 1st February 2023; and
- (b) the total sum of the figures resulting from the application of the allocation coefficient under regulation 36(6) is less than the available quantity for the goods concerned.

(2) Each applicant which applied to import the goods concerned is to be allocated an additional quantity of goods (“additional quantity”) which is to be calculated as follows—

- (a) the remaining available quantity is to be divided into equal shares for allocation amongst the applicants to import the goods concerned; and
- (b) the resulting figure, rounded down to the nearest kilogram, is the figure equating to the additional quantity to be allocated to each applicant.

(3) The additional quantity must be notified to each applicant by the Secretary of State as the quantity of goods offered to be imported as quota goods under the licence above that applicant’s original application quantity.

(4) Any acceptance by the applicant of the offer of additional quantity must be received by the Secretary of State within seven days of the notification made under paragraph (3).

(5) On acceptance of the offer of additional quantity by the applicant—

- (a) a further security, calculated in accordance with the formula in regulation 26(2), is payable in connection with the additional quantity; and
- (b) any security payable must be lodged with the Secretary of State within the same period as the period for accepting the offer of additional quantity under paragraph (4).

(6) The quantity of quota goods to be imported under the licence is—

- (a) where the offer of additional quantity is not accepted in accordance with paragraphs (4) and (5), the figure resulting from the application of the allocation coefficient under regulation 36(6), or
- (b) where the offer of additional quantity is accepted in accordance with paragraphs (4) and (5), the figure equating to that quantity, combined with the figure resulting from the application of the allocation coefficient under regulation 36(6).”

(9) In Schedule 2(5), in the table headed “Part A: quotas listed in the Quota Table” insert below the final row—

“05.4521	£8 per 100kg			Yes			Yes <sup>(5)</sup>			
05.4522	£8 per 100 kg			Yes			Yes <sup>(5)</sup> ”			

(5) Schedule 2 to [S.I. 2020/1432](#) was substituted by regulation 9 of, and Schedule 2 to, [S.I. 2020/1657](#); and was amended by regulation 4 of, and the Schedule to, [S.I. 2021/382](#) and by regulation 2 of [S.I. 2021/527](#).

(10) In Schedule 3, in column (2) of the table headed “Proof of Trade Table”, in the sector for milk and milk products, for “4050 90” substitute “0405 90”.