



COMMISSION IMPLEMENTING REGULATION (EU) 2024/567

of 14 February 2024

**amending Implementing Regulation (EU) 2020/761 with regard to the use of digital proof of origin
for products originating from Brazil and the management of tariff quotas**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 187 thereof,

Whereas:

- (1) Annex XII to Commission Implementing Regulation (EU) 2020/761 ⁽²⁾ lays down that imports of poultry from Brazil under tariff quotas with order numbers 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4253, 09.4410 and 09.4420 are to be accompanied by a certificate of origin issued by the competent Brazilian authorities. That certificate of origin is to comply with Articles 57, 58 and 59 of Commission Implementing Regulation (EU) 2015/2447 ⁽³⁾. Pursuant to Article 57(1) of Implementing Regulation (EU) 2015/2447 the certificate is to be issued in paper format as laid down in Annex 22-14 to that Implementing Regulation.
- (2) As of 1 March 2023, Brazil issues those certificates of origin in digital format, contrary to what is laid down in Annex 22-14 to Implementing Regulation (EU) 2015/2447. To avoid undue trade disruptions, it is appropriate to provide for a derogation from Article 57(1) of that Implementing Regulation to allow for the use of certificates of origin issued in digital format.
- (3) In order to ensure that the proof of origin stays authentic, a template of a digital certificate should be provided for in Implementing Regulation (EU) 2020/761. Any processing of personal data carried out within the framework of that Implementing Regulation should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁴⁾. Data processing is set out in Implementing Regulation (EU) 2020/761 solely with the objective of serving a general public interest, namely the matters of taxation and the purposes of ensuring smooth and safe trade of agricultural products accompanied by documents issued in digital format.
- (4) Release into free circulation of products accompanied by those digital certificates should continue to be governed by the rules laid down in Articles 57, 58 and 59 of Implementing Regulation (EU) 2015/2447.
- (5) Article 16(3), first subparagraph, point (c), of Implementing Regulation (EU) 2020/761 requires Member States to notify on a monthly basis quantities covered by import licences based on documents issued by third country. However, this notification is no longer needed for the correct management of this type of tariff quotas. This is because, according to Article 17(6), before issuing a licence based on documents issued by third countries Member States shall notify to the Commission the number of the licence and the quantity that it covers. Therefore, to avoid duplicating this notification and reduce the burden on Member States, Article 16(3), first subparagraph, point (c), of that Implementing Regulation should be deleted.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>

⁽²⁾ Commission Implementing Regulation (EU) 2020/761 of 17 December 2019 laying down rules for the application of Regulations (EU) No 1306/2013, (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the management system of tariff quotas with licences (OJ L 185, 12.6.2020, p. 24, ELI: http://data.europa.eu/eli/reg_impl/2020/761/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558, ELI: http://data.europa.eu/eli/reg_impl/2015/2447/oj).

⁽⁴⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

- (6) Article 16(5) of Implementing Regulation (EU) 2020/761 lays down the rules for the notification of quantities both used and unused under import and export licences. The current wording does not make clear that notifications concerning import licences are to be submitted 4 months after the expiry of the validity of the licences, whereas those referring to export licences are to be submitted 210 calendar days after the expiry. Moreover, it should be clarified that notifications of unused quantities are not necessary for licences based on documents issued by third countries. Therefore, that provision should be amended.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2020/761 is amended as follows:

- (1) the following Article is inserted:

'Article 15a

By way of derogation from Article 57(1) of Implementing Regulation (EU) 2015/2447, where Annexes II to XIII to this Regulation refer to this Article, a certificate of origin relating to products having their origin in a third country for which special non-preferential import arrangements are established shall be issued using the form set out in Annex XVII to this Regulation in compliance with the technical specifications laid down therein.;

- (2) Article 16 is amended as follows:

- (a) in the first subparagraph of paragraph 3, point (c) is deleted;
- (b) paragraph 5 is replaced by the following:

'5. The unused quantities covered by import or export licences shall be notified to the Commission within 4 months or 210 calendar days respectively, following the expiry of the period of validity of the licences concerned.

For import licences, the quantities released for free circulation during the preceding import tariff quota period shall be notified, within 4 months following the end of the tariff quota period.

The unused quantities covered by import licences based on documents issued by third countries shall not be notified.;

- (3) Annex XII is amended in accordance with Annex I to this Regulation;
- (4) the text set out in Annex II to this Regulation is added as Annex XVII.

Article 2

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

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

Done at Brussels, 14 February 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In Annex XII to Implementing Regulation (EU) 2020/761, in the tables referring to tariff quotas with order numbers 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4253, 09.4410 and 09.4420, the row 'Proof of origin for release into free circulation' is replaced by the following:

'Proof of origin for release into free circulation	Yes. In accordance with Articles 57, 58 and 59 of Regulation (EU) 2015/2447 and Article 15a of this Regulation.'
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ANNEX II

ANNEX XVII

Template of a digital Certificate of origin for certain products subject to special non-preferential import arrangements referred to in Article 15a*Introductory notes:*

1. The period of validity of the certificates of origin relating to products having their origin in a third country for which special non-preferential import arrangements are established shall be 12 months from the date of issue by the issuing authorities.
2. The Customs authorities shall compare the document presented by operators with the corresponding one available in the online database provided by the issuing authority of the relevant third country. The customs authorities in the Union shall accept as valid only the document available in the database of the third country.
3. The documents shall be completed in typescript in one of the official languages of the Union. The entries in the document printed out and presented to the customs authorities must not be erased or overwritten.
4. The documents shall bear a serial number by which it can be identified, as well as the following data:
 - (a) in boxes 1 and 2, the data identifying the third country consignor and the Union based consignee, respectively;
 - (b) in box 3, the data identifying the authority of the third country issuing the document and its symbol;
 - (c) in box 4, the country of origin;
 - (d) in box 5:
 - (i) the serial number of the import licence issued by any Member State to which the document refers;
 - (ii) all the additional particulars required for implementation of the Union legislation governing the special import arrangements;
 - (iii) only if issued retrospectively, the following indication in one of the official languages of the Union:
 - Expedido a posteriori,
 - Udstedt efterfølgende,
 - Nachträglich ausgestellt,
 - Εκδοθέν εκ των υστέρων,
 - Issued retrospectively,
 - Délivré a posteriori,
 - Rilasciato a posteriori,
 - Afgegeven a posteriori,
 - Emitido a posteriori,
 - Annettu jälkikäteen/utfärdat i efterhand,
 - Utfärdat i efterhand,
 - Vystaveno dodatečně,
 - Vāja antud tagasiulatuvalt,
 - Izsniegts retrospektīvi,
 - Retrospektyvusis išdavimas,
 - Kiadva visszamenőleges hatállyal,
 - Máhruğ retrospekttivament,
 - Wystawione retrospektywnie,

- Vyhotovené dodatočne,
- Издаден впоследствие,
- Eliberat ulterior,
- Izdano naknadno;

- (e) in box 6, the serial number of the shipment on which the goods arrive in the Union customs territory, together with the item and marking numbers, the number and kind of packages, and the description of the goods;
 - (f) in box 7, the quantity in kilograms of products to be released into free circulation, both net and gross mass;
 - (g) in box 8, the authentic signature of the officer and the authentic seal of the issuing authority of the third country, equivalent at least to advanced electronic signatures established in Regulation (EU) No 910/2014 of the European Parliament and of the Council ⁽¹⁾. Alternatively, the seal can be replaced by a QR code linking to the database where the original document in digital format is stored;
 - (h) box 9 shall not be filled;
 - (i) either at the bottom of the page, in box 5 or in box 8 the web address where the Customs authorities can find the original document in digital format shall be clearly indicated.
5. Each document shall bear a serial number by which it can be identified and shall be stamped by the issuing authority and signed by the person or persons empowered to do so.

1	Consignor	Document number	
2	Consignee	3	Issuing authority
		4	Country of origin
5	Remarks		
6	Item number – Markings and numbers – Number and kind of packages – DESCRIPTION OF GOODS	7	Gross and net mass (kg)
8	THIS IS TO CERTIFY THAT THE ABOVE PRODUCTS ORIGINATE IN THE COUNTRY MENTIONED IN BOX 4 AND THAT THE INDICATIONS IN BOXES 5 AND 6 ARE CORRECT (*)		
9	RESERVED FOR THE CUSTOMS AUTHORITIES IN THE EUROPEAN UNION		
(*) To verify the authenticity of this document you can scan the QR code or access the following link:'.			

⁽¹⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73, ELI: <http://data.europa.eu/eli/reg/2014/910/oj>).