



2024/2637

4.10.2024

**COMMISSION DELEGATED REGULATION (EU) 2024/2637**

**of 30 July 2024**

**amending Delegated Regulation (EU) 2020/760 as regards the rules on the reference quantity for groups of tariff quotas in the poultry sector**

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 <sup>(1)</sup>, and in particular Article 186 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/760 <sup>(2)</sup> supplements Regulation (EU) No 1308/2013 as regards the rules for the administration of import and export tariff quotas for agricultural products subject to licences.
- (2) Pursuant to Article 9(1) of Delegated Regulation (EU) 2020/760, operators may submit applications for licences under a given tariff quota only for a limited quantity, calculated on the basis of the quantities that they imported in the past ('reference quantity'). Article 9(2) of that Delegated Regulation provides that the reference quantity is to cover products released for free circulation in the Union which fall within the same tariff quota number and have the same origin.
- (3) Article 9(6) and (7) of Delegated Regulation (EU) 2020/760 sets out a derogation from the rule that the reference quantity is to be calculated on the basis of imports of products coming from the same origin. For certain groups of tariff quotas, the reference quantity is calculated cumulatively for the whole group set out in that Article 9 instead of being calculated for a single tariff quota. Consequently, that group reference quantity may be used to apply for licences for any of the tariff quota of the group concerned.
- (4) The derogation set out in Article 9(6) and (7) of Delegated Regulation (EU) 2020/760 thus allows importers to apply for the tariff quotas under the group reference quantity with a certain degree of flexibility.
- (5) However, the use of that derogation could potentially lead to market distortions, as recent legislative and market developments enable a limited number of companies to obtain significant shares of import licences under the tariff quotas concerned. That risk was increased by the elimination of duties on imports from Ukraine, as provided for in Regulations (EU) 2022/870 <sup>(3)</sup>, (EU) 2023/1077 <sup>(4)</sup> and (EU) 2024/1392 <sup>(5)</sup> of the European Parliament and of the Council.

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

<sup>(2)</sup> Commission Delegated Regulation (EU) 2020/760 of 17 December 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the rules for the administration of import and export tariff quotas subject to licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the lodging of securities in the administration of tariff quotas (OJ L 185, 12.6.2020, p. 1, ELI: [http://data.europa.eu/eli/reg\\_del/2020/760/oj](http://data.europa.eu/eli/reg_del/2020/760/oj)).

<sup>(3)</sup> Regulation (EU) 2022/870 of the European Parliament and of the Council of 30 May 2022 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L 152, 3.6.2022, p. 103, ELI: <http://data.europa.eu/eli/reg/2022/870/oj>).

<sup>(4)</sup> Regulation (EU) 2023/1077 of the European Parliament and of the Council of 31 May 2023 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L 144, 5.6.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/1077/oj>).

<sup>(5)</sup> Regulation (EU) 2024/1392 of the European Parliament and of the Council of 14 May 2024 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L, 2024/1392, 29.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1392/oj>).

- (6) To minimise this risk of market distortions and to ensure that all interested operators can apply for import licences under the tariff quotas concerned, it is appropriate to remove tariff quotas under order numbers 09.4213, 09.4216, and 09.4412 from the groups listed in Article 9(6) and (7) of Delegated Regulation (EU) 2020/760.
- (7) Delegated Regulation (EU) 2020/760 should therefore be amended accordingly.
- (8) To ensure the proper management of those groups of tariff quotas, and taking into consideration the fact that the tariff quota periods are not the same for all of them, the amendments introduced by this Regulation should apply as of the tariff quota periods starting after the entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

#### **Amendments to Delegated Regulation (EU) 2020/760**

In Article 9 of Delegated Regulation (EU) 2020/760, paragraphs 6 and 7 are replaced by the following:

‘6. By way of derogation from paragraph 2, the reference quantity shall be calculated by cumulating the quantities of products released for free circulation in the Union, which fall within each of the following groups of two or three quotas under order numbers set out in Annex I to Implementing Regulation (EU) 2020/761:

- (a) 09.4211, 09.4212 and 09.4290;
- (b) 09.4214 and 09.4215;
- (c) 09.4410, 09.4411 and 09.4289.

7. By way of derogation from paragraph 3, for the tariff quotas under order numbers 09.4211, 09.4212 and 09.4290, the total quantity of products covered by licence applications submitted in the tariff quota period for those three tariff quotas shall not exceed the applicant's total reference quantity for those tariff quotas. The applicant may choose how to sub-divide the total reference quantity among the tariff quotas for which the applicant has submitted licence applications. This rule shall also apply to tariff quotas under order numbers 09.4214 and 09.4215 and order numbers 09.4410, 09.4411 and 09.4289.’.

#### *Article 2*

#### **Entry into force and application**

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

It shall apply as of the tariff quota periods starting after the entry into force of this Regulation.

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

Done at Brussels, 30 July 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN