

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2021/775

of 11 May 2021

**laying down the rules for the application of Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards derogations from the ‘originating products’ rules laid down in the Trade and Cooperation Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code <sup>(1)</sup>, and in particular Article 58(1) thereof,

Whereas:

- (1) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part <sup>(2)</sup> (the Agreement<sup>3</sup>), was signed, on behalf of the Union, on 29 December 2020.
- (2) Part Two, Title I, Chapter 2 of the Agreement concerns the definition of the concept of ‘originating products’ and methods of administrative cooperation. Annex ORIG-2 (Product-specific rules of origin) to the Agreement sets out a list of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status. Annex ORIG-2A lays down alternative rules that may be applied instead of the rules set out in Annex ORIG-2 (Product-specific rules of origin) for certain products to be considered as originating in the United Kingdom of Great Britain and Northern Ireland or in the Union within the limits of the applicable annual quota.
- (3) Products to which the alternative rules laid down in Annex ORIG-2A apply can be imported into the Union provided they comply with the conditions set out in that Annex.
- (4) In order to ensure their efficient management in respect of the applicable legislation of the Union, the annual quotas set out in Annex ORIG-2A should be managed on the basis of the chronological order of dates of acceptance of customs declarations for release for free circulation in accordance with the rules for the management of tariff quotas laid down in Commission Implementing Regulation (EU) 2015/2447 <sup>(3)</sup>.

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.

<sup>(2)</sup> OJ L 444, 31.12.2020, p. 14.

<sup>(3)</sup> 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).

- (5) Pursuant to Article 12 of Council Decision (EU) 2020/2252 <sup>(4)</sup>, 'the Agreement' is to be applied on a provisional basis as from 1 January 2021. In order to ensure the effective management and timely application of the origin quotas set out in Annex ORIG-2A to the Agreement, this Regulation should apply from that date.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The derogations set out in Annex ORIG-2A of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the 'Agreement'), shall apply, in the case of the products listed in the Annex and imported into the Union, within the limits of the quotas set out therein.

*Article 2*

The quotas set out in the Annex shall be managed in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

*Article 3*

To benefit from the quotas set out in the Annex, where the preferential [tariff] treatment is claimed on the basis of a statement on origin, that statement on origin shall be drawn up in accordance with Article ORIG.19 of the Agreement and contain the following additional statement in English: 'Origin quotas – Product originating in accordance with Annex ORIG-2A'.

*Article 4*

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

It shall apply from 1 January 2021.

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

Done at Brussels, 11 May 2021.

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

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<sup>(4)</sup> Council Decision (EU) 2020/2252 of 29 December 2020 on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 444, 31.12.2020, p. 2).

## ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the scope of the preferential scheme shall be determined, within the context of this Annex, by the CN codes as set out in Annex I to Council Regulation (EEC) No 2658/87 <sup>(1)</sup>, as amended by Commission Implementing Regulation (EU) 2020/1577 <sup>(2)</sup>, and by the description of the product in the third column of the table in this Annex, taken together.

Order No	CN Code	Description of products	Quota period	Volume (net weight)
09.6002	1604 14	Prepared or preserved tunas, skipjack and bonito (Sarda spp.), whole or in pieces (excl. minced)	From 1.1 to 31.12 (from the year 2021 onwards)	3 000 tonnes
09.6004	1604 20 70	Other prepared or preserved tunas, skipjack or other fish of the genus Euthynnus (excl. whole or in pieces)	From 1.1 to 31.12 (from the year 2021 onwards)	4 000 tonnes
09.6006	7603 7604 7606 7608 to 7616 7605 7607	Aluminium products and articles of aluminium (excluding aluminium wire and aluminium foil)     Aluminium wire Aluminium foil	From 1.1 to 31.12 (for the years 2021, 2022 and 2023)	95 000 tonnes
09.6006	7603 7604 7606 7608 to 7616 7605 7607	Aluminium products and articles of aluminium (excluding aluminium wire and aluminium foil)     Aluminium wire Aluminium foil	From 1.1 to 31.12 (for the years 2024, 2025 and 2026)	72 000 tonnes
09.6006	7604 7606 7607	Aluminium bars, rods and profiles; Aluminium plates, sheets and strip, of a thickness exceeding 0,2 mm; Aluminium foil	From 1.1 to 31.12 (from the year 2027 onwards)	57 500 tonnes

<sup>(1)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

<sup>(2)</sup> Commission Implementing Regulation (EU) 2020/1577 of 21 September 2020 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 361, 30.10.2020, p. 1).