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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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Ι

(Legislative acts)

REGULATIONS

REGULATION (EU) 2020/2170 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 December 2020

on the application of Union tariff rate quotas and other import quotas

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure (1),

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the 'Withdrawal Agreement') was concluded on behalf of the Union by Council Decision (EU) 2020/135 (²) and entered into force on 1 February 2020.
- (2) Article 4 of the Protocol on Ireland/Northern Ireland annexed to the Withdrawal Agreement (the 'Protocol') reiterates that Northern Ireland is part of the customs territory of the United Kingdom and that nothing in the Protocol prevents the United Kingdom from including Northern Ireland in the territorial scope of its Schedules of Concessions annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994).
- (3) Article 13(1) of the Protocol provides that notwithstanding any other provisions of the Protocol, any reference to the customs territory of the Union in the applicable provisions of the Protocol or in the provisions of Union law made applicable to and in the United Kingdom in respect of Northern Ireland by the Protocol shall be read as including the land territory of Northern Ireland.
- (4) Under Article 5(3) of the Protocol, Union customs legislation as defined in point 2 of Article 5, of Regulation (EU) No 952/2013 of the European Parliament and of the Council (3) applies to and in the United Kingdom in respect of Northern Ireland. Those provisions, read in conjunction with the first and second subparagraphs of Article 5(1) of the Protocol as regards goods brought into Northern Ireland from outside the Union, mean that Union tariff measures, including tariff rate quotas under the Common Customs Tariff or relevant international agreements, would be applicable to such goods where those goods are considered to be at risk of subsequently being moved into the Union. Those tariff rate quotas include import tariff rate quotas in the Union's schedules of commitments under

⁽¹) Position of the European Parliament of 26 November 2020 (not yet published in the Official Journal) and decision of the Council of 4 December 2020.

⁽²⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

⁽³⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

GATT 1994, import tariff rate quotas agreed in the Union's bilateral international agreements, including origin derogation quotas, import tariff rate quotas under the Union's trade defence regimes, other autonomous import tariff rate quotas, and export tariff rate quotas provided for in agreements with third countries.

- (5) Under Article 5(4) of the Protocol, Union law listed in Annex 2 to the Protocol also applies to and in the United Kingdom in respect of Northern Ireland, under the conditions set out in that Annex. That Annex includes Union legislation providing for certain import quotas.
- (6) The bilateral arrangements between the Union and the United Kingdom under the Protocol do not give rise to rights and obligations for third countries. Consequently, any imports pursuant to Union import tariff rate quotas or other import quotas applying to goods originating in a third country that are brought into Northern Ireland cannot be counted towards that third country's rights *vis-à-vis* the Union, unless agreed by the third country. That situation poses a risk to the proper functioning of the Union's internal market and the integrity of the Common Commercial Policy by allowing the possible circumvention of the Union's tariff rate quotas or other import quotas.
- (7) To address that risk, the Union's import tariff rate quotas and other import quotas should be available only for goods imported and released into free circulation in the Union and not in Northern Ireland.
- (8) Any agreement between the Union and a third country providing for export tariff rate quotas applies only to goods imported into the Union. Therefore, that third country could refuse to issue export licenses for direct imports into Northern Ireland.
- (9) By virtue of Article 5(3) and (4) of the Protocol in conjunction with its Article 13(3), this Regulation also applies to and in the United Kingdom in respect of Northern Ireland,

HAVE ADOPTED THIS REGULATION:

Article 1

Goods imported from outside the Union shall be eligible for treatment pursuant to Union import tariff rate quotas or other import quotas or pursuant to export tariff rate quotas applied by third countries only if those goods are released into free circulation in the following territories:

- the territory of the Kingdom of Belgium,
- the territory of the Republic of Bulgaria,
- the territory of the Czech Republic,
- the territory of the Kingdom of Denmark, except the Faroe Islands and Greenland,
- the territory of the Federal Republic of Germany, except the Island of Heligoland and the territory of Büsingen (Treaty of 23 November 1964 between the Federal Republic of Germany and the Swiss Confederation),
- the territory of the Republic of Estonia,
- the territory of Ireland,
- the territory of the Hellenic Republic,
- the territory of the Kingdom of Spain, except Ceuta and Melilla,
- the territory of the French Republic, except the French overseas countries and territories to which the provisions of Part Four of the Treaty on the Functioning of the European Union apply, but including the territory of Monaco as defined in the Customs Convention signed in Paris on 18 May 1963 (Journal official de la République française of 27 September 1963, p. 8679),

- the territory of the Republic of Croatia,
- the territory of the Italian Republic, except the municipality of Livigno,
- the territory of the Republic of Cyprus, in accordance with the provisions of the 2003 Act of Accession,
- the territory of the Republic of Latvia,
- the territory of the Republic of Lithuania,
- the territory of the Grand Duchy of Luxembourg,
- the territory of Hungary,
- the territory of Malta,
- the territory of the Kingdom of the Netherlands in Europe,
- the territory of the Republic of Austria,
- the territory of the Republic of Poland,
- the territory of the Portuguese Republic,
- the territory of Romania,
- the territory of the Republic of Slovenia,
- the territory of the Slovak Republic,
- the territory of the Republic of Finland,
- the territory of the Kingdom of Sweden, and
- the territory of the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia as defined in the Treaty concerning the Establishment of the Republic of Cyprus, signed in Nicosia on 16 August 1960.

Article 2

This Regulation shall enter into force on the day following that of 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, 16 December 2020.

For the European Parliament The President D. M. SASSOLI

For the Council The President M. ROTH

REGULATION (EU) 2020/2171 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 December 2020

amending Annex IIa to Council Regulation (EC) No 428/2009 as regards granting a Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom of Great Britain and Northern Ireland

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure (1),

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union (TEU). In accordance with that Article, the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (²) (the 'Withdrawal Agreement') was concluded on behalf of the Union by Council Decision (EU) 2020/135 (³).
- (2) According to the terms of the Withdrawal Agreement, the United Kingdom is no longer a Member State of the European Union since 31 January 2020, and Union primary and secondary law will cease to apply to and in the United Kingdom when the transition period set out in the Withdrawal Agreement ends on 31 December 2020.
- (3) Council Regulation (EC) No 428/2009 (4) sets up a common system for the control of exports of dual-use items in order to promote Union and international security and to provide a level playing field for Union exporters.
- (4) Regulation (EC) No 428/2009 provides for Union General Export Authorisations which facilitate controls on low-risk exports of dual-use items to certain third countries. Currently, Australia, Canada, Japan, New Zealand, Norway, Switzerland, including Liechtenstein, and the United States of America are covered by Union General Export Authorisation No EU001.
- (5) The United Kingdom is a party to relevant international treaties and a member of international non-proliferation regimes, and maintains full compliance with related obligations and commitments.
- (6) The United Kingdom applies proportionate and adequate controls to effectively address considerations about intended end use and the risk of diversion consistent with the provisions and objectives of Regulation (EC) No 428/2009.
- (7) Adding the United Kingdom to the list of countries included in Union General Export Authorisation No EU001, would not negatively affect the security of the Union or international security.

⁽¹⁾ Position of the European Parliament of 26 November 2020 (not yet published in the Official Journal) and decision of the Council of 4 December 2020.

⁽²⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

⁽³⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

⁽⁴⁾ Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L 134, 29.5.2009, p. 1).

- (8) Considering that the United Kingdom is an important destination for dual-use items produced in the Union, it is appropriate to add the United Kingdom to the list of destinations covered by the Union General Export Authorisation No EU001 in order to ensure the uniform and consistent application of controls throughout the Union, to provide a level playing field for Union exporters and to avoid unnecessary administrative burden, while protecting Union and international security.
- (9) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objectives of avoiding disproportionate trade disruptions and excessive administrative burden for Union exports of dual-use items to the United Kingdom, to lay down rules on the inclusion of the United Kingdom in the Union General Export Authorisation No EU001. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the TEU.
- (10) In view of the urgency entailed by the circumstances of the United Kingdom's withdrawal from the Union, it is considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (11) This Regulation should enter into force as a matter of urgency on the day following that of its publication in the Official Journal of the European Union and should apply from 1 January 2021 in order to ensure that the United Kingdom be included in Union General Export Authorisation No EU001 without delay,

HAVE ADOPTED THIS REGULATION:

Article 1

Annex IIa to Regulation (EC) No 428/2009 is amended as follows:

(1) in the title, the wording 'Exports to Australia, Canada, Japan, New Zealand, Norway, Switzerland, including Liechtenstein, and United States of America' is replaced by the following:

'Exports to Australia, Canada, Japan, New Zealand, Norway, Switzerland, including Liechtenstein, United Kingdom and United States of America':

- (2) in Part 2, the following indent is inserted after the sixth indent:
 - '— United Kingdom (without prejudice to the application of this Regulation to and in the United Kingdom in respect of Northern Ireland, in accordance with point 47 of Annex 2 to the Protocol on Ireland/Northern Ireland (the 'Protocol') annexed to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (*), listing the provisions of Union law referred to in Article 5(4) of the Protocol)
 - (*) Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).'.

Article 2

Entry into force and application

This Regulation shall enter into force on the day following that of 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, 16 December 2020.

For the European Parliament The President D. M. SASSOLI For the Council The President M. ROTH

REGULATION (EU) 2020/2172 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 December 2020

amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure (1),

Whereas:

- (1) Council Regulation (EC) No 1215/2009 (2) provided for unlimited duty free access to the Union market for nearly all products originating in the participants in the Stabilisation and Association process to the extent that and until such time as bilateral agreements with those beneficiary parties were concluded.
- (2) Stabilisation and Association Agreements have now been concluded with all six beneficiary parties. The Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo *, of the other part, is the last one to be concluded and entered into force on 1 April 2016.
- (3) Commission Delegated Regulation (EU) 2017/1464 (³) amended Regulation (EC) No 1215/2009, removing the bilateral preferences granted to Kosovo but maintaining the unilateral preference granted to all Western Balkan beneficiary parties in the form of the suspension of all duties for products covered by Chapters 7 and 8 of the Combined Nomenclature and their access to the global wine tariff rate quota of 30 000 hl.
- (4) Having regard to differences in the scope of the tariff liberalisation under the regimes provided for under the Stabilisation and Association Agreements between the Union and all participants in the Stabilisation and Association process and the preferences granted under Regulation (EC) No 1215/2009, it is appropriate to extend the period of application of Regulation (EC) No 1215/2009 until 31 December 2025.
- (5) The extension of the period of application of Regulation (EC) No 1215/2009 is considered to be a suitable guarantee of the Union's enhanced engagement and commitment to the trade integration of the Western Balkans. The current system of autonomous trade measures remains a valuable support for the economies of the Western Balkan partners.
- (6) In addition, the denomination of two beneficiary parties needs to be amended to reflect the latest agreed terminology.
- (7) Regulation (EC) No 1215/2009 should therefore be amended accordingly,

⁽¹) Position of the European Parliament of 11 November 2020 (not yet published in the Official Journal) and decision of the Council of 1 December 2020.

⁽²⁾ Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (OJ L 328, 15.12.2009, p. 1).

^{*} This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽³⁾ Commission Delegated Regulation (EU) 2017/1464 of 2 June 2017 amending Council Regulation (EC) No 1215/2009 as regards trade concessions granted to Kosovo* following the entry into force of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part (OJ L 209, 12.8.2017, p. 1).

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1215/2009 is amended as follows:

(1) Articles 1 and 2 are replaced by the following:

'Article 1

Preferential arrangements

- 1. Products originating in Albania, Bosnia and Herzegovina, Kosovo *, Montenegro, North Macedonia, and Serbia ('the beneficiary parties') covered by Chapters 7 and 8 of the Combined Nomenclature shall be admitted for import into the Union without quantitative restrictions or measures having equivalent effect, and with exemption from custom duties and charges having equivalent effect.
- 2. Products originating in the beneficiary parties shall continue to benefit from the provisions of this Regulation where so indicated therein. Such products shall also benefit from any concession provided for in this Regulation which is more favourable than that provided for under bilateral agreements between the Union and those beneficiary parties.

Article 2

Conditions for entitlement to the preferential arrangements

- 1. Entitlement to benefit from the preferential arrangements introduced by Article 1 shall be subject to the following conditions:
- (a) compliance with the definition of "originating products" provided for in Title II, Chapter 1, Section 2, Subsections 4 and 5 of Commission Delegated Regulation (EU) 2015/2446 (*), and Title II, Chapter 2, Section 2, Subsections 10 and 11 of Commission Implementing Regulation (EU) 2015/2447 (**);
- (b) abstention of the beneficiary parties from introducing new duties and charges having equivalent effect and new quantitative restrictions or measures having equivalent effect in respect of imports originating in the Union, from increasing existing levels of duties or charges or from introducing any other restrictions from 30 September 2000:
- (c) the involvement of beneficiary parties in effective administrative cooperation with the Union in order to prevent any risk of fraud; and
- (d) abstention of the beneficiary parties from engaging in serious and systematic violations of human rights, including core labour rights, of fundamental principles of democracy and of the rule of law.
- 2. Without prejudice to the conditions set out in paragraph 1 of this Article, entitlement to benefit from the preferential arrangements referred to in Article 1 shall be subject to the readiness of the beneficiary parties to engage in effective economic reforms and in regional cooperation with other countries involved in the European Union's Stabilisation and Association process, in particular through the establishment of free trade areas in accordance with Article XXIV of the GATT 1994 and other relevant WTO provisions.

In the event of non-compliance with the first subparagraph, the Council may take the appropriate measures by a qualified majority vote, on the basis of a Commission proposal.

3. In the event of non-compliance by a beneficiary party with point (a), (b) or (c) of paragraph 1 or with paragraph 2 of this Article, the Commission may, by means of implementing acts, suspend, in whole or in part, the entitlement of the beneficiary party concerned to benefits under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).

- * This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.
- (*) Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).
- (**) 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).;
- (2) Article 3 is amended as follows:
 - (a) paragraph 1 is replaced by the following:
 - '1. For certain wine products, as listed in Annex I, originating in the beneficiary parties, the customs duties applicable to imports into the Union shall be suspended during the periods, at the levels, within the limits of the Union tariff quota and under the conditions indicated for each product and origin set out in that Annex.';
 - (b) paragraph 2 is deleted;
- (3) Article 4 is deleted:
- (4) in Article 5, the first paragraph is replaced by the following:

'The tariff quotas referred to in Article 3(1) of this Regulation shall be administered by the Commission in accordance with Title II, Chapter 1, Section 1 of Implementing Regulation (EU) 2015/2447.';

- (5) in Article 7, points (b) and (c) are replaced by the following:
 - '(b) necessary adjustments following the granting of trade preferences under other arrangements between the Union and the beneficiary parties;
 - (c) suspension, in whole or in part, of the entitlement of a beneficiary party concerned to benefits under this Regulation, in the event of non-compliance by that beneficiary party with point (d) of Article 2(1).';
- (6) in Article 8, paragraph 3 is deleted;
- (7) In Article 10, paragraph 1 is replaced by the following:
 - '1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as required for the verification of evidence of origin, or that there is a massive increase in exports into the Union above the level of normal production and export capacity or a failure of compliance with point (a), (b) or (c) of Article 2(1) by the beneficiary parties, it may take measures to suspend in whole or in part the arrangements provided for in this Regulation for a period of three months, provided that it has first:
 - (a) informed the Western Balkans Implementation Committee;
 - (b) called on the Member States to take such precautionary measures as are necessary in order to safeguard the Union's financial interests and/or to secure compliance by the beneficiary parties with Article 2(1);
 - (c) published a notice in the Official Journal of the European Union stating that there are grounds for reasonable doubts about the application of the preferential arrangements and/or compliance with Article 2(1) by the beneficiary party concerned which may call into question its right to continue enjoying the benefits granted by this Regulation.

The measures referred to in the first subparagraph of this paragraph shall be adopted by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).;

- (8) in Article 12, the second paragraph is replaced by the following: 'It shall apply until 31 December 2025.';
- (9) Annex I is replaced by the text in the Annex to this Regulation;
- (10) Annex II is deleted.

Article 2

This Regulation shall enter into force on the 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, 16 December 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council The President M. ROTH

ANNEX

'ANNEX I

CONCERNING THE TARIFF QUOTAS REFERRED TO IN ARTICLE 3(1)

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by the application of the CN code and the corresponding description, taken together.

Order No	CN Code	Description	Quota volume per year (¹)	Beneficiary parties	Rate of duty
09.1530	ex 2204 21 94 ex 2204 21 95 ex 2204 21 96 ex 2204 21 97 ex 2204 21 98 ex 2204 22 93 ex 2204 22 94 ex 2204 22 95 ex 2204 29 93 ex 2204 29 94 ex 2204 29 95	Wine of fresh grapes, of an actual alcoholic strength by volume not exceeding 15 % vol, other than sparkling wine	30 000 hl	Albania (²), Bosnia and Herzegovina (³), Kosovo (⁴), Montenegro (⁵), North Macedonia (⁶), Serbia (ˀ).	Exemption'

- (1) One global volume per tariff quota accessible to imports originating in the beneficiary parties.
- (2) Access for wine originating in Albania to the global tariff quota is subject to the prior exhaustion of the individual tariff quota provided for in the Protocol on wine concluded with Albania. That individual quota is opened under order No 09.1512 and 09.1513.
- (3) Access for wine originating in Bosnia and Herzegovina to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Protocol on wine concluded with Bosnia and Herzegovina. Those individual quotas are opened under order Nos 09.1528 and 09.1529.
- (4) Access for wine originating in Kosovo to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Protocol on wine concluded with Kosovo. Those individual quotas are opened under order Nos 09.1570 and 09.1572.
- (5) Access for wine originating in Montenegro to the global tariff quota, insofar as it concerns products of CN code 2204 21, is subject to the prior exhaustion of the individual tariff quota provided for in the Protocol on wine concluded with Montenegro. That individual tariff quota is opened under order No 09.1514.
- (6) Access for wine originating in North Macedonia to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Additional Protocol on wine concluded with North Macedonia. Those individual quotas are opened under order Nos 09.1558 and 09.1559.
- (7) Access for wine originating in Serbia to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Protocol on wine concluded with Serbia. Those individual quotas are opened under order Nos 09.1526 and 09.1527.

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