

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) <a href="#">2018/0158(COD)</a> Regulation	Procedure completed
Apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union  Amended by <a href="#">2021/0146(COD)</a>  Subject 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO) 6.20.05 Multilateral and plurilateral economic and trade agreements and relations  Geographical area United Kingdom	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 International Trade	 <a href="#">QUISTHOUDT-ROWOHL Godelieve</a>  Shadow rapporteur  <a href="#">MOSCA Alessia Maria</a>  <a href="#">MCCLARKIN Emma</a>  <a href="#">SCHAAKE Marietje</a>  <a href="#">BUCHNER Klaus</a>  <a href="#">(THE EARL OF) DARTMOUTH William</a>	20/06/2018
	Committee for opinion	Rapporteur for opinion	Appointed
	 Industry, Research and Energy	The committee decided not to give an opinion.	
 Agriculture and Rural Development			
 Fisheries	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date

## Key events

22/05/2018	Legislative proposal published	<a href="#">COM(2018)0312</a>	Summary
31/05/2018	Committee referral announced in Parliament, 1st reading		
05/11/2018	Vote in committee, 1st reading		
05/11/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
08/11/2018	Committee report tabled for plenary, 1st reading	<a href="#">A8-0361/2018</a>	Summary
12/11/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
14/11/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
10/12/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE631.918 GEDA/A/(2018)009625</a>	
16/01/2019	Results of vote in Parliament		
16/01/2019	Decision by Parliament, 1st reading	<a href="#">T8-0022/2019</a>	Summary
28/01/2019	Act adopted by Council after Parliament's 1st reading		
30/01/2019	Final act signed		
30/01/2019	End of procedure in Parliament		
08/02/2019	Final act published in Official Journal		

## Technical information

Procedure reference	2018/0158(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by <a href="#">2021/0146(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 207-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/8/13277

## Documentation gateway

Legislative proposal		<a href="#">COM(2018)0312</a>	22/05/2018	EC	Summary
Committee draft report		<a href="#">PE627.022</a>	05/09/2018	EP	
Committee opinion	AGRI	<a href="#">PE623.916</a>	24/10/2018	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0361/2018</a>	08/11/2018	EP	Summary
Coreper letter confirming interinstitutional agreement		<a href="#">GEDA/A/(2018)009625</a>	07/12/2018	CSL	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0022/2019</a>	16/01/2019	EP	Summary
Draft final act		<a href="#">00071/2018/LEX</a>	17/01/2019	CSL	
Text agreed during interinstitutional negotiations		<a href="#">PE631.918</a>	31/01/2019	EP	
Commission response to text adopted in plenary		<a href="#">SP(2019)150</a>	27/02/2019	EC	

## Final act

[Regulation 2019/216](#)

[OJ L 038 08.02.2019, p. 0001](#) Summary

[Corrigendum to final act 32019R0216R\(01\)](#)

[OJ L 0851 27.03.2019, p. 0069](#) Summary

[Corrigendum to final act 32019R0216R\(02\)](#)

[OJ L 010 15.01.2020, p. 0003](#)

## Apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union

**PURPOSE:** to allocate the tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the UK's withdrawal from the EU has implications beyond the bilateral relationship between the EU and the UK, in particular with regard to their commitments under the Agreement Establishing the World Trade Organization (WTO). Both the EU and the UK are original Members of the WTO.

After Brexit, the EU will continue to apply its scheduled commitments for goods, but its existing quantitative commitments, in particular the tariff rate quotas for agricultural, fish and industrial products, will require adjustments to take into account the fact that the EU's WTO schedule will no longer be applicable to the UK.

In October 2017, the EU and the UK informed WTO members in a joint letter of their approach for apportioning the existing EU tariff quotas and began informal talks with partners. The proposed approach would provide for an apportionment based on an objective methodology reflecting existing levels of market access and trade flows under each tariff rate quota

This initiative is in line with the EUs ongoing actions to prepare for the withdrawal of the UK from the EU in an orderly manner, notably the joint EU-UK letter to the WTO Membership of 11 October 2017.

**CONTENT:** the proposed Regulation provides that the tariff rate quotas figuring in the EUs WTO schedule of concessions and commitments will be apportioned between the EU and the UK as follows:

- as regards tariff rate quotas for agricultural products, the Unions portion shall be as set out in Part A of the Annex to this Regulation;
- as regards tariff rate quotas for non-agricultural products, the Unions portion shall be as set out in Part B of the Annex to this Regulation.

Part B of the Annex shall replace Annex 1 to Regulation (EC) No 32/2000, where these tariff rate quotas are currently listed.

The Commission may adopt delegated acts to amend the Annex to the proposed Regulation and Annex I to Regulation (EC) No 32/2000 in order to change the apportionment to cover for agreements concluded with trading partners in the meantime, for the case that following negotiations with trading partners it becomes evident that the mathematical application of the method used for the apportionment is not

appropriate for a specific tariff rate quota or for the case that other pertinent information relating to a specific tariff rate quota comes to the knowledge of the Commission at a later stage.

This Regulation should apply from the moment that Union's WTO schedule ceases to apply to the United Kingdom.

## Apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union

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The Committee on International Trade adopted the report by Godelieve QUISTHOUDT-ROWOHL (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and amending Council Regulation (EC) No 32/2000.

The proposal aims to apportion the tariff quotas in the Union's World Trade Organisation (WTO) list after the United Kingdom's withdrawal from the Union. It lists how tariff rate quotas figuring in the EUs WTO schedule of concessions and commitments will be apportioned between the EU and the UK. It also gives the Commission the power to modify this apportionment by delegated acts should it become necessary following the later concluded agreements with third countries. Tariff rate quotas for agricultural and non-agricultural products are concerned.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

**Quota allocation:** Members proposed to enshrine in the provisions of the regulation, not only recitals, the methodology that is at the basis of the apportionment of existing tariff rate quotas between the EU and the UK. An amendment thus clarifies the procedure for determining the share of the Union's tariff quotas.

Members also recalled the founding principles of the GATT Agreement on Agriculture, so that they also apply to the design and implementation of the apportionment of tariff quotas.

**Delegation of powers:** Members clarified the scope of the delegation of powers to the Commission. In adopting its delegated acts, the Commission shall ensure consistency with the common methodology agreed jointly with the United Kingdom and in particular ensuring that the market access into the Union as composed after the withdrawal of the United Kingdom does not exceed that which is reflected in the share of trade flows during a representative period.

The delegation of powers shall be granted to the Commission for a period of five years with the possibility of tacit extension for periods of the same duration. The deadline for objecting to delegated acts shall be two months from the notification of the act, which may be extended by two months at the initiative of the European Parliament or the Council.

While the proposal provides for a delegation of power which would have the effect of amending Annex I to Regulation (EC) No 32/2000 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas, defining detailed rules for amending or adapting these quotas, Members proposed that the current Regulation shall include alignment with delegated acts and implementing acts of Regulation (EC) No 32/2000.

## Apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union

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The European Parliament adopted by 628 votes to 18, with 42 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and amending Council Regulation (EC) No 32/2000.

The proposal aims to apportion the tariff quotas in the Union's World Trade Organisation (WTO) list after the United Kingdom's withdrawal from the Union. It lists how tariff rate quotas figuring in the EUs WTO schedule of concessions and commitments will be apportioned between the EU and the UK. It also gives the Commission the power to modify this apportionment by delegated acts should it become necessary following the later concluded agreements with third countries. Tariff rate quotas for agricultural and non-agricultural products are concerned.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission's proposal as follows.

### Quota allocation

The amended text sets out the methodology on which the allocation of existing tariff quotas between the Union and the United Kingdom is based. An amendment thus clarifies the procedure for determining the share of the Union's tariff quotas.

It is recalled that the methodology for the usage share for each individual tariff rate quota has been established and agreed by the Union and the United Kingdom, in line with the requirements of Article XXVIII of GATT 1994. Therefore, it should be wholly maintained to ensure its consistent application.

### Delegation of powers

The scope of the delegation of powers to the Commission has been clarified. In adopting its delegated acts, the Commission shall ensure consistency with the common methodology agreed with the United Kingdom and, in particular, ensure that the market access to the Union as composed after the withdrawal of the United Kingdom does not exceed that which is reflected in the share of trade flows over a representative period.

The delegation of powers shall be granted to the Commission for a period of five years with the possibility of tacit extension for periods of the same duration. The deadline for objecting to delegated acts shall be two months from the notification of the act, which may be extended by two months at the initiative of the European Parliament or the Council.

Lastly, the amended text provides for the alignment with the current Regulation of the delegated and implementing acts of Regulation (EC) No 32/2000 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas, defining detailed rules for amending or adapting these quotas, Members proposed that the current Regulation shall include alignment with delegated acts and implementing acts of Regulation (EC) No 32/2000 into line with the legal framework introduced by the Lisbon Treaty.

## Apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union

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**PURPOSE:** to apportion the tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union.

**LEGISLATIVE ACT:** Regulation (EU) 2019/216 of the European Parliament and of the Council on the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union, and amending Council Regulation (EC) No 32/2000.

**CONTENT:** the United Kingdoms withdrawal from the Union will have effects on the relations of the United Kingdom and the Union with third parties, in particular in the context of the World Trade Organisation (WTO) of which both are original members.

The Union is currently conducting negotiations with third countries under Article XXVIII of the GATT in order to amend the Union's schedule of concessions and commitments in the WTO where it includes tariff quota volumes.

However, given the time limits imposed on this process by the negotiations on the United Kingdoms withdrawal from the Union, it is possible that agreements might not be concluded with all WTO Members concerned in relation to all of the tariff rate quotas on the date the Unions WTO schedule of concessions and commitments on trade in goods ceases to apply to the United Kingdom.

In view of the need to ensure legal certainty and the continuous smooth operation of imports under the tariff rate quotas to the Union and to the United Kingdom, it is necessary for the Union to be able to proceed unilaterally to the apportionment of the tariff rate quotas.

The purpose of this Regulation is to allocate the tariff quotas in the WTO list of the Union after the United Kingdom's withdrawal from the Union for a number of processed agricultural, fisheries, industrial and agricultural products. It sets out the method by which the tariff quotas in the Union's schedule of concessions and commitments in the WTO shall be apportioned between the Union and the United Kingdom.

It also gives the Commission the power to modify this distribution by delegated acts if necessary following subsequent agreements with third countries. The power to adopt delegated acts is conferred on the Commission for a period of five years from 9 February 2019, which may be tacitly extended for periods of identical duration.

**ENTRY INTO FORCE:** 9.2.2019.

## Apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union

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**CORRIGENDUM** to Regulation (EU) 2019/216 of the European Parliament and of the Council of 30 January 2019 on the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union, and amending Council Regulation (EC) No 32/2000 ([OJ L 38, 8.2.2019](#)).

**PURPOSE:** to apportion tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union.

**LEGISLATIVE ACT:** Regulation (EU) 2019/216 of the European Parliament and of the Council on the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union, and amending Council Regulation (EC) No 32/2000.

**CONTENT:** the purpose of the Regulation is to apportion the tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union for certain processed fisheries, industrial and agricultural products. It sets out the method by which the tariff quotas in the Union's schedule of concessions and commitments in the WTO shall be allocated between the Union and the United Kingdom.

The tariff rate quota quantities concerned are set out in Part A of the Annex to the Regulation. This corrigendum concerns "Semi-milled or wholly milled rice" (Annex, Part A, in the Table, 11th row (relating to order number 094166)).