

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1100**of 5 June 2023****introducing preventive measures concerning certain products originating in Ukraine**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2023/1077 of the European Parliament and of the Council of 31 May 2023 on temporary trade-liberalisation measures ⁽¹⁾ and in particular Article 4(6) thereof,

Whereas:

- (1) Following Russia's unprovoked and unjustified war of aggression against Ukraine since 24 February 2022, in order to support the Ukrainian economy, the European Union introduced by Regulation (EU) 2022/870 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 ⁽²⁾.
- (2) With Commission Implementing Regulation (EU) 2023/903, the Union introduced preventive measures concerning certain products originating in Ukraine ⁽³⁾. Those measures were necessary to address exceptional circumstances that risk affecting the economic viability of local producers in Bulgaria, Hungary, Poland, Romania, and Slovakia.
- (3) Both Regulation (EU) 2022/870 and Implementing Regulation (EU) 2023/903 expired on 5 June 2023.
- (4) In order to continue its support of the Ukrainian economy, the Union adopted Regulation (EU) 2023/1077 on 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 ⁽⁴⁾ ("the Association Agreement").
- (5) In light of the expiry of Implementing Regulation (EU) 2023/903, the Commission assessed whether the exceptional circumstances referred to in recital 2 of that Regulation still exist and therefore require the adoption of new, targeted preventive measures in accordance with Article 4(6) of Regulation (EU) 2023/1077.
- (6) The assessment showed that important logistical bottlenecks still remain. In particular, infrastructure in Bulgaria, Hungary, Poland, Romania and Slovakia remains insufficient to handle the surge in traffic, notably at the borders between Ukraine and those Member States. Equipment is still urgently needed and storage capacity is scarce, resulting in high logistics costs, while there is also a high risk of insufficient storage capacities in the affected Member States.

⁽¹⁾ 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.).

⁽²⁾ OJ L 161, 29.5.2014, p. 3.

⁽³⁾ OJ L 114I, 2.05.2023, p.1.

⁽⁴⁾ OJ L 161, 29.5.2014, p. 3.

- (7) These exceptional circumstances continue to affect the economic viability of local producers in those Member States. Thus, the exceptional circumstances affecting the local Union producers continue. In light of those circumstances, the Commission assessed the situation as still warranting immediate action pursuant to Article 4(6) of Regulation (EU) 2023/1077.
- (8) It is still necessary to ensure that the specific items of wheat, maize, rapeseed (colza) and sunflower seed originating in Ukraine, all of which compete for the same storage capacities, are released for free circulation or placed under the customs warehousing, free zone or inward processing procedures, as provided for in Regulation (EU) 952/2013 of the European Parliament and of the Council ^(⁹), only in Member States other than Bulgaria, Hungary, Poland, Romania or Slovakia.
- (9) However, that limitation does not affect the movement of those goods in or via Bulgaria, Hungary, Poland, Romania or Slovakia under the customs transit procedure, as provided for in Article 226 of Regulation (EU) 952/2013, to another Member State or to a country or territory outside the customs territory of the Union. If such movement is nevertheless negatively affected, the Commission will assess, as necessary, whether the exceptional circumstances requiring immediate action persist and act accordingly.
- (10) In order to swiftly address the exceptional circumstances rendering this Regulation necessary, a Joint Coordination Platform has been set up to coordinate the efforts of the Commission, Bulgaria, Hungary, Poland, Romania and Slovakia, as well as Ukraine and Moldova to improve the flow of trade between the Union and Ukraine including transit along corridors of agricultural products. The Joint Coordination Platform will deliver operational solutions to improve procedures, infrastructure and logistic bottlenecks between Ukraine and the Union by, accelerating and improving control procedures at borders, better coordinated transit, enhanced infrastructure and lowered overall logistics costs, thereby ensuring that wheat, maize, rapeseed (colza) and sunflower seed originating in Ukraine can move deeper into the Union and beyond as needed. It is reasonable to expect that the work conducted in the context of the Joint Coordination Platform will translate into improvements in the course of the coming months. As joint solutions emerge to address the exceptional circumstances referred to in recital 6, it will be possible to let the preventive measures under this Regulation expire by September 2023.
- (11) The Commission has, in accordance with Article 4(6) of Regulation (EU) 2023/1077, informed the Committee on Safeguards established by Article 3(1) of Regulation (EU) 2015/478.
- (12) In order to prevent speculative behaviour by market operators, this Regulation should enter into force on the day of its publication. As is expected that the Joint Coordination Platform will improve the situation on the ground in the coming months, this Regulation should only apply until 15 September 2023,

HAS ADOPTED THIS REGULATION:

Article 1

The release for free circulation or placing under the customs warehousing, free zone or inward processing procedures of the products listed in the Annex to this Regulation originating in Ukraine, shall only be allowed in Member States other than Bulgaria, Hungary, Poland, Romania or Slovakia.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union* and shall apply until 15 September 2023.

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

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

Done at Brussels, 5 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Product Description	Commodity Code
Wheat	
Common wheat (except for seeds for sowing)	ex 1001 99 00
Maize	
Maize (corn) (except for seeds for sowing)	1005 90 00
Rapeseed	
Rape or colza seeds, whether or not broken (except for seeds for sowing)	1205 10 90; ex 1205 90 00
Sunflower seeds	
Sunflower seeds, whether or not broken (except for seeds for sowing)	1206 00 91; 1206 00 99