



# **Export Control (Tariff Rate Quotas— Sheepmeat and Goatmeat Export to the European Union and United Kingdom) Amendment (2021 Measures No. 1) Rules 2021**

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I, Andrew Edgar Francis Metcalfe AO, Secretary of the Department of Agriculture, Water and the Environment, make the following rules.

Dated 27 November 2021

Andrew Edgar Francis Metcalfe AO  
Secretary of the Department of Agriculture, Water and the Environment

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## 1 Name

This instrument is the *Export Control (Tariff Rate Quotas—Sheepmeat and Goatmeat Export to the European Union and United Kingdom) Amendment (2021 Measures No. 1) Rules 2021*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	2 December 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Export Control Act 2020*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Export Control (Tariff Rate Quotas—Sheepmeat and Goatmeat Export to the European Union and United Kingdom) Rules 2021*

#### **1 Section 6 (definition of access amount)**

Repeal the definition, substitute:

*access amount* means:

- (a) for the EU and the quota year beginning on 1 January 2022—5,851,000 kilograms; or
- (b) for the EU and another quota year—the total weight of eligible meat for the EU that may, under order numbers 09.2105, 09.2106 and 09.2012 in Annex I to the EU Regulation, be exported from Australia to the EU in the quota year at the in-quota customs duty rate set out for those order numbers; or
- (c) for the UK and the quota year beginning on 1 January 2022—13,335,000 kilograms; or
- (d) for the UK and another quota year—the total weight of eligible meat for the UK that may, as set out in the Quota Table within the meaning of the UK Regulations, be exported from Australia to the UK in the quota year at the quota duty rate for quota numbers 05.2012, 05.2105 and 05.2106 in the Quota Table.

#### **2 Section 6**

Insert:

*all third countries quota* means the annual EU import tariff quota, under order numbers 09.2178, 09.2179 and 09.2016 in Annex I to the EU Regulation, for export of sheepmeat and goatmeat from all third countries (except the UK) to the EU.

#### **3 Section 6 (definition of carcass equivalent weight)**

Repeal the definition, substitute:

*carcass equivalent weight* means:

- (a) for boneless lamb and boneless meat from a goat up to one year old—its weight multiplied by 1.67; or
- (b) for boneless mutton, boneless sheep and boneless meat from a goat over one year old—its weight multiplied by 1.81; or
- (c) for bone-in meat—its weight.

#### **4 Section 6 (definition of eligible meat)**

Repeal the definition, substitute:

*eligible meat* means:

- (a) for the EU—sheepmeat and goatmeat of the kind described under order numbers 09.2105, 09.2106 and 09.2012 in Annex I to the EU Regulation; or

- (b) for the UK—sheepmeat and goatmeat of a kind that may, under the UK Regulations, be exported from Australia to the UK under quota number 05.2012, 05.2105 or 05.2106.

## **5 Section 6 (definition of *erga omnes tariff rate quota*)**

Repeal the definition.

## **6 Section 6 (definition of *EU*)**

Omit all the words after “Union”.

## **7 Section 6**

Insert:

***EU Regulation*** means Commission Implementing Regulation (EU) 2020/1988, as in force from time to time.

Note: The Regulation could in 2021 be viewed on the EUR-Lex website (<https://eur-lex.europa.eu>).

***UK Regulations*** means *The Customs (Tariff Quotas) (EU Exit) Regulations 2020* (UK), as in force from time to time.

Note: The Regulations could in 2021 be viewed on the UK legislation website (<https://legislation.gov.uk>).

## **8 Part 3 (heading)**

Omit “**Erga omnes tariff rate**”, substitute “**All third countries**”.

## **9 Section 27**

Omit “*erga omnes tariff rate*”, substitute “all third countries”.

## **10 Section 28 (heading)**

Omit “*erga omnes tariff rate*”, substitute “**all third countries**”.

## **11 Subsection 28(1)**

Omit “*erga omnes tariff rate*”, substitute “all third countries”.

## **12 At the end of the instrument**

Add:

### **Division 3—Transitional provisions relating to the Export Control (Tariff Rate Quotas—Sheepmeat and Goatmeat Export to the European Union and United Kingdom) Amendment (2021 Measures No. 1) Rules 2021**

#### **49 Amendments do not apply to 2020 or 2021 quota year**

This instrument as in force immediately before the commencement of the *Export Control (Tariff Rate Quotas—Sheepmeat and Goatmeat Export to the European Union and United Kingdom) Amendment (2021 Measures No. 1) Rules 2021* continues to apply in relation to:

- (a) allocations of tariff rate quota entitlement for a quota destination and the quota years beginning on 1 January 2020 and 1 January 2021; and
- (b) tariff rate quota certificates for export of a consignment to a quota destination in those quota years.

## **50 Determining initial allocation for 2022 quota year**

- (1) This section applies for the purposes of determining amounts of tariff rate quota entitlement to be allocated under subsection 10(1) for the quota year starting on 1 January 2022.
- (2) In using the method statement in subsection 10(1):
  - (a) disregard steps 2 and 3 and any references to the step 2 amount; and
  - (b) in step 4, treat the reference to step 3 as a reference to step 1; and
  - (c) in step 5, treat the reference to the step 3 amount as a reference to the step 1 amount; and
  - (d) disregard paragraph (a) of step 7.

## **51 Repeal of this Division**

This Division is repealed at the start of 1 January 2023.