

**COMMISSION REGULATION (EC) No 2133/2001
of 30 October 2001**

opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector and repealing Regulations (EC) No 1897/94, (EC) No 306/96, (EC) No 1827/96, (EC) No 1970/96, (EC) No 1405/97, (EC) No 1406/97, (EC) No 2492/98, (EC) No 2809/98 and (EC) No 778/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

in the Europe Agreement with Bulgaria ⁽⁷⁾, and in particular Article 1(3) thereof,

Having regard to the Treaty establishing the European Community,

Whereas:

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 12(1) thereof,

(1) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁸⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁹⁾, codified the rules for administering tariff quotas designed to be used following the chronological order of dates of customs declarations and for surveillance of preferential imports.

Having regard to Council Decision 95/582/EC of 20 December 1995 on the conclusion of the Agreements in the form of Exchanges of Letters between the European Community, of the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, of the other part, concerning certain agricultural products ⁽³⁾, and in particular Article 2 thereof,

(2) In the interests of simplification and in view of the small volume of some of the quotas and ceilings provided for in Decision 95/582/EC, Council Decision 97/126/EC of 6 December 1996 concerning the conclusion of an agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part ⁽¹⁰⁾ and Council Regulations (EC) No 1095/96, (EC) No 1706/98, (EC) No 1727/2000 and (EC) No 2290/2000, Regulation (EEC) No 2454/93 should also apply to those quotas and ceilings.

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXI drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽⁴⁾, and in particular Article 1 thereof,

(3) For administrative reasons, a new serial number should be allotted to each of the tariff quotas and ceilings concerned.

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽⁵⁾, and in particular Article 30 thereof,

(4) To ensure effective management of certain quotas and ceilings covered by this Regulation, a certificate testifying to the origin of the goods should be required

Having regard to Council Regulation (EC) No 1727/2000 of 31 July 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary ⁽⁶⁾, and in particular Article 1(3) thereof,

(5) In view of the quality of wheat required for quota Nos 09.0074 and 09.0075, the customs authorities should check compliance with the quality requirements before granting entitlement to the quota. To ensure that these quotas are managed effectively, a system of securities should be introduced.

Having regard to Council Regulation (EC) No 2290/2000 of 9 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for

(6) If the ceilings covered by this Regulation are reached during a given year, the Commission may re-introduce, by Regulation, the levying of normal customs duties reduced by 50 %.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 327, 30.12.1995, p. 17.

⁽⁴⁾ OJ L 146, 20.6.1996, p. 1.

⁽⁵⁾ OJ L 215, 1.8.1998, p. 12.

⁽⁶⁾ OJ L 198, 4.8.2000, p. 6.

⁽⁷⁾ OJ L 262, 17.10.2000, p. 1.

⁽⁸⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁹⁾ OJ L 141, 28.5.2001, p. 1.

⁽¹⁰⁾ OJ L 53, 22.2.1997, p. 1.

- (7) Application of Regulation (EEC) No 2454/93 to these quotas and ceilings makes unnecessary the detailed implementing rules relating thereto laid down in Commission Regulations (EC) No 1897/94 ⁽¹⁾, (EC) No 306/96 ⁽²⁾, (EC) No 1827/96 ⁽³⁾, 1970/96 ⁽⁴⁾, (EC) No 1405/97 ⁽⁵⁾, (EC) No 1406/97 ⁽⁶⁾, (EC) No 2492/98 ⁽⁷⁾, (EC) No 2809/98 ⁽⁸⁾ and (EC) No 778/1999 ⁽⁹⁾. Those Regulations should therefore be repealed with effect from the dates from which the provisions of this Regulation apply.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

3. The products imported under tariff quota 09.0689 shall be released into free circulation upon presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Annex IV to Protocol 3 to the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, or alternatively a declaration on the invoice issued in accordance with that Agreement.

4. Products imported under tariff quota 09.1633 and the tariff ceilings listed in Annex III to this Regulation shall be released into free circulation upon presentation of an EUR.1 movement certificate or a declaration on the invoice issued by the exporting country in accordance with Protocol 1 to Annex V to the ACP-EC Convention.

HAS ADOPTED THIS REGULATION:

Article 3

Article 1

1. The tariff quotas listed in Annex I shall be opened from 1 July to 30 June for each marketing year from 1 July 2002.
2. The tariff quotas listed in Annex II shall be opened for each calendar year from 1 January 2002.
3. The tariff ceilings listed in Annex III shall be opened for each calendar year from 1 January 2002.

Article 2

1. The products imported under tariff quotas 09.5716 and 09.5732 shall be released into free circulation upon presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 to the Europe Agreement concluded with that country, or alternatively a declaration on the invoice issued in accordance with that Protocol.
2. The products imported under tariff quota 09.0779 shall be released into free circulation upon presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Annex IV to the bilateral agreement concluded with that country, or alternatively a declaration on the invoice issued in accordance with that agreement.

1. In order to ensure the quality of the products imported under tariff quotas 09.0074 and 09.0075, eligibility for the zero import duty shall be conditional on importers lodging, in addition to any security required under Article 248 of Regulation (EEC) No 2454/93, an import security of EUR 5 per tonne with the competent customs authorities on the day the declaration of release for free circulation is accepted.

2. The customs authorities shall take representative samples of each import under tariff quota 09.0075 with a view to carrying out the necessary tests to establish that the quality imported complies with the quality criteria referred to in Annex IV. If the quality is inadequate, access to the quota shall be refused.

3. The customs authorities shall take representative samples of each import under tariff quota 09.0074 with a view to carrying out the necessary tests to establish that the vitreous grain content is 73 % or more. If the quality is inadequate, access to the quota shall be refused.

4. The import security of EUR 5 per tonne referred to in paragraph 1 shall be released in respect of the quantity of products imported under each quota which complies with the criteria referred to in paragraphs 2 and 3, as the case may be. Should the tests referred to in paragraphs 2 and 3 show that the quality of the imported product is below standard, Commission Regulation (EC) No 1249/96 ⁽¹⁰⁾, shall apply. The amount of EUR 5 per tonne referred to in paragraph 1 shall be held back as a penalty

⁽¹⁾ OJ L 194, 29.7.1994, p. 4.

⁽²⁾ OJ L 43, 21.2.1996, p. 1.

⁽³⁾ OJ L 241, 21.9.1996, p. 23.

⁽⁴⁾ OJ L 261, 15.10.1996, p. 34.

⁽⁵⁾ OJ L 194, 23.7.1997, p. 7.

⁽⁶⁾ OJ L 194, 23.7.1997, p. 10.

⁽⁷⁾ OJ L 309, 19.11.1998, p. 35.

⁽⁸⁾ OJ L 349, 24.12.1998, p. 41.

⁽⁹⁾ OJ L 101, 16.4.1999, p. 36.

⁽¹⁰⁾ OJ L 161, 29.6.1996, p. 125.

Article 4

1. The tariff quotas referred to in Article 1(1) and (2) shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

2. The tariff ceilings referred to in Article 1(3) shall be the subject of Community surveillance by the Commission in close cooperation with the Member States in accordance with Article 308d of Regulation (EEC) No 2454/93.

Article 5

1. Regulations (EC) No 1970/96, (EC) No 1405/97, (EC) No 1406/97 and (EC) No 778/1999 shall be repealed with effect from 1 July 2002.

2. Regulations (EC) No 1897/94, (EC) No 306/96, (EC) No 1827/96, (EC) No 2809/98 and (EC) No 2492/98 shall be repealed with effect from 1 January 2002.

Article 6

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

It shall apply from 1 July 2002 for the quotas covered by Article 1(1) and from 1 January 2002 for the quotas and ceilings covered by Article 1(2) and (3).

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

Done at Brussels, 30 October 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Tariff quotas with quota periods running from 1 July to 30 June

(MFN: most-favoured nation)

Order No	CN code	Description ⁽¹⁾	Quota volume in net weight (tonnes)	Tarif quota duty	Origin
09.0071	1008 20 00	Millet	1 300	EUR 7/t	All third countries (<i>erga omnes</i>)
09.0074	1001 10 00	Durum wheat	50 000	0	All third countries (<i>erga omnes</i>)
09.5716	2309 10	Dog or cat food, put up for retail sale	15 540 ⁽²⁾	20 % of MFN duty	Hungary
09.5732	2309 90 31 2309 90 41	Preparations of a kind used in animal feed	3 500	20 % of MFN duty	Bulgaria

⁽¹⁾ Without prejudice to the rules for interpreting 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 treatment being determined, in the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation.

⁽²⁾ Annual increase from 1.7.2002: 1 415 tonnes.

ANNEX II

Tariff quotas with quota periods running from 1 January to 31 December

(MFN: most-favoured nation)

Order No	CN code	Description ⁽¹⁾	Quota volume in net weight (tonnes)	Tariff quota duty	Origin
09.0072	2302 30 10 2302 30 90 2302 40 10 2302 40 90	Brans, sharps and other residues of wheat and cereals other than maize and rice	475 000	EUR 30,60/t EUR 62,25/t	All third countries (<i>erga omnes</i>)
09.0075	1001 10 00 and 1001 90 99	Durum wheat and common wheat of a minimum quality satisfying the criteria laid down in Annex IV	300 000	0	All third countries (<i>erga omnes</i>)
09.1633	1001 10 00 1001 90 91 1001 90 99 1002 00 00 1003 00 1004 00 00 1008	Durum wheat Common wheat Other wheat Rye Barley Oats Buckwheat, canary seed, triticale and other cereals	15 000	50 % of MFN duty	ACP States
09.0073	2309 90 31 2309 90 41 2309 90 51	Preparations of a kind used in animal feed	2 800	7 % <i>ad valorem</i>	All third countries (<i>erga omnes</i>)
09.0779	ex 2309 90 31	Feedingstuffs for fish	1 177	0	Norway
09.0689	ex 2309 90 10 ex 2309 90 31 ex 2309 90 41	Feedingstuffs for fish	10 000	0	Faroes

⁽¹⁾ Without prejudice to the rules for interpreting 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 treatment being determined, in the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation. Where ex CN codes are indicated, the preferential treatment is to be determined by the coverage of the CN code and corresponding description taken together.

ANNEX III

Tariff quotas with periods running from 1 January to 31 December

(MFN: most-favoured nation)

Order No	CN code	Description ⁽¹⁾	Ceiling in net weight (tonnes)	Applicable duty	Origin
120201	1007	Sorghum	100 000	40 % of MFN duty	ACP States
120203	1008 20 00	Millet	60 000	0	ACP States

⁽¹⁾ Without prejudice to the rules for interpreting 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 treatment being determined, in the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation

ANNEX IV

Minimum quality criteria for wheat imported under quota No 09.0075 for 300 000 tonnes of quality wheat opened by Regulation (EC) No 1095/96

Quality criteria	Type of wheat	
	Durum wheat	Common wheat
	CN code 1001 10 00	CN code 1001 90 99
Specific weight in kg/hl greater than or equal to	80	78
Grains which have lost their vitreous aspect	Maximum 20,0 %	—
Matter which is not quality wheat grains of unimpaired quality, of which:		
— broken and/or shrivelled grains	Maximum 10,0 %	Maximum 10,0 %
— grains damaged by pests	Maximum 7,0 %	Maximum 7,0 %
— grains affected with fusariosis and/or mottled grains	Maximum 2,0 %	Maximum 2,0 %
— sprouted grains	Maximum 5,0 %	—
	Maximum 0,5 %	Maximum 0,5 %
Miscellaneous impurities (Schwarzbesatz)	Maximum 1,0 %	Maximum 1,0 %
Hagberg falling number	Minimum 250	Minimum 230
Protein content (13,5 % moisture content)	—	Minimum 14,6 %