

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

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,

Having regard to the Treaty establishing the European Community,

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,

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,

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

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,

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,

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

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Whereas:

- (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.
- (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.
- (3) For administrative reasons, a new serial number should be allotted to each of the tariff quotas and ceilings concerned.
- (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
- (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.
- (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 %.
- (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⁽¹¹⁾, (EC) No 306/96⁽¹²⁾, (EC) No 1827/96⁽¹³⁾, 1970/96⁽¹⁴⁾, (EC) No 1405/97⁽¹⁵⁾, (EC) No 1406/97⁽¹⁶⁾, (EC) No 2492/98⁽¹⁷⁾, (EC) No 2809/98⁽¹⁸⁾ and (EC) No 778/1999⁽¹⁹⁾. 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,

HAS ADOPTED THIS REGULATION:

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.

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3 The tariff ceilings listed in Annex III shall be opened for each calendar year from 1 January 2002.

Article 2

^{F1}

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.

[^{F23} The products imported under tariff quota 09.0689 shall be released into free circulation upon presentation of

- a a proof of origin as it is established in Article 16 of Protocol 3 to the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, and
- b a declaration in one of the texts in Annex V, attested by the following Faeroese Authority:

Heilsufrøðiliga starvsstovan/Food- veterinary and environmental agency

Falkavegur 6, 2. floor.

FO-100 TÓRSHAVN

FAEROE ISLANDS

Phone: 00 298 35 64 00

Fax: 00 298 35 64 01

Service phone: 00 298 55 64 03 (open until 23.00)

E-mail: HFS@HFS.FO

Web: www.hfs.fo]

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.

Textual Amendments

- F1** Deleted by [Commission Regulation \(EC\) No 1996/2006 of 22 December 2006](#) adapting several Regulations concerning the cereals market by reason of the accession of Bulgaria and Romania to the European Union.
- F2** Substituted by [Commission Regulation \(EC\) No 1381/2007 of 26 November 2007](#) amending Regulation (EC) No 2133/2001 opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector as regards an increase in the tariff quota concessions from the Community for the Faeroese fish feed falling under CN codes ex23099010, ex23099031 and ex23099041.

Status: Point in time view as at 01/12/2007.

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Article 3

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⁽²⁰⁾, shall apply. The amount of EUR 5 per tonne referred to in paragraph 1 shall be held back as a penalty

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.

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ANNEX I

TARIFF QUOTAS WITH QUOTA PERIODS RUNNING FROM 1 JULY TO 30 JUNE

(MFN: most-favoured nation)

Order No	CN code	Description ^a	Quota volume in net weight(tonnes)	Tariff 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>)

[^{F3}]

[^{F1}]

- a** 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.

Textual Amendments

- F3** Deleted by Commission Regulation (EC) No 777/2004 of 26 April 2004 adapting several regulations concerning the cereal market by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union.

ANNEX II

TARIFF QUOTAS WITH QUOTA PERIODS RUNNING FROM 1 JANUARY TO 31 DECEMBER

(MFN: most-favoured nation)

Order No	CN code	Description ^a	Quota volume in net weight(tonnes)	Tariff quota duty	Origin
09.0072	2302 30 10	Brans, sharps and other residues of	475 000	EUR 30,6/t	All third countries (<i>erga omnes</i>)
	2302 30 90				
	2302 40 10			EUR 62,25/t	

- a** 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.

- b** [^{F4}Fish feed that benefit from the preferential import regime may not contain added gluten, in addition to the gluten naturally present in the cereals that may enter in the compounding of this feed.]

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	2302 40 90	wheat and cereals other than maize and rice			
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	Durum wheat	15 000	50 % of MFN duty	ACP States
	1001 90 91	Common wheat			
	1001 90 99	Other wheat			
	1002 00 00	Rye			
	1003 00	Barley			
	1004 00 00	Oats			
09.0073	2309 90 31	Preparations of a kind used in animal feed	2 800	7 % <i>ad valorem</i>	All third countries (<i>erga omnes</i>)
	2309 90 41 2309 90 51				
09.0779	ex 2309 90 31	Feedingstuffs for fish	1 177	0	Norway
[^{F2} 09.0689	ex 2309 90 10 ^b ex 2309 90 31 ^b ex 2309 90 41 ^b	Feedingstuffs for fish	20 000	0	Faeroese]
[^{F5} 09.0089	2309 10 13 2309 10 15 2309 10 19 2309 10 33	Dog or cat food, put up for retail sale	2 058	7 % <i>ad valorem</i>	All third countries (<i>erga omnes</i>)]

a 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.

b [^{F4}Fish feed that benefit from the preferential import regime may not contain added gluten, in addition to the gluten naturally present in the cereals that may enter in the compounding of this feed.]

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	2309 10 39 2309 10 51 2309 10 53 2309 10 59 2309 10 70				
[^{F6} 09.0070	2309 90 31 2309 90 41 2309 90 51 2309 90 95 2309 90 99	Preparations of a kind used in animal feeding	2 700	7 % <i>ad valorem</i>	All third countries (<i>erga omnes</i>)

a 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.

b [^{F4}Fish feed that benefit from the preferential import regime may not contain added gluten, in addition to the gluten naturally present in the cereals that may enter in the compounding of this feed.]

Textual Amendments

- F4** Inserted by Commission Regulation (EC) No 1381/2007 of 26 November 2007 amending Regulation (EC) No 2133/2001 opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector as regards an increase in the tariff quota concessions from the Community for the Faeroese fish feed falling under CN codes ex23099010, ex23099031 and ex23099041.
- F5** Inserted by Commission Regulation (EC) No 899/2006 of 19 June 2006 amending Regulation (EC) No 2133/2001 opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector as regards the opening of a Community tariff quota for certain dog or cat food falling within CN code 230910.
- F6** Inserted by Commission Regulation (EC) No 880/2007 of 25 July 2007 amending Regulation (EC) No 2133/2001 opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector as regards a Community tariff quota for certain preparations of a kind used in animal feeding falling within CN code 230990.

ANNEX III

[^{X1}TARIFF CEILINGS WITH PERIODS RUNNING FROM 1 JANUARY TO 31 DECEMBER]

(MFN: most-favoured nation)

Order No	CN code	Description ^a	Ceiling in net weight(tonnes)	Applicable duty	Origin
120201	1007	Sorghum	100 000	40 % of MFN duty	ACP States

a 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

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120203	1008 20 00	Millet	60 000	0	ACP States
<p>a 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</p>					

Editorial Information

X1 Substituted by [Corrigendum to 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 \(Official Journal of the European Communities L 287 of 31 October 2001\).](#)

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:	Maximum 10,0 %	Maximum 10,0 %
— broken and/or shrivelled grains	Maximum 7,0 %	Maximum 7,0 %
— grains damaged by pests	Maximum 2,0 %	Maximum 2,0 %
— grains affected with fusariosis and/or mottled grains	Maximum 5,0 %	—
— sprouted grains	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 %

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[^{F4} ANNEX V

DECLARATION BY FAEROESE AUTHORITIES

- in Bulgarian : „Продуктите от риба, предназначени за храна на животни, изнасяни за ЕС по преференциални квоти, не съдържат добавъчен глутен, освен глутена, който присъства естествено в зърнените храни, които могат да влязат в състава на тези продукти.“
- in Spanish : «Estos piensos para peces exportados a la UE al amparo del contingente preferencial no contienen gluten añadido, con excepción del presente de manera natural en los cereales que puedan intervenir en su composición.»
- in Czech : „Toto rybí krmivo vyvážené do EU v rámci preferenční kvóty neobsahuje přidaný lepek, kromě lepku přirozeně přítomného v obilovinách, který se může dostat do složení rybího krmiva.“
- in Danish : »Dette fiskefoder, der eksporteres til EU inden for rammerne af præferencetoldkontingentet, indeholder ikke anden gluten end den, der forekommer naturligt i det korn, der kan anvendes i fiskefodersammensætningen.«
- in German : „Dieses im Rahmen des Präferenzzollkontingents in die EU ausgeführte Fischfutter enthält außer dem Gluten, das von Natur aus in dem im Fischfutter enthaltenen Getreide vorhanden ist, kein zugesetztes Gluten.“
- in Estonian : „Sooduskvootide raames ELi eksporditud kalasööd ei sisalda lisatud gluteeni peale teraviljas looduslikult esineva gluteeni, mis kokkusegamisel võib sattuda kalasööda sisse.“
- in Greek : «Οι ιχθυοτροφές που εξάγονται στην ΕΕ βάσει της προτιμησιακής ποσόστωσης δεν περιέχουν πρόσθετη γλουτένη, επιπλέον της γλουτένης που απαντάται υπό φυσική μορφή στα σιτηρά τα οποία ενδέχεται να αποτελούν συστατικό στοιχείο της σύνθεσης των ιχθυοτροφών.»
- in English : ‘This fish feed exported to the EU under preferential quota does not contain added gluten, in addition to the gluten naturally present in the cereals that may enter in the compounding of the fish feed.’
- in French : «Ces aliments pour poissons exportés vers l'Union européenne dans le cadre du contingent préférentiel ne contiennent pas de gluten autre que celui naturellement présent dans les céréales qui peuvent entrer dans la composition des aliments pour poissons.»
- in Italian : «Gli alimenti per pesci esportati nell'UE nell'ambito del presente contingente preferenziale non contengono glutine aggiunto, oltre al glutine naturalmente presente nei cereali che possono entrare nella composizione degli alimenti per pesci.»
- in Latvian : “Šīs preferenciālās kvotas ietvaros uz ES eksportētai zivju barībai nav pievienots lipekļis papildus tam lipeklim, kas dabiski atrodams labībā un var nonākt zivju barības maisījumā.”
- in Lithuanian : „Šiame į ES pagal lengvatinę kvotą eksportuojamame žuvų pašare nėra pridėta daugiau glitimo, nei jo natūraliai yra grūduose, kurie gali būti viena iš žuvų pašaro sudėtinių dalių.“
- in Hungarian : „A preferenciális vámkontingens keretében az EU-ba exportált haltáp nem tartalmaz az összetevői között szereplő gabonákban természetesen jelen lévő gluténon felül hozzáadott glutént.”

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- in Maltese : “Dan l-għalf tal-hut esportat għall-UE skond kwota preferenzjali ma fihx gluten miżjud, minbarra dak il-gluten li jinstab fiċ-ċereali b'mod naturali, li jista' jiġi mhallat ma' l-għalf tal-hut.”
- in Dutch : „Dit visvoerder dat naar de EU wordt uitgevoerd in het kader van het preferentiële contingent, bevat geen toegevoegde gluten bovenop de gluten die van nature aanwezig zijn in het graan dat is gebruikt bij de samenstelling van het visvoerder.”
- in Polish : „Niniejszy wywóz paszy dla ryb do UE w ramach preferencyjnego kontyngentu nie zawiera dodatku glutenu, ponad tę ilość glutenu, która występuje naturalnie w zbożach, które mogą wchodzić w skład tej paszy.”
- in Portuguese : «Os alimentos para peixe exportados para a UE ao abrigo de contingentes preferenciais não podem conter glúten adicionado, para além do glúten naturalmente presente nos cereais que podem entrar na composição dos alimentos para peixe.»
- in Romanian : „Această hrană pentru pești exportată în UE în cadrul contingentului preferențial nu conține gluten ca aditiv, cu excepția celui care se găsește în mod natural în cerealele care pot intra în compoziția acestor produse.”
- in Slovak : „Toto krmivo pre ryby vyvážené do EÚ v rámci preferenčnej kvóty neobsahuje pridaný lepok iný ako lepok prirodzene obsiahnutý v obilninách, ktoré môžu tvoriť zložku krmiva pre ryby.“
- in Slovenian : „Ta hrana za ribe, ki se izvaža v EU v preferencialni kvoti, ne vsebuje dodanega glutena poleg tistega, ki je naravno prisoten v žitaricah, ki se lahko nahajajo v tej hrani.“
- in Finnish : ”Tässä etuuskiintiössä EU:hun viety kalanrehu ei sisällä lisättyä gluteenia kalanrehun valmistuksessa mahdollisesti käytettävässä viljassa luonnostaan olevan gluteenin lisäksi.”
- in Swedish : ”Detta fiskfoder, som exporteras till EU inom ramen för en förmånskvot, innehåller inte tillsatser av gluten utöver det gluten som förekommer naturligt i den spannmål som kan ingå i fiskodret.”]

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- (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.
- (11) OJ L 194, 29.7.1994, p. 4.
- (12) OJ L 43, 21.2.1996, p. 1.
- (13) OJ L 241, 21.9.1996, p. 23.
- (14) OJ L 261, 15.10.1996, p. 34.
- (15) OJ L 194, 23.7.1997, p. 7.
- (16) OJ L 194, 23.7.1997, p. 10.
- (17) OJ L 309, 19.11.1998, p. 35.
- (18) OJ L 349, 24.12.1998, p. 41.
- (19) OJ L 101, 16.4.1999, p. 36.
- (20) OJ L 161, 29.6.1996, p. 125.

Status:

Point in time view as at 01/12/2007.

Changes to legislation:

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