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► **B****COMMISSION REGULATION (EC) No 2375/2002**

of 27 December 2002

opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EEC) No 1766/92

(OJ L 358, 31.12.2002, p. 88)

Amended by:

Official Journal

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► <u>M1</u>	Commission Regulation (EC) No 531/2003 of 25 March 2003	L 79	3	26.3.2003
► <u>M2</u>	Commission Regulation (EC) No 1111/2003 of 26 June 2003	L 158	21	27.6.2003
► <u>M3</u>	Commission Regulation (EC) No 777/2004 of 26 April 2004	L 123	50	27.4.2004
► <u>M4</u>	Commission Regulation (EC) No 491/2006 of 27 March 2006	L 89	3	28.3.2006
► <u>M5</u>	Commission Regulation (EC) No 971/2006 of 29 June 2006	L 176	51	30.6.2006
► <u>M6</u>	Commission Regulation (EC) No 2022/2006 of 22 December 2006	L 384	70	29.12.2006
► <u>M7</u>	Commission Regulation (EC) No 932/2007 of 3 August 2007	L 204	3	4.8.2007



COMMISSION REGULATION (EC) No 2375/2002

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opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EEC) No 1766/92

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 the Council Decision of 19 December 2002 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America, with a view to the modification of concessions with respect to cereals provided for in schedule CXL annexed to the General Agreement on Tariffs and Trade (GATT) ⁽³⁾, and in particular Article 2 thereof,

Having regard to the Council Decision of 19 December 2002 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Canada pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT), with a view to the modification of concessions with respect to cereals provided for in EC schedule CXL annexed to the GATT ⁽³⁾, and in particular Article 2 thereof,

Whereas:

- (1) Following trade negotiations, the Community has changed the conditions for the import of common wheat of low and medium quality, that is common wheat of a quality other than high quality, as defined in Annex I to Commission Regulation (EC) No 1249/96 of 28 June 1996 ⁽⁴⁾ on rules of application (cereal sector import duties) for Council Regulation (EEC) No 1766/92, as last amended by Regulation (EC) No 1900/2002 ⁽⁵⁾, by creating an import quota from 1 January 2003.
- (2) This import quota relates to a maximum annual quantity of 2 981 600 tonnes, including 572 000 tonnes for imports originating in the United States and 38 000 tonnes for imports originating in Canada.
- (3) The opening of this quota means that Regulation (EEC) No 1766/92 has to be adapted. In order to enable the quota to be opened on 1 January 2003, provision should be made to derogate from Regulation (EEC) No 1766/92 during a transitional period expiring on the date of entry into force of the amendment to that Regulation, but until 30 June 2003 at the latest.
- (4) To ensure that imports of the common wheat covered by these tariff quotas are orderly and not speculative, they should be made subject to the issue of import licences. The licences are to be

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ Not yet published in the Official Journal.

⁽⁴⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁵⁾ OJ L 287, 25.10.2002, p. 15.

▼B

issued, within the quantities set, at the request of the interested parties, subject where appropriate to the fixing of a reduction coefficient in respect of the quantities applied for.

- (5) To ensure the proper management of these quotas, deadlines for the lodging of licence applications should be laid down and the information to be included in applications and licences should be specified.
- (6) To take account of supply conditions, a derogation should be made concerning the period of validity of the licences.
- (7) With a view to the sound management of the quotas, provision should be made to derogate from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2299/2001 ⁽²⁾, as regards the transferable nature of the licences and the tolerance relating to the quantities released into free circulation.
- (8) To ensure sound management of the quotas, the security on the import licences should be set at a relatively high level, notwithstanding Article 10 of Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 1322/2002 ⁽⁴⁾.
- (9) Rapid two-way communication should be established between the Commission and the Member States regarding the quantities applied for and imported.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 10(1) and (2) of Regulation (EEC) No 1766/92, the import duty for common wheat falling in CN code 1001 90 99, of a quality other than high quality as defined in Annex I to Regulation (EC) No 1249/96, shall be fixed in the framework of the quota opened by this Regulation.

Article 10(1) of Regulation (EEC) No 1766/92 shall apply to imports of the products referred to in this Regulation in excess of the quantities provided for in Article 3.

Article 2

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1. A tariff quota of 2 989 240 tonnes of common wheat falling within NC code 1001 90 99 of a quality other than high quality is hereby opened.

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2. The tariff quota shall be opened on 1 January each year. Duties on imports within the tariff quota shall be levied at a rate of EUR 12 per tonne.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

⁽²⁾ OJ L 308, 27.11.2001, p. 19.

⁽³⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 194, 23.7.2002, p. 22.

▼M6

3. Commission Regulations (EC) Nos 1291/2000, 1342/2003 ⁽¹⁾ and 1301/2006 ⁽²⁾ shall apply, save as otherwise provided for in this Regulation.

▼B*Article 3***▼M5**

1. The overall tariff quota shall be divided into three subquotas:
— subquota I (serial number 09.4123): 572 000 tonnes for the United States of America,

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— subquota II (serial number 09.4124): 38 853 tonnes for Canada,

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— subquota III (serial number 09.4125): 2 378 387 tonnes for other third countries.

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2. Where, in the course of a year, it emerges that there is a serious shortfall in the take-up of subquota I or II, the Commission may, with the agreement of the third country concerned, adopt arrangements to transfer the unused quantities to the other subquotas, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

▼M6

3. Subquota III shall be divided into four quarterly subperiods, covering the following dates and quantities:

- (a) subperiod No 1: 1 January to 31 March — 594 597 tonnes;
- (b) subperiod No 2: 1 April to 30 June — 594 597 tonnes;
- (c) subperiod No 3: 1 July to 30 September — 594 597 tonnes;
- (d) subperiod No 4: 1 October to 31 December — 594 596 tonnes.

4. Where the quantities for one of the subperiods 1, 2 or 3 are exhausted, the Commission may bring forward the opening of the following subperiod in accordance with the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003.

Article 5

1. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may not submit more than one licence application per serial number and per week. Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

Import licence applications shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time).

However, for 2007, the period for lodging the first applications shall begin only on the first working day of 2007 and shall end no later than 8 January 2007, and the first Monday on which import licence appli-

⁽¹⁾ OJ L 189, 29.7.2003, p. 12.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

▼M6

cations are to be sent to the Commission in accordance with paragraph 3 shall be Monday 8 January 2007.

2. Each licence application shall indicate a quantity in kilograms (whole numbers) which may not exceed:

- for subquotas I and II, the total quantity opened for the year for the subquota concerned,
- for subquota III, the total quantity opened for the subperiod concerned.

The import licence application and the import licence shall mention a single country of origin.

3. No later than 18.00 (Brussels time) on the final day for the lodging of licence applications, the competent authorities shall send the Commission, by electronic means, a notification showing, by serial number, each application with the origin of the product and the quantity applied for, including 'nil' notifications.

4. Licences shall be issued on the fourth working day following the notification referred to in paragraph 3.

▼M1**▼M6***Article 6*

In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual day of issue.

Article 9

Section 8 of the import licence application and the import licence shall contain the name of the country of origin and 'Yes' shall be marked with a cross. Licences shall be valid only for products originating in the country indicated in section 8.

▼B*Article 10*

Notwithstanding Article 10(a) and (b) of Regulation (EC) No 1162/95, the security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

▼M1*Article 11*

In the framework of the tariff quota, the release into free circulation in the Community of common wheat of a quality other than high quality originating in a third country shall be conditional upon production of a certificate of origin issued by the competent national authorities of that country, in accordance with Article 47 of Commission Regulation (EEC) No 2454/93 ⁽¹⁾.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

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Article 12

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

It shall apply from 1 January 2003.

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

▼ M6
