

Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

This Regulation opens and provides for the administration of the tariff quotas set out in Parts I and II of Annex I for the imports of the sugar products referred to in:

- (a) Schedule CXL (European Communities) referred to in Article 1(1) of Regulation (EC) No 1095/96;
- (b) [F¹]
- (c) Article 27(2) of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part;
- (d) [F²]
- (e) [F³ Article 27(2) of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part;]
- (f) [F⁴ Article 27(3) of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part⁽¹⁾, as amended by the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union⁽²⁾;]
- (g) [F⁵ Article 26(4) of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part⁽³⁾, as amended by the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, to take account of the accession of the Republic of Croatia to the European Union⁽⁴⁾.]

In addition, this Regulation provides for the administration of certain tariff quotas, as set out in Part III of Annex I, for imports of sugar products under:

- (a) Articles 186(a) and 187 of Regulation (EC) No 1234/2007;
- (b) Article 142 of Regulation (EC) No 1234/2007.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 891/2009, CHAPTER I. (See end of Document for details)

Textual Amendments

- F1** Deleted by Commission Implementing Regulation (EU) No 1250/2014 of 21 November 2014 amending Regulation (EC) No 891/2009 as regards tariff quotas for sugar originating in Serbia.
- F2** Deleted by Commission Regulation (EU) No 519/2013 of 21 February 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, right of establishment and freedom to provide services, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, statistics, social policy and employment, environment, customs union, external relations, and foreign, security and defence policy, by reason of the accession of Croatia.
- F3** Substituted by Commission Regulation (EU) No 707/2010 of 5 August 2010 amending Regulation (EC) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.
- F4** Substituted by Commission Implementing Regulation (EU) 2017/704 of 19 April 2017 amending Regulation (EC) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.
- F5** Substituted by Commission Implementing Regulation (EU) No 1250/2014 of 21 November 2014 amending Regulation (EC) No 891/2009 as regards tariff quotas for sugar originating in Serbia.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘CXL concessions sugar’ means the sugar set out in Schedule CXL (European Communities) referred to in point (a) of the first subparagraph of Article 1;
- (b) ‘Balkans sugar’ means sugar products falling within CN codes 1701 and 1702 originating in Albania, Bosnia and Herzegovina, Serbia ^[F1], ^[F1][[Kosovo]]^[F6]or] the former Yugoslav Republic of Macedonia ^[F2]or Croatia] and imported into the Community under the Acts referred to in ^[F3]points (b) to (g)] of the first paragraph of Article 1;
- (c) ‘exceptional import sugar’ means the products of the sugar sector referred to in point (a) of the second paragraph of Article 1;
- (d) ‘industrial import sugar’ means the products of the sugar sector referred to in point (b) of the second paragraph of Article 1;
- (e) ‘*tel quel* weight’ means the weight of the sugar in the natural state;
- (f) ‘refining’ means the processing of raw sugars into white sugars as defined in points 1 and 2 of Part II of Annex III to Regulation (EC) No 1234/2007, and any equivalent technical operation applied to bulk white sugar.

Textual Amendments

- F1** Deleted by Commission Implementing Regulation (EU) No 1250/2014 of 21 November 2014 amending Regulation (EC) No 891/2009 as regards tariff quotas for sugar originating in Serbia.
- F2** Deleted by Commission Regulation (EU) No 519/2013 of 21 February 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, right of establishment and freedom to provide services, company law, competition policy, agriculture,

food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, statistics, social policy and employment, environment, customs union, external relations, and foreign, security and defence policy, by reason of the accession of Croatia.

F3 Substituted by Commission Regulation (EU) No 707/2010 of 5 August 2010 amending Regulation (EC) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.

F6 Substituted by Commission Regulation (EU) No 519/2013 of 21 February 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, right of establishment and freedom to provide services, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, statistics, social policy and employment, environment, customs union, external relations, and foreign, security and defence policy, by reason of the accession of Croatia.

Article 3

Opening and administration

1 The tariff quotas shall be opened on an annual basis for the period from 1 October to 30 September.

The quantity of the products, the order number and the customs duty rate shall be as set in Annex I.

2 The tariff quota period shall be divided into subperiods of 1 month each. The quantities for the subperiods shall be as follows:

- 100 % for the first subperiod,
- 0 % for the remaining subperiods.

3 The tariff quotas shall be administered in accordance with the simultaneous examination method referred to in Chapter II of Regulation (EC) No 1301/2006.

Article 4

Applicability of Regulations (EC) No 1301/2006 and (EC) No 376/2008

Regulations (EC) No 1301/2006 and (EC) No 376/2008 shall apply, save as otherwise provided for in this Regulation.

Article 5

Import licence applications

1 Licence applications shall be submitted the first seven days of each subperiod referred to in Article 3(2).

[^{F7}Without prejudice to the first subparagraph, licence applications for the first subperiod referred to in Article 3(2) may be submitted from the eighth to the 14th day of the month preceding that sub-period.]

2 The Commission shall suspend the submission of applications for licences until the end of the marketing year for the order numbers for which the available quantities are exhausted. However, the Commission shall withdraw the suspension and readmit applications

Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 891/2009, CHAPTER I. (See end of Document for details)

when quantities become available again according to the notifications referred to in Article 9(2) (ii).

Textual Amendments

- F7** Inserted by [Commission Regulation \(EU\) No 707/2010 of 5 August 2010 amending Regulation \(EC\) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.](#)

Article 6

Information to be filled in on the import licence applications and the import licences

The import licence applications and the import licences shall contain the following entries:

- (a) [^{F8}in box 8, the country of origin.
For CXL concession sugar with order numbers 09.4317, 09.4318, 09.4319, 09.4321, 09.4329 and 09.4330 and for Balkan sugar, the word ‘yes’ in box 8 shall be marked by a cross. Those licences shall give rise to an obligation to import from the specified country;]
- (b) in box 16, a single eight digit CN code;
- (c) in boxes 17 and 18, the quantity in kilograms in *tel quel* weight;
- (d) in box 20:
- (i) either ‘sugar intended for refining’ or ‘sugar not intended for refining’; and
 - (ii) one of the following entries:
 - for CXL concession sugar, one of the entries listed in Part A of Annex III,
 - for Balkan sugar, one of the entries listed in Part B of Annex III,
 - for exceptional import sugar, one of the entries listed in Part C of Annex III,
 - for industrial import sugar, one of the entries listed in Part D of Annex III,
 - (iii) the marketing year to which they relate;
- (e) in box 24, the customs duty concerned.

Textual Amendments

- F8** Substituted by [Commission Implementing Regulation \(EU\) 2018/82 of 19 January 2018 correcting Regulation \(EC\) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.](#)

Article 7

Obligations linked to the submission of an import licence application

1 By way of derogation from Article 5 of Regulation (EC) No 1301/2006, the submission of the proof provided for in that Article may not be required for operators approved in accordance with Article 7 of Regulation (EC) No 952/2006.

2 The amount of the security referred to in Article 14(2) of Regulation (EC) No 376/2008 shall be EUR 20 per tonne.

[^{F83} For CXL concession sugar with order numbers 09.4317, 09.4318, 09.4319, 09.4320, 09.4329 and 09.4330, import licence applications shall be accompanied by the undertaking by the applicant to refine the quantities of sugar in question before the end of the third month following that in which the import licence concerned expires.]

[^{F94} For Balkan sugar, import licence applications shall be accompanied by the original of the export licence, in accordance with the model in Annex II, issued by the competent authorities of the third country concerned. The quantity mentioned in the import licence applications may not exceed the quantity shown on the export licences.]

Textual Amendments

- F8** Substituted by [Commission Implementing Regulation \(EU\) 2018/82 of 19 January 2018 correcting Regulation \(EC\) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.](#)
- F9** Substituted by [Commission Implementing Regulation \(EU\) No 61/2012 of 24 January 2012 amending Regulation \(EC\) No 891/2009 as regards the administration of the CXL concessions sugar.](#)

[^{F3} Article 8

Issuance and validity of import licences

1 Import licences applied for in accordance with the first subparagraph of Article 5(1) shall be issued from the 23rd day until the last day of the month during which an application was made.

2 Import licences applied for in accordance with the second subparagraph of Article 5(1) shall be issued from the first day until the eighth day of the month following the month during which an application was made.

3 The licences shall be valid until the end of the third month following that in which they were issued but no longer than 30 September. In case of exceptional import sugar and industrial import sugar, the licences shall be valid until the end of the marketing year for which they were issued.]

Textual Amendments

- F3** Substituted by [Commission Regulation \(EU\) No 707/2010 of 5 August 2010 amending Regulation \(EC\) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.](#)

Changes to legislation: There are currently no known outstanding effects for the
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Article 9

Notifications to the Commission

[^{F3} Member States shall notify the Commission of the total quantities covered by import licence applications:

- a no later than on the 14th day of the month during which the applications are submitted, in case of applications referred to in the first subparagraph of Article 5(1);
- b no later than on the 21st day of the month during which the applications are submitted, in case of applications referred to in the second subparagraph of Article 5(1).]

2 By way of derogation from Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission at the latest on the 10th of each month of:

- (i) the quantities as referred to in Article 11(1)(b) of that Regulation and concerning licences issued during the preceding month;
- (ii) the quantities as referred to in Article 11(1)(c) of that Regulation and concerning licences returned during the preceding month.

3 The quantities referred to in paragraphs 1 and 2 shall be broken down by quota order number, the eight-digit CN code and whether or not they involve applications for a licence for sugar intended for refining. They shall be expressed in kilograms *tel quel* weight.

4 Member States shall notify the Commission before 1 March of each year of the following quantities concerning the previous marketing year:

- (i) the total quantity actually imported, broken down by order number, country of origin, the eight-digit CN code and expressed in kilograms *tel quel* weight;
- (ii) the quantity of sugar, by *tel quel* weight and in white sugar equivalent, that has actually been refined.

Textual Amendments

- F3** Substituted by [Commission Regulation \(EU\) No 707/2010 of 5 August 2010 amending Regulation \(EC\) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.](#)

[^{F8} Article 10

Release for free circulation

Release for free circulation for the quotas of CXL concession sugar with order numbers 09.4317, 09.4318, 09.4319, 09.4321, 09.4329 and 09.4330 shall be subject to the presentation of a certificate of origin issued by the competent authorities of the third country concerned in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93.

For CXL concession sugar with order numbers 09.4317, 09.4318, 09.4319, 09.4320, 09.4329 and 09.4330, where the polarimetric reading of the imported raw sugar departs from 96 degrees, the rate of, respectively, EUR 98, EUR 11 and EUR 54 per tonne

shall be increased or reduced, as appropriate, by 0,14 % per tenth of a degree difference established.]

Textual Amendments

- F8** Substituted by [Commission Implementing Regulation \(EU\) 2018/82 of 19 January 2018 correcting Regulation \(EC\) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.](#)

F¹⁰ Article 10a

Specific provisions for the 2017/2018 tariff quota period

1 By way of derogation from the second subparagraph of Article 5(1), licence applications for the first sub-period of the 2017/2018 tariff quota period as referred to in Article 3(2) may be submitted until 9 October 2017 not later than 13.00 Brussels time.

2 Import licences applied for in accordance with paragraph 1 of this Article shall be issued from 23 until 31 October 2017.

By way of derogation from Article 8(2) import licences applied for in accordance with the second subparagraph of Article 5(1) for the first sub-period of the 2017/2018 tariff quota period shall be issued from 23 until 31 October 2017.

3 By way of derogation from Article 9(1)(b), Member States shall notify the Commission of the total quantities covered by the import licences applications submitted in accordance with paragraph 1 of this Article not later than 14 October 2017.

4 Licence applications submitted in accordance with the second subparagraph of Article 5(1) for the first sub-period of the 2017/2018 tariff quota period may be withdrawn until 9 October 2017 not later than 13.00 Brussels time. The security corresponding to withdrawn applications shall be immediately released.]

Textual Amendments

- F10** Inserted by [Commission Implementing Regulation \(EU\) 2017/1778 of 29 September 2017 amending Regulation \(EC\) No 891/2009 as regards certain provisions concerning the first sub-period of the 2017/2018 import tariff quota period in the sugar sector and the full-time refiners' regime.](#)

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 891/2009, CHAPTER I. (See end of Document for details)

- (1) [^{F4}OJ L 164, 30.6.2015, p. 2.]
- (2) [^{F4}OJ L 12, 17.1.2017, p. 3.]
- (3) [^{F5}OJ L 278, 18.10.2013, p. 16.]
- (4) [^{F5}OJ L 233, 6.8.2014, p. 3]

Textual Amendments

- F4** Substituted by Commission Implementing Regulation (EU) 2017/704 of 19 April 2017 amending Regulation (EC) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.
- F5** Substituted by Commission Implementing Regulation (EU) No 1250/2014 of 21 November 2014 amending Regulation (EC) No 891/2009 as regards tariff quotas for sugar originating in Serbia.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 891/2009, CHAPTER I.