

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 II

### **SPECIFIC PROVISIONS FOR EXCEPTIONAL IMPORT SUGAR AND INDUSTRIAL IMPORT SUGAR**

#### *Article 11*

#### **Opening and quantities**

By way of derogation from Article 3(1), for exceptional import sugar and industrial import sugar, the opening of the tariff quota, the tariff quota period and the quantities of the products for which the application of all or part of the import duties is suspended shall be determined in accordance with the procedure referred to in Article 195 of Regulation (EC) No 1234/2007.

#### *Article 12*

#### **Processors of industrial import sugar**

By way of derogation from Article 5 of Regulation (EC) No 1301/2006, applications for import licences for industrial import sugar shall only be submitted by processors within the meaning of Article 2(d) of Regulation (EC) No 967/2006, even if such processors have not been involved in trade with third countries.

#### *Article 13*

#### **Use of import licences for industrial sugar**

1 Import licences for industrial import sugar issued for CN codes 1701 99 10 or 1701 99 90 may be used for the import of CN codes [<sup>F1</sup>1701 13 90, 1701 14 90], 1701 12 90, 1701 91 00, 1701 99 10 or 1701 99 90.

2 Industrial import sugar shall be used for the purposes of production of the products referred to in the Annex to Regulation (EC) No 967/2006.

3 Articles 11, 12 and 13 of Regulation (EC) No 967/2006 shall apply to industrial import sugar.

4 A processor shall supply proof, to the satisfaction of the competent authorities of the Member State, that the quantities imported as industrial import sugar have been used for the purposes of production of the products referred to in the Annex to Regulation (EC) No 967/2006 and in accordance with the approval referred to in Article 5 of that Regulation. This proof shall consist of the computerised recording in the records during or at the end of the production process of the quantities of the products concerned.

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**Changes to legislation:** There are currently no known outstanding effects for the  
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5 If processors have not supplied the proof referred to in paragraph 4 by the end of the seventh month following the month of import they shall pay, for each day of delay, a sum of EUR 5 per tonne of the quantity concerned.

6 If processors have not supplied the proof referred to in paragraph 4 by the end of the ninth month following the month of import, the quantity concerned shall be considered to be over declared within the meaning of Article 13 of Regulation (EC) No 967/2006.

**Textual Amendments**

**F1** Substituted by [Commission Implementing Regulation \(EU\) No 1278/2014 of 1 December 2014 amending Regulations \(EC\) No 967/2006, \(EC\) No 828/2009, \(EC\) No 891/2009 and Implementing Regulation \(EU\) No 75/2013.](#)

**Changes to legislation:**

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