

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

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)⁽¹⁾, and in particular Articles 143, 144(1), 148, 156 and 188(2) in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/2007, 2007/2008 and 2008/2009 marketing years for the import and refining of sugar products under certain tariff quotas and preferential agreements⁽²⁾ expires on 1 October 2009. However, certain Community tariff quotas in the sugar sector continue to exist after that date. It is therefore necessary to lay down rules on the opening and administration of those tariff quotas.
- (2) Pursuant to Article 1 of 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⁽³⁾, the Commission is to adopt the measures for the implementation in agriculture of the concessions set out in schedule CXL (European Communities) forwarded to the World Trade Organisation. Under this schedule, the Community undertook to import from India a quantity of 10 000 tonnes at zero duty of sugar products falling within CN codes 1701. In the wake of the accession of Austria, Finland and Sweden and then of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and then of Bulgaria and Romania to the European Union, and in the context of the conclusion of the negotiations under Article XXIV of the GATT, the Community further undertook to import from third countries a quantity of raw cane sugar for refining at a rate of duty of EUR 98 per tonne.
- (3) Under Article 4(4) of Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98 and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000⁽⁴⁾, imports of sugar products falling within CN codes 1701 and 1702

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originating in Bosnia and Herzegovina, Serbia and Kosovo⁽⁵⁾ are subject to annual duty-free tariff quotas.

- (4) A 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, was signed in Luxembourg on 12 June 2006. Pending the completion of the procedures necessary for its entry into force, an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Albania, of the other part⁽⁶⁾, was signed and concluded, which entered into force on 1 December 2006.
- (5) A Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, was signed in Luxembourg on 16 June 2008. Pending the completion of the procedures necessary for its entry into force, an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part⁽⁷⁾, was signed and concluded, which entered into force on 1 July 2008.
- (6) Pursuant to Article 27(5) of and Annex IV(h) to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part⁽⁸⁾, as amended by the Protocol approved by Council Decision (EC) No 2006/882/EC⁽⁹⁾, the Community is to allow duty-free access for imports into the Community of products originating in Croatia falling within CN codes 1701 and 1702, within the limit of an annual quantity of 180 000 tonnes (net weight).
- (7) Under 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⁽¹⁰⁾, which entered into force on 1 January 2006, the Community is to allow duty-free access for imports into the Community of products originating in the former Yugoslav Republic of Macedonia falling within CN codes 1701 and 1702, within the limit of an annual tariff quota of 7 000 tonnes (net weight).
- (8) Pursuant Article 142 of Regulation (EC) No 1234/2007, the Commission may suspend import duties to guarantee the supply necessary for the manufacturing of products referred to in Article 62(2) Regulation (EC) No 1234/2007. Rules for the administration of the resulting quotas should be laid down.
- (9) In addition, rules should be laid down for the administration of the quotas based on the application of Articles 186(a) and 187 of Regulation (EC) No 1234/2007, pursuant to which the Commission may suspend the import duties in whole or in part for certain quantities where sugar prices on the Community market rise or fall significantly or where sugar prices on the world market reach a level that disrupts or threaten to disrupt the availability of supply on the Community market.
- (10) Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and

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advance fixing certificates for agricultural products⁽¹¹⁾ and Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences⁽¹²⁾ should apply to import licences issued under this Regulation, except as otherwise provided by this Regulation.

- (11) To ensure uniform and equitable treatment for all operators, the period in which licence applications may be submitted and licences issued should be determined.
- (12) Import licence applications for industrial sugar should be restricted to processors of industrial sugar. Such processors are not necessarily involved in trade with third countries. It is therefore necessary to provide for a corresponding derogation from Article 5 of Regulation (EC) No 1301/2006.
- (13) According to Article 5 of Regulation (EC) No 1301/2006, operators should submit, to the Member States in which they are registered for VAT purposes, proof that they have been trading sugar during a certain period. Nevertheless, operators approved in accordance with Article 7 of Commission Regulation (EC) No 952/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system⁽¹³⁾ should be able to apply for import licences for tariff quotas, irrespective of whether or not they have been involved in trade with third countries.
- (14) Article 6(1) of Regulation (EC) No 1301/2006 provides that applicants for import licence should not lodge more than one import licence application for the same quota order number in respect of an import tariff quota period. For sugar, the marketing year is the import tariff quota period. In order to reduce the financial burden for the importers and to ensure fluid supply to the Community market, the intervals at which import licence applications are to be submitted should be monthly.
- (15) Sugar imported for refining needs specific monitoring by the Member States. Therefore, operators should specify as from the import licence application if the imported sugar is intended for refining or not.
- (16) To ensure efficient management of sugar imports under this Regulation, Member States should keep records of the relevant data, and report them to the Commission. To improve checks, it should be laid down that imports of the products falling under the annual tariff quota should be monitored in accordance with Article 308d of 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⁽¹⁴⁾.
- (17) Article 153(3) of Regulation (EC) No 1234/2007 restricts, during the first three months of each marketing year and within the limit referred to in Article 153(1) of that Regulation, the issuing of import licences to full-time refiners. During that period, only full-time refiners should be able to apply for import licences for sugar for refining.
- (18) The obligation to refine sugar should be verified by the Member States. If the original holder of the import licence is not able to provide the proof, a penalty should be paid.

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- (19) All imported sugar refined by an approved operator should be based on an import licence for sugar for refining. Quantities for which such proof cannot be given should be charged a penalty.
- (20) Given that industrial import sugar may only be used for the purposes of production of the products referred to in the Annex to Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota⁽¹⁵⁾, the provisions on the management of the industrial raw material and the obligations on processors laid down by that Regulation should apply to the quantities imported.
- (21) Regulation (EC) No 950/2006 should be repealed as from 1 October 2009. However, import licences issued in accordance with that Regulation with an expiry date after 1 October 2009 should remain valid.
- (22) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

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⁽¹⁶⁾, 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⁽¹⁷⁾;]

- (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⁽¹⁸⁾, 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⁽¹⁹⁾.]

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.

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,][F1Kosovo][F6or] the former Yugoslav Republic of Macedonia [F2or Croatia] and imported into the Community under the Acts referred to in [F3points (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;

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- (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 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,

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- 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.](#)

Article 9

Notifications to the Commission

[^{F31} 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.](#)

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

[^{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.

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 [^{F11}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.

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.

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

Textual Amendments

- F11** 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](#).

CHAPTER III

TRADITIONAL SUPPLY NEEDS

^{F12}Article 14

[^{F12}Full-time refiners' regime]

Textual Amendments

- F12** Deleted 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](#).

Article 15

Proof of refining and penalties

1 Each original holder of an import licence for sugar for refining shall, within six months following the expiry of the import licence concerned, provide the Member State which issued it with proof acceptable to it that refining has taken place within the period set in Article 7(3).

[^{F13}Where proof is not provided that at least 95 % of the quantity stated on the import licence has been refined, the applicant shall pay, before 1 June following the marketing year concerned, an amount equal to EUR 500 per tonne for the difference between the actual quantity for which proof of refining has been submitted and 95 % of the quantity stated on the import licence, except for exceptional reasons of force majeure.]

2 Sugar producers approved in accordance with Article 57 of Regulation (EC) No 1234/2007 shall declare to the competent authority in the Member State before 1 March following the marketing year concerned the quantities of sugar which they have refined in that marketing year, stating:

- a the quantities of sugar corresponding to import licences for sugar for refining;
- b the quantities of sugar produced in the Community, giving the references of the approved undertaking which produced that sugar;
- c other quantities of sugar, stating their origin.

[^{F3}Producers shall pay, before 1 June following the marketing year concerned, an amount equal to EUR 500 per tonne for the quantities of sugar referred to in point (c) of the first subparagraph, for which they cannot provide a proof, acceptable to a Member State, that refining took place for justified and exceptional technical reasons.]

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.
- F13** Substituted by Commission Delegated Regulation (EU) 2015/1538 of 23 June 2015 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to import licence applications, release for free circulation and proof of refining of sugar products of CN code 1701 under preferential agreements, for the marketing years 2015/16 and 2016/17 and amending Commission Regulations (EC) No 376/2008 and (EC) No 891/2009.

CHAPTER IV

REPEAL AND FINAL PROVISION

Article 16

Repeal

Regulation (EC) No 950/2006 is repealed with effect from 1 October 2009.

However, licences issued in accordance with that Regulation shall be valid until their expiry date.

Article 17

Entry into force and application

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

It shall apply from 1 October 2009.

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

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

ANNEX I

[^{F14}Part I:

CXL CONCESSIONS SUGAR

Third country	Order number	CN code	Quantities (tonnes)	In quota rate (EUR/tonne)
Australia	09.4317	1701 13 10 and 1701 14 10	9 925	98
Cuba	09.4319	1701 13 10 and 1701 14 10	68 969	98
Any third country	09.4320	1701 13 10 and 1701 14 10	289 977 ^a	98
India	09.4321	1701	10 000	0

^a For the marketing year 2016/2017, the quantity shall be 262 977 tonnes.

Textual Amendments

F14 Substituted by [Commission Implementing Regulation \(EU\) 2017/1085 of 19 June 2017 amending Regulation \(EC\) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector.](#)

Third country	Order number	CN code	Marketing Year	Quantities (tonnes)	In quota rate (EUR/tonne)
Brazil	09.4318	1701 13 10 and 1701 14 10	2016/2017 until 2023/2024	334 054	98
			From 2024/2025	412 054	98
	09.4329	1701 13 10 and 1701 14 10	2016/2017	19 500	11
			2017/2018	78 000	11
			2018/2019	78 000	11
			2019/2020	78 000	11
			2020/2021	78 000	11
			2021/2022	78 000	11
			2022/2023	58 500	11
	09.4330	1701 13 10 and 1701 14 10	2022/2023	19 500	54
2023/2024			58 500	54]	

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

[^{F4}Part II:

BALKANS SUGAR

Third Country or Customs Territories	Order number	CN code	Quantities (tonnes)	In quota rate (EUR/ton)
Albania	09.4324	1701 and 1702	1 000	0
Bosnia and Herzegovina	09.4325	1701 and 1702	13 210	0
Serbia	09.4326	1701 and 1702	181 000	0
Former Yugoslav Republic of Macedonia	09.4327	1701 and 1702	7 000	0]

Part III:

EXCEPTIONAL IMPORT SUGAR AND INDUSTRIAL IMPORT SUGAR

Import sugar	Order number	CN code	Quantities(tonnes)	In quota rate(EUR/ton)
Exceptional	09.4380	To be determined by the opening regulation	To be determined by the opening regulation	To be determined by the opening regulation
Industrial	09.4390	To be determined by the opening regulation	To be determined by the opening regulation	To be determined by the opening regulation

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

ANNEX II

Model export licence referred to in Article 7(4)

1. Exporter (name, full address, country)	ORIGINAL	2. No	
	3. Marketing year		
4. Importer (name, full address, country) (optional)	LICENCE FOR PREFERENTIAL SUGAR EXPORT TO THE EU		
5. Place and date of loading — means of transport (optional)	6. Country of origin	7. Country/group of countries or territory of destination	
	8. Additional details		
9. Description of goods		10. CN code (8-digit)	11. Quantity (kg)
12. CERTIFICATION BY COMPETENT AUTHORITY			
13. Competent authority (name, full address, country)		At: on:	
		(signature)	(stamp)

ANNEX III

A. Entries referred to in the first indent of Article 6(d)(ii):

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

- in Bulgarian : Захар по CXL отстъпките, внасяна в съответствие с Регламент (ЕО) № 891/2009. Пореден номер (вписва се поредният номер в съответствие с приложение I)
- in Spanish : Azúcar concesiones CXL importado de acuerdo con el Reglamento (CE) nº 891/2009. Número de orden [insértese con arreglo al anexo I]
- in Czech : Koncesní cukr CXL dovezený v souladu s nařízením (ES) č. 891/2009. Pořadové číslo [vloží se pořadové číslo v souladu s přílohou I]
- in Danish : CXL-indrømmelsessukker importeret i overensstemmelse med forordning (EF) nr. 891/2009. Løbenummer [løbenummer skal indsættes i overensstemmelse med bilag I]
- in German : Zucker Zugeständnisse CXL, eingeführt gemäß der Verordnung (EG) Nr. 891/2009. Laufende Nummer [laufende Nummer gemäß Anhang I einfügen]
- in Estonian : CXL kontsessioonisuhkur, imporditud kooskõlas määrusega (EÜ) nr 891/2009. Seerianumber (märgitakse vastavalt I lisale)
- in Greek : Ζάχαρη παραχωρήσεων CXL, εισαγόμενη σύμφωνα με τον κανονισμό (ΕΚ) αριθ. 891/2009. Αύξων αριθμός [να προστεθεί ο αύξων αριθμός σύμφωνα με το παράρτημα I]
- in English : CXL concessions sugar imported in accordance with Regulation (EC) No 891/2009. Order No [order number to be inserted in accordance with Annex I]
- in French : Sucre concessions CXL importé conformément au règlement (CE) nº 891/2009. Numéro d'ordre [numéro d'ordre à insérer conformément à l'annexe I]
- [^{F15}—in Croatian : Šećer iz CXL koncesija uvezen u skladu s Uredbom (EZ) br. 891/2009. Redni broj (umetnuti redni broj u skladu s Prilogom I)]
- in Italian : Zuccheri concessioni CXL importato a norma del regolamento (CE) n. 891/2009. Numero d'ordine [inserire in base all'allegato I]
- in Latvian : CXL koncesiju cukurs, kas importēts saskaņā ar Regulu (EK) Nr. 891/2009. Kārtas Nr. [kārtas numurs ierakstāms saskaņā ar I pielikumu]
- in Lithuanian : CXL lengvatinis cukrus, importuotas pagal Reglamentą (EB) Nr. 891/2009. Eilės Nr. (eilės numeris įrašytinas pagal I priedą)
- in Hungarian : A 891/2009/EK rendelettel összehangban behozott CXL engedményes cukor. Tételszám (tételszám az I. melléklet szerint)
- in Maltese : Il-koncessjonijiet taz-zokkor tas-CXL, iz-zokkor, impurtat skont ir-Regolament (KE) Nru 891/2009. In-numru tal-ordni [in-numru tal-ordni għandu jiddaħħal skont l-Anness I]
- in Dutch : Suiker CXL-concessies ingevoerd overeenkomstig Verordening (EG) nr. 891/2009. Volgnummer (zie bijlage I)
- in Polish : Cukier wymieniony na liście koncesyjnej CXL przywieziony zgodnie z rozporządzeniem (WE) nr 891/2009. Numer porządkowy [numer porządkowy należy wstawić zgodnie z załącznikiem I]
- in Portuguese : Açúcar «Concessões CXL» importado em conformidade com o Regulamento (CE) nº 891/2009. Número de ordem [número de ordem a inserir de acordo com o anexo I]
- in Romanian : Zahăr concesi CXL importat în conformitate cu Regulamentul (CE) nr. 891/2009. Nr. de ordine [a se introduce numărul de ordine în conformitate cu anexa I]
- in Slovak : Koncesný cukr CXL dovezený v súlade s nariadením (ES) č. 891/2009. Poradové číslo (uviesť poradové číslo podľa prílohy I)

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

- in Slovenian : Sladkor iz koncesij CXL, uvožen v skladu z Uredbo (ES) št. 891/2009. Zaporedna številka [vstaviti zaporedno številko v skladu s Prilogo I]
- in Finnish : CXL-myönnytyksiin oikeutettu sokeri, joka on tuotu asetuksen (EY) N:o 891/2009 mukaisesti. Järjestysnumero [järjestysnumero lisätään liitteen I mukaisesti]
- in Swedish : Socker enligt CXL-medgivanden importerat i enlighet med förordning (EG) nr 891/2009. Löpnummer (löpnumret ska anges i enlighet med bilaga I)

Textual Amendments

F15 Inserted 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.

B. Entries referred to in the second indent of Article 6(d)(ii):

- in Bulgarian : Прилагане на Регламент (ЕО) № 891/2009, захар от Балканите. Пореден номер (вписва се поредният номер в съответствие с приложение I)
- in Spanish : Aplicación del Reglamento (CE) nº 891/2009, azúcar Balcanes. Número de orden [insértese con arreglo al anexo I]
- in Czech : Použití nařízení (ES) č. 891/2009, cukr z balkánských zemí. Pořadové číslo [vloží se pořadové číslo v souladu s přílohou I]
- in Danish : Anvendelse af forordning (EF) nr. 891/2009, balkansk sukker. Løbenummer [løbenummer skal indsættes i overensstemmelse med bilag I]
- in German : Anwendung der Verordnung (EG) Nr. 891/2009, Balkan-Zucker. Laufende Nummer [laufende Nummer gemäß Anhang I einfügen]
- in Estonian : Kohaldatakse määrust (EÜ) nr 891/2009, Balkani suhkur. Seerianumber (märgitakse vastavalt I lisale)
- in Greek : Εφαρμογή του κανονισμού (ΕΚ) αριθ. 891/2009, ζάχαρη Βαλκανίων. Αύξων αριθμός [να προστεθεί ο αύξων αριθμός σύμφωνα με το παράρτημα I]
- in English : Application of Regulation (EC) No 891/2009, Balkans sugar. Order No [order number to be inserted in accordance with Annex I]
- in French : Application du règlement (CE) n° 891/2009, sucre Balkans. Numéro d'ordre [numéro d'ordre à insérer conformément à l'annexe I]
- ^[F15]— in Croatian : Primjena Uredbe (EZ) br. 891/2009, balkanski šećer. Redni broj [umetnuti redni broj u skladu s Prilogom I]
- in Italian : Applicazione del regolamento (CE) n. 891/2009, zucchero Balcani. Numero d'ordine (inserire in base all'allegato I)
- in Latvian : Regulas (EK) Nr. 891/2009 piemērošana, Balkānu cukurs. Kārtas Nr. [kārtas numurs ierakstāms saskaņā ar I pielikumu]
- in Lithuanian : Taikomas Reglamentas (EB) Nr. 891/2009, Balkanų cukrus. Eilės Nr. (eilės numeris įrašytinas pagal I priedą)
- in Hungarian : A 891/2009/EK rendelet alkalmazása, balkáni cukor. Tételszám (tételszám az I. melléklet szerint)

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

- in Maltese : Applikazzjoni tar-Regolament (KE) Nru 891/2009, iz-zokkor mill-Balkani. In-numru tal-ordni [in-numru tal-ordni għandu jiddaħhal skont l-Anness I]
- in Dutch : Toepassing van Verordening (EG) nr. 891/2009, Balkansuiker. Volgnummer (zie bijlage I)
- in Polish : Zastosowanie rozporządzenia (WE) nr 891/2009, cukier z krajów bałkańskich. Numer porządkowy [numer porządkowy należy wstawić zgodnie z załącznikiem I]
- in Portuguese : Aplicação do Regulamento (CE) n.º 891/2009, açúcar dos Balcãs. Número de ordem [número de ordem a inserir de acordo com o anexo I]
- in Romanian : Aplicarea Regulamentului (CE) nr. 891/2009, zahăr din Balcani. Nr. de ordine [a se introduce numărul de ordine în conformitate cu anexa I]
- in Slovak : Uplatňovanie nariadenia (ES) č. 891/2009, cukor z Balkánu. Poradové číslo (uviesť poradové číslo podľa prílohy I)
- in Slovenian : Uporaba Uredbe (ES) št. 891/2009, balkanski sladkor. Zaporedna številka [vstaviti zaporedno številko v skladu s Prilogo I]
- in Finnish : Asetuksen (EY) N:o 891/2009 soveltaminen, Balkanin maista peräisin oleva sokeri. Järjestysnumero [järjestysnumero lisätään liitteen I mukaisesti]
- in Swedish : Tillämpning av förordning (EG) nr 891/2009, Balkansocker. Löpnummer (löpnumret ska anges i enlighet med bilaga I).

C. Entries referred to in the third indent of Article 6(d)(ii):

- in Bulgarian : Прилагане на Регламент (ЕО) № 891/2009, захар от извънреден внос. Пореден номер 09.4380
- in Spanish : Aplicación del Reglamento (CE) n.º 891/2009, azúcar importación excepcional. Número de orden 09.4380
- in Czech : Použití nařízení (ES) č. 891/2009, cukr výjimečného dovozu. Pořadové číslo 09.4380
- in Danish : Anvendelse af forordning (EF) nr. 891/2009, ekstraordinær import af sukker. Løbenummer 09.4380
- [^{X1}—in German : Anwendung der Verordnung (EG) Nr. 891/2009, Zucker zur außerordentlichen Einfuhr. Laufende Nummer 09.4380]
- in Estonian : Kohaldatakse määrust (EÜ) nr 891/2009, erakorraline importsuhkur. Seerianumber 09.4380
- in Greek : Εφαρμογή του κανονισμού (ΕΚ) αριθ. 891/2009, ζάχαρη εξαιρετικής εισαγωγής της ΕΕ. Αύξων αριθμός 09.4380
- in English : Application of Regulation (EC) No 891/2009, exceptional import sugar. Order No 09.4380
- in French : Application du règlement (CE) n.º 891/2009, sucre importation exceptionnelle. Numéro d'ordre 09.4380
- [^{F15}—in Croatian : Primjena Uredbe (EZ) br. 891/2009, posebni uvoz šećera. Redni broj 09.4380]
- in Italian : Applicazione del regolamento (CE) n. 891/2009, zucchero di importazione eccezionale. Numero d'ordine: 09.4380
- in Latvian : Regulas (EK) Nr. 891/2009 piemērošana, īpašais importa cukurs. Kārtas Nr. 09.4380
- in Lithuanian : Taikomas Reglamentas (EB) Nr. 891/2009, išskirtinis cukraus importas. Eilės Nr. 09.4380
- in Hungarian : A 891/2009/EK rendelet alkalmazása, kivételes behozatalból származó cukor. Tételszám 09.4380

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

- in Maltese : Applikazzjoni tar-Regolament (KE) Nru 891/2009, iz-zokkor għall-importazzjoni eċċezzjonali. In-numru tal-ordni 09.4380
- in Dutch : Toepassing van Verordening (EG) nr. 891/2009, suiker voor uitzonderlijke invoer. Volgnummer 09.4380
- in Polish : Zastosowanie rozporządzenia (WE) nr 891/2009, cukier pozakwotowy z przywozu. Numer porządkowy 09.4380
- in Portuguese : Aplicação do Regulamento (CE) n.º 891/2009, açúcar importado a título excepcional. Número de ordem: 09.4380
- in Romanian : Aplicarea Regulamentului (CE) nr. 891/2009, zahăr import excepțional. Nr. de ordine 09.4380
- in Slovak : Uplatňovanie nariadenia (ES) č. 891/2009, mimoriadne dovezený cukor. Poradové číslo 09.4380
- in Slovenian : Uporaba Uredbe (ES) št. 891/2009, sladkor iz posebnega uvoza. Zaporedna št. 09.4380
- in Finnish : Asetuksen (EY) N:o 891/2009 soveltaminen, poikkeustuonnin alainen sokeri. Järjestysnumero 09.4380.
- in Swedish : Tillämpning av förordning (EG) nr 891/2009, socker för exceptionell import. Löpnummer 09.4380.

Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 254 of 26 September 2009\)](#).

D. Entries referred to in the fourth indent of Article 6(d)(ii):

- in Bulgarian : Прилагане на Регламент (ЕО) № 891/2009, индустриална вносна захар. Пореден номер 09.4390
- in Spanish : Aplicación del Reglamento (CE) n.º 891/2009, azúcar importación excepcional. Número de orden 09.4380
- in Czech : Použití nařízení (ES) č. 891/2009, cukr průmyslového dovozu. Pořadové číslo 09.4390
- in Danish : Anvendelse af forordning (EF) nr. 891/2009, import af industrisukker. Løbenummer 09.4390
- in German : Anwendung der Verordnung (EG) Nr. 891/2009, Zucker — industrielle Einfuhr. Laufende Nummer 09.4390
- in Estonian : Kohaldatakse määrust (EÜ) nr 891/2009, tööstuslik importsuhkur. Seerianumber 09.4390
- in Greek : Εφαρμογή του κανονισμού (ΕΚ) αριθ. 891/2009, βιομηχανική ζάχαρη εισαγωγής. Αύξων αριθμός 09.4390
- in English : Application of Regulation (EC) No 891/2009, industrial import sugar. Order No 09.4390
- in French : Application du règlement (CE) n.º 891/2009, sucre industriel importé. Numéro d'ordre 09.4390
- [^{F15}— in Croatian : Primjena Uredbe (EZ) br. 891/2009, industrijski uvoz šećera. Redni broj 09.4390]
- in Italian : Applicazione del regolamento (CE) n. 891/2009, zucchero di importazione industriale. Numero d'ordine: 09.4390
- in Latvian : Regulas (EK) Nr. 891/2009 piemērošana, rūpnieciska importa cukurs. Kārtas Nr. 09.4390

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

- in Lithuanian : Taikomas Reglamentas (EB) Nr. 891/2009, pramoninio cukraus importas. Eilės Nr. 09.4390
- in Hungarian : A 891/2009/EK rendelet alkalmazása, kivételes behozatalból származó cukor. Tételszám 09.4380
- in Maltese : Applikazzjoni tar-Regolament (KE) Nru 891/2009, iz-zokkor għall-importazzjoni industrijali. In-numru tal-ordni 09.4390
- in Dutch : Toepassing van Verordening (EG) nr. 891/2009, suiker voor industriële invoer. Volgnummer 09.4390
- in Polish : Zastosowanie rozporządzenia (WE) nr 891/2009, cukier przemysłowy z przywozu. Numer porządkowy 09.4390
- in Portuguese : Aplicação do Regulamento (CE) n.º 891/2009, açúcar importado para fins industriais. Número de ordem: 09.4390
- in Romanian : Aplicarea Regulamentului (CE) nr. 891/2009, zahăr industrial de import. Nr. de ordine 09.4390
- in Slovak : Uplatňovanie nariadenia (ES) č. 891/2009, cukor na priemyselné spracovanie. Poradové číslo 09.4390
- in Slovenian : Uporaba Uredbe (ES) št. 891/2009, sladkor iz industrijskega uvoza. Zaporedna št. 09.4390
- in Finnish : Asetuksen (EY) N:o 891/2009 soveltaminen, teollisuuden tarpeisiin tuotava sokeri. Järjestysnumero 09.4390
- in Swedish : Tillämpning av förordning (EG) nr 891/2009, socker som importerats för industriändamål. Löpnummer 09.4390.

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

- (1) OJ L 299, 16.11.2007, p. 1.
- (2) OJ L 178, 1.7.2006, p. 1.
- (3) OJ L 146, 20.6.1996, p. 1.
- (4) OJ L 240, 23.9.2000, p. 1.
- (5) As defined in UN Security Council Resolution 1244.
- (6) OJ L 239, 1.9.2006, p. 2.
- (7) OJ L 169, 30.6.2008, p. 10.
- (8) OJ L 26, 28.1.2005, p. 3.
- (9) OJ L 341, 7.12.2006, p. 31.
- (10) OJ L 84, 20.3.2004, p. 13.
- (11) OJ L 114, 26.4.2008, p. 3.
- (12) OJ L 238, 1.9.2006, p. 13.
- (13) OJ L 178, 1.7.2006, p. 39.
- (14) OJ L 253, 11.10.1993, p. 1.
- (15) OJ L 176, 30.6.2006, p. 22.
- (16) [^{F4}OJ L 164, 30.6.2015, p. 2.]
- (17) [^{F4}OJ L 12, 17.1.2017, p. 3.]
- (18) [^{F5}OJ L 278, 18.10.2013, p. 16.]
- (19) [^{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.