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COMMISSION REGULATION (EC) No 1555/96
of 30 July 1996
on rules of application for additional import duties on fruit and vegetables
(OJ L 193, 3.8.1996, p. 1)

Amended by:

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COMMISSION REGULATION (EC) No 1555/96
of 30 July 1996
on rules of application for additional import duties on fruit and
vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 24 (4) thereof,

Whereas under Regulation (EEC) No 1035/72 import duty additional to that provided for in the Common Customs Tariff ('additional duty') can be imposed on certain products covered by that Regulation if the terms of Article 5 of the Agreement on Agriculture⁽³⁾ are met, unless there is no risk of disturbance of the Community market or the impact would be disproportionate to the end sought;

Whereas additional duty may be imposed if import volumes of the products concerned, determined from import licences issued by Member States or by procedures introduced under a preferential agreement, exceed trigger levels determined by product and period of application as specified in Article 5 (4) of the Agreement on Agriculture;

Whereas additional duty may be imposed only on imports the tariff classification of which made in line with Article 5 of Commission Regulation (EC) No 3223/94⁽⁴⁾, as last amended by Regulation (EC) No 2933/95⁽⁵⁾, entails application of the highest specific duty and on imports made outside the tariff quotas set in the World Trade Organization framework; whereas no additional duty may be imposed on products which enjoy preferences in respect of the entry price, in so far as their tariff classification does not entail application of the highest specific duty;

Whereas, in the case of imports enjoying tariff preference as to *ad valorem* duty, calculation of the additional duty must take account of this;

Whereas goods en route to the Community are exempt from additional duty; whereas specific provisions on these should therefore be enacted;

Whereas the introduction of the import licence arrangements will not prevent their being replaced by a rapid computerized procedure for recording imports as soon as it is legally and practically possible to set one up; whereas there will be an evaluation in this respect by 31 December 1997;

Whereas the Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:



Article 1

1. Additional import duty as referred to in Article 33(1) of Council Regulation (EC) No 2200/96⁽⁶⁾, termed 'additional duty' below, may be applied to the products and during the periods listed in the Annex hereto on the conditions set out below.

2. Trigger levels for the additional duties are listed in the Annex hereto.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 336, 23. 12. 1994, p. 22.

⁽⁴⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽⁵⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽⁶⁾ OJ L 297, 21.11.1996, p. 1.

▼M1*Article 2*

1. For each of the products listed in the Annex hereto and during the periods indicated Member States shall notify the Commission of details of the volumes put into free circulation using the method for the surveillance of preferential imports set out in Article 308d of Commission Regulation (EEC) No 2454/93 ⁽¹⁾.

Such notification shall take place no later than midday Brussels time each Wednesday for the volumes put into free circulation during the preceding week.

2. Declarations for release for free circulation of products covered by the present Regulation which the customs authorities may accept at the declarant's request without their containing certain particulars referred to in Annex 37 of Regulation (EEC) No 2454/93 shall contain, in addition to the particulars referred to in Article 254 of that Regulation, an indication of the net mass (kg) of the products concerned.

Where the simplified declaration procedure referred to in Article 260 of Regulation (EEC) No 2454/93 is used to put into free circulation products covered by the present Regulation, the simplified declarations shall contain, in addition to other requirements, an indication of the net mass (kg) of the products concerned.

Where the local clearance procedure referred to in Article 263 of Regulation (EEC) No 2454/93 is used to put into free circulation products covered by the present Regulation, the notification to the customs authorities referred to in Article 266(1) of that Regulation shall contain all necessary data for the identification of the goods, as well as an indication of the net mass (kg) of the products concerned.

Article 266(2b) shall not apply to imports of the products covered by the present Regulation.

Article 3

1. If it is found that, for one of the products and one of the periods listed in the Annex hereto, the quantity put into free circulation exceeds the corresponding triggering volume the Commission shall levy an additional duty.

2. The additional duty shall be levied on quantities put into free circulation after the date of application of the said duty, provided that:

- their tariff classification determined in accordance with Article 5 of Regulation (EC) No 3223/94 entails application of the highest specific duties applicable to imports of the origin in question,
- importation is effected during the period of application of the additional duty.

▼B*Article 4*

1. The additional duty imposed under Article 3 shall be one third of the customs duty applicable to the product given in the Common Customs Tariff.

2. However, for imports enjoying tariff preference as to *ad valorem* duty the additional duty shall be one third of the specific duty on the product in so far as Article 3 (2) applies.

Article 5

1. The following are exempt from additional duty:

- (a) goods imported against the tariff quotas listed in Annex 7 to the combined nomenclature;
- (b) goods en route to the Community as defined in paragraph 2.

2. Goods shall be considered to be en route to the Community that:

- left the country of origin before the decision to impose additional duty, and

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

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— are being transported under cover of a transport document valid from the place of loading in the country of origin to the place of unloading in the Community, drawn up before imposition of additional duty.

3. Interested parties shall provide evidence to the satisfaction of the customs authorities that the requirements of paragraph 2 are met.

However, these authorities may deem that goods left their country of origin before the date of imposition of additional duty if one of the following documents is provided:

- for sea transport, the bill of lading showing that loading took place before that date,
- for rail transport, the waybill accepted by the rail authorities of the country of origin before that date,
- for road transport, the road carriage contract (CMR) or another transit document made out in the country of origin before that date, if the conditions laid down in bilateral or multilateral arrangements concluded in the context of Community transit or common transit are observed,
- for air transport, the air way bill showing that the airline accepted the goods before that date.

Article 6

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

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



ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where the indication 'ex' is placed before the CN code the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 March	164 102
78.0020			— 1 April to 30 September	15 622
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	16 028
78.0075			— 1 November to 30 April	3 865
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	1 180
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	45 160
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	465 695
78.0120	ex 0805 20 10	Clementines	— 1 November to end February	218 217
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins, including tangerines, satsumas, wilkings and similar citrus hybrids	— 1 November to end February	114 194
78.0155	ex 0805 30 10	Lemons	— 1 June to 31 December	285 329
78.0160			— 1 January to 31 May	24 448
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	190 422
78.0180	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 September to 31 December	395 887
78.0190			— 1 January to 31 March	51 279
78.0200			— 1 April to 31 August	575 829
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	155 487
78.0235			— 1 July to 31 December	202 569
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	2 432
78.0260	ex 0809 20	Cherries	— 21 May to 10 August	108 193
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	1 166
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	112 005