

**COMMISSION REGULATION (EC) No 2335/2002
of 23 December 2002**

supplementing Council Regulation (EC) No 747/2001 as regards Community tariff quotas for tomatoes originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95⁽¹⁾, as amended by Commission Regulation (EC) No 786/2002⁽²⁾, and in particular Article 5(1)(b) thereof,

Whereas:

- (1) Regulation (EC) No 747/2001 opened the tariff quotas for imports into the Community of fresh tomatoes originating in Morocco, provided for in the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, and laid down detailed rules for managing them.
- (2) By Decision 2002/958/EC of 28 November 2002⁽³⁾ the Council approved an Agreement in the form of an Exchange of Letters derogating temporarily, as regards the importation into the Community of tomatoes originating in Morocco, from agricultural Protocol No 1 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, hereinafter referred to as 'the agreement'. The agreement provides for the period from 1 November 2002 to 31 May 2003 and for imports into the Community of tomatoes originating in Morocco, for an increase in the volume of a tariff quota already existing under Regulation (EC) No 747/2001 and for the opening of a new tariff quota.
- (3) It is necessary to supplement Regulation (EC) No 747/2001 for the implementation, from 1 November 2002, of the arrangements provided for in the agreement.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 November 2002 to 31 March 2003, the Community tariff quota with the order No 09.1190, applicable to imports into the Community of fresh or chilled tomatoes of CN code 0702 00 00 originating in Morocco, and opened under Annex II to Regulation (EC) No 747/2001, is hereby increased by 6 000 tonnes.

Article 2

1. Provided total imports into the Community of tomatoes originating in Morocco do not exceed 156 676 tonnes during the period from 1 October 2002 to 31 March 2003, the following tariff quota shall be opened by the Commission:

⁽¹⁾ OJ L 109, 19.4.2001, p. 2.

⁽²⁾ OJ L 127, 14.5.2002, p. 3.

⁽³⁾ OJ L 333, 10.12.2002, p. 21.

Order No	CN code	Description	Quota period	Quota volume (tonnes)	Tariff quota duty
09.1191	0702 00 00	Tomatoes, fresh or chilled	1.4.2003 to 31.5.2003	12 081	(¹) (²)

(¹) Under this tariff quota, the specific duty provided for in the list of Community concessions to the World Trade Organisation (WTO) shall be reduced to zero if the entry price is EUR 461 or more per tonne, this being the entry price agreed between the European Community and Morocco. If the entry price of a particular consignment is 2 %, 4 %, 6 % or 8 % below the agreed entry price, the specific customs duty under the quota shall be 2 %, 4 %, 6 % or 8 % of the agreed entry price, as appropriate. If the entry price of a particular consignment is below 92 % of the agreed entry price, the specific customs duty bound in the WTO shall apply.

(²) Also exemption from the *ad valorem* duty, in the framework of the tariff quota under order No 09.1116 set out in Annex II to Regulation (EC) No 747/2001.

2. The tariff quota referred to in paragraph 1 shall be managed by the Commission in accordance with Article 4 of Regulation (EC) No 747/2001.

Article 3

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

It shall apply from 1 November 2002.

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

Done at Brussels, 23 December 2002.

For the Commission
Frederik BOLKESTEIN
Member of the Commission