

**COMMISSION REGULATION (EC) No 933/2002****of 31 May 2002****opening and providing for the management of tariff quotas for certain agricultural products originating in Switzerland, and repealing Regulation (EC) No 851/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council and Commission Decision 2002/309/EC, Euratom as regards the Agreement on Scientific and Technological Cooperation of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation<sup>(1)</sup>, and in particular the Agreement on trade in agricultural products<sup>(2)</sup>, hereinafter called 'the Agreement', and in particular Article 2 thereof,

Whereas:

- (1) It is necessary to open and provide the management rules for the tariff quotas provided in Annex 2 of the Agreement.
- (2) These tariff quotas should be managed by the Community authorities and the Member States in accordance with the management system for tariff quotas provided for in Articles 308a, 308b and 308c 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<sup>(3)</sup>, as last amended by Commission Regulation (EC) No 444/2002<sup>(4)</sup>.
- (3) To be eligible for the benefit of these tariff quotas products must originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement.
- (4) The tariff quota for table cherries of CN code 0809 20 95 replaces the tariff quota for the same product, the subject of order No 09.0901, laid down by Council Regulation (EC) No 851/95<sup>(5)</sup>. That Regulation will thereby become redundant and should be repealed from the date of entry into force of the Agreement.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Subject to paragraph 2, the tariff quotas for products originating in Switzerland listed in the Annex to this Regulation shall be opened annually, and at the rates of customs duty indicated in that Annex, from 1 January to 31 December.
2. In 2002, the tariff quotas shall be opened from 1 June to 31 December. The annual volumes shall be reduced to a level in proportion to the number of months the tariff quotas are open. Any fractions of a tonne resulting from this calculation shall be rounded up to the next complete tonne.

*Article 2*

The tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with the Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 3*

Regulation (EC) No 851/95 shall be repealed from 1 June 2002.

*Article 4*

This Regulation shall enter into force on the day following that of 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.

Done at Brussels, 31 May 2002.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

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<sup>(1)</sup> OJ L 114, 30.4.2002, p. 1.  
<sup>(2)</sup> OJ L 114, 30.4.2002, p. 132.  
<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.  
<sup>(4)</sup> OJ L 68, 12.3.2002, p. 11.  
<sup>(5)</sup> OJ L 86, 20.4.1995, p. 7.

## ANNEX

**List of tariff quotas**

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is considered to be as having no more than an indicative value, the coverage of the tariff quotas within the context of this Annex, being determined by the coverage of the CN codes. Where ex CN codes are indicated, the coverage of the tariff quotas is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC code	Description	Rate of duty	Annual volume (in tonnes net weight)
09.0921	0701 10 00		Seed potatoes, fresh or chilled	Free	4 000
09.0922	0702 00 00		Tomatoes, fresh or chilled	Free (*)	1 000
09.0923	0703 10 19 0703 90 00		Onions other than sets, leeks and other alliaceous vegetables, fresh or chilled	Free	5 000
09.0924	0704 10 00 0704 90		Cabbages, cauliflowers, kohlrabi, kale and other similar edible brassicas with the exception of Brussels sprouts, fresh or chilled	Free	5 500
09.0925	0705 11 00 0705 19 00 0705 29 00		Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium</i> spp.), with the exception of Witloof chicory ( <i>Cichorium intybus</i> var. <i>foliosum</i> ), fresh or chilled	Free	3 000
09.0926	0706 10 00		Carrots and turnips, fresh or chilled	Free	5 000
09.0927	0706 90 10 0706 90 90		Salad beetroot, salsify, celeriac, radishes and similar edible roots, with the exception of horse-radish ( <i>Cochlearia armoracia</i> ), fresh or chilled	Free	3 000
09.0928	0707 00 05		Cucumbers, fresh or chilled	Free (*)	1 000
09.0929	0708 20 00		Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.), fresh or chilled	Free	1 000
09.0930	0709 30 00		Aubergines (eggplants), fresh or chilled	Free	500
09.0931	0709 40 00		Celery other than celeriac, fresh or chilled	Free	500
09.0932	0709 70 00		Spinach, New Zealand spinach and orache spinach (garden spinach), fresh or chilled	Free	1 000
09.0933	0709 90 10		Salad vegetables, other than lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium</i> spp.), fresh or chilled	Free	1 000
09.0934	0709 90 50		Fennel, fresh or chilled	Free	1 000
09.0935	0709 90 70		Courgettes, fresh or chilled	Free (*)	1 000
09.0936	0709 90 90		Other vegetables, fresh or chilled	Free	1 000
09.0937	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	90 90 90	Apples, other than cider apples, fresh	Free (*)	3 000

Order No	CN code	TARIC code	Description	Rate of duty	Annual volume (in tonnes net weight)
09.0938	0808 20		Pears and quinces, fresh	Free (*)	3 000
09.0939	0809 10 00		Apricots, fresh	Free (*)	500
09.0940	0809 20 95		Cherries, other than sour cherries ( <i>Prunus cerasus</i> ), fresh	Free (*)	1 500 <sup>(1)</sup>
09.0941	0809 40		Plums and sloes, fresh	Free (*)	1 000
09.0942	0810 20 10		Raspberries, fresh	Free	100
09.0943	0810 20 90		Blackberries, mulberries and loganberries, fresh	Free	100
09.0944	1106 30 10		Flour, meal and powder of bananas	Free	5
09.0945	0710 10 00 2004 10 10 2004 10 99 2005 20 80		Potatoes, uncooked or cooked by steaming or boiling in water, frozen  Potatoes, prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006, with the exception of flour, meal or flakes  Potatoes, prepared or otherwise preserved than by vinegar or acetic acid, not frozen, other than products of heading No 2006, with the exception of flour, meal or flakes and preparations that are thinly sliced, fried or baked, whether or not salted or flavoured, in airtight packings, suitable for immediate consumption	Free	3 000
09.0946	ex 0811 90 19  ex 0811 90 39  0811 90 80  2008 60	21 29 31 39  21 29 31 39	Cherries, uncooked or cooked by steaming or boiling in water, frozen, containing added sugar or other sweetening matter    Cherries, other than sour cherries ( <i>Prunus cerasus</i> ), uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter  Cherries, other prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	Free	500

(\*) The reduction of duty within these tariff quotas is limited to the *ad valorem* element. Entry prices and their specific duties remain applicable.

<sup>(1)</sup> The tariff quota opened by Regulation (EC) No 851/95 (order No 09.901) is available for claims for quota benefit on customs declarations accepted no later than 31 May 2002. In 2002, the volume of the new tariff quota of cherries (order No 09.0940) is calculated by summing the quantities, unused in 2002, under the former quota (order No 09.0901) and a supplementary volume of 500 t reduced pro rata temporis in accordance with the provisions of Article 1(2).