

Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries

COMMISSION REGULATION (EC) No 341/2007

of 29 March 2007

opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, and in particular Articles 31(2) and 34(1) thereof,

Whereas:

- (1) Since 1 June 2001 the normal customs duty for imports of garlic falling within CN code 0703 20 00 has consisted of an *ad valorem* customs duty of 9,6 % and a specific amount of EUR 1 200 per tonne net. However, a quota of 38 370 tonnes free of specific duty was opened by an Agreement in the form of an Exchange of Letters between the European Community and the Argentine Republic pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 for the modification of concessions with respect to garlic provided for in Schedule CXL annexed to the GATT⁽²⁾, approved by Council Decision 2001/404/EC⁽³⁾.
- (2) The Agreement in the form of an Exchange of Letters between the European Community and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union⁽⁴⁾, approved by Council Decision 2006/398/EC⁽⁵⁾, provides, for China, for an increase by 20 500 tonnes of the tariff quota for garlic.
- (3) The conditions for the administration of those quotas (hereinafter the 'GATT quota') were set out in Commission Regulation (EC) No 1870/2005 of 16 November 2005 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic imported from third countries⁽⁶⁾. For the sake of clarity, that Regulation should be repealed and replaced by a new regulation from 1 April 2007. However, Regulation (EC) No 1870/2005 should continue to apply

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with regard to import licences issued in accordance with that Regulation for the import tariff quota period expiring on 31 May 2007.

- (4) Garlic may also be imported outside the GATT quota at the normal duty or on preferential terms under agreements concluded between the Community and certain third countries.
- (5) Garlic is an important product of the Community's fruit and vegetables sector, with an annual production of around 250 000 tonnes in the Community. The annual import from third countries is also significant, ranging from 60 000 to 80 000 tonnes. The two main third country suppliers are China (30 000 to 40 000 tonnes per year) and Argentina (around 15 000 tonnes per year).
- (6) 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⁽⁷⁾ applies to import licences for import tariff quota periods starting from 1 January 2007. Regulation (EC) No 1301/2006 lays down in particular detailed provisions on applications for import licences, the status of applicants and the issue of licences. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Regulation (EC) No 1301/2006 should apply to import tariff quotas under this Regulation without prejudice to additional conditions and derogations concerning the applicants and notifications to the Commission, laid down in this Regulation.
- (7) Since there is a specific duty on non-preferential imports outside the GATT quota, the management of the GATT quota requires the introduction of a system of import licences. Such a system should permit the detailed monitoring of all garlic imports. The detailed rules for that system should supplement, and might need to derogate from, those laid down by Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁸⁾.
- (8) In order to monitor all imports as closely as possible, in particular following recent incidents involving fraud through misdescription of the origin or the product, all imports of garlic and other products likely to be used for the misdescription of garlic should be subject to the issue of an import licence. There should be two categories of import licences, one for imports under the GATT quota, the other for all other imports.
- (9) In the interest of existing importers, who normally import substantial quantities of garlic, and also in that of new importers joining the market, who should also have a fair opportunity to apply for import licences for a quantity of garlic under tariff quotas, a distinction should be drawn between traditional importers and new importers. A clear definition of those two categories of importers should be provided and certain criteria relating to the status of the applicants and the use of the import licences allocated should be laid down.
- (10) The quantities to be allocated to those categories of importers should be determined on the basis of the quantities actually imported rather than on the basis of the import licences issued.

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

- (11) Special rules should be laid down in order to allow importers in Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia to benefit from the import quotas. Those rules should be replaced by the normal rules as soon as these importers are able to fulfil them.
- (12) In order to take account of the different trade patterns in Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia, the competent authorities of those countries should be allowed to choose between two methods for establishing the reference quantity of their traditional importers.
- (13) Applications for import licences to import garlic from third countries submitted by importers of both categories should be subject to certain restrictions. Such restrictions are necessary to ensure not only that competition between importers is safeguarded but also that importers genuinely engaged in commercial activity in the fruit and vegetable market are given the opportunity to defend their legitimate trading positions *vis-à-vis* other importers and that no single importer is able to control the market.
- (14) In order to safeguard competition between genuine importers and to prevent speculation in the allocation of import licences for garlic under the GATT quota and any abuse of the system that would run contrary to the legitimate trading positions of new and traditional importers, more stringent controls on the correct use of import licences should be put in place. To that end, the transfer of import licences should be prohibited, and a penalty in the event of submission of multiple applications should be introduced.
- (15) Measures are also needed to keep to a minimum speculative applications for import licences that may result in the tariff quotas not being fully utilised. Because of the nature and the value of the product, a security should be lodged in respect of each tonne of garlic for which an import licence application is lodged. The security should be of an amount that is high enough to discourage speculative applications but not so high as to discourage importers genuinely engaged in commercial activity in garlic. The most appropriate objective level for the security is 5 % of the average additional duty applicable to imports of garlic falling within CN code 0703 20 00.
- (16) To improve controls and prevent any risk of deflection of trade based on inaccurate documentation, the existing system of certificates of origin for garlic imported from certain third countries and the requirement for such garlic to be transported direct from the third country of origin to the Community should be maintained and the list of countries extended in the light of additional information. Such certificates of origin should be issued by the competent national authorities in accordance with Articles 55 to 62 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⁽⁹⁾.
- (17) In addition to those provided for in Regulation (EC) No 1301/2006, the necessary communications between Member States and the Commission should be specified, in particular for the purpose of administering tariff quotas, taking measures against fraud and monitoring the market.

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

(18) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Opening of tariff quotas and applicable duties

1 In accordance with the agreements approved by Decisions 2001/404/EC and 2006/398/EC, tariff quotas are hereby opened for imports into the Community of fresh or chilled garlic falling within CN code 0703 20 00 (hereinafter referred to as ‘garlic’), subject to the conditions laid down in this Regulation. The volume of each tariff quota, the import tariff quota period and subperiods for which it applies and the order number are specified in Annex I to this Regulation.

2 The *ad valorem* duty applicable to garlic imported under the quotas referred to in paragraph 1 shall be 9,6 %.

Article 2

Application of Regulations (EC) No 1291/2000 and (EC) No 1301/2006

Regulations (EC) No 1291/2000 and (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. ‘import tariff quota period’ means the period from 1 June to the following 31 May;
2. ‘competent authorities’ means the body or bodies designated by the Member State for the implementation of this Regulation.

Article 4

Categories of importers

1 By way of derogation from Article 5 of Regulation (EC) No 1301/2006, applicants for ‘A’ licences within the meaning of Article 5(2) shall comply with the relevant requirements laid down in paragraphs 2, 3 and 4 of this Article.

2 ‘Traditional importers’ shall mean importers who can prove that they have:

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- a obtained and used import licences for garlic pursuant to Commission Regulation (EC) No 565/2002, or 'A' licences under Regulation (EC) No 1870/2005 or this Regulation in each of the previous three completed import tariff quota periods; and
- [^{F1}b imported into the Union at least 50 tonnes of fruits and vegetables as referred to in Article 1(1)(i) of Council Regulation (EC) No 1234/2007⁽¹⁰⁾ or exported to third countries at least 50 tonnes of garlic during the last completed import tariff quota period preceding the submission of their application.]

For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, for the 2007/2008 import tariff quota period:

- a point (a) of the first subparagraph shall not apply; and
- b 'import into the Community' shall be understood as import from countries of origin other than the Member States of the Community as constituted at 31 December 2006.

For Bulgaria and Romania, for the 2007/2008, 2008/2009, 2009/2010 and 2010/2011 import tariff quota periods:

- a point (a) of the first subparagraph shall not apply; and
- b 'import into the Community' shall be understood as import from countries of origin other than the Member States of the Community as constituted at 1 January 2007.

[^{F2}For Croatia, for the 2013/2014, 2014/2015 and 2015/2016 import tariff quota periods:

- a point (a) of the first subparagraph shall not apply; and
- b 'import into the Union' shall be understood as import from countries of origin other than the Member States of the Union as constituted at 1 July 2013.]

3 [^{F1}New importers shall mean operators other than those referred to in paragraph 2, who have imported into the Union at least 50 tonnes of fruit and vegetables as referred to in Article 1(1)(i) of Regulation (EC) No 1234/2007 or have exported to third countries at least 50 tonnes of garlic in each of the previous two completed import tariff quota periods, or in each of the previous two calendar years preceding the submission of their application.]

The Member States shall choose and apply one of the two methods referred to in the first subparagraph to all new importers, in accordance with objective criteria and in such a way as to ensure equal treatment between operators.

4 Traditional and new importers shall submit, at the time of their first application for import licences for a given import tariff quota period, to the competent authorities of the Member State in which they are established and in which they are registered for VAT purposes, the proof that the criteria laid down in paragraphs 2 or 3 are met.

[^{F1}Proof of trade with third countries shall be furnished exclusively either by means of the customs documents of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee, or by means of the customs document of exportation duly endorsed by the customs authorities.]

[^{F3}Customs agents or their representatives shall not apply for import licences under the quotas falling within the scope of this Regulation.]

Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) No 328/2010 of 21 April 2010 amending Regulation \(EC\) No 341/2007 opening and providing for the administration of tariff quotas and introducing a](#)

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.

F2 Inserted by Commission Implementing Regulation (EU) No 531/2013 of 10 June 2013 amending Regulation (EC) No 341/2007 as regards the system of import licences for garlic by reason of the accession of Croatia.

F3 Inserted by Commission Regulation (EU) No 328/2010 of 21 April 2010 amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.

Article 5

Presentation of import licences

[F41 The products for which an import licence shall be presented are laid down in Article 1(2)(a) of Commission Regulation (EC) No 376/2008(11). The period of validity of the import licence and the amount of the security to be lodged shall be as set out in Annex II, Part I, to that Regulation.]

2 The import licences for garlic released for free circulation under the quotas referred to in Annex I shall hereinafter be referred to as ‘‘A’’ licences’.

Other import licences shall hereinafter be referred to as ‘‘B’’ licences’.

Textual Amendments

F4 Substituted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

CHAPTER II

‘A’ LICENCES

Article 6

General provisions concerning ‘A’ licence applications and licences

[F11 ‘A’ licences shall be valid only for the subperiod for which they have been issued. Box 24 thereof shall show one of the entries listed in Annex III.]

F52

[F32 The security referred to in the second subparagraph of Article 14(2) of Regulation (EC) No 376/2008 shall amount to EUR 60 per tonne.]

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

3 The country of origin shall be entered in box 8 of 'A' licence applications and of licences and the word 'yes' shall be marked with a cross. The import licence shall be valid only for imports originating in the country indicated.

4 By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, rights arising under 'A' licences shall not be transferable.

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 328/2010 of 21 April 2010 amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.
- F3** Inserted by Commission Regulation (EU) No 328/2010 of 21 April 2010 amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.
- F5** Deleted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

Article 7

Allocation of total quantities among traditional and new importers

The total quantity allocated to Argentina, China and other third countries pursuant to Annex I shall be distributed as follows:

- (a) 70 % to traditional importers;
- (b) 30 % to new importers.

^{F1} Article 8

Reference quantity of traditional importers

For the purposes of this Chapter, the 'reference quantity' shall be the average of the quantities of garlic actually imported by a traditional importer, within the meaning of Article 4, during the three calendar years preceding the related import tariff quota period.]

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 328/2010 of 21 April 2010 amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.

Status: Point in time view as at 01/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

Article 9

Restrictions applicable to ‘A’ licence applications

1 The total quantity covered by ‘A’ licence applications submitted by a traditional importer in any import tariff quota period may not exceed that importer’s reference quantity. Applications not complying with this rule shall be rejected by the competent authorities.

2 The total quantity covered by ‘A’ licence applications submitted by a new importer in any subperiod may not exceed 10 % of the total quantity referred to in Annex I for that subperiod and that origin. Applications not complying with this rule shall be rejected by the competent authorities.

Article 10

Lodging of ‘A’ licence applications

[^{F1} Importers shall lodge their applications for ‘A’ licences during the first seven calendar days of April for the first subperiod, during the first seven calendar days of July for the second subperiod, during the first seven calendar days of October for the third subperiod and during the first seven calendar days of January for the fourth subperiod.

[^{F3} At the time of their first application for import licences for a given import tariff quota period under this Regulation, importers shall submit the proof of the actually imported quantities of garlic for the years referred to in Article 8.]]

2 Box 20 of ‘A’ licence applications shall indicate ‘traditional importer’ or ‘new importer’ as appropriate.

3 No ‘A’ licence applications may be lodged for a specific subperiod and for a specific origin where no quantity is indicated in Annex I for that subperiod and for that origin.

4 Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

5 No ‘B’ licence may be issued in response to an ‘A’ licence application.

Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) No 328/2010 of 21 April 2010 amending Regulation \(EC\) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.](#)
- F3** Inserted by [Commission Regulation \(EU\) No 328/2010 of 21 April 2010 amending Regulation \(EC\) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.](#)

Status: Point in time view as at 01/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

[^{F1}Article 11

Issuing of ‘A’ licences

‘A’ licences shall be issued by the competent authorities starting from the 23rd day of the month in which the applications were submitted and not later than the end of that month.]

Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) No 328/2010 of 21 April 2010 amending Regulation \(EC\) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.](#)

Article 12

[^{F6}Notifications and communications to the Commission]

[^{F1} By the 14th day of each month referred to in Article 10(1), the Member States shall notify the Commission of the total quantities in kilograms, including nil returns, for which ‘A’ licence applications have been lodged in respect of the relevant subperiod.

By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, the Member States shall notify the Commission of the quantities referred to in point b) of the first subparagraph of Article 11(1) of that Regulation not later than 10 May for the first subperiod, 10 August for the second subperiod, 10 November for the third subperiod and 10 February for the fourth subperiod.]

Notifications shall be broken down by origin. Notifications shall also give separate figures for the quantities of garlic applied for by traditional and new importers.

2 The Member States shall communicate to the Commission the list of traditional and new importers applying for ‘A’ licences in respect of the relevant subperiod by the last day of each month referred to in Article 10(1). In the case of groups of operators set up in accordance with national law, the operators making up the group shall also be listed. [^{F7}This notification shall be made by electronic means using the form made available to the Member States by the Commission.]

[^{F8}3 The notifications and communications shall be made in accordance with Commission Regulation (EC) No 792/2009⁽¹²⁾.]

Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) No 328/2010 of 21 April 2010 amending Regulation \(EC\) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.](#)
- F6** Substituted by [Commission Implementing Regulation \(EU\) No 1333/2013 of 13 December 2013 amending Regulations \(EC\) No 1709/2003, \(EC\) No 1345/2005, \(EC\) No 972/2006, \(EC\) No 341/2007, \(EC\) No 1454/2007, \(EC\) No 826/2008, \(EC\) No 1296/2008, \(EC\) No 1130/2009, \(EU\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

No 1272/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets.

F7 Deleted by Commission Implementing Regulation (EU) No 1333/2013 of 13 December 2013 amending Regulations (EC) No 1709/2003, (EC) No 1345/2005, (EC) No 972/2006, (EC) No 341/2007, (EC) No 1454/2007, (EC) No 826/2008, (EC) No 1296/2008, (EC) No 1130/2009, (EU) No 1272/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets.

F8 Inserted by Commission Implementing Regulation (EU) No 1333/2013 of 13 December 2013 amending Regulations (EC) No 1709/2003, (EC) No 1345/2005, (EC) No 972/2006, (EC) No 341/2007, (EC) No 1454/2007, (EC) No 826/2008, (EC) No 1296/2008, (EC) No 1130/2009, (EU) No 1272/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets.

CHAPTER III

‘B’ LICENCES

Article 13

Provisions concerning ‘B’ licence applications and licences

1 Applicants may only lodge applications for ‘B’ licences with the competent authorities of the Member State in which they are established and in which they are registered for VAT purposes.

[^{F42} Article 6(3) and (4) shall apply *mutatis mutandis* to ‘B’ licences.]

3 ‘B’ licences shall be issued without delay.

^{F54}

Textual Amendments

F4 Substituted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

F5 Deleted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

Status: Point in time view as at 01/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

Article 14

Notifications to the Commission

[^{F1}The Member States shall notify the Commission of the total quantities, including nil returns, covered by 'B' licence applications by Wednesday of each week in respect of applications received the previous week.]

The quantities concerned shall be broken down by day of import licence application, origin and CN code. For products other than garlic, the name of the product, as shown in Box 14 of the import licence application, shall also be communicated.

[^{F9}The notifications to the Commission under this Article shall be made in accordance with Commission Regulation (EC) No 792/2009⁽¹³⁾.]

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 328/2010 of 21 April 2010 amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.
- F9** Substituted by Commission Regulation (EU) No 74/2010 of 26 January 2010 amending Regulations (EC) No 2336/2003, (EC) No 341/2007, (EC) No 1580/2007 and (EC) No 376/2008 as regards the conditions for and the form of notifications to be made to the Commission.

CHAPTER IV

CERTIFICATES OF ORIGIN AND DIRECT TRANSPORT

Article 15

Certificates of origin

Garlic originating in a third country listed in Annex IV may only be released for free circulation in the Community if the following conditions are met:

- (a) [^{F1}a certificate of origin issued by the competent national authorities of that country in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93 is presented;]
- (b) the product has been transported direct to the Community from that country in accordance with Article 16.

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 328/2010 of 21 April 2010 amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.

Status: Point in time view as at 01/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

Article 16

Direct transport

1 The following shall be considered as having been transported direct to the Community from the third countries listed in Annex IV:

- a products transported without passing through the territory of any other third country;
- b products transported through one or more third countries other than the country of origin, with or without transshipment or temporary warehousing in those countries, provided that such passage is justified for geographical reasons or transport requirements and provided that the products:
 - (i) have remained under the supervision of the customs authorities of the country or countries of transit or warehousing;
 - (ii) have not been placed on the market or released for consumption there;
 - (iii) have not undergone operations there other than unloading and reloading or any other operation to keep them in good condition.

2 Proof that the conditions referred to in paragraph 1(b) are satisfied shall be submitted to the competent authorities of the Member States, together with:

- a a single transport document issued in the country of origin and covering passage through the country or countries of transit; or
- b a certificate issued by the customs authorities of the country or countries of transit and containing:
 - (i) a precise description of the goods;
 - (ii) the dates of unloading and reloading, with particulars identifying the transport vehicles used;
 - (iii) a statement certifying the conditions in which they have been kept; or
- c where the proof referred to in points (a) or (b) cannot be provided, any other substantiating documents.

Article 17

Administrative cooperation with certain third countries

1 As soon as the information needed to set up an administrative cooperation procedure pursuant to Articles 63, 64 and 65 of Regulation (EEC) No 2454/93 has been forwarded by each third country listed in Annex IV to this Regulation, a communication concerning the forwarding of that information shall be published in the 'C' series of the *Official Journal of the European Union*.

2 'A' licences for imports of garlic originating in the countries listed in Annex IV may only be issued if the country concerned has forwarded to the Commission the information referred to in paragraph 1. That information shall be deemed to have been forwarded on the date of publication as provided for in paragraph 1.

Status: Point in time view as at 01/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

CHAPTER V

FINAL PROVISIONS

Article 18

Repeal

Regulation (EC) No 1870/2005 is repealed.

However, Regulation (EC) No 1870/2005 shall continue to apply with regard to import licences issued in accordance with that Regulation for the import tariff quota period expiring on 31 May 2007.

Article 19

Entry into force

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

It shall apply from 1 April 2007.

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

*Status: Point in time view as at 01/07/2014.**Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)*[^{F10}ANNEX I**Textual Amendments****F10** Substituted by [Commission Implementing Regulation \(EU\) No 628/2014 of 12 June 2014 amending Regulation \(EC\) No 341/2007 as regards the import tariff quota for garlic originating in China.](#)

TARIFF QUOTAS OPENED PURSUANT TO DECISIONS 2001/404/EC, 2006/398/EC AND 2014/116/EU FOR IMPORTS OF GARLIC FALLING WITHIN CN CODE 0703 20 00

Origin	Order number	Quota (tonnes)				Total
		First subperiod (June to August)	Second subperiod (September to November)	Third subperiod (December to February)	Fourth subperiod (March to May)	
Argentina						19 147
Traditional importers	09.4104	—	—	9 590	3 813	
New importers	09.4099	—	—	4 110	1 634	
<i>Total</i>		—	—	<i>13 700</i>	<i>5 447</i>	
China						46 075
Traditional importers	09.4105	8 278	8 278	7210	8 488	
New importers	09.4100	3 547	3 547	3090	3 637	
<i>Total</i>		<i>11 825</i>	<i>11 825</i>	<i>10 300</i>	<i>12 125</i>	
Other third countries						6 023
Traditional importers	09.4106	941	1 960	929	386	
New importers	09.4102	403	840	398	166	
<i>Total</i>		<i>1 344</i>	<i>2 800</i>	<i>1 327</i>	<i>552</i>	
Total		13 169	14 625	25 327	18 124	71 245]

[^{F5}ANNEX II[^{F5}]

Status: Point in time view as at 01/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

ANNEX III

Entries referred to in Article 5(2)

- in Bulgarian : Лицензия, издадена и валидна само за под-периода от 1 месец/ година до 28/29/30/31 (месец/година).
- in Spanish : certificado expedido y válido solamente para el subperiodo comprendido entre el 1 [mes y año] y el 28/29/30/31 [mes y año].
- in Czech : Licence vydaná a platná pouze pro období od 1. [měsíc/rok] do 28./29./30./31. [měsíc/rok].
- in Danish : Licens, der kun er udstedt og gyldig for delperioden 1. [måned/år] – 28./29./30./31. [måned/år]
- in German : Lizenz nur erteilt und gültig für den Teilzeitraum vom 1. [Monat/Jahr] bis zum 28./29./30./31. [Monat/Jahr].
- in Estonian : Litsents on välja antud üheks alaperioodiks alates 1. [kuu/aasta] kuni 28./29./30./31. [kuu/aasta] ja kehtib selle aja jooksul
- in Greek : Πιστοποιητικό εκδοθέν και ισχύον μόνο για την υποπερίοδο από την 1η [μήνας/έτος] έως τις 28/29/30/31 [μήνας/έτος]
- in English : licence issued and valid only for the subperiod 1 [month/year] to 28/29/30/31 [month/year]
- in French : certificat émis et valable seulement pour la sous-période du 1^{er} [mois/année] au 28/29/30/31 [mois/année]
- [^{F11}—in Croatian : izdane dozvole koje vrijede samo za podrazdoblje od 1. [mjesec/godina] do 28./29./30./31. [mjesec/godina]]
- in Irish : ceadúnas a eiseofar don fhothréimhse ón 1[mí/bliain] go dtí an 28/29/30/31[mí/bliain] nach bailí dó ach ar feadh na fothréimhse sin
- in Italian : titolo rilasciato e valido unicamente per il sottoperiodo dal 1° [mese/anno] al 28/29/30/31 [mese/anno]
- in Latvian : atļauja izdota un derīga tikai attiecībā uz vienu apakšperiodu no 1. [mēnesis/gads] līdz 28./29./30./31. [mēnesis/gads]
- in Lithuanian : Licencija išduota ir galioja tik vieną laikotarpio dalį nuo [metai, mėnuo] 1 d. iki [metai, mėnuo] 28/29/30/31 d.
- in Hungarian : Az engedélyt kizárólag a [év/hó] 1-jétől [év/hó] 28/29/30/31-ig terjedő alidőszakra állították ki és kizárólag erre az időszakra érvényes
- in Maltese : Licenzja mahruġa u valida biss għas-subperjodu mill-1 ta' (xahar/sena) sa' 28/29/30/31 ta' (xahar/sena)
- in Dutch : certificaat afgegeven voor en slechts geldig in de deelperiode van 1 [maand/jaar] tot en met 28/29/30/31 [maand/jaar]
- in Polish : Pozwolenie wydane i ważne tylko na podokres od dnia 1 [miesiąc/rok] r. do dnia 28/29/30/31 [miesiąc/rok] r.
- in Portuguese : certificado emitido e válido apenas para o subperíodo de 1 de [mês/ano] a 28/29/30/31 de [mês/ano]
- in Romanian : licență emisă și valabilă numai pentru subperioada de la 1 [lună/an] până la 28/29/30/31[lună/an]
- in Slovak : licencia vydaná a platná len pre obdobie od 1. [mesiac/rok] do 28./29./30./31. [mesiac/rok]
- in Slovenian : dovoljenje, izdano in veljavno izključno za podobdobje od 1. (mesec/leto) do 28./29./30./31. (mesec/leto)
- in Finnish : todistus on myönnetty osakiintiökaudeksi 1 päivästä [kuukausi/vuosi] 28/29/30/31 päivään [kuukausi/vuosi] ja se on voimassa ainoastaan kyseisenä osakiintiökautena
- in Swedish : licens utfärdad och giltig endast för delperioden den 1 [månad/år] till den 28/29/30/31 [månad/år]

Status: Point in time view as at 01/07/2014.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007. (See end of Document for details)

Textual Amendments

- F11** 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.

[^{F12}ANNEX IV

List of third countries referred to in Articles 15, 16 and 17

Textual Amendments

- F12** Substituted by Commission Regulation (EC) No 972/2008 of 3 October 2008 amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.

Iran
Lebanon
Malaysia
Taiwan
United Arab Emirates
Vietnam.]

Status: Point in time view as at 01/07/2014.

*Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 341/2007. (See end of Document for details)*

- (1) OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).
- (2) OJ L 142, 29.5.2001, p. 8.
- (3) OJ L 142, 29.5.2001, p. 7.
- (4) OJ L 154, 8.6.2006, p. 24.
- (5) OJ L 154, 8.6.2006, p. 22.
- (6) OJ L 300, 17.11.2005, p. 19. Regulation as last amended by Regulation (EC) No 2000/2006 (OJ L 379, 28.12.2006, p. 37).
- (7) OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).
- (8) OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).
- (9) OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).
- (10) [^{F1}OJ L 299, 16.11.2007, p. 1.]
- (11) [^{F4}OJ L 114, 26.4.2008, p. 3.]
- (12) [^{F8}OJ L 228, 1.9.2009, p. 3.]
- (13) [^{F9}OJ L 228, 1.9.2009, p. 3.]

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 328/2010 of 21 April 2010 amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries.
- F4** Substituted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.
- F8** Inserted by Commission Implementing Regulation (EU) No 1333/2013 of 13 December 2013 amending Regulations (EC) No 1709/2003, (EC) No 1345/2005, (EC) No 972/2006, (EC) No 341/2007, (EC) No 1454/2007, (EC) No 826/2008, (EC) No 1296/2008, (EC) No 1130/2009, (EU) No 1272/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets.
- F9** Substituted by Commission Regulation (EU) No 74/2010 of 26 January 2010 amending Regulations (EC) No 2336/2003, (EC) No 341/2007, (EC) No 1580/2007 and (EC) No 376/2008 as regards the conditions for and the form of notifications to be made to the Commission.

Status:

Point in time view as at 01/07/2014.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 341/2007.