

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

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.

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- 2 ‘Traditional importers’ shall mean importers who can prove that they have:
- 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⁽¹⁾ 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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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⁽²⁾. 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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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.

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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)

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 01/04/2014.

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]

[^{F11} 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.]

[^{F83} The notifications and communications shall be made in accordance with Commission Regulation (EC) No 792/2009⁽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.](#)
- 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 01/04/2014.

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⁽⁴⁾.]

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 01/04/2014.

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 01/04/2014.

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 01/04/2014.

*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) [^{F1}OJ L 299, 16.11.2007, p. 1.]
- (2) [^{F4}OJ L 114, 26.4.2008, p. 3.]
- (3) [^{F8}OJ L 228, 1.9.2009, p. 3.]
- (4) [^{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:

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Changes to legislation:

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