

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.

- 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
 - b imported into the Community at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 during the last completed import tariff quota period preceding 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.

3 ‘New importers’ shall mean importers other than those referred to in paragraph 2, who have imported into the Community at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 in each of the previous two completed import tariff quota periods, or in each of the previous two calendar years.

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.

Proof of trade with third countries shall be furnished exclusively 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.

Article 5

Presentation of import licences

1 Any release for free circulation in the Community of products listed in Annex II shall be subject to presentation of an import licence issued in accordance with this 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’.