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► **B****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

(OJ L 90, 30.3.2007, p. 12)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Regulation (EC) No 514/2008 of 9 June 2008	L 150	7	10.6.2008
► <u>M2</u>	Commission Regulation (EC) No 972/2008 of 3 October 2008	L 265	6	4.10.2008
► <u>M3</u>	Commission Regulation (EU) No 74/2010 of 26 January 2010	L 23	28	27.1.2010
► <u>M4</u>	Commission Regulation (EU) No 328/2010 of 21 April 2010	L 100	5	22.4.2010
► <u>M5</u>	Commission Regulation (EU) No 519/2013 of 21 February 2013	L 158	74	10.6.2013
► <u>M6</u>	Commission Implementing Regulation (EU) No 531/2013 of 10 June 2013	L 159	5	11.6.2013
► <u>M7</u>	Commission Implementing Regulation (EU) No 1333/2013 of 13 December 2013	L 335	8	14.12.2013
► <u>M8</u>	Commission Implementing Regulation (EU) No 628/2014 of 12 June 2014	L 174	31	13.6.2014
► <u>M9</u>	Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016	L 206	1	30.7.2016

**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:

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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

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- (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.

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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.

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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.

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3. ►**M4** 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. ◀

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

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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.

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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.

Customs agents or their representatives shall not apply for import licences under the quotas falling within the scope of this Regulation.

▼ B*Article 5***Presentation of import licences****▼ M9**

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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’.

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CHAPTER II
‘A’ LICENCES

*Article 6***General provisions concerning ‘A’ licence applications and licences****▼ M4**

1. ‘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.

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2. 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.

*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.

▼M4*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.

▼B*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****▼M4**

1. 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.

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.

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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.

▼ M4*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.

▼ B*Article 12***▼ M7****Notifications and communications to the Commission****▼ M4**

1. 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.

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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. ► **M7** ◀

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3. The notifications and communications shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾.

⁽¹⁾ OJ L 228, 1.9.2009, p. 3.

▼ BCHAPTER III
'B' LICENCES**▼ M9**

▼ BCHAPTER 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:

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(a) 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;

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(b) the product has been transported direct to the Community from that country in accordance with Article 16.

*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

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- (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.

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.

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ANNEX I

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>		—	—	13 700	5 447	
China						46 075
Traditional importers	09.4105	8 278	8 278	7 210	8 488	
New importers	09.4100	3 547	3 547	3 090	3 637	
<i>Total</i>		11 825	11 825	10 300	12 125	
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>		1 344	2 800	1 327	552	
Total		13 169	14 625	25 327	18 124	71 245

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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 obdobní 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]

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- *in Croatian:* izdane dozvole koje vrijede samo za podrazdoblje od 1. [mjesec/godina] do 28./29./30./31. [mjesec/godina]

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- *in Irish:* ceadúnas a eiseofar don fhotréimhse ón 1[mí/bliain] go dtí an 28/29/30/31[mí/bliain] nach bailí dó ach ar feadh na fotrémhse 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 állfották ki és kizárólag erre az időszakra érvényes
- *in Maltese:* Liċenzja maħruġa 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]

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- *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 obdobje od 1. (mesec/leto) do 28./29./30./31. (mesec/leto)
- *in Finnish:* todistus on myönnetty osakiintökaudeksi 1 päivästä [kuukausi/vuosi] 28/29/30/31 päivään [kuukausi/vuosi] ja se on voimassa ainoastaan kyseisenä osakiintökautena
- *in Swedish:* licens utfärdad och giltig endast för delperioden den 1 [månad/år] till den 28/29/30/31 [månad/år]

▼ M2

ANNEX IV

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

Iran
Lebanon
Malaysia
Taiwan
United Arab Emirates
Vietnam.