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**COMMISSION REGULATION (EC) No 1067/2008**

**of 30 October 2008**

**opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007**

**(Codified version)**

(OJ L 290, 31.10.2008, p. 3)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Commission Implementing Regulation (EU) No 1253/2011 of 1 December 2011	L 319	47	2.12.2011
► <b><u>M2</u></b>	Commission Implementing Regulation (EU) 2017/1586 of 19 September 2017	L 241	12	20.9.2017

**▼B****COMMISSION REGULATION (EC) No 1067/2008****of 30 October 2008****opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007****(Codified version)****▼M2***Article 1*

1. By way of derogation from the Common Customs Tariff, the import duty for common wheat falling under CN code 1001 99 00, of a quality other than high quality as defined in Annex II to Commission Regulation (EU) No 642/2010 <sup>(1)</sup>, shall be fixed in the framework of the quotas opened by this Regulation.

2. The Common Customs Tariff shall apply to imports of the products referred to in this Regulation in excess of the quantities provided for in Articles 2 and 3.

**▼B***Article 2***▼M2**

1. A tariff quota for the import of 3 073 177 tonnes of common wheat falling under CN code 1001 99 00 of a quality other than high quality is hereby opened on 1 January of every year.

Duty on import within the tariff quota shall be levied at a rate of EUR 12 per tonne.

2. From 2017 to 2023, a tariff quota for the import from Canada of 100 000 tonnes of common wheat falling under CN code 1001 99 00 of a quality other than high quality is hereby opened on 1 January of every year (order number 09.4124).

By way of derogation from the first subparagraph, for the year 2017, the quantity of the tariff quota shall be 27 778 tonnes.

Import within the tariff quota shall be duty-free.

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3. Commission Regulations (EC) No 376/2008 <sup>(2)</sup>, (EC) No 1342/2003 and (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

*Article 3***▼M2**

1. The import tariff quota referred to in Article 2(1) shall be divided into three subquotas:

— subquota I (order number 09.4123): 572 000 tonnes for the United States of America,

<sup>(1)</sup> Commission Regulation (EU) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 (OJ L 187, 21.7.2010, p. 5).

<sup>(2)</sup> OJ L 114, 26.4.2008, p. 3.

**▼M2**

— subquota II (order number 09.4125): 2 378 387 tonnes for third countries, except Canada and the United States of America,

— subquota III (order number 09.4133): 122 790 tonnes for all third countries.

2. Where, in the course of a year, it emerges that there is a serious shortfall in the take-up of subquota I, the Commission may, with the agreement of the third country concerned, adopt arrangements to transfer the unused quantities to the other subquotas, in accordance with the procedure referred to in Article 229(2) of Regulation (EU) No 1308/2013.

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3. ►**M2** Subquota II ◀ shall be divided into four quarterly subperiods, covering the following dates and quantities:

(a) subperiod 1: 1 January to 31 March — 594 597 tonnes;

(b) subperiod 2: 1 April to 30 June — 594 597 tonnes;

(c) subperiod 3: 1 July to 30 September — 594 597 tonnes;

(d) subperiod 4: 1 October to 31 December — 594 596 tonnes.

4. Where the quantities for one of the subperiods 1, 2 or 3 are exhausted, the Commission may bring forward the opening of the following subperiod in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

*Article 4*

1. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may not submit more than one licence application per serial number and per week. 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.

Import licence applications shall be lodged with the competent authorities of the Member States each week no later than Friday at 13.00 (Brussels time).

**▼M2**

2. Each licence application shall indicate a quantity in kilograms (whole numbers) which may not exceed:

— in the case of subquota II referred to in Article 3(1), the total quantity opened for the subperiod concerned,

**▼M2**

- in the case of the quota referred to in Article 2(2) and of subquotas I and III referred to in Article 3(1), the total quantity opened for the year for the quota or subquota concerned.

The import licence application and the import licence shall mention a single country of origin.

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3. No later than 18.00 (Brussels time) on the Monday following the week in which the licence application was lodged, the competent authorities shall send the Commission, by electronic means, a notification showing, by serial number, each application with the origin of the product and the quantity applied for, including 'nil' notifications.

4. Licences shall be issued on the fourth working day following the deadline for the notification referred to in paragraph 3.

Member States shall communicate to the Commission, by electronic means, on the day of issue of the import licences, the information on the licences issued as referred to in Article 11(1)(b) of Regulation (EC) No 1301/2006, with the total quantities for which import licences have been issued.

*Article 5*

In accordance with Article 22(2) of Regulation (EC) No 376/2008, the period of validity of the licence shall be calculated from the actual day of issue.

*Article 6*

Section 8 of the import licence application and the import licence shall contain the name of the country of origin and 'Yes' shall be marked with a cross. Licences shall be valid only for products originating in the country indicated in section 8.

*Article 7*

Notwithstanding Article 12(a) and (b) of Regulation (EC) No 1342/2003, the security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

*Article 8*

In the framework of the tariff quota, the release into free circulation in the Community of common wheat of a quality other than high quality originating in a third country shall be conditional upon production of a certificate of origin issued by the competent national authorities of that country, in accordance with Article 47 of Commission Regulation (EEC) No 2454/93 <sup>(1)</sup>.

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1.

**▼M2**

By way of derogation from the first paragraph, the release into free circulation in the Union of common wheat of a quality other than high quality originating in Canada shall be conditional upon production of an origin declaration. The origin declaration shall be provided on an invoice or any other commercial document that describes the originating product in sufficient detail to enable its identification. The text of the origin declaration shall be as set out in Annex 2 to the Protocol on rules of origin and origin procedures to the Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part <sup>(1)</sup>.

**▼B***Article 9*

Regulation (EC) No 2375/2002 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

*Article 10*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

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<sup>(1)</sup> OJ L 11, 14.1.2017, p. 23.

*ANNEX I***Repealed Regulation with list of its successive amendments**

Commission Regulation (EC) No 2375/2002 (OJ L 358, 31.12.2002, p. 88).	
Commission Regulation (EC) No 531/2003 (OJ L 79, 26.3.2003, p. 3).	
Commission Regulation (EC) No 1111/2003 (OJ L 158, 27.6.2003, p. 21).	
Commission Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).	Only Article 12
Commission Regulation (EC) No 491/2006 (OJ L 89, 28.3.2006, p. 3).	
Commission Regulation (EC) No 971/2006 (OJ L 176, 30.6.2006, p. 51).	
Commission Regulation (EC) No 2022/2006 (OJ L 384, 29.12.2006, p. 70).	Only Article 1
Commission Regulation (EC) No 932/2007 (OJ L 204, 4.8.2007, p. 3).	Only Article 1
Commission Regulation (EC) No 1456/2007 (OJ L 325, 11.12.2007, p. 76).	Only Article 2

*ANNEX II***Correlation Table**

Regulation (EC) No 2375/2002	This Regulation
Articles 1, 2 and 3	Articles 1, 2 and 3
Article 5	Article 4
Article 6	Article 5
Article 9	Article 6
Article 10	Article 7
Article 11	Article 8
—	Article 9
Article 12, first paragraph	Article 10
Article 12, second paragraph	—
—	Annex I
—	Annex II