

Commission Regulation (EC) No 1064/2009 of 4 November 2009
opening and providing for the administration of a Community
import tariff quota for malting barley from third countries

Article 1

1 This Regulation opens a tariff import quota of 50 000 tonnes for malting barley falling under CN code 1003 00 to be used for the production of beer aged in vats containing beechwood. The order number for the quota shall be 09.0076.

2 The quota referred to in paragraph 1 above shall be administered in accordance with Articles 308a, 308b and 308c(1) of Regulation (EEC) No 2454/93. Article 308c(2) and (3) of that Regulation shall not apply to the tariff period from 1 January 2010 to 31 December 2010.

3 The tariff quota referred to in paragraph 1 above shall be opened on an annual basis from 1 January to 31 December ('import quota period'). Duties on imports within the tariff quota shall be levied at a rate of EUR 8 per tonne.

Article 2

For the purposes of the application of this Regulation:

- (a) 'damaged grains' shall mean grains of barley, other cereals or wild oats that display damage, including deterioration caused by disease, frost, heat, insects or fungus, bad weather and all other forms of physical damage;
- (b) 'sound and fair merchantable barley' shall mean barley grains or pieces of grain that are not damaged, as defined in a), except grains damaged by frost or fungus.

Article 3

1 The tariff quota referred to in Article 1 may only apply if the barley imported meets the following criteria:

- a specific weight: minimum 60,5 kg/hl;
- b damaged grains: maximum 1 %;
- c moisture content: maximum 13,5 %;
- d sound and fair merchantable barley grains: minimum 96 %.

2 Compliance with the quality criteria set out in paragraph 1 above shall be certified by one of the following documents:

- a a certificate of analysis carried out at the importer's request by the customs office of release for free circulation; or
- b a certificate of conformity for the imported barley issued by a government authority of the country of origin and recognised by the Commission.

Article 4

1 [F¹In accordance with Article 82 of Council Regulation (EEC) No 2913/92⁽¹⁾, the barley imported under this tariff quota shall be subject to customs supervision, to ensure that:]

- a it is malted within six months from the date of release for free circulation; and
- b the resulting malt must be used in the manufacture of beer aged in vats containing beechwood within no more than 150 days following the date on which the barley is processed into malt.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1064/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Processing of the imported barley into malt shall be deemed to have taken place when the malting barley has undergone steeping.

2 Importers shall lodge a security with the competent customs authorities to ensure that the requirement referred to in paragraph 1 above is complied with and that unpaid duties are collected where that requirement is not met. The security shall be EUR 85 per tonne. If the malting barley consignments are accompanied by a certificate of conformity issued by the Federal Grain Inspection Service (FGIS), the security is reduced to EUR 10 per tonne.

3 The securities provided for in paragraph 2 shall be released immediately where proof is presented to the customs authorities concerned that:

- a the quality of the barley, established on the basis of the certificate of conformity or the analysis certificate, meets the criteria laid down in Article 3(1),
- b the processing obligation referred to in paragraph 1 has been complied with within the timeframe specified.

Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) No 291/2010 of 31 March 2010 correcting Regulations \(EC\) No 437/2009, \(EC\) No 438/2009 and \(EC\) No 1064/2009 as regards the end-use procedure laid down for imports of certain agricultural products under tariff quotas.](#)

Article 5

Certificates issued by the Federal Grain Inspection Service (FGIS) for malting barley to be used in the production of beer aged in vats containing beechwood, a model version of which can be found in the Annex to this Regulation, shall be officially recognised by the Commission under the administrative cooperation procedure referred to in Articles 63, 64 and 65 of Regulation (EEC) No 2454/93. If the analytical parameters entered in the certificate of conformity issued by the FGIS indicate conformity with the malting barley quality standards established in Article 3, samples shall be taken of at least 3 % of the cargoes arriving at each entry port during the marketing year in question. A copy of the stamps authorised by the United States Government is to be provided to the Member States by the most appropriate means.

Article 6

Regulation (EC) No 1215/2008 is hereby repealed. However, it shall continue to apply to import licences issued before 1 July 2009 up to the time they expire.

Article 7

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 January 2010.

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

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(1) [^{F1}OJ L 302, 19.10.1992, p. 1.]

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Changes and effects yet to be applied to :

- Regulation partial repeal by [EUR 2020/1987](#) Regulation (This amendment by the EU not applied to legislation.gov.uk because it is brought into force after IP completion day.)
- Regulation repeal by [EUR 2020/1987](#) Regulation
- Art. 1(1) replacement by [EUR 2011/1253](#) Regulation