

Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors

TITLE IV

TRADE WITH THIRD COUNTRIES

CHAPTER I

Import duties and entry price system

Section 2

Additional import duties

Article 138

Scope and definitions

1 An additional import duty as referred to in Article 141(1) of Regulation (EC) No 1234/2007, hereinafter ‘additional duty’, may be applied to the products and during the periods listed in Annex XVIII on the conditions set out in this Section.

2 Trigger levels for the additional duties are listed in Annex XVIII.

Article 139

Notification of volumes

1 For each of the products listed in Annex XVIII and during the periods indicated, Member States shall notify the Commission of details of the volumes put into free circulation using the method for the surveillance of preferential imports set out in Article 308d of Regulation (EEC) No 2454/93.

Such notification shall take place no later than 12 noon Brussels time each Wednesday for the volumes put into free circulation during the preceding week.

2 Declarations for release for free circulation of products covered by this Section which the customs authorities may accept at the importer’s request without their containing certain particulars referred to in Annex 37 to Regulation (EEC) No 2454/93 shall contain, in addition to the particulars referred to in Article 254 of that Regulation, an indication of the net mass (kg) of the products concerned.

Where the simplified declaration procedure referred to in Article 260 of Regulation (EEC) No 2454/93 is used to put into free circulation products covered by this Section, the simplified declarations shall contain, in addition to other requirements, an indication of the net mass (kg) of the products concerned.

Where the local clearance procedure referred to in Article 263 of Regulation (EEC) No 2454/93 is used to put into free circulation products covered by this Section, the notification to the customs authorities referred to in Article 266(1) of that Regulation shall contain all necessary data for the identification of the goods, as well as an indication of the net mass (kg) of the products concerned.

Article 266(2)(b) of Regulation (EEC) No 2454/93 shall not apply to imports of the products covered by this Section.

Article 140

Levying of additional duty

1 If it is found that, for one of the products and one of the periods listed in Annex XVIII, the quantity put into free circulation exceeds the corresponding triggering volume the Commission shall levy an additional duty unless the imports are unlikely to disturb the Union market, or the effects would be disproportionate to the intended objective.

2 The additional duty shall be levied on quantities put into free circulation after the date of application of that duty, provided that:

- a their tariff classification determined in accordance with Article 137 entails application of the highest specific duties applicable to imports of the origin in question;
- b importation is effected during the period of application of the additional duty.

Article 141

Amount of additional duty

The additional duty imposed under Article 140 shall be one third of the customs duty applicable to the given product in accordance with the Common Customs Tariff.

However, for imports benefiting from a tariff preference as to ad valorem duty the additional duty shall be one third of the specific duty on the product in so far as Article 140(2) applies.

Article 142

Exemptions from additional duty

1 The following goods are exempt from the additional duty:

- a goods imported against the tariff quotas listed in Annex 7 to Council Regulation (EEC) No 2658/87⁽¹⁾ (hereinafter referred to as 'Combined Nomenclature');
- b goods en route to the Union as defined in paragraph 2.

2 Goods shall be considered to be en route to the Union if they:

- a left the country of origin before the decision to impose the additional duty; and
- b are being transported under cover of a transport document valid from the place of loading in the country of origin to the place of unloading in the Union, drawn up before imposition of the additional duty.

3 Interested parties shall provide evidence to the satisfaction of the customs authorities that the requirements of paragraph 2 are met.

However, the customs authorities may deem that goods left their country of origin before the date of imposition of the additional duty if one of the following documents is provided:

- a for sea transport, the bill of lading showing that loading took place before that date;
- b for rail transport, the waybill accepted by the rail authorities of the country of origin before that date;
- c for road transport, the road carriage contract (CMR) or another transit document made out in the country of origin before that date, if the conditions laid down in bilateral or multilateral arrangements concluded in the context of Union transit or common transit are observed;
- d for air transport, the air way bill showing that the airline accepted the goods before that date.

- (1) [OJ L 256, 7.9.1987, p. 1.](#)