

Commission Implementing Regulation (EU) 2020/1988 of 11 November 2020 laying down rules for the application of Regulations (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the administration of import tariff quotas in accordance with the ‘first come, first served’ principle

CHAPTER II

SPECIFIC SECTORAL RULES

SECTION I

CEREALS

Article 7

Definitions for tariff quotas under order numbers 09.0124, 09.0131, 09.0127, 09.0128, 09.0129 and 09.0130

1 For tariff quotas under order numbers 09.0124 and 09.0131, for the purposes of the definition of ‘sweet potatoes other than those intended for human consumption’, sweet potatoes shall be deemed to be for human consumption within the meaning of CN code 0714 20 10 if they are fresh, whole and put up in immediate packings of 28 kg or less at the time of the customs formalities for release for free circulation.

2 For tariff quotas under order numbers 09.0127, 09.0128 and 09.0129, the products falling within CN code ex 0714 10 00 shall mean products other than pellets obtained from flours and meals falling within CN code 0714 10 00.

3 For the tariff quota under order number 09.0130, the products falling within CN code ex 0714 10 00, ex 0714 30 00, ex 0714 40 00, ex 0714 50 00 and ex 0714 90 20 shall mean products of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced.

Article 8

Definitions for tariff quota under order number 09.0076

For the tariff quota under order number 09.0076, the following definitions apply:

- (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 point (a), except grains damaged by frost or fungus.

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Article 9

Quality requirements for tariff quota under order number 09.0076

1 Barley shall be eligible for import within the tariff quota under order number 09.0076 if it fulfils the following requirements:

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

2 Compliance with the quality requirements set out in paragraph 1 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.

3 In accordance with Article 254 of Regulation (EU) No 952/2013 barley shall be subject to customs supervision, to ensure that:

- a it is malted within 6 months from the date of release for free circulation; and
- b the resulting malt is used in the manufacture of beer aged in vats containing beechwood within no more than 150 days following the date on which barley is processed into malt.

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

4 The amounts of the security to be lodged by operators to ensure that the requirement referred to in paragraph 3 is complied with are set out in Annex I.

5 The security provided for in paragraph 4 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 requirements laid down in paragraph 1;
- b the processing requirement laid down in paragraph 3 has been complied with within the timeframe specified.

6 Certificates issued by the United States' Federal Grain Inspection Service (FGIS) for malting barley to be used in the production of beer aged in vats containing beechwood, as set out in Part A of Annex II, shall be officially recognised by the Commission under the administrative cooperation procedure referred to in Articles 58 and 59 of Implementing Regulation (EU) 2015/2447. If the analytical parameters entered in the certificate of conformity issued by the FGIS indicate conformity with the malting barley quality requirements laid down in paragraph 1 of this Article, samples shall be taken on the basis of a risk analysis in accordance with Article 46 of Regulation (EU) No 952/2013 and shall be of at least 3 % of the product released for free circulation during the tariff quota period in question. Member States shall receive a copy of the stamps authorised by the United States Government by the most appropriate means.

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Article 10

Tariff quotas under order numbers 09.0689 and 09.0779

1 Products imported within the tariff quota under order number 09.0689 shall be released into free circulation upon presentation of a proof of origin in accordance with Article 15 of Appendix I to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin⁽¹⁾, concluded by Council Decision 2013/94/EU⁽²⁾ as referred to in Article 1 of Protocol 3 to the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part⁽³⁾, concluded by Council Decision 97/126/EC⁽⁴⁾ concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation.

2 The products imported within the tariff quota under order number 09.0779 shall be released into free circulation upon presentation of a proof of origin issued by the exporting country in accordance with Article 15 of Appendix I to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin as referred to in Article 1 of Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway⁽⁵⁾, concluded by Regulation (EEC) No 1691/73 of the Council⁽⁶⁾.

Article 11

Tariff quotas under order numbers 09.0074 and 09.0075

1 The amount of the security to be lodged by operators to ensure the quality of the products imported within the tariff quotas under order numbers 09.0074 and 09.0075 is set out in Annex I. In addition, the customs authorities shall require a specific security which corresponds to the difference, on the day of acceptance of the declaration of release for free circulation, between the highest duty and the in-quota duty applicable to different wheat qualities, except where that declaration is accompanied by a certificate of conformity issued by the Federal Grain Inspection Service of the United States of America or by the Canadian Grain Commission in accordance with point (b) or (c) of the first subparagraph of Article 7(2) of Commission Regulation (EU) No 642/2010⁽⁷⁾.

2 The customs authorities shall take representative samples of each import within the tariff quota under order number 09.0074 with a view to carrying out the necessary tests to establish that the vitreous grain content is 73 % or more. If the quality is inadequate, access to the tariff quota shall be refused.

3 The customs authorities shall take representative samples of each import within the tariff quota under order number 09.0075 with a view to carrying out the necessary tests to establish that the quality of the imported product complies with the requirements set out in Annex I. If the quality is inadequate, access to the tariff quota shall be refused.

4 In case the tests referred to in paragraphs 2 and 3 show that the quality of the imported product is below standard, Commission Regulation (EU) No 642/2010 shall apply. The amount of EUR 5 per 1 000 kg referred to in Annex I to this Regulation shall be held back, in addition to the non-access to the tariff quota.

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- (1) [OJ L 54, 26.2.2013, p. 4.](#)
- (2) Council Decision 2013/94/EU of 26 March 2012 on the conclusion of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ([OJ L 54, 26.2.2013, p. 3.](#))
- (3) [OJ L 53, 22.2.1997, p. 2.](#)
- (4) Council Decision 97/126/EC of 6 December 1996 concerning the conclusion of an agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part ([OJ L 53, 22.2.1997, p. 1.](#))
- (5) [OJ L 171, 27.6.1973, p. 2.](#)
- (6) Regulation (EEC) No 1691/73 of the Council of 25 June 1973 concluding an Agreement between the European Economic Community and the Kingdom of Norway and adopting provisions for its implementation ([OJ L 171, 27.6.1973, p. 1.](#))
- (7) 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.](#))