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COMMISSION REGULATION (EC) No 2402/96

of 17 December 1996

opening and setting administrative rules for certain annual tariff quotas for sweet potatoes and manioc starch

(OJ L 327, 18.12.1996, p. 14)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 777/2004 of 26 April 2004	L 123	50	27.4.2004
►**M2**	Commission Regulation (EC) No 1884/2006 of 19 December 2006	L 364	44	20.12.2006

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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COMMISSION REGULATION (EC) No 2402/96

of 17 December 1996

opening and setting administrative rules for certain annual tariff quotas for sweet potatoes and manioc starch

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996, on implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotations ([1]), and in particular Article 1 (1) thereof,

Having regard to Council Decision 96/317/EC of 13 May 1996 concerning the conclusion of the results of consultations with Thailand under GATT Article XXIII ([2]),

Whereas Decision 96/317/EC of 13 May 1996 adjusted the import arrangements for manioc starch of CN code 1108 14 00 laid down in Commission Regulation (EC) No 3015/95 of 19 December 1995 opening and providing for the administration of certain import quotas for sweet potatoes and manioc starch intended for certain uses for 1996 ([3]); whereas that Regulation was accordingly amended by Commission Regulation (EC) No 1031/96 ([4]);

Whereas the Community undertook in the World Trade Organization multilateral trade negotiations to open two annual nil duty tariff quotas for products of CN code 0714 20 90 in favour of the People's Republic of China and other countries respectively, and two tariff quotas for manioc starch of CN code 1108 14 00 for certain uses;

Whereas action should be taken to open for 1997 and subsequent years the annual tariff quotas in question for sweet potatoes and manioc starch and to set appropriate administrative rules; whereas the relevant provisions of Regulation (EC) No 3015/95 as amended following Decision 96/317/EC should be taken over;

Whereas to ensure that the quotas are well managed and in particular that the quantities set for each year are not exceeded specific rules on the lodging of applications and issuing of licences must be adopted; whereas these either supplement or waive the provisions of Commission Regulation (EEC) No 3719/88 ([5]), as last amended by Regulation (EC) No 2350/96 ([6]);

Whereas it is necessary to differentiate sweet potatoes for human consumption and those for other uses; whereas the presentation and packaging of sweet potatoes of CN code 0714 20 10 for human consumption should be specified and products not meeting that presentation and packaging specification should be held to fall within CN code 0714 20 90;

Whereas the management and surveillance rules contained in Regulation (EC) No 3015/95 for imports between 1 January and 31 December 1996 should be retained, notably the requirement that an export document issued by the Chinese authorities or under their responsibility be presented for goods originating in China;

([1]) OJ No L 146, 20. 6. 1996, p. 1.
([2]) OJ No L 122, 22. 5. 1996, p. 15.
([3]) OJ No L 314, 28. 12. 1995, p. 29.
([4]) OJ No L 137, 8. 6. 1996, p. 4.
([5]) OJ No L 331, 2. 12. 1988, p. 1.
([6]) OJ No L 320, 11. 12. 1996, p. 4.

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Whereas for manioc starch account must be taken of the Community's new commitment by Decision 96/317/EC to open an additional autonomous annual quota of 10 500 tonnes of which 10 000 tonnes is reserved for the Kingdom of Thailand; whereas under the terms agreed with Thailand the end-use requirements previously imposed on manioc starch quotas are waived; whereas it should be required that manioc starch imported from Thailand against its reserved quantity be accompanied by an export certificate issued by the competent Thai authority;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The following are opened from 1 January 1997:

(1) a nil duty annual tariff quota for importation into the Community of 5 000 tonnes of sweet potatoes not for human consumption of CN code 0714 20 90 originating in third countries other than the People's Republic of China;

(2) a nil duty annual tariff quota for importation into the Community of 600 000 tonnes of sweet potatoes not for human consumption of CN code 0714 20 90 originating in the People's Republic of China;

(3) an annual tariff quota for importation into the Community of 10 000 tonnes of manioc starch of CN code 1108 14 00 at a duty rate equal to the MFN duty in force less ECU 100 per tonne;

(4) an additional autonomous annual tariff quota for importation into the Community of 10 500 tonnes of manioc starch of CN code 1108 14 00 at a duty rate equal to the MFN duty in force less ECU 100 per tonne; 10 000 tonnes of this quantity is reserved for the Kingdom of Thailand.

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The following serial numbers are assigned to the quotas referred to in the first paragraph:

— serial number 09.4014 for the quota referred to in point 1,

— serial number 09.4013 for the quota referred to in point 2,

— serial number 09.4064 for the 10 000 tonnes of manioc starch referred to in point 3 and the 500 tonnes of manioc starch not reserved for Thailand in accordance with point 4,

— serial number 09.4065 for the 10 000 tonnes of manioc starch reserved for Thailand and referred to in point 4.

Article 1a

Commission Regulations (EC) No 1291/2000 ([1]), (EC) No 1342/2003 ([2]) and (EC) No 1301/2006 ([3]) shall apply, save as otherwise provided for in this Regulation.

([1]) OJ L 152, 24.6.2000, p. 1.
([2]) OJ L 189, 29.7.2003, p. 12.
([3]) OJ L 238, 1.9.2006, p. 13.

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TITLE I

Sweet potatoes for certain uses

Article 2

1. Import licences against the quotas indicated at Article 1 (1) and (2) shall be issued in line with the provisions of this Title.

2. For the purposes of CN code 0714 20 10 sweet potatoes for human consumption shall be fresh, whole sweet potatoes put up in immediate packings at the time of the customs formalities for release for free circulation.

The provisions of this Title shall not apply to release for free circulation of sweet potatoes for human consumption as defined above.

Article 3

Licence applications may be lodged with the competent authority of the Member State on Tuesdays, or if that is not a working day on the first such day following, by 1 p.m. (Brussels time).

Article 4

1. Licence applications and licences shall show the country of origin in box 8. The licence shall carry with it an obligation to import from that country.

Licence applications for products orginating in the People's Republic of China shall be inadmissible if not accompanied by the original (blue in coulour) of an export document issued by the Government of the People's Republic of China, or under its responsibility, drawn up following the model given in Annex I.

▼M2

2. Section 24 of the licences shall contain one of the entries shown in Annex III.

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Article 5

1. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

2. Article 8 (4) of Regulation (EEC) No 3719/88 notwithstanding, the quantity released for free circulation may not exceed that shown in boxes 10 and 11 of the licence. To this end the figure ‘0’ shall be entered in box 22.

3. Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

Article 6

The security in connection with import licences shall be ECU 20 per tonne.

▼M2

Article 7

No later than 18.00 (Brussels time) on the working day following that set by Article 3 for the lodging of applications, Member States shall send the Commission the following information:

(a) the total quantities covered by licence applications, by origin and product code,

(b) for products originating in the People's Republic of China, the reference numbers of the export certificate and the name of the vessel.

Article 8

1. Import licences shall be issued on the fourth working day following the notification referred to in Article 7.

2. Licences shall be valid throughout the Community from their actual day of issue pursuant to Article 23(2) of Regulation (EC) No 1291/2000 to the end of the fourth month following, but only up to the end of the year of issue.

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TITLE II

Manioc starch

Article 9

Applications for import licences against the quotas indicated at Article 1 (3) and (4) may be lodged with the competent authority of the Member State on Tuesdays, or if that is not a working day on the first such day following, by 1 p.m. (Brussels time).

Applications may not be for more than 1 000 tonnes per applicant acting on his own behalf.

Article 10

1. Licence applications and licences shall carry the following entry in box 24:

'Import duty reduced by ECU 100 per tonne (Regulation (EC) No 2402/96)'.

2. If the application is for starch originating in Thailand exported against the reserved quantity of 10 000 tonnes indicated at Article 1 (4) it must be accompanied by an export certificate drawn up following the model given in Annex II made out in English and delivered by the competent Thai authority, i.e. the Ministry of Commerce, Department of Foreign Trade.

Applications and licences shall carry the entry 'Origin: Thailand' in box 8.

Article 11

Articles 5 and 6 above shall apply.

▼M2

Article 12

No later than 18.00 (Brussels time) on the working day following that set by Article 9 for the lodging of applications, Member States shall send the Commission the following information:

(a) the total quantities covered by licence applications, by origin and product code;

(b) the reference numbers of the export certificates issued by the Thai authorities and the corresponding quantities, and the name of the vessel.

Article 13

1. Import licences shall be issued on the fourth working day following the notification referred to in Article 12.

2. Licences shall be valid throughout the Community from their actual day of issue pursuant to Article 23(2) of Regulation (EC) No 1291/2000 to the end of the third month following, but only up to the end of the year of issue.

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Article 14

This Regulation shall enter into force on 1 January 1997.

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

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ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I

People's Republic of China

1. Exporter (name, full address, country) China	2. No 3. Quota, year	
4. First consignee (name, full address, country)	**EXPORT CERTIFICATE** **(Sweet potatoes falling wthin CN code 0714 20 90)**	
	5. Country of origin **CHINA**	6. Country of destination **EC**
7. Place and date of shipment — Means of transport — Shipped by (name of vessel)		
8. Descriptions of goods: — Type of products: Δ Pellets Δ Chips Δ Others — Packaging: Δ In bulk Δ Bags Δ Others	9. QUANTITY Metric tonne (Net shipped weight)	
10. Competent authority (name, address, country) Imp/Exp Department Ministry of Foreign Economic Relations and Trade, People's Republic of China 2, Dong Chang An Street, Beijing, China Date: Signature: Stamp:		
For use by EC authorities		
This certificate is valid for 120 days from the date of issue		

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ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II

SERIAL No

ORIGINAL

DEPARTMENT OF FOREIGN TRADE

MINISTRY OF COMMERCE
GOVERNMENT OF THAILAND

EXPORT CERTIFICATE SUBJECT TO REGULATION (EC) No 2402/96

SPECIAL FORM FOR MANIOC STARCH FALLING WITHIN CN CODE 1108 14 00

EXPORT CERTIFICATE No	
EXPORT PERMIT No	

1. EXPORTER (NAME, ADDRESS AND COUNTRY)		2. FIRST CONSIGNEE (NAME, ADDRESS AND COUNTRY)	
NAME		NAME	
ADDRESS		ADDRESS	
COUNTRY		COUNTRY	
3. SHIPPED PER		4. COUNTRY/COUNTRIES OF DESTINATION IN EC	

5. TYPE OF PRODUCT	6. WEIGHT (TONNES)	7. PACKING
MANIOC STARCH FALLING WITHIN CN CODE 1108 14 00	SHIPPED WEIGHT	☐ IN BULK
		☐ ..... BAGS
	ESTIMATED NET WEIGHT	☐ OTHERS

WE HEREBY CERTIFY THAT THE ABOVEMENTIONED PRODUCT HAS BEEN PRODUCED IN AND EXPORTED FROM THAILAND.

DEPARTMENT OF FOREIGN TRADE

DATE

.....

NAME AND SIGNATURE OF AUTHORIZED OFFICIAL AND STAMP

THIS CERTIFICATE IS VALID FOR 120 DAYS FROM THE DATE OF ISSUE

FOR USE BY EC AUTHORITIES:

▼**M2**

ANNEX III

— *In Bulgarian:*	Освобождаване от мито [член 4 от Регламент (ЕО) № 2402/96]
— *In Spanish:*	Exención del derecho de aduana [artículo 4 del Reglamento (CE) nº 2402/96]
— *In Czech:*	Osvobozené od cla [čl. 4 nařízení (ES) č. 2402/96]
— *In Danish:*	Fritagelse for toldsatser (artikel 4 i forordning (EF) nr. 2402/96)
— *In German:*	Zollfrei (Artikel 4 der Verordnung (EG) Nr. 2402/96)
— *In Estonian:*	Tollimaksuvaba (määruse (EÜ) nr 2402/96 artikkel 4)
— *In Greek:*	Απαλλαγή από τον τελωνειακό δασμό [άρθρο 4 του κανονισμου (ΕΚ) αριθ. 2402/96]
— *In English:*	Exemption from customs duty (Article 4 of Regulation (EC) No 2402/96)
— *In French:*	exemption du droit de douane [article 4 du règlement (CE) nº 2402/96]
— *In Italian:*	Esenzione dal dazio doganale [articolo 4 del regolamento (CE) n. 2402/96]
— *In Latvian:*	Atbrīvošana no muitas nodevas (regulas (EK) Nr. 2402/96 4. pants)
— *In Lithuanian:*	Atleidimas nuo muito mokesčio (reglamento (EB) Nr. 2402/96 4 straipsnis)
— *In Hungarian:*	Vámmentesség [2402/96/EK rendelet 4. cikk]
— *In Dutch:*	Vrijgesteld van douanerecht (artikel 4 van Verordening (EG) nr. 2402/96)
— *In Polish:*	Zwolnienie z należności celnych (Art. 4 rozporządzenia (WE) nr 2402/96)
— *In Portuguese:*	Isenção de direito aduaneiro [artigo 4.º do Regulamento (CE) n.º 2402/96]
— *In Romanian:*	Scutit de taxe vamale (articolul 4 din Regulamentul (CE) nr. 2402/96)
— *In Slovak:*	Oslobodenie od cla (článok 4 nariadenia (ES) č. 2402/96)
— *In Slovenian:*	Oproščenocarinske dajatve (člen 4 Uredbe (ES) št. 2402/96)
— *In Finnish:*	Tullivapaa (asetuksen (EY) N:o 2402/96 4 artikla)
— *In Swedish:*	Tullfri (artikel 4 i förordning (EG) nr 2402/96)