COMMISSION REGULATION (EC) No 2734/1999

of 21 December 1999

opening and providing for the administration of Community tariff quotas for certain products originating in Slovenia and repealing Regulation (EC) No 428/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1569/1999 of 12 July 1999 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part [1], and in particular Article 2(1) thereof,

Whereas:

(1) The Europea Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part [2], hereinafter referred to as 'the Agreement', was signed in Luxembourg on 10 June 1996 and entered into force on 1 February 1999.

(2) Pending the entry into force of the Agreement, its provisions on trade and trade-related matters had been given effect by an Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part [3], hereinafter referred to as 'the Interim Agreement', since 1 January 1997.

(3) The Agreement stipulates that certain products originating in Slovenia may be imported into the Community, within the limits of tariff quotas or tariff ceilings, at a reduced or a zero rate of customs duty.

(4) Pursuant to Commission Regulation (EC) No 428/97 of 5 March 1997, opening and providing for the administration of Community tariff quotas and tariff ceilings for certain products originating in Slovenia and establishing the provisions for adapting these quotas and ceilings [4], the Commission has adopted implementing measures for these tariff quotas and ceilings on the basis of the Interim Agreement.

(5) Article 10(2) of the Agreement provides for the complete abolition of customs duties, from 1 January 2000, for imports into the Community of the industrial products which currently benefit from an exemption form customs duties in the framework of tariff ceilings.

(6) The Commission should adopt the implementing measures for the opening of the Community tariff quotas laid down in the Agreement, which continue to apply. These tariff quotas are annual and are repeated for an indeterminate period. The Agreement has already fixed the level of the increase of the tariff quota volumes.

(7) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [5], as last amended by Regulation (EC) No 1662/1999 [6], has codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations.

(8) Particular care should be taken to ensure that all Community importers have equal and continuous access to the tariff quotas and that the rates laid down for the quotas are applied uninterruptedly to all imports of the products in question into all Member States until the quotas are exhausted. In order to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorising the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports. However, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly.

(9) Regulation (EC) No 428/97 should be repealed from 1 January 2000.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. When products originating in Slovenia and listed in the Annex are put into free circulation in the Community, accompanied by a proof of origin as provided for in Protocol 4 to the Agreement, they shall benefit from a reduced customs duty rate, at the levels, during the periods and within the limits of the Community tariff quotas specified in that Annex.

2. The tariff quotas referred to in this Article shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

[1] OJ L 187, 20.7.1999, p. 1.
[2] OJ L 51, 26.2.1999, p. 3.
[3] OJ L 344, 31.12.1996, p. 3.
[4] OJ L 65, 6.3.1997, p. 28.
[5] OJ L 253, 11.10.1993, p. 1.
[6] OJ L 197, 29.7.1999, p. 25.

3. Each Member State shall ensure that importers of the products in question have equal and uninterrupted access to the tariff quotas for as long as the balance of the relevant quota volume so permits.

Article 2

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 3

Regulation (EC) No 428/97 is hereby repealed.

Article 4

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 21 December 1999.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential schemes is to be determined by application of the CN code and corresponding description taken together.

Order number	CN code	Taric subdivision	Description	Quota volume per year or indicated period (in tonnes)	Rate of duty (%) (1)
09.1531	0301 91 90		Live fish: – Other live fish: – – Trout *(Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncohynchus aguabonita, Oncorhynchus gilae)*	70	exemption
09.1532	0701 90		Potatoes, fresh or chilled, other than seed: – 1 January to 31 December 2000 – 1 January to 31 December 2001 – 1 January to 31 December of subsequent years	 195 210 225	20 % of CCT
09.1533	0704 90		Cabbages, kohlrabi, kale and similar edible *brassicas*, fresh or chilled, other than headed broccoli or Brussels sprouts: – 1 January to 31 December 2000 – 1 January to 31 December 2001 – 1 January to 31 December of subsequent years	 130 140 150	20 % of CCT (2)
09.1534	0705 11 00		Lettuce *(Lactuca sativa)*, fresh or chilled: – Cabbage lettuce (head lettuce): – – 1 January to 31 December 2000 – – 1 January to 31 December 2001 – – 1 January to 31 December of subsequent years	 130 140 150	20 % of CCT (2)
09.1535	0706 10 00		Carrots and turnips, fresh or chilled: – 1 January to 31 December 2000 – 1 January to 31 December 2001 – 1 January to 31 December of subsequent years	 1 040 1 120 1 200	20 % of CCT
09.1536	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90		Apples, fresh, from 1 August to 31 December: – 1 August to 31 December 2000 – 1 August to 31 December 2001 – 1 August to 31 December of subsequent years	 1 950 2 100 2 250	20 % of CCT (3)
09.1537	ex 0808 20 50		Pears, fresh, from 1 August to 31 December: – 1 August to 31 December 2000 – 1 August to 31 December 2001 – 1 August to 31 December of subsequent years	 2 210 2 380 2 550	20 % of CCT (3)
09.1538	0812 10 00		Cherries, provisionally preserved (4): – 1 January to 31 December 2000 – 1 January to 31 December 2001 – 1 January to 31 December of subsequent years	 260 280 300	exemption

Order number	CN code	Taric subdivision	Description	Quota volume per year or indicated period (in tonnes)	Rate of duty (%) (1)
09.1539	1210 10 00 1210 20 10		Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin:		20 % of CCT
			– 1 January to 31 December 2000	3 380	
			– 1 January to 31 December 2001	3 640	
			– 1 January to 31 December of subsequent years	3 900	
09.1540			Prepared or preserved fish:	500	4
			– Fish, whole or in pieces, but not minced:		
	1604 15		– – Mackerel		
			– Other prepared or preserved fish:		
			– – Other:		
	ex 1604 20 50	40 50	– – – Of mackerel of the species *Scomber scombrus* and *Scomber japonicus*		
09.1541	ex 2004 90 30 2005 90 75	10	Sauerkraut, frozen or not:		exemption
			– 1 January to 31 December 2000	65	
			– 1 January to 31 December 2001	70	
			– 1 January to 31 December of subsequent years	75	
09.1542			Cherries, otherwise prepared or preserved:		exemption
			– containing added spirit:		
	ex 2008 60 39	11	– – Sweet cherries, clear-fleshed of a diameter not exceeding 18,9 millimetres, stoned, intended for the manufacture of chocolate products (5)		
			– not containing added spirit:		
	2008 60 51 2008 60 61 2008 60 71 2008 60 91		– – sour cherries *(Prunus cerasus)* (4)		
			– 1 January to 31 December 2000	650	
			– 1 January to 31 December 2001	700	
			– 1 January to 31 December of subsequent years	750	
09.1543	2009 80 71		Cherry juice, unfermented and not containing added spirit, containing added sugar:		20 % of CCT
			– 1 January to 31 December 2000	195	
			– 1 January to 31 December 2001	210	
			– 1 January to 31 December of subsequent years	225	
09.1544	2009 90 11 2009 90 19 2009 90 31 2009 90 39		Mixtures of apple and pear juice, unfermented and not containing added spirit:		20 % of CCT (2)
			– 1 January to 31 December 2000	260	
			– 1 January to 31 December 2001	280	
			– 1 January to 31 December of subsequent years	300	

(1) CCT = applicable Common Customs Tariff duty.

(2) Where the CCT duty consists of an *ad valorem* duty with a specific minimum or of an *ad valorem* duty plus a specific duty, the reduction applies to each duty element separately.

(3) The reduction applies only to the *ad valorem* duty.

(4) Until 9 May 2000 subject to a minimum import price set by the Commission.

(5) Control of the usage for this end use shall be carried out pursuant to the relevant Community provisions.