This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

►**B**

COUNCIL REGULATION (EC) No 1362/2000

of 29 June 2000

implementing for the Community the tariff provisions of Decision No 2/2000 of the Joint Council under the Interim Agreement on Trade and Trade-related matters between the European Community and the United Mexican States

(OJ L 157, 30.6.2000, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 875/2004 of 29 April 2004	L 162	51	30.4.2004
►**M2**	Commission Regulation (EC) No 1553/2004 of 31 August 2004	L 282	3	1.9.2004
►**M3**	Commission Regulation (EC) No 502/2005 of 31 March 2005	L 83	12	1.4.2005

▼B

COUNCIL REGULATION (EC) No 1362/2000

of 29 June 2000

implementing for the Community the tariff provisions of Decision No 2/2000 of the Joint Council under the Interim Agreement on Trade and Trade-related matters between the European Community and the United Mexican States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Joint Council under the Interim Agreement on Trade and Trade-related matters between the European Community and the United Mexican States has by its Decision No 2/2000, adopted arrangements for implementing aspects of that Agreement related to trade in goods with effect from 1 July 2000.

(2) The tariff preferences provided in Decision No 2/2000 are applicable to products originating in Mexico in accordance with Annex III to the said Decision.

(3) It is necessary to lay down special provisions for applying those tariff preferences within the Community.

(4) The base rates for calculating tariff reductions are those set out in Decision 2/2000.

(5) The same methods of calculation should, as a general rule, apply to *ad valorem* and specific rates of duty as well as to the treatment of minimum and maximum duties provided in the Common Customs Tariff.

(6) Decision No 2/2000 stipulates that certain products originating in Mexico may be imported into the Community within the limits of tariff quotas, at a reduced or a zero rate of customs duty. The said Decision specifies the products eligible for those tariff measures, their volumes and duties. The tariff quotas should be managed, as a rule, on a first-come first-served basis in accordance with Articles 308a to 308c of 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 [1]. The tarif quota for some products is subject to satisfaction of specific rules of origin for a given period of time. This tariff quota should also be managed on the first-come first-served basis mentioned above.

(7) The Combined Nomenclature codes mentioned in this Regulation are those of 2000, as provided in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [2]. Amendments to the Combined Nomenclature and TARIC codes should not result in changes of substance in agreements or other acts concluded between the Community and Mexico. In the interests of simplicity, provision should therefore be made for the Commission, assisted by the Customs Code Committee, to take the measures necessary for the implementation of this Regulation, in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers of the Commission [3].

---

[1] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 502/1999 (OJ 65, 12.3.1999, p. 1).

[2] OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2626/1999 (OJ L 321, 14.12.1999, p. 3).

[3] OJ L 184, 17.7.1999, p. 23.

▼B

(8) In the interest of combating fraud, provisions should be made to submit preferential imports into the Community to surveillance,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of implementing Decision No 2/2000 of the Joint Council under the Interim Agreement on Trade and Trade-related matters between the European Community and Mexico:

(a) The term 'MFN' shall be taken to mean the lowest rate of duty appearing in column 3 or 4, taking into account the periods of application mentioned or referred to in that column, of the second part of Annex I of Regulation (EEC) No 2658/87. However, it shall not mean a duty set up within the framework of a tariff quota under Article 26 of the Treaty or under Annex 7 to Regulation (EEC) No 2658/87.

(b) Subject to paragraph 2, the final rate of preferential duty shall be rounded down to the first decimal place.

2. Where the result of calculating the rate of preferential duty is one of the following, the preferential rate shall be considered a full exemption:

(a) 1 % or less in the case of *ad valorem* duties, or

(b) EUR 0,5 or less per individual euro amount in the case of specific duties.

3. Wherever customs duties comprise an *ad valorem* duty plus one or more specific duties, the preferential reduction is limited to the *ad valorem* duty where it is so provided in Article 8 of Decision No 2/2000. Where the customs duties comprise an *ad valorem* duty with a minimum and maximum duty, the preferential reduction also applies to that minimum and maximum duty. Where they comprise more than one specific duty, the preferential reduction applies to all of these.

Article 2

1. Subject to paragraph 5, the customs duties on the products listed in the Annex to this Regulation and originating in Mexico shall be reduced to the levels provided and within the limits of the tariff quotas specified in that Annex.

▼M2

2. These tariff quotas shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93. However, Article 308c(2) and (3) shall not apply to the tariff quota at order No 09.1871 in the Annex.

▼B

3. With respect to the products covered by the Annex to this Regulation:

(a) the specific export document referred to in Article 8(7) of Decision No 2/2000 of the Joint Council means the movement certificate EUR 1 or the invoice declaration referred to in Article 15(1) of that Decision, and

(b) the acceptance of the declaration for release for free circulation shall be deemed to constitute the issuing of the import licence referred to in that provision.

▼M2

3 a. With respect to products of CN code 0803 00 19 the presentation of an import licence as regards fresh bananas originating in Mexico shall not be required.

▼B

4. The reductions of duty referred to in the Annex are expressed as a percentage of the customs duties effectively applied to goods of

▼B

Mexican origin outside the tariff quotas in question when declared for release for free circulation.

5. The customs duty applicable to products of CN code 1704 10 within the tariff quota at order No 09.1857 in the Annex to this Regulation shall be 6 %. ►M1 The customs duty applicable to products of CN code 1604 14 16 within the tariff quota at order No 09.1854 in the Annex to this Regulation shall be 6 %. ◄

▼M2

5 a. The customs duty applicable to products of CN code 1302 20 10 within the tariff quota at order No 09.1873 in the Annex shall be 2 %.

5 b. The customs duty applicable to products of CN code 0803 00 19 within the tariff quota at order No 09.1871 in the Annex shall be EUR 75 /tonne.

▼M3

6. With the exception of the tariff quotas at order No 09.1854, No 09.1871, No 09.1873 and order No 09.1899, the tariff quotas referred to in the Annex to this Regulation shall be opened each year for a 12-month period from 1 July to 30 June. These quotas shall be opened for the first time on 1 July 2000.

The tariff quotas at order No 09.1871 and No 09.1873 shall be opened from 1 May 2004 to 31 December 2004 and from 1 January to 31 December of each calendar year thereafter, for as long as the quota remains applicable.

▼B

7. The tariff quota at order No 09.1847 in the Annex to this Regulation shall be opened for the last time on 1 July 2007.

8. An annual tariff quota of 2 500 units shall be opened at the preferential rate provided under the Agreement for vehicles of CN codes 8701 20, 8702 and 8704, originating in Mexico according to the specific origin rules laid down in Annex III, Appendix IIa, Note 12.1 to Decision No 2/2000. This tariff quota shall be opened annually for twelve months from 1 January to 31 December, until December 2006. It shall be opened for the first time on 1 July 2000 for half of the annual volume.

To be eligible for the benefit of this tariff quota, the following must be indicated in box 7. (Remarks) of movement certificate EUR.l or on the invoice declaration for the goods in question: ‘Specific origin rule laid down in Decision No 2/2000 of EC-Mexico Joint Council, Annex III, Appendix IIa, Note 12.1’.

Article 3

The annual volume of the tariff quota at order No 09.1853 in the Annex to this Regulation shall be increased successively by 500 tonnes each year from 1 July 2001.

Article 4

Without prejudice to Articles 2 and 3, the amendments and technical adaptations of the Annex to this Regulation made necessary by amendments to the Combined Nomenclature and TARIC codes or arising from decisions of the EC-Mexico Joint Council, or from the conclusion of agreements, protocols or exchanges of letters between the Community and Mexico, shall be adopted by the Commission in accordance with the management procedure set out in Article 5(2).

Article 5

1. The Commission shall be assisted by the Customs Code Committee, hereinafter referred to as ‘the Committee’.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply. The period laid down in Article 4 (3) of Decision 1999/468/EC shall be set at three months.

▼B

3. The Committee shall adopt its rules of procedure.

Article 6

1. Products put into free circulation with the benefit of the preferential rates provided under Decision No 2/2000 shall be subject to surveillance. The Commission in consultation with the Member States shall decide the products to which this surveillance applies.

2. Article 308d of Regulation (EEC) No 2454/93 shall apply.

3. The Member States and the Commission shall cooperate closely to ensure that this surveillance measure is complied with.

Article 7

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 2000.

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

▼B

ANNEX

concerning the products referred to in Article 2

Notwithstanding the rules for the interpertation 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 as they exist at the time of adoption of this Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	Description	Annual tariff quota volume (net weight, unless otherwise specified)	Tariff quota duty (% reduction)
09.1831	0407 00 19	Eggs of poultry other than turkeys or geese, for hatching (1)	300 tonnes	50 MFN or 50 GSP (2)
▼M2 09.1832	0408 11 80 0408 19 81 0408 19 89 0408 91 80 0408 99 80	— Egg yolks, Birds' eggs not in shell:	1 000 tonnes (3)	50 MFN or 50 GSP (2)
09.1875	0408 11 80	— Egg yolks, dried		50 MFN or 50 GSP (2)
09.1877	0408 19 81 0408 19 89	— Egg yolks, liquid — Egg yolks, other		50 MFN or 50 GSP (2)
09.1879	0408 91 80	— Birds' eggs, not in shell, dried		50 MFN or 50 GSP (2)
09.1881	0408 99 80	— Birds' eggs, not in shell, other		50 MFN or 50 GSP (2)
▼B 09.1833	0409 00 00	Natural honey	30 000 tonnes	50 MFN or 50 GSP (2)
09.1835	ex 0603 10 10 ex 0603 10 20 ex 0603 10 30 ex 0603 10 40 ex 0603 10 50	Cut flowers, fresh, from 1 June to 31 October	350 tonnes	100
09.1837	ex 0603 10 80	Cut flowers, fresh, from 1 June to 31 October	400 tonnes	100
09.1839	ex 0603 10 10 ex 0603 10 20 ex 0603 10 30 ex 0603 10 40 ex 0603 10 50	Cut flowers, fresh, from 1 November to 31 May	350 tonnes	100
09.1841	ex 0603 10 80	Cut flowers, fresh, from 1 November to 31 May	400 tonnes	100
09.1843	ex 0709 20 00	Asparagus, fresh or chilled, from 1 March to 30 November	600 tonnes	100

▼B

Order No	CN code	Description	Annual tariff quota volume (net weight, unless otherwise specified)	Tariff quota duty (% reduction)
09.1845	0710 21 00	Frozen peas	500 tonnes	50 MFN or 50 GSP (2)
09.1847	ex 0804 40 00	Avocados, from 1 June to 30 September	20 000 tonnes	100
09.1849	ex 0807 19 00	Melons, other than watermelons, fresh, from 1 to 31 January, from 1 April to 31 May and from 1 October to 31 December	1 000 tonnes	50 MFN or 50 GSP (2)
09.1851	0811 10 90	Strawberries, not containing sugar or other sweetening matter	1 000 tonnes	50 MFN or 50 GSP (2)
09.1853	1604 14 11 1604 14 18 1604 14 90 1604 19 39 1604 20 70	Prepared or preserved fish	2 000 tonnes (4)	66,66 MFN or 66,66 GSP (2)
▼M1 09.1854	1604 14 16	Tuna loins	5 000 tonnes (7)	Fixed duty to be applied
▼B 09.1855	1703 10 00	Cane molasses	275 000 tonnes	100
09.1857	170 410	Chewing gum, whether or not sugar-coated	1 000 tonnes	Fixed duty to be applied
09.1859	2005 60 00	Asparagus, prepared or preserved otherwise than by vinegar or acetic acid	1 000 tonnes	50 MFN or 50 GSP (2)
09.1861	2008 92 51 2008 92 74 2008 92 92 2008 92 93 2008 92 94 2008 92 96 2008 92 97 2008 92 98	Mixtures of fruit, prepared or preserved	1 500 tonnes	50 MFN or 50 GSP (2)
09.1863	2009 11 11 2009 11 19 2009 11 91 2009 19 11 2009 19 19 2009 19 91 2009 19 99	Orange juice, unfermented and not containing added spirit, except orange juice of 2009 11 99	1 000 tonnes	50 MFN or 50 GSP (2)
09.1865	ex 2009 11 99	Orange juice, frozen, with a degree of concentration higher than 20° brix (of a density exceeding 1,083 g/cm^3 at 20 °C)	30 000 tonnes	75 MFN or 75 GSP (2)

▼B

Order No	CN code	Description	Annual tariff quota volume (net weight, unless otherwise specified)	Tariff quota duty (% reduction)
09.1867	2009 40 11 2009 40 19 2009 40 30 2009 40 91 2009 40 99	Pineapple juice, unfermented and not containing added spirit	2 500 tonnes	50 MFN or 50 GSP ([2])
▼M2 09.1869	3502 11 90 3502 19 90	— Egg albumin:	3 000 tonnes ([3])	100
09.1883	ex 3502 11 90	— dried (crystals)		100
09.1885	ex 3502 11 90	— dried (other)		100
09.1887	3502 19 90	— other than dried		100
09.1871 ([8])	0803 00 19	Bananas, fresh (excluding plantains)	2 000 tonnes	Fixed duty to be applied
09.1873	ex 1302 20 10	Dry pectic substances, pectinates and pectates in powder form	250 tonnes	Fixed duty to be applied
▼B 09.1899	8701 20	Road tractors for semi-trailers: — in which the value of all the non-originating materials does not exceed 55 % ([5]) of the ex-works price of the product	2 500 units	100
	8702	Motor vehicles for the transport of ten or more persons, including the driver: — in which the value of all the non-originating materials does not exceed 55 % ([5]) of the ex-works price of the product		([6])
	8704	Motor vehicles for the transport of goods: — in which the value of all the non-originating materials does not exceed 55 % ([5]) of the ex-works price of the product		([6])

([1]) Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

([2]) Whichever result in the lower duty applicable.

►M2 ([3]) Shell egg equivalent. To be converted in accordance with the rates fixed in Annex 69 to Regulation (EEC) No 2454/93. ◄

([4]) From the second year of application, the volume of this tariff quota is increased annually by 500 tonnes.

([5]) This percentage shall be 50 % from 1 January 2003.

([6]) The preferential rates applicable for these products are determined in accordance with Article 5(2) of Decision No 2/2000.

►M1 ([7]) In 2005 the annual volume shall be 6000 tonnes. From 2006 onwards the yearly volume shall be increased in accordance with the Annex of the Decision of the EU-Mexico Joint Council No 2/2004, provided that at least 80 % of the total amount of the previous year quota has been used by the 31 December of that year. ◄

►M2 ([8]) This tariff quota will cease to apply when the current WTO quotas for bananas of CN code 0803 00 19 are replaced by a tariff-only regime. ◄