COMMISSION REGULATION (EC) No 1667/2002

of 19 September 2002

amending Regulation (EC) No 2535/2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas, and derogating from that Regulation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products [1], as last amended by Commission Regulation (EC) No 509/2002 [2], and in particular Article 29(1) thereof,

Having regard to Council Regulation (EC) No 1151/2002 of 27 June 2002 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia [3], and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1361/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania [4], and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1362/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia [5], and in particular Article 1(3) thereof,

Having regard to Council Regulation (EC) No 1408/2002 of 29 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary [6], and in particular Article 1(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 2535/2001 [7], as last amended by Regulation (EC) No 1165/2002 [8], lays down, *inter alia*, detailed rules for the application to milk and milk products of the import arrangements provided for in the Europe Agreements between the Community and certain central and eastern European countries. It should be amended to implement the concessions provided for by Regulations (EC) No 1151/2002, (EC) No 1361/2002, (EC) No 1362/2002 and (EC) No 1408/2002.

(2) The new quotas should be opened on 1 October 2002 and the existing quotas reopened if the quantities resulting from the new quotas exceed the quantities opened in July 2002. The import quotas provided for by Regulation (EC) No 2535/2001 normally being opened on 1 July, provision should be made for a derogation from Articles 6, 12 and 14 of that Regulation.

(3) Certain new quotas involve limited quantities which render Article 13(2) of Regulation (EC) No 2535/2001 inapplicable. This provision should therefore be adjusted.

(4) Repayment of import duties on products listed in parts 8 and 9 of Annex I to Regulation (EC) 2535/2001 as it existed before the entry into force of this Regulation and imported under licences used from 1 July 2000 falls within the scope of Articles 878 to 898 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 [9], as last amended by Regulation (EC) No 444/2002 [10].

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2535/2001 is hereby amended as follows:

1. Article 5(b) is replaced by the following:

'(b) the quotas provided for in Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000, (EC) No 2475/2000, (EC) No 2851/2000, (EC) No 1151/2002, (EC) No 1361/2002, (EC) No 1362/2002 and (EC) No 1408/2002;.'

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 79, 22.3.2002, p. 15.
[3] OJ L 170, 29.6.2002, p. 15.
[4] OJ L 198, 27.7.2002, p. 1.
[5] OJ L 198, 27.7.2002, p. 13.
[6] OJ L 205, 2.8.2002, p. 9.
[7] OJ L 341, 22.12.2001, p. 29.
[8] OJ L 170, 29.6.2002, p. 49.
[9] OJ L 253, 11.10.1993, p. 1.
[10] OJ L 68, 12.3.2002, p. 11.

2. The first subparagraph of Article 13(2) is replaced by the following:

'Licence applications shall relate to no more than 10 % of the quantity available under the quota for the six-month period as referred to in Article 6, and shall involve no less than 10 tonnes.'

3. Points 4, 7, 8 and 9 of Part B of Annex I shall be replaced by the text in the Annex to this Regulation.

Article 2

1. Notwithstanding Article 6 and Article 14(1) of Regulation (EC) No 2535/2001, for the period from 1 July to 31 December 2002 applications for import licences may be submitted from 1 to 10 October 2002 for the quotas opened on 1 October 2002 referred to in points 4, 7, 8 and 9 of Part B of Annex I thereto.

Licence applications shall relate to no more than 10 % of the quantity under the quota opened on 1 October 2002, and shall involve no less than 10 tonnes.

2. Notwithstanding Article 12 of Regulation (EC) No 2535/2001, operators who have submitted import licence applications under one of the quotas referred to in points 4, 7, 8 and 9 of Part B of Annex I to that Regulation during the submission period from 1 to 10 July 2002 may submit a further application in respect of that quota under this Regulation.

Article 3

This Regulation shall enter into force on 1 October 2002.

Article 1(3) shall apply from 1 July 2002, with the exception of the opening of quotas 09.4776, 09.4777 and 09.4778 in point 4 of Part B of Annex I to Regulation (EC) No 2535/2001.

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

Done at Brussels, 19 September 2002.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX I B

4. **Products originating in Hungary**

Quota No	CN-code	Description (1) (2)	Applicable duty (% of MFN)	Annual quantities (tonnes) 1.7.2002—30.6.2003	Quantities opened on 1.7.2002 (3)	Quantities opened on 1.10.2002	Quantities 1.1.2003—30.6.2003	Annual increase from 1.7.2003
09.4775	0401 0402		Exemption	1 300	227,5	422,5	650	130
09.4776	0403 10 11—0403 10 39 0403 90 11—0403 90 69		Exemption	50	—	25	25	10
09.4777	0404		Exemption	50	—	25	25	10
09.4778	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90 10 0405 90 90		Exemption	300	—	150	150	30
09.4733	0406		Exemption	4 200	2 100	—	2 100	350

7. **Products originating in Estonia**

Quota No	CN code	Description (1) (2)	Applicable duty (% of MFN)	Annual quantities (tonnes) 1.7.2002—30.6.2003	Quantities opened on 1.7.2002 (3)	Quantities opened on 1.10.2002	Quantities 1.1.2003—30.6.2003	Annual increase from 1.7.2003
09.4578	0401		Exemption	800	400	—	400	150
09.4546	0402 10 19 0402 21 19		Exemption	14 000	8 000		6 000	0
09.4579	0403 10 11—0403 10 39		Exemption	800	240	160	400	240
09.4580	0403 90 59 0403 90 61 0403 90 63 0403 90 69		Exemption	1 120	560	—	560	210
09.4547	0405 10 11 0405 10 19		Exemption	4 800	2 400	—	2 400	900
09.4582	0406 10		Exemption	1 120	560	—	560	210
09.4581	0406 20 0406 30 0406 40 0406 90		Exemption	4 000	1 600	400	2 000	1 200

8. **Products originating in Latvia**

Quota No	CN code	Description (1) (2)	Applicable duty (% of MFN)	Annual quantities (tonnes) 1.7.2002—30.6.2003	Quantities opened on 1.7.2002 (3)	Quantities opened on 1.10.2002	Quantities 1.1.2003—30.6.2003	Annual increase from 1.7.2003
09.4872	0401		Exemption	200	—	100	100	20
09.4873	0402		Exemption	3 800	2 525	—	1 275	0
09.4874	0403 10 11—0403 10 39 0403 90 11—0403 90 69		Exemption	100		50	50	10
09.4551	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90 10 0405 90 90		Exemption	2 255	1 127,5	—	1 127,5	190
09.4552	0406		Exemption	5 000	1 800	700	2 500	500

9. **Products originating in Lithuania**

Quota No	CN code	Description (1) (2)	Applicable duty (% of MFN)	Annual quantities (tonnes) 1.7.2002—30.6.2003	Quantities opened on 1.7.2002 (3)	Quantities opened on 1.10.2002	Quantities from 1.1.2003—30.6.2003	Annual increase from 1.7.2003
09.4862	0401		Exemption	3 000	—	1 500	1 500	300
09.4863	0402		Exemption	6 350	3 150	25	3 175	635
09.4864	0403 10 11—0403 10 39 0403 90 11—0403 90 69		Exemption	300		150	150	30
09.4865	0404		Exemption	2 000	—	1 000	1 000	200
09.4866	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90 10 0405 90 90		Exemption	2 100	1 050	—	1 050	210
09.4557	0406		Exemption	7 200	3 600	—	3 600	600

(1) 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 applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

(2) This concession is applicable only to products not benefiting from any kind of export subsidies.

(3) Quantities opened on the basis of the quota numbers in use before the entry into force of this Regulation.