COMMISSION REGULATION (EC) No 563/2000

of 15 March 2000

amending Council Regulation (EC) No 1981/94, in relation to Community tariff quotas for certain products originating in Morocco and amending Council Regulation (EC) No 934/95, in relation to Community statistical surveillance in the framework of reference quantities for certain products originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1981/94 of 25 July 1994, opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas ([1]), as last amended by Commission Regulation (EC) No 2530/1999 ([2]), and in particular Articles 6 and 7 thereof,

Having regard to Council Regulation (EC) No 934/95 of 10 April 1995, establishing tariff ceilings and a Community statistical surveillance in the framework of reference quantities for a certain number of products originating in Cyprus, Egypt, Jordan, Israel, Tunisia, Syria, Malta, Morocco and the West Bank and the Gaza Strip ([3]), as last amended by Commission Regulation (EC) No 519/98 ([4]), and in particular Articles 3 and 4 thereof,

Whereas:

(1) The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ([5]), provides that at import into the Community, certain products originating in Morocco can benefit from tariff concessions within the framework of Community tariff quotas or of Community surveillance of reference quantities.

(2) For some products, according to the agreement, the volumes of the tariff quotas and the reference quantities should be increased, between 1 January 1997 and 1 January 2000, in four annual and equal steps, each representing 3 % of the base volumes specified in the Agreement. The increases provided by the Agreement for implementation in 1997, 1998 and 1999, could not take place because of the entry into force of the Agreement only in 2000 and, consequently, the volumes of these tariff quotas and references quantities indicated in this Regulation take account of four increases.

(3) The volumes of the new tariff quotas and reference quantities, as well as of the enlarged tariff quotas and reference quantities, shall for the first period of application, be calculated as a pro rata of the volumes indicated in this Regulation, taking into account the part of the period elapsed before the date of entry into force of the abovementioned Agreement.

(4) To implement the concessions provided for in the abovementioned Agreement, Regulation (EC) No 1981/94 and Regulation (EC) No 934/95 should be amended.

(5) 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. In Annex IV to Regulation (EC) No 1981/94 the table relating to Community tariff quotas for certain products originating in Morocco, shall be replaced by the table set out in Annex I to this Regulation.

2. For the current quota period, the quantities which have been imported within the framework of the tariff quotas with order numbers 09.1105, 09.1107, 09.1115, 09.1119, 09.1122, 09.1123, 09.1124, 09.1127, 09.1131, 09.1133, 09.1135, 09.1136, 09.1137 and 09.1190 applicable within Regulation (EC) No 1981/94, shall be taken into account for charging on the respective tariff quotas in Annex I to this Regulation.

Article 2

In Annex II to Regulation (EC) No 934/95 the reference quantities for products originating in Morocco shall be replaced by the reference quantities set out in Annex II to this Regulation.

Article 3

For the first period of application, the volume of the new tariff quotas and reference quantities, as well as of the enlarged tariff quotas and reference quantities, shall be calculated as a pro rata of the volume indicated in this Regulation, taking into account the part of the period elapsed before the date of entry into force of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part.

([1]) OJ L 199, 2.8.1994, p. 1.
([2]) OJ L 306, 1.12.1999, p. 17.
([3]) OJ L 96, 28.4.1995, p. 6.
([4]) OJ L 66, 6.3.1998, p. 3.
([5]) Not yet published in the Official Journal.

Article 4

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

It shall apply with effect from 1 March 2000.

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

Done at Brussels, 15 March 2000.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

ANNEX I

'ANNEX IV

MAROCCO

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 as they exist at the time of adoption of the current 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	TARIC subdivision	Description of goods	Quota volume per year (from 1.1 to 31.12) or indicated period (in tonnes)	Quota duty
09.1135			Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes:	3 000	Exemption
	ex 0603 10 10 ex 0603 10 40 ex 0603 10 50		Roses, gladioli and chrysanthemums: — from 15 October to 14 May		
	ex 0603 10 20		Carnations: — from 15 October to 31 May		
09.1136	ex 0603 10 30 ex 0603 10 80		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes: Orchids and other flowers: — from 15 October to 14 May	2 000	Exemption
09.1115	ex 0701 90 50 ex 0701 90 90	*10	New potatoes and so-called "new potatoes", fresh or chilled: — from 1 December to 30 April	120 000	Exemption
09.1116	0702 00 00		Tomatoes, fresh or chilled	168 757	Exemption [1]
	ex 0702 00 00		Tomatoes, fresh or chilled:		
09.1189			— from 1 to 31 October	5 000 [2] [3]	[4]
09.1190			— from 1 November to 31 March	145 676 [2] [3]	[4]
09.1127	ex 0703 10 11 ex 0703 10 19 ex 0709 90 90	*50	Onions, including wild onions of the species *Muscari comosum*, fresh or chilled: — from 15 February to 15 May	7 840	Exemption
09.1109	ex 0704 90 90	*20	Chinese cabbage, fresh or chilled: — from 1 November to 31 December	120	Exemption
09.1111	ex 0705 11 00	*10	Iceberg lettuce, fresh or chilled: — from 1 November to 31 December	120	Exemption
09.1139	0707 00		Cucumbers and gherkins, fresh or chilled	5 600	Exemption [1]

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year (from 1.1 to 31.12) or indicated period (in tonnes)	Quota duty
09.1137	ex 0707 00 05		Cucumbers, fresh or chilled: — from 1 November to 31 May	5 000 (2) (3)	(5)
09.1138	ex 0709 10 00		Globe artichokes, fresh or chilled: — from 1 November to 31 December	500 (2) (3)	—
	ex 0709 90 70		Courgettes, fresh or chilled:		
09.1132			— from 1 November to 31 May	5 600	Exemption (1)
09.1133			— from 1 October to 20 April	5 000 (2) (3)	(6)
09.1141			Other vegetables, fresh or chilled:	8 960	Exemption
	0709 40 00		Celery other than celeriac		
	ex 0709 51 10 0709 51 30 0709 51 50	*90	Mushrooms, other than cultivated mushrooms		
	ex 0709 51 90	*90			
	0709 70 00		Spinach, New Zealand spinach and orache spinach (garden spinach)		
	ex 0709 90		Other vegetables, excluding courgettes of subheading 0709 90 70, okra and wild onions of subheading ex 0709 90 90		
09.1143	ex 0710		Vegetables (uncooked or cooked by steaming or boiling in water), frozen, excluding peas of subheadings 0710 21 00 and ex 0710 29 00 and excluding other fruits of the genus *Capsicum* or of the genus *Pimenta* of subheading 0710 80 59	6 720	Exemption
	0805 10 10 0805 10 30 0805 10 50 ex 0805 10 80	*10	Fresh oranges:		
09.1121			— from 1 January to 31 December	380 800	Exemption (1)
09.1122			— from 1 December to 31 May	300 000 (2) (3)	(7)
09.1129	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	*05 *05 *05 *05 *05, *09	Mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids, fresh	168 000	Exemption (1)
09.1130	ex 0805 20 10	*05	Fresh clementines: — from 1 November to the end of February	110 000 (2) (3)	(8)
09.1145	0808 20 90		Fresh quinces	1 000	Exemption
09.1147	ex 2001 10 00	*90	Gherkins, prepared or preserved by vinegar or acetic acid	3 584	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year (from 1.1 to 31.12) or indicated period (in tonnes)	Quota duty
09.1119	2004 90 50 2005 40 00 2005 59 00		Peas (*Pisum sativum*) and immature beans in pod prepared or preserved otherwise than by vinegar or acetic acid, whether or not frozen	10 440	Exemption
09.1105	ex 2008 50 92 ex 2008 50 94	*20 *20	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more	9 899	Exemption
09.1149	2008 92 51 2008 92 59 2008 92 72 2008 92 74 2008 92 76 2008 92 78		Mixtures of fruit, containing added sugar, but not containing added spirit	100	Exemption
09.1123	2009 11 11 2009 11 19 2009 11 91 2009 11 99 2009 19 11 2009 19 19 2009 19 91 2009 19 99		Orange juice	37 640	Exemption
			of which:		
09.1124	ex 2009 11 11 ex 2009 11 19 ex 2009 11 91 ex 2009 11 99 ex 2009 19 11 ex 2009 19 19 ex 2009 19 91 ex 2009 19 99	*10 *10 *10 *10 *91 *10 *10 *10 *10	Orange juice imported in packings of a capacity of 2 l or less	11 292	Exemption
09.1107	ex 2204 21 79 ex 2204 21 80 ex 2204 21 83 ex 2204 21 84	*72 *72 *72 *72	Wines entitled to one of the following designations of origin: Berkane, Säis, Beni M'Tir, Guerrouane, Zemmour and Zennata, of an actual alcoholic strength by volume not exceeding 15 % vol and in containers holding 2 l or less	56 000 hl	Exemption
09.1131	2204 10 19 2204 10 99		Other sparkling wine	95 200 hl	Exemption
			Other wine of fresh grapes		
	2204 21 10 2204 21 79				

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year (from 1.1 to 31.12) or indicated period (in tonnes)	Quota duty
09.1131 *(cont'd)*	ex 2204 21 80	*72			
		*79			
		*80			
	2204 21 83				
	ex 2204 21 84	*10			
		*72			
		*79			
		*80			
	ex 2204 21 94	*10			
		*30			
	ex 2204 21 98	*10			
		*30			
	ex 2204 21 99	*10			
	2204 29 10				
	2204 29 65				
	ex 2204 29 75	*10			
	2204 29 83				
	ex 2204 29 84	*10			
		*30			
	ex 2204 29 94	*10			
		*30			
	ex 2204 29 98	*10			
		*30			
	ex 2204 29 99	*10			

(1) The exemption applies only to the *ad valorem* duty.

(2) Within these tariff quotas, the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, if the entry price is not less than the following between the European Community and Marocco agreed entry price:

a) for tomatoes, 461/EUR from 1 October to 31 March;

b) for cucumbers, 449/EUR from 1 November to 31 May;

c) for globe artichokes, 571/EUR from 1 November to 31 December;

d) for cougettes:

— 424/EUR from 1 to 31 January, from to 20 April and from 1 October to 31 December,

— during the period from 1 February to 31 March the "WTO" entry price which is more favourable than the agreed entry prices shall apply;

e) for oranges:

— 266/EUR from 1 December 1999 to 31 May 2000.

— 264/EUR, for every period thereafter from 1 December to 31 May;

f) for clementines, 484/EUR from 1 November to the end of February.

(3) If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price as specified in footnote 2, the specific customs quota duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

(4) Also exemption of the *ad valorem* duty, in the framework of the tariff quota with order No 09.1116.

(5) Also exemption of the *ad valorem* duty, in the framework of the tariff quota with order No 09.1139.

(6) Also exemption of the *ad valorem* duty during the period form 1.11 to 20.4, in the framework of the tariff quota with order No 09.1132.

(7) Also exemption of the *ad valorem* duty, in the framework of the tariff quota with order No 09.1121.

(8) Also exemption of the *ad valorem* duty, in the framework of the tariff quota with order No 09.1129.'

ANNEX II

Reference quantities for products originating in Morocco

Order No	CN code	TARIC subdivision	Description of goods	Period per year	Origin	Reference quantity per indicated period (in tonnes)
18.0005	ex 0602		Other live plants (including their roots), cuttings and slips; mushroom spawn; excluding roses of subheading 0602 40	from 1.1 to 31.12	Morocco	336
18.0020	0703 10 90 0703 20 00 0703 90 00		Shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled	from 1.1 to 31.12	Morocco	168
18.0035	ex 0704 0705 0706		Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled, excluding Chinese cabbage Lettuce *(Lactuca sativa)* and chicory *(Cichorium spp.)*, fresh or chilled Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled	from 1.1 to 31.12	Morocco	560
18.0070	0709 60 10		Sweet peppers, fresh or chilled	from 1.1 to 31.12	Morocco	3 360
18.0075	0711 10 00 0711 40 00 ex 0711 90		Onions, cucumbers and gherkins, other vegetables and mixtures of vegetables, provisionally preserved, but unsuitable in that state for immediate consumption, excluding fruits of the genus *Capsicum* or the genus *Pimenta*	from 1.1 to 31.12	Morocco	560
18.0085	ex 0712		Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding onions and olives	from 1.1 to 31.12	Morocco	560
18.0100	0713 10 10		Peas *(Pisum sativum)*, for sowing	for 1.1 to 31.12	Morocco	500
18.0115	0804 20		Figs, fresh or dried	for 1.1 to 31.12	Morocco	336
18.0127	ex 0805 10 80 ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90 ex 0805 30 10 ex 0805 30 90	*90 *99 *99 *99 *99 *91, *99 *99 *91, *99	Oranges, other than fresh Mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids, other than fresh Lemons and limes, other than fresh	from 1.1 to 31.12	Morocco	1 120
18.0147	0809 10 00 0809 20 0809 30		Fresh apricots Fresh cherries Peaches, including nectarines, fresh	from 1.1 to 31.12	Morocco	560

Order No	CN code	TARIC subdivision	Description of goods	Period per year	Origin	Reference quantity per indicated period (in tonnes)
18.0150	ex 0810 50 00		Fresh kiwi-fruit	from 1.1 to 30.4	Morocco	240
18.0200	2008 50 61 2008 50 69		Apricots, otherwise prepared or preserved, not containing added spirit, containing added sugar and in immediate packings of a net content exceeding 1 kg	from 1.1 al 31.12	Morocco	7 560
18.0230	ex 2008 50 99 ex 2008 70 99	*10 *10	Apricot halves and peach halves (including nectarines), otherwise prepared or preserved, not containing added spirit nor sugar, in immediate packings of a net content of less than 4,5 kg	from 1.1 to 31.12	Morocco	7 200
18.0245	2009 20 99		Grapefruit juice	from 1.1 to 31.12	Morocco	960