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COMMISSION REGULATION (EC) No 1979/2006

of 22 December 2006

opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries

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Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Regulation (EC) No 113/2008 of 6 February 2008	L 33	5	7.2.2008
► <u>M2</u>	Commission Implementing Regulation (EU) No 637/2014 of 13 June 2014	L 175	20	14.6.2014
► <u>M3</u>	Commission Implementing Regulation (EU) 2016/2244 of 13 December 2016	L 339	4	14.12.2016

**COMMISSION REGULATION (EC) No 1979/2006****of 22 December 2006****opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries***Article 1***Opening of tariff quotas and applicable duties**

1. Tariff quotas are hereby opened in relation to imports into the Community of preserved mushrooms of the genus *Agaricus* classifiable within CN codes 0711 51 00, 2003 10 20 and 2003 10 30 (hereinafter referred to as 'preserved mushrooms'), subject to the conditions laid down in this Regulation. The volume of each of the tariff quotas, their order number and the period for which they apply, are specified in Annex I.

2. The rate of duty applicable shall be 12 % *ad valorem* in the case of products falling within CN code 0711 51 00 and 23 % in the case of products falling within CN codes 2003 10 20 and 2003 10 30.

*Article 2***Application of Regulations (EC) No 1291/2000 and (EC) No 1301/2006**

Regulations (EC) No 1291/2000 and (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

*Article 3***Definitions**

1. For the purposes of this Regulation, 'competent authorities' shall mean the body or bodies designated by the Member State for the implementation of this Regulation.

2. For the purposes of this Regulation, 'reference quantity' shall mean the maximum quantity (drained net weight) of preserved mushrooms imported per calendar year by a traditional importer during one of the last three calendar years.

Imports of preserved mushrooms originating in Member States of the Community as constituted at 31 December 2006 or in Bulgaria and Romania shall not be taken into account in the calculation of the reference quantity.

Quantities of preserved mushrooms that fall under the tariff quotas referred to in Article 1(1) and could not be imported during an import tariff quota period due to *force majeure* shall be taken into account in the calculation of the reference quantity.

*Article 4***Categories of importers**

1. By way of derogation from Article 5 of Regulation (EC) No 1301/2006, 'traditional importers' shall mean importers who can prove that:

- (a) they have imported into the Community preserved mushrooms in at least two of the previous three calendar years;
- (b) they have imported into the Community at least 100 tonnes of processed fruit and vegetable products, as referred to in Article 1(2) of Regulation (EC) No 2201/96, during the year preceding their application.

2. By way of derogation from Article 5 of Regulation (EC) No 1301/2006, 'new importers' shall mean importers other than those referred to in paragraph 1 of this Article, that have imported into the Community at least 50 tonnes of processed fruit and vegetable products, as referred to in Article 1(2) of Regulation (EC) No 2201/96, in each of the two previous calendar years.

3. Traditional and new importers shall submit the proof that the criteria laid down in paragraphs 1 or 2 are met, at the time of their first application for a given import tariff quota period to the competent authorities of the Member State in which they are established and in which they are registered for VAT purposes.

Proof of trade with third countries shall be furnished exclusively by means of the customs documents of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee.

*Article 5***Licence applications and licences**

1. Import licences (hereinafter referred to as 'licences') shall be valid from their effective date of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000.

2. The amount of the security shall be EUR 40 per tonne (drained net weight).

3. The country of origin shall be entered in Box 8 of the licence application and the licence, and the word 'yes' shall be marked with a cross. The licence shall be valid only for imports originating in the country indicated.

4. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, the rights arising from import licences shall not be transferable.

▼B*Article 6***Allocation of total quantities among traditional and new importers**

1. The total quantity allocated to China and other third countries, pursuant to Annex I, shall be distributed as follows:

(a) 95 % to traditional importers;

(b) 5 % to new importers.

2. If the quantity allocated to China and other third countries is not fully exhausted by one category of importers, the remainder shall be allocated to the other category.

3. Box 20 of licence applications shall indicate ‘traditional importer’ or ‘new importer’ as appropriate.

*Article 7***Restrictions applicable to applications**

1. The total amount (drained net weight) of the licence applications to import into the Community preserved mushrooms submitted by a traditional importer may not relate to a quantity exceeding 150 % of the reference quantity.

2. The total amount (drained net weight) of the licence applications to import into the Community preserved mushrooms submitted by a new importer for a certain origin may not exceed 1 % of the total quantity referred to in Annex I for that origin.

*Article 8***Lodging of licence applications by importers**

1. Importers shall submit their applications for licences during the first five working days of January.

2. When new importers have obtained licences pursuant to Regulation (EC) No 1864/2004 or this Regulation in the previous calendar year, they shall also produce proof that at least 50 % of the quantity allocated to them has actually been released into free circulation in the Community.

*Article 9***Notifications of licence applications**

Member States shall notify the Commission, no later than on the 10th working day of January, of the quantities in kilograms for which licence applications have been lodged.

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Notifications shall be broken down by CN code and origin, and shall also give separate figures for the quantities of each product applied for by traditional and new importers, respectively.

*Article 10***Issuing of licences**

Licences shall be issued by the competent authorities of the Member States on the seventh working day following the deadline for notification provided for in the first paragraph of Article 9.

▼M1**▼B***Article 12***Administrative cooperation between Member States**

The Member States shall take the measures required to ensure reciprocal administrative cooperation with a view to ensuring that this Regulation is properly applied.

*Article 13***Transitional measures for the years 2007 and 2008**

By way of derogation from Articles 4(1) and (2), for the years 2007 and 2008, and only in Bulgaria and Romania, the following definitions shall apply:

1. 'traditional importers' shall mean importers who can prove that:
 - (a) they have imported preserved mushrooms in at least two of the three preceding calendar years;
 - (b) they have imported during the preceding calendar year at least 100 tonnes of processed fruit and vegetable products, as referred to in Article 1(2) of Regulation (EC) No 2201/96;
 - (c) the imports referred to in points (a) and (b) have taken place in Bulgaria or Romania, where the importer concerned has its head office;
2. 'new importers' shall mean importers other than those referred to in point 1, that have imported into Bulgaria or Romania at least 50 tonnes of processed fruit and vegetable products, as referred to in Article 1(2) of Regulation (EC) No 2201/96, in each of the two previous calendar years.

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Article 14

Repeal

Regulation (EC) No 1864/2004 is repealed with effect from 1 January 2007.

Article 15

Entry into force

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

It shall apply from 1 January 2007.

Article 13 shall apply subject to and on the date of the entry into force of the Treaty of Accession of Bulgaria and Romania.

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

▼ M3*ANNEX I***Volume, order numbers and period of application of the tariff quotas referred to in Article 1(1) in tonnes (drained net weight)**

Country of origin	Order Numbers	1 January to 31 December of each year
China	Traditional importers: 09.4157 New importers: 09.4193	30 400
Other third countries	Traditional importers: 09.4158 New importers: 09.4194	5 030

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