

COMMISSION REGULATION (EC) No 37/2004**of 9 January 2004****amending Council Regulation (EC) No 747/2001 as regards the Community tariff quotas and reference quantities for certain agricultural 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 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95 ⁽¹⁾, and in particular Article 5(1)(b) thereof,

Whereas:

- (1) An Agreement in the form of an Exchange of Letters has been concluded on 22 December 2003 between the European Community and the Kingdom of Morocco concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 3 to the EC-Morocco Association Agreement. That new Agreement applies from 1 January 2004, with the exception of the Articles 2, 4 and 5 of the new agricultural Protocol 1, hereinafter 'the new Protocol 1', concerning the arrangements applicable to imports into the Community of agricultural products originating in Morocco. Those articles apply from 1 October 2003 in relation to the concessions provided for tomatoes.
- (2) The new Protocol 1 provides for new tariff concessions and for changes to the existing concessions laid down in Annex II to Regulation (EC) No 747/2001, some of which fall within Community tariff quotas and reference quantities.
- (3) For certain agricultural products for which the existing tariff concessions apply within reference quantities, the new Protocol 1 provides for the exemption of customs duties within tariff quotas or for the exemption of customs duties for unlimited volumes.
- (4) To implement the tariff concessions provided for in the new Protocol 1, it is necessary to amend Regulation (EC) No 747/2001.
- (5) For the purpose of calculating tariff quotas for the first year of application, it should be provided that, except for tomatoes of CN code 0702 00 00, where the quota period starts before the date on which the new Agreement enters into force, the tariff quota volumes are to be reduced in proportion to that part of the period which has already elapsed before that date.
- (6) In order to facilitate the management of certain existing tariff quotas provided for in Regulation (EC) No 747/2001, the quantities imported within the framework of those quotas should be taken into account for charging on the tariff quotas opened in accordance with Regulation (EC) No 747/2001, as amended by this Regulation.
- (7) The new Agreement provides that tariff quotas for fresh or chilled tomatoes are to be applied from 1 October 2003. The quantities which have been put into free circulation in the Community from 1 October 2003 with the benefit of the existing tariff quotas for fresh or chilled tomatoes by virtue of Regulation (EC) No 747/2001, should therefore be taken into account for charging on the tariff quotas opened in accordance with Regulation (EC) No 747/2001, as amended by this Regulation.
- (8) Under the new Protocol 1, the volume of the additional tariff quota for fresh and chilled tomatoes applicable from 1 November to 31 May is to depend each year on the total volume of tomatoes originating in Morocco put into free circulation in the Community during the preceding period from 1 October to 31 May. Consequently, the Commission should, before 1 November each year, review the volumes put into free circulation during the preceding period from 1 October to 31 May, and should adopt provisions to implement any necessary adjustment of the volume of the additional tariff quota.
- (9) For the tariff quotas for fresh or chilled tomatoes, it should be provided in accordance with the new Protocol 1 that, during each import season from 1 October to 31 May, unused quantities of the monthly tariff quotas may be transferred on two specific dates to the additional tariff quota applicable for that import season.
- (10) In accordance with the new Protocol 1, the volumes of the tariff quotas for certain products should be increased from 1 January 2004 to 1 January 2007, on the basis of four annual and equal instalments, each corresponding to 3 % of those volumes.
- (11) Since the provisions provided for in this Regulation should apply from the date of application of the new Agreement, it is appropriate for this Regulation to enter into force as soon as possible.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

⁽¹⁾ OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Commission Regulation (EC) No 209/2003 (OJ L 28, 4.2.2003, p. 30).

HAS ADOPTED THIS REGULATION:

Article 2

Article 1

Regulation (EC) No 747/2001 is amended as follows:

1. The following *Article 3a* is inserted:

Article 3a

Special provisions for the tariff quotas for tomatoes originating in Morocco

For tomatoes of CN code 0702 00 00 put into free circulation in every period from 1 October to 31 May (hereinafter "import season") drawings on the monthly tariff quotas applicable under order No 09.1104 from 1 October to 31 December and from 1 January to 31 March respectively, shall be stopped each year on 15 January and on the second working day in the Commission following 1 April. On the following working day in the Commission, Commission services shall determine the unused balance of each of these tariff quotas and shall make it available within the additional tariff quota applicable for that import season under the order number 09.1112.

From the dates onwards on which the monthly tariff quotas are stopped, any retroactive drawings from any of the stopped monthly tariff quotas and any subsequent returns of unused volumes to any of the stopped monthly tariff quotas shall be made on the additional tariff quota applicable for that import season.'

2. Annex II is replaced by the text set out in the Annex to this Regulation.

1. For the quota period still open on 1 January 2004, the quantities which pursuant to Regulation (EC) No 747/2001 have been put into free circulation in the Community within the tariff quotas with order numbers 09.1115, 09.1122, 09.1130, 09.1133, 09.1135, 09.1136 and 09.1137, shall be taken into account for charging on the respective tariff quotas laid down in Annex II to Regulation (EC) No 747/2001, as amended by this Regulation.

2. The quantities of tomatoes of CN code 0702 00 00 which pursuant to Regulation (EC) No 747/2001 have been put into free circulation in the Community from 1 October 2003 within the tariff quotas with order numbers 09.1116, 09.1189 and 09.1190, shall be taken into account for charging on the tariff quotas opened for those products from that date in accordance with Annex II to Regulation (EC) No 747/2001, as amended by this Regulation.

Article 3

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

It shall apply from 1 January 2004, with exception of the tariff quotas indicated in the third and fourth paragraph.

The tariff quotas under order No 09.1104 for tomatoes of CN code 0702 00 00 shall apply from 1 October 2003.

The tariff quota under order No 09.1112 for tomatoes of CN code 0702 00 00 shall apply from 1 November 2003.

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

Done at Brussels, 9 January 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

'ANNEX II

MOROCCO

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.

Tariff quotas

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1135	0603 10 10 0603 10 20 0603 10 40 0603 10 50		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes: — Roses — Carnations — Gladioli — Chrysanthemums	from 15.10.2003 to 31.5.2004	3 000	Exemption
				from 15.10.2004 to 31.5.2005	3 090	
				from 15.10.2005 to 31.5.2006	3 180	
				from 15.10.2006 to 31.5.2007	3 270	
				from 15.10.2007 to 31.5.2008 and for each period thereafter from 15.10 to 31.5	3 360	
09.1136	0603 10 30 0603 10 80		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes: — Orchids — Other	from 15.10.2003 to 14.5.2004	2 000	Exemption
				from 15.10.2004 to 14.5.2005	2 060	
				from 15.10.2005 to 14.5.2006	2 120	
				from 15.10.2006 to 14.5.2007	2 180	
				from 15.10.2007 to 14.5.2008 and for each period thereafter from 15.10 to 14.5	2 240	
09.1115	ex 0701 90 50 ex 0701 90 90	10	New potatoes and so-called "new potatoes", fresh or chilled	from 1.12.2003 to 30.4.2004	120 000	Exemption
				from 1.12.2004 to 30.4.2005	123 600	
				from 1.12.2005 to 30.4.2006	127 200	
				from 1.12.2006 to 30.4.2007	130 800	
				from 1.12.2007 to 30.4.2008 and for each period thereafter from 1.12 to 30.4	134 400	

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1104	0702 00 00		Tomatoes, fresh or chilled	from 1.10 to 31.10	10 000	Exemption ⁽¹⁾ ⁽²⁾
09.1104	0702 00 00		Tomatoes, fresh or chilled	from 1.11 to 30.11	26 000	Exemption ⁽¹⁾ ⁽²⁾
09.1104	0702 00 00		Tomatoes, fresh or chilled	from 1.12 to 31.12	30 000	Exemption ⁽¹⁾ ⁽²⁾
09.1104	0702 00 00		Tomatoes, fresh or chilled	from 1.1 to 31.1	30 000	Exemption ⁽¹⁾ ⁽²⁾
09.1104	0702 00 00		Tomatoes, fresh or chilled	from 1.2 to 28/29.2	30 000	Exemption ⁽¹⁾ ⁽²⁾
09.1104	0702 00 00		Tomatoes, fresh or chilled	from 1.3 to 31.3	30 000	Exemption ⁽¹⁾ ⁽²⁾
09.1104	0702 00 00		Tomatoes, fresh or chilled	from 1.4 to 30.4	15 000	Exemption ⁽¹⁾ ⁽²⁾
09.1104	0702 00 00		Tomatoes, fresh or chilled	from 1.5 to 31.5	4 000	Exemption ⁽¹⁾ ⁽²⁾
09.1112	0702 00 00		Tomatoes, fresh or chilled	from 1.11.2003 to 31.5.2004	15 000	Exemption ⁽¹⁾ ⁽²⁾
				from 1.11.2004 to 31.5.2005	25 000 ⁽³⁾	Exemption ⁽¹⁾ ⁽²⁾
				from 1.11.2005 to 31.5.2006	35 000 ⁽⁴⁾	Exemption ⁽¹⁾ ⁽²⁾
				from 1.11.2006 to 31.5.2007 and for each period thereafter from 1.11 to 31.5	45 000 ⁽⁵⁾	Exemption ⁽¹⁾ ⁽²⁾
09.1127	0703 10 11 0703 10 19 ex 0709 90 90	50	Onions, including wild onions of the species <i>Muscari comosum</i> , fresh or chilled	from 15.2 to 15.5.2004 from 15.2 to 15.5.2005 from 15.2 to 15.5.2006 from 15.2 to 15.5.2007 and for each period thereafter from 15.2 to 15.5	8 240 8 480 8 720 8 960	Exemption
09.1102	0703 10 90 0703 20 00 0703 90 00		Shallots, garlic, leeks and other alliacious vegetables, fresh or chilled	from 1.1. to 31.12.2004 from 1.1. to 31.12.2005 from 1.1. to 31.12.2006 from 1.1. to 31.12.2007 and for each year thereafter	1 030 1 060 1 090 1 120	Exemption

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1106	ex 0704		Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled, excluding Chinese cabbage	from 1.1. 2004 to 31.12.2004	515	Exemption
				from 1.1. 2005 to 31.12.2005	530	
				from 1.1. 2006 to 31.12.2006	545	
				from 1.1. 2007 to 31.12.2007 and for each year thereafter	560	
09.1109	ex 0704 90 90	20	Chinese cabbage, fresh or chilled	from 1.1. 2004 to 31.12.2004	206	Exemption
				from 1.1. 2005 to 31.12.2005	212	
				from 1.1. 2006 to 31.12.2006	218	
				from 1.1. 2007 to 31.12.2007 and for each year thereafter	224	
09.1108	0705 11 00		Cabbage lettuce (head lettuce), fresh or chilled	from 1.1. 2004 to 31.12.2004	206	Exemption
				from 1.1. 2005 to 31.12.2005	212	
				from 1.1. 2006 to 31.12.2006	218	
				from 1.1. 2007 to 31.12.2007 and for each year thereafter	224	
09.1110	0705 19 00		— Lettuce (<i>Lactuca sativa</i>), fresh or chilled, other than cabbage lettuce	from 1.1. 2004 to 31.12.2004	618	Exemption
	0705 29 00		— Chicory (<i>Cichorium</i> spp.), fresh or chilled, other than witloof chicory	from 1.1. 2005 to 31.12.2005	636	
	0706		— Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled	from 1.1. 2006 to 31.12.2006	654	
09.1137	0707 00 05		Cucumbers, fresh or chilled	from 1.11.2003 to 31.5.2004	5 429	Exemption ⁽¹⁾ ⁽⁶⁾
				for each period thereafter from 1.11 to 31.5	5 600	
09.1113	0707 00 90		Gherkins, fresh or chilled	from 1.1. 2004 to 31.12.2004	103	Exemption
				from 1.1. 2005 to 31.12.2005	106	
				from 1.1. 2006 to 31.12.2006	109	
				from 1.1. 2007 to 31.12.2007 and for each year thereafter	112	
09.1138	0709 10 00		Globe artichokes, fresh or chilled	from 1.11 to 31.12	500	Exemption ⁽¹⁾ ⁽⁷⁾

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1120	0709 40 00 ex 0709 51 00 0709 59 10 0709 59 30 ex 0709 59 90 0709 70 00	90 90	Other vegetables, fresh or chilled: — Celery other than celeriac — Mushrooms of the genus <i>Agaricus</i> , other than cultivated mushrooms — Chanterelles — Flap mushrooms — Other mushrooms, other than cultivated mushrooms — Spinach, New Zealand spinach and orache spinach (garden spinach)	from 1.1. to 31.12.2004 from 1.1. to 31.12.2005 from 1.1. to 31.12.2006 from 1.1. to 31.12.2007 and for each year thereafter	9 270 9 540 9 810 10 080	Exemption
09.1133	0709 90 70		Courgettes, fresh or chilled	from 1.10.2003 to 20.4.2004 for each period thereafter from 1.10 to 20.4	13 276 20 000	Exemption ⁽¹⁾ ⁽⁸⁾
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 <i>Capsicum</i> or of the genus <i>Pimenta</i> of subheading 0710 80 59	from 1.1. to 31.12.2004 from 1.1. to 31.12.2005 from 1.1. to 31.12.2006 from 1.1. to 31.12.2007 and for each year thereafter	10 300 10 600 10 900 11 200	Exemption
09.1125	0711 40 00 0711 51 00 0711 59 00 0711 90 30 0711 90 50 0711 90 80 0711 90 90		Cucumbers and gherkins, mushrooms, truffles, sweet corn, onions, other vegetables (excluding fruits of the genus <i>Capsicum</i> or <i>Pimenta</i>) and mixtures of vegetables, provisionally preserved but unsuitable in that state for immediate consumption	from 1.1. to 31.12.2004 from 1.1. to 31.12.2005 from 1.1. to 31.12.2006 from 1.1. to 31.12.2007 and for each year thereafter	618 636 654 672	Exemption
09.1126	ex 0712		Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding onions of subheading 0712 20 00 and excluding olives of ex 0712 90 90	from 1.1. to 31.12.2004 from 1.1. to 31.12.2005 from 1.1. to 31.12.2006 from 1.1. to 31.12.2007 and for each year thereafter	2 060 2 120 2 180 2 240	Exemption
09.1122	0805 10 10 0805 10 30 0805 10 50 ex 0805 10 80	10	Fresh oranges	from 1.12 to 31.5	300 000	Exemption ⁽¹⁾ ⁽⁹⁾
09.1130	ex 0805 20 10	05	Fresh clementines	from 1.11.2003 to 29.2.2004 for each period thereafter from 1.11 to 28/29.2	120 000 130 000	Exemption ⁽¹⁾ ⁽¹⁰⁾
09.1145	0808 20 90		Fresh quinces	from 1.1 to 31.12	1 000	Exemption

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1128	0809 10 00		— Fresh apricots	from 1.1. 31.12.2004 to	3 605	Exemption ⁽¹⁾
	0809 20		— Fresh cherries			
	0809 30		— Fresh peaches, including nectarines	from 1.1. 31.12.2005 to	3 710	
				from 1.1. 31.12.2006 to	3 815	
			from 1.1. 31.12.2007 and for each year thereafter	3 920		
09.1134	0810 50 00		Fresh kiwifruit	from 1.1 to 30.4.2004	257,5	Exemption
				from 1.1 to 30.4.2005	265	
				from 1.1 to 30.4.2006	272,5	
				from 1.1 to 30.4.2007 and for each period thereafter from 1.1 to 30.4	280	
09.1140	1509		— Olive oil and its fractions, whether or not refined, but not chemically modified	from 1.1. 31.12.2004 to	3 605	Exemption
	1510 00			— Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading 1509	from 1.1. 31.12.2005 to	
			from 1.1. 31.12.2006 to		3 815	
				from 1.1. 31.12.2007 and for each year thereafter	3 920	
09.1147	ex 2001 10 00	90	Gherkins, prepared or preserved by vinegar or acetic acid	from 1.1. 31.12.2004 to	10 300 tonnes drained net weight	Exemption
				from 1.1. 31.12.2005 to	10 600 tonnes drained net weight	
				from 1.1. 31.12.2006 to	10 900 tonnes drained net weight	
				from 1.1. 31.12.2007 and for each year thereafter	11 200 tonnes drained net weight	
09.1142	2002 90		Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, other than whole or in pieces	from 1.1. 31.12.2004 to	2 060	Exemption
				from 1.1. 31.12.2005 to	2 120	
				from 1.1. 31.12.2006 to	2 180	
				from 1.1. 31.12.2007 and for each year thereafter	2 240	

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty	
09.1119	2004 90 50 2005 40 00 2005 59 00		Peas (<i>Pisum sativum</i>) and immature beans in pod prepared or preserved otherwise than by vinegar or acetic acid, whether or not frozen	from 1.1. 31.12.2004 to	10 815	Exemption	
				from 1.1. 31.12.2005 to	11 130		
				from 1.1. 31.12.2006 to	11 445		
				from 1.1. 31.12.2007 to and for each year thereafter	11 760		
09.1144	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. 31.12.2004 to	10 300	Exemption	
				from 1.1. 31.12.2005 to	10 600		
				from 1.1. 31.12.2006 to	10 900		
				from 1.1. 31.12.2007 to and for each year thereafter	11 200		
09.1146	2008 50 71 2008 50 79		Apricots, otherwise prepared or preserved, not containing added spirit, containing added sugar and in immediate packings of a net content not exceeding 1 kg	from 1.1. 31.12.2004 to	5 150	Exemption	
				from 1.1. 31.12.2005 to	5 300		
				from 1.1. 31.12.2006 to	5 450		
				from 1.1. 31.12.2007 to and for each year thereafter	5 600		
09.1105	ex 2008 50 92	20	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more	from 1.1. 31.12.2004 to	10 300	Exemption	
	ex 2008 50 94	20		from 1.1. 31.12.2005 to	10 600		
				from 1.1. 31.12.2006 to	10 900		
				from 1.1. 31.12.2007 to and for each year thereafter	11 200		
09.1148	2008 50 99		Apricots, otherwise prepared or preserved, not containing added spirit or sugar, in immediate packings of a net content of less than 4,5 kg	from 1.1. 31.12.2004 to	7 416	Exemption	
	ex 2008 70 98			21	from 1.1. 31.12.2005 to		7 632
							from 1.1. 31.12.2006 to
			from 1.1. 31.12.2007 to and for each year thereafter	8 064			

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
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	from 1.1. 31.12.2004 to	103	Exemption
				from 1.1. 31.12.2005 to	106	
				from 1.1. 31.12.2006 to	109	
				from 1.1. 31.12.2007 and for each year thereafter	112	
09.1123	2009 11 2009 12 00 2009 19		Orange juice	from 1.1. 31.12.2004 to	51 500	Exemption (1)
				from 1.1. 31.12.2005 to	53 000	
				from 1.1. 31.12.2006 to	54 500	
				from 1.1. 31.12.2007 and for each year thereafter	56 000	
09.1192	2009 21 00 2009 29		Grapefruit juice	from 1.1. 31.12.2004 to	1 030	Exemption (1)
				from 1.1. 31.12.2005 to	1 060	
				from 1.1. 31.12.2006 to	1 090	
				from 1.1. 31.12.2007 and for each year thereafter	1 120	
09.1131	2204 10 19 2204 10 99		Other sparkling wine	from 1.1. 31.12.2004 to	98 056 hl	Exemption
	2204 21 10		Other wine of fresh grapes	from 1.1. 31.12.2005 to	100 912 hl	
	2204 21 79		from 1.1. 31.12.2006 to	103 768 hl		
	ex 2204 21 80		72 79 80	from 1.1. 31.12.2007 and for each year thereafter	106 624 hl	
	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 2204 29 10 2204 29 65		10			
	ex 2204 29 75 2204 29 83		10			
	ex 2204 29 84		10 30			
	ex 2204 29 94		10 30			
	ex 2204 29 98		10 30			
	ex 2204 29 99		10			

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1107	ex 2204 21 79	72	Wines entitled to one of the following designations of origin: Berkane, Sais, 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	from 1.1. 31.12.2004 to	57 680 hl	Exemption
	ex 2204 21 80	72		from 1.1. 31.12.2005 to	59 360 hl	
	ex 2204 21 83	72		from 1.1. 31.12.2006 to	61 040 hl	
	ex 2204 21 84	72		from 1.1. 31.12.2007 and for each year thereafter to	62 720 hl	

- (¹) The exemption applies only to the *ad valorem* duty.
- (²) Within this tariff quota 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 EUR 461/tonne, being the entry price agreed between the European Community and Morocco. If the entry price of a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, 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.
- (³) This quota volume shall be reduced to 5 000 tonnes net weight if the total volume of tomatoes originating in Morocco put into free circulation in the Community during the period of 1 October 2003 to 31 May 2004 exceeds the volume of 191 900 tonnes net weight.
- (⁴) This quota volume shall be reduced to 15 000 tonnes net weight if the total volume of tomatoes originating in Morocco put into free circulation in the Community during the period of 1 October 2004 to 31 May 2005 exceeds the sum of the volumes of the monthly tariff quotas with order number 09.1104 applicable during the period of 1 October 2004 to 31 May 2005 and the volume of the additional tariff quota with order number 09.1112 applicable during the period of 1 November 2004 to 31 May 2005. For the determination of the total imported volume a maximum tolerance of 1 % shall be allowed.
- (⁵) This quota volume shall be reduced to 25 000 tonnes net weight if the total volume of tomatoes originating in Morocco put into free circulation in the Community during the period of 1 October 2005 to 31 May 2006 exceeds the sum of the volumes of the monthly tariff quotas with order number 09.1104 applicable during the period of 1 October 2005 to 31 May 2006 and the volume of the additional tariff quota with order number 09.1112 applicable during the period of 1 November 2005 to 31 May 2006. For the determination of the total imported volume a maximum tolerance of 1 % shall be allowed. These provisions will apply to the volume of each thereafter provided additional tariff quota that will apply from 1.11 to 31.5.
- (⁶) Within this tariff quota 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 EUR 449/tonne, being the entry price agreed between the European Community and Morocco. If the entry price of a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, 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.
- (⁷) Within this tariff quota 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 EUR 571/tonne, being the entry price agreed between the European Community and Morocco. If the entry price of a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, 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.
- (⁸) Within this tariff quota 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:
— EUR 424/tonne from 1 October to 31 January and from 1 to 20 April, being the entry price agreed between the European Community and Morocco,
— during the period from 1 February to 31 March the WTO entry price of EUR 413/tonne which is more favourable than the agreed entry price shall apply.
If the entry price of a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, 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.
- (⁹) Within this tariff quota 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 EUR 264/tonne, being the entry price agreed between the European Community and Morocco. If the entry price of a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, 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.
- (¹⁰) Within this tariff quota 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 EUR 484/tonne, being the entry price agreed between the European Community and Morocco. If the entry price of a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, 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.
- (¹¹) The exemption applies only to the *ad valorem* duty, except for fresh cherries for which from 1 to 20 May the exemption also applies to the specific minimum duty.'