Commission Regulation (EU) No 449/2010 of 25 May 2010 amending Council Regulation (EC) No 747/2001 as regards tariff quotas of the Union for certain agricultural and processed agricultural products originating in Egypt and repealing Regulations (EC) No 2276/2003, (EC) No 955/2005, (EC) No 1002/2007 and (EC) No 1455/2007

COMMISSION REGULATION (EU) No 449/2010

of 25 May 2010

amending Council Regulation (EC) No 747/2001 as regards tariff quotas of the Union for certain agricultural and processed agricultural products originating in Egypt and repealing Regulations (EC) No 2276/2003, (EC) No 955/2005, (EC) No 1002/2007 and (EC) No 1455/2007

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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) In 2008 an Agreement has been concluded in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, hereinafter 'the Agreement', which has been approved by Council Decision 2010/240/EC[(2)].

(2) The Agreement provides for new tariff quotas for agricultural and processed agricultural products originating in Egypt. It provides also for changes to existing tariff quotas for those products which are laid down in Regulation (EC) No 747/2001, Commission Regulation (EC) No 2276/2003 of 22 December 2003 opening tariff quotas and laying down the duties applicable within these tariff quotas for imports into the European Community of certain processed agricultural products originating in Egypt[(3)], Commission Regulation (EC) No 955/2005 of 23 June 2005 opening a Community import quota for rice originating in Egypt[(4)], Commission Regulation (EC) No 1002/2007 of 29 August 2007 laying down detailed rules for the application of Council Regulation (EC) No 2184/96 concerning imports into the Community of rice originating in and coming from Egypt[(5)] and Commission Regulation (EC) No 1455/2007 of 10 December 2007 opening certain Community import quotas for rice originating in Egypt[(6)].

(3) It is necessary to implement the new tariff quotas and the changes to the existing tariff quotas provided for in the Agreement. For reasons of clarity, it is appropriate to bring together all tariff quotas for agricultural and processed agricultural products originating in Egypt in one single legislative act.

(4) Regulation (EC) No 747/2001 should therefore be amended accordingly and Regulations (EC) No 2276/2003, (EC) No 955/2005, (EC) No 1002/2007 and (EC) No 1455/2007 should therefore be repealed.

(5) Import licences issued under Regulation (EC) No 955/2005 and Regulation (EC) No 1002/2007 are valid from their date of issue until the end of the following month. Where the validity period of import licences issued under those Regulations before the entry into force of this Regulation expires after the date of repeal of those Regulations, importers could not comply with their obligations related to import licences. Member States should therefore be permitted in such cases to derogate from Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products[7], and to release the security lodged by importers. In the interest of clarity it should also be provided that import licences issued after the entry into force of this Regulation under Regulation (EC) No 955/2005 and Regulation (EC) No 1002/2007 are to be valid only until the date of repeal of those Regulations.

(6) For the purpose of calculating the tariff quotas for the first year of application, it should be provided, in accordance with the Agreement, that the volumes of the tariff quotas for which the quota period starts before the date of entry into force of the Agreement, should be reduced by a proportion relating to that part of the period which has elapsed before that date.

(7) Since the Agreement enters into force on 1 June 2010, this Regulation should apply from that date. However, in the interest of legal certainty, provisions concerning the validity of licences issued before that date should apply immediately.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 747/2001 is replaced by the text set out in the Annex to this Regulation.

Article 2

Regulations (EC) No 2276/2003, (EC) No 955/2005, (EC) No 1002/2007 and (EC) No 1455/2007 are repealed.

Article 3

1 The validity of import licences issued with an expiry date after 31 May 2010 under Regulation (EC) No 955/2005 and Regulation (EC) No 1002/2007 before the entry into force of this Regulation shall expire on 31 May 2010.

By derogation from Article 7(1) of Regulation (EC) No 376/2008, until 30 June 2010 the titular holder of the import licences referred to in the first subparagraph may return the unused import licences to the competent authorities of the Member States concerned which shall release the security for the quantities not used.

2 By derogation from Article 4(3) of Regulation (EC) No 955/2005 and Article 3(4) of Regulation (EC) No 1002/2007, the validity period of import licences issued under those Regulations after the entry into force of this Regulation shall not extend after 31 May 2010.

Article 4

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 June 2010 with the exception of Article 3 which shall apply from the date of the entry into force of this Regulation.

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

Done at Brussels, 25 May 2010.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 449/2010. (See end of Document for details)*

ANNEX

‘ANNEX IV

EGYPT

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 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.

TARIFF QUOTAS

Order No	CN code	TARIC sub-division	Description of goods	Quota period	Quota volume(in tonnes net weight)	Quota duty
09.1712	0703 20 00		Garlic, fresh or chilled	From 1.6 to 30.6.2010	727	Exemption
				From 15.1.2011 to 30.6.2011 and for each period thereafter from 15.1 to 30.6	4 000[a]	
09.1783	0707 00 05		Cucumbers, fresh or chilled	From 15.11.2010 to 15.5.2011 and for each period thereafter from 15.11 to 15.5	3 000[b]	Exemption[c]
09.1784	0805 10 20		Sweet oranges, fresh	From 1.12 to 31.5	36 300[d]	Exemption[e]
09.1799	0810 10 00		Strawberries, fresh	From 1.10.2010 to 30.4.2011	10 000	Exemption
				From 1.10.2011	10 300	

				to 30.4.2012		
				From 1.10.2012 to 30.4.2013	10 609	
				From 1.10.2013 to 30.4.2014	10 927	
				From 1.10.2014 to 30.4.2015	11 255	
				From 1.10.2015 to 30.4.2016 and for each period thereafter from 1.10 to 30.4	11 593	
09.1796	1006 20		Husked (brown) rice	From 1.6 to 31.12.2010	11 667	Exemption
				From 1.1 to 31.12.2011	20 600	
				From 1.1 to 31.12.2012	21 218	
				From 1.1 to 31.12.2013	21 855	
				From 1.1 to 31.12.2014	22 510	
				From 1.1 to 31.12.2015 and for each period thereafter from 1.1 to 31.12	23 185	
09.1797	1006 30		Semi-milled or wholly milled rice, whether or not	From 1.6 to 31.12.2010	40 833	Exemption
				From 1.1 to 31.12.2011	72 100	
				From 1.1 to 31.12.2012	74 263	