

COMMISSION IMPLEMENTING REGULATION (EU) No 405/2013**of 2 May 2013****opening and providing for the administration of Union tariff quotas for agricultural products
originating in Peru**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2012/735/EU of 31 May 2012 on the signing, on behalf of the Union, and provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) By Decision 2012/735/EU, the Council authorised the signing, on behalf of the Union, of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part ('the Agreement'). Pursuant to Decision 2012/735/EU, the Agreement is to be applied on a provisional basis, pending the completion of the procedures for its conclusion. The Agreement applies on a provisional basis from 1 March 2013.
- (2) Subsection 2 of Section B of Appendix 1 to Annex I to the Agreement concerns the tariff elimination schedule of the EU party for goods originating in Peru. For a number of specific products, it provides for the application of tariff quotas. It is therefore necessary to open tariff quotas for such products.
- (3) The tariff quotas should be managed by the Commission on a first-come, first-served basis in accordance with 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 ⁽²⁾.
- (4) Entitlement to benefit from the tariff concessions should be subject to the presentation of the relevant proof of origin to the customs authorities, as provided for in the Agreement.

- (5) Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾, as amended by Commission Implementing Regulation (EU) No 927/2012 ⁽⁴⁾, contains new CN codes which are different from those referred to in the Agreement. The new codes should therefore be reflected in the Annex to this Regulation.
- (6) Since the Agreement takes effect on 1 March 2013, this Regulation should apply from the same date.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Union tariff quotas are opened for the goods originating in Peru and listed in the Annex.

Article 2

The customs duties applicable to imports into the Union of goods originating in Peru and listed in the Annex shall, within the respective tariff quota set out in the Annex to this Regulation, be suspended.

Article 3

The tariff quotas in the Annex shall be managed by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

Article 4

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 March 2013.

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

Done at Brussels, 2 May 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 354, 21.12.2012, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 256, 7.9.1987, p. 1.

⁽⁴⁾ OJ L 304, 31.10.2012, p. 1.

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the scope of the preferential scheme being determined, within the context of this Annex, by CN codes as they exist at the time of adoption of this Regulation.

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
09.7210	0201	Meat of bovine animals, fresh, chilled or frozen	From 1.3.2013 to 31.12.2013	1 792 ⁽¹⁾
	0202		From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	2 365 ⁽¹⁾ , ⁽²⁾
	0206 10 95			
	0206 29 91			
	0210 20			
	0210 99 51			
	0210 99 90			
	1602 50 10			
	1602 90 61			
09.7211	0403 90	Buttermilk, curdled milk and cream, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa	From 1.3.2013 to 31.12.2013	1 584
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	2 090 ⁽³⁾
09.7212	0405	Butter and other fats and oils derived from milk; dairy spreads	From 1.3.2013 to 31.12.2013	417
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	550 ⁽⁴⁾
09.7213	0406	Cheese and curd	From 1.3.2013 to 31.12.2013	2 084
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	2 750 ⁽⁵⁾
09.7214	0703 20	Garlic	From 1.3.2013 to 31.12.2013	625
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	825 ⁽⁶⁾
09.7215	2105	Ice cream and other edible ice, whether or not containing cocoa	From 1.3.2013 to 31.12.2013	125

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	165 ⁽⁷⁾
09.7216	1005 90	Maize (corn), other than seed	From 1.3.2013 to 31.12.2013	8 334
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	11 000 ⁽⁸⁾
09.7217	0711 51	Mushrooms of the genus <i>Agaricus</i> , provisionally preserved, but unsuitable in that state for immediate consumption	From 1.3.2013 to 31.12.2013	84
	2003 10	Mushrooms of the genus <i>Agaricus</i> , prepared or preserved otherwise than by vinegar or acetic acid	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	110 ⁽⁹⁾
09.7218	0402 10 0402 21 0402 99	Milk and cream, concentrated or containing added sugar or other sweetening matter, in powder, granules or other solid forms	From 1.3.2013 to 31.12.2013	2 500
	0402 29	Milk and cream, containing added sugar or other sweetening matter, in other forms than powder, granules or other solid forms	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	3 300 ⁽¹⁰⁾
09.7219	0402 91	Milk and cream, concentrated but not containing added sugar or other sweetening matter, in other forms than powder, granules or other solid forms	From 1.3.2013 to 31.12.2013	5 000
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	6 600 ⁽¹¹⁾
09.7220	0203 11 10	Meat of domestic swine, fresh, chilled or frozen	From 1.3.2013 to 31.12.2013	3 334
	0203 12 11			
	0203 12 19		From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	4 400 ⁽¹²⁾
	0203 19 11			
	0203 19 13			
	0203 19 15			
	0203 19 55			
	0203 19 59			
0203 21 10				

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
	0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15 0203 29 55 0203 29 59			
09.7221	Ex 0207	Meat and edible offal other than livers, of the poultry of heading 0105, fresh, chilled or frozen	From 1.3.2013 to 31.12.2013	6 250
	0210 99 39 1602 20 1602 31 1602 32 1602 39	Other meat, salted, in brine, dried or smoked; other edible flours and meals of meat or meat offal Other prepared or preserved meat, meat offal or blood, of liver of any animal or of poultry of heading 0105	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	8 250 ⁽¹³⁾
09.7222	Ex 1006	Rice, other than rice in the husk (paddy or rough) for sowing	From 1.3.2013 to 31.12.2013	28 334
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	37 400 ⁽¹⁴⁾
09.7223	2208 40 51 2208 40 99	Rum and other spirits obtained by distilling fermented sugar-cane products, in containers holding more than 2 litres	From 1.3.2013 to 31.12.2013	834 hectolitres (expressed in equivalent pure alcohol)
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	1 100 hectolitres (expressed in equivalent pure alcohol ⁽¹⁵⁾)
09.7224	0710 40 0711 90 30 2001 90 30 2004 90 10 2005 80	Sweetcorn	From 1.3.2013 to 31.12.2013	584
	2008 99 85	Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>), otherwise prepared or preserved, not containing added spirit and added sugar	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	770 ⁽¹⁶⁾

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
09.7225	0403 10	Yogurt	From 1.3.2013 to 31.12.2013	25
			From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	33 ⁽¹⁷⁾
09.7226	1701 13	Cane sugar, not containing added flavouring or colouring matter; cane or beet sugar and chemically pure sucrose, in solid form, other than raw sugar not containing added flavouring or colouring matter	From 1.3.2013 to 31.12.2013	18 334 (expressed in raw sugar equivalent)
	1701 14			
	1701 91			
	1701 99			
	1702 30	Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	22 660 (expressed in raw sugar equivalent ⁽¹⁸⁾)
	1702 40 90	Glucose and glucose syrup other than isoglucose, containing in the dry state at least 20 % but less than 50 % by weight of fructose, excluding invert sugar		
	1702 50	Chemically pure fructose		
	1702 90 30	Other sugars, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose, excluding chemically pure maltose		
	1702 90 50			
	1702 90 71			
	1702 90 75			
	1702 90 79			
	1702 90 80			
	1702 90 95			
09.7227	Ex 1704 90 99	Other sugar confectionery, not containing cocoa, containing 70 % or more by weight of sucrose	From 1.3.2013 to 31.12.2013	8 334
	1806 10 30 1806 10 90	Cocoa powder, containing 65 % or more by weight of sucrose or isoglucose expressed as sucrose	From 1.1. to 31.12.2014 and for each period thereafter from 1.1. to 31.12.	10 300 ⁽¹⁰⁾
	Ex 1806 20 95	Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk in containers or immediate packings, of a content exceeding 2 kg, containing less than 18 % by weight of cocoa butter and 70 % or more by weight of sucrose		

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
	Ex 1901 90 99	Other food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % of cocoa calculated on a totally defatted basis, containing 70 % or more by weight of sucrose; other food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, containing 70 % or more by weight of sucrose		
	Ex 2006 00 31 Ex 2006 00 38	Fruit (excluding tropical fruit and ginger), vegetables, nuts (excluding tropical nuts), fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised), containing 70 % or more by weight of sucrose		
	Ex 2007 91 10 Ex 2007 99 20 Ex 2007 99 31 Ex 2007 99 33 Ex 2007 99 35 Ex 2007 99 39	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, containing 70 % or more by weight of sucrose		
	Ex 2009	Fruit juices (excluding tomato juice, juices of tropical fruit and mixtures of juices of tropical fruit) and vegetable juices of a value not exceeding EUR 30 per 100 kg net weight, unfermented and not containing added spirit, containing 30 % or more by weight of added sugar		
	Ex 2101 12 98 Ex 2101 20 98	Preparations with a basis of coffee, tea or mate, containing 70 % or more by weight of sucrose		
	2106 90 30 2106 90 59	Flavoured or coloured isoglucose syrups; other flavoured or coloured sugar syrups other than lactose syrup, glucose syrup and maltodextrine syrup		
	Ex 2106 90 98	Other food preparations not elsewhere specified or included, containing 70 % or more by weight of sucrose		

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
	Ex 3302 10 29	Mixtures of odoriferous substances and mixtures with a basis of one or more of these substances, of a kind used in the drink industries, containing all flavouring agents characterising a beverage, of an actual alcoholic strength by volume not exceeding 0,5 %, containing 70 % or more by weight of sucrose		

⁽¹⁾ Expressed in carcase weight equivalent as follows: 100 kg of bone-in meat shall be equivalent to 70 kg of boneless meat.

⁽²⁾ With an increase of 215 metric tonnes each year as from 2015.

⁽³⁾ With an increase of 190 metric tonnes each year as from 2015.

⁽⁴⁾ With an increase of 50 metric tonnes each year as from 2015.

⁽⁵⁾ With an increase of 250 metric tonnes each year as from 2015.

⁽⁶⁾ With an increase of 75 metric tonnes each year as from 2015.

⁽⁷⁾ With an increase of 15 metric tonnes each year as from 2015.

⁽⁸⁾ With an increase of 1 000 metric tonnes each year as from 2015.

⁽⁹⁾ With an increase of 10 metric tonnes each year as from 2015.

⁽¹⁰⁾ With an increase of 300 metric tonnes each year as from 2015.

⁽¹¹⁾ With an increase of 600 metric tonnes each year as from 2015.

⁽¹²⁾ With an increase of 400 metric tonnes each year as from 2015.

⁽¹³⁾ With an increase of 750 metric tonnes each year as from 2015.

⁽¹⁴⁾ With an increase of 3 400 metric tonnes each year as from 2015.

⁽¹⁵⁾ With an increase of 100 hectolitres (expressed in equivalent pure alcohol) each year as from 2015.

⁽¹⁶⁾ With an increase of 70 metric tonnes each year as from 2015.

⁽¹⁷⁾ With an increase of 3 metric tonnes each year as from 2015.

⁽¹⁸⁾ With an increase of 660 metric tonnes (expressed in raw sugar equivalent) each year as from 2015.