

## COMMISSION IMPLEMENTING REGULATION (EU) No 404/2013

of 2 May 2013

**on the derogations from the rules of origin laid down in Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, that apply within quotas for certain products from 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<sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

(1) By Decision 2012/735/EU, the Council authorised the signature, 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) Annex II to the Agreement concerns the definition of the concept of 'originating products' and methods of administrative cooperation. For a number of products, Appendix 2A and Appendix 5 to that Annex provide for derogations from the rules of origin set out in that Annex in the framework of annual quotas. It is therefore necessary to lay down the conditions for the application of those derogations for imports from Peru.

(3) The quotas set out in Appendix 2A and Appendix 5 to Annex II to the Agreement 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<sup>(2)</sup>.

(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<sup>(3)</sup>, as amended by Commission Implementing Regulation (EU) No 927/2012<sup>(4)</sup>, contains new CN codes which are different from those referred to in the Agreement. Those new codes should therefore be reflected in Part B of 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*

1. The rules of origin in Appendix 2A to Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (hereinafter referred to as 'the Agreement'), shall apply to the products listed in Part A of the Annex to this Regulation.

2. The rules of origin set out in Appendix 5 to Annex II to the Agreement shall apply to the products listed in Part B of the Annex to this Regulation.

*Article 2*

To benefit from the derogation set out in Article 1, the products listed in the Annex shall be accompanied by a proof of origin as set out in Annex II to the Agreement.

*Article 3*

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

<sup>(1)</sup> OJ L 354, 21.12.2012, p. 1.

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(3)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(4)</sup> OJ L 304, 31.10.2012, p. 1.

*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

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## ANNEX

## Peru

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. Where ex CN codes are indicated, the scope of the preferential scheme is to be determined by application of the CN code and a corresponding description taken together.

## PART A

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
09.7170	3920	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not-reinforced, laminated, supported or similarly combined with other materials	From 1 March to end of February	15 000
09.7171	ex 5607 50 <sup>(1)</sup> and 5608	Twine and nets	From 1 March to end of February	650
09.7172	6108 22 00	Women's or girl's briefs and panties, knitted or crocheted, of man-made fibres	From 1 March to end of February	200
09.7173	6112 31	Men's or boy's swimwear, knitted or crocheted, of synthetic fibres	From 1 March to end of February	25
09.7174	6112 41	Woman's or girl's swimwear, knitted or crocheted, of synthetic fibres	From 1 March to end of February	100
09.7175	6115 10	Graduated compression hosiery (for example, stockings for varicose veins), knitted or crocheted	From 1 March to end of February	25
09.7176	6115 21 00	Other pantyhose and tights, of synthetic fibres, measuring per single yarn less than 67 decitex, knitted or crocheted	From 1 March to end of February	40
09.7177	6115 22 00	Other pantyhose and tights, of synthetic fibres, measuring per single yarn 67 decitex or more, knitted or crocheted	From 1 March to end of February	15
09.7178	6115 30	Other women's full-length or knee-length hosiery, measuring per single yarn less than 67 decitex, knitted or crocheted	From 1 March to end of February	25
09.7179	6115 96	Other, of synthetic fibres, knitted or crocheted	From 1 March to end of February	175
09.7192	7321	Stoves, ranges, grates, cookers (including those with subsidiary boilers for central heating), barbecues, braziers, gas rings, plate warmers and similar nonelectric domestic appliances, and parts thereof, of iron or steel	From 1 March to end of February	20 000 number of items

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight if not otherwise specified)
09.7193	7323	Table, kitchen or other household articles and parts thereof, of iron or steel; iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like, of iron or steel	From 1 March to end of February	50 000
09.7194	7325	Other cast articles of iron or steel	From 1 March to end of February	50 000

(<sup>1</sup>) TARIC codes 5607 50 11 10, 5607 50 19 10, 5607 50 30 10 and 5607 50 90 91.

## PART B

Order No	CN code	Description of goods	Quota period	Annual quota volume (in metric tonnes)
09.7195	0303 54 10	Frozen mackerel <i>Scomber scombrus</i> and <i>Scomber japonicus</i>	From 1 March to end of February	4 000
09.7196	0303 89 45	Frozen anchovies ( <i>Engraulis</i> spp.)	From 1 March to end of February	120
09.7197	0303 55 10	Atlantic horse mackerel ( <i>Trachurus trachurus</i> ), frozen	From 1 March to end of February	60
	0303 55 90 ( <sup>1</sup> )	Horse mackerel ( <i>Caranx trachurus</i> ), frozen		
09.7198	0307 49 59	Frozen squid ( <i>Ommastrephes</i> spp. with the exclusion of <i>Ommastrephes sagittatus</i> , <i>Nototodarus</i> spp. and <i>Sepioteuthis</i> spp.), whether in shell or not	From 1 March to end of February	4 200
09.7199	0307 49 99	Squid ( <i>Ommastrephes</i> spp. with the exclusion of <i>Ommastrephes sagittatus</i> , <i>Nototodarus</i> spp. and <i>Sepioteuthis</i> spp.), dried, salted or in brine, whether in shell or not	From 1 March to end of February	2 500
09.7200	1604 15 11	Fillets of mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> , prepared or preserved	From 1 March to end of February	2 000
09.7201	1604 15 19	Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> , prepared or preserved, whole or in pieces, but not minced, other than fillets	From 1 March to end of February	800
09.7202	1604 15 90	Mackerel of the species <i>Scomber australasicus</i> , prepared or preserved, whole or in pieces, but not minced	From 1 March to end of February	20
09.7203	1604 16 00	Anchovies, prepared or preserved, whole or in pieces, but not minced	From 1 March to end of February	400
09.7204	1604 20 40	Prepared or preserved anchovies, other than whole or in pieces	From 1 March to end of February	30

Order No	CN code	Description of goods	Quota period	Annual quota volume (in metric tonnes)
09.7205	0307 19 10 0307 29 05 0307 49 05 0307 59 05 0307 60 10 0307 79 10 0307 89 10 0307 99 10 1605 51 00 1605 52 00 1605 53 10 <sup>(2)</sup> 1605 53 90 <sup>(3)</sup> 1605 54 00 1605 55 00 1605 56 00 1605 57 00 1605 58 00 1605 59 00	Molluscs, prepared or preserved, at the exception of mussels of the species <i>Mytilus</i> spp. and <i>Perna</i> spp.)	From 1 March to end of February	500

<sup>(1)</sup> TARIC code 0303 55 90 10.<sup>(2)</sup> TARIC code 1605 53 10 95.<sup>(3)</sup> TARIC code 1605 53 90 95.