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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards imports in the sectors of rice, cereals, sugar and hops

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards imports in the sectors of rice, cereals, sugar and hops

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹, and in particular Article 5, Article 178, Article 180, Article 182(1) and (4), Article 190(4) and Article 223(3) thereof,

Having regard to Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013², and in particular Article 64(4) thereof,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code³, and in particular Article 213 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007⁴. Regulation (EU) No 1308/2013 lays down rules on trade with third countries of agricultural products, conversion rates for rice and empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the trade of the products from sectors of rice, cereals, sugar and hops in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace Commission Regulations (EC) No 3330/94⁵, (EC) No 2810/95⁶, (EC) No 951/2006⁷, (EC) No 972/2006⁸, (EC) No 504/2007⁹, (EC)

¹ OJ L 347, 20.12.2013, p. 671.

² OJ L 435, 6.12.2021, p. 187.

³ OJ L 269, 10.10.2013, p. 1.

⁴ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁵ Commission Regulation (EC) No 3330/94 of 21 December 1994 on the tariff classification of certain poultry cuts and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 350, 31.12.1994, p. 52).

⁶ Commission Regulation (EC) No 2810/95 of 5 December 1995 on the tariff classification of pig carcasses and half- carcasses and amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 291, 6.12.1995, p. 24).

⁷ Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the

No 1375/2007¹⁰, (EC) No 402/2008¹¹, (EC) No 1295/2008¹², (EC) No 1312/2008¹³, (EU) No 642/2010¹⁴, which were repealed by Commission Delegated Regulation (EU) [to be completed by OP]¹⁵.

- (2) Article 5 of Regulation (EU) No 1308/2008 provides that the Commission may fix the conversion rates for rice at various stages of processing (paddy, husked, semi-milled or milled), when applying that Regulation, for the purpose of converting values or quantities relating to those stages .
- (3) Pursuant to the Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994, approved by Council Decision 2004/617/EC¹⁶, the duty applicable to imports from India of husked rice of certain Basmati varieties is fixed at zero.
- (4) Pursuant to the Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994, approved by Council Decision 2004/618/EC¹⁷, the duty applicable to imports of husked rice of certain Basmati varieties originating in Pakistan is fixed at zero.
- (5) Those Agreements provide for the introduction of a Union control system based on DNA analysis at the border and transitional arrangements for imports of Basmati rice of the varieties laid down in Delegated Regulation (EU) [to be completed by OP] pending the entry into force of that control system. Since the definitive control system has not yet been introduced, special transitional rules should be laid down.

sugar sector (OJ L 178, 1.7.2006, p. 24).

8 Commission Regulation (EC) No 972/2006 of 29 June 2006 laying down special rules for imports of Basmati rice and a transitional control system for determining their origin (OJ L 176, 30.6.2006, p. 53).

9 Commission Regulation (EC) No 504/2007 of 8 May 2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector (OJ L 119, 9.5.2007, p. 7).

10 Commission Regulation (EC) No 1375/2007 of 23 November 2007 on imports of residues from the manufacture of starch from maize from the United States of America (OJ L 307, 24.11.2007, p. 5).

11 Commission Regulation (EC) No 402/2008 of 6 May 2008 on procedures for the importation of rye from Turkey (OJ L 120, 7.5.2008, p. 3).

12 Commission Regulation (EC) No 1295/2008 of 18 December 2008 on the importation of hops from third countries (OJ L 340, 19.12.2008, p. 45).

13 Commission Regulation (EC) No 1312/2008 of 19 December 2008 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing (OJ L 344, 20.12.2008, p. 56).

14 Commission Regulation (EU) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 (OJ L 187, 21.7.2010, p. 5).

15 Commission Delegated Regulation (EU) [title and reference to be completed by OP].

16 Council Decision 2004/617/EC of 11 August 2004 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule XL annexed to the GATT 1994 (OJ L 279, 28.8.2004, p. 17).

17 Council Decision 2004/618/EC of 11 August 2004 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 (OJ L 279, 28.8.2004, p. 23).

- (6) To be eligible for zero import duty, Basmati rice is to belong to a variety specified in those Agreements. In order to ascertain that Basmati rice imported at a zero rate of duty meets those characteristics, it should be covered by an authenticity certificate drawn up by the competent authorities.
- (7) In order to prevent fraud, provision should be made for measures to check the variety of Basmati rice declared. To that end, the provisions on sampling laid down in the customs Union legislation should be applied.
- (8) The import arrangements included in the Agreements with India and Pakistan for Basmati rice provide for a procedure for consulting the exporting country in the event of a market disturbance and possibly applying the full rate of duty if a satisfactory solution has not been found at the end of the consultations. The point at which the market may be considered to be disturbed should be defined.
- (9) To ensure the sound administrative management of imports of Basmati rice, special rules, additional to those laid down in Commission Implementing Regulation (EU) 2016/1239¹⁸, should be adopted concerning the lodging of applications, the issue of import licences and the use thereof. A derogation from that Implementing Regulation should be provided for as far as the amount of the security relating to import licences for Basmati rice is to be lodged. Applicability of Commission Delegated Regulation (EU) 2016/1237¹⁹ should be indicated as regards tolerance on quantity.
- (10) Imported cereal products are, in certain cases, to be classed in several standard qualities. The standard qualities to be used should therefore be determined using objective grading criteria. Tolerance rates should also be set allowing products to be given the most appropriate quality grading. Of the possible objective quality grading criteria for common wheat, protein content, specific weight and miscellaneous impurity (*Schwarzbesatz*) content are those most commonly used in trade and also the easiest to use. Imported cereals are to be subjected to analysis accordingly to determine these parameters for each lot imported. However, where the Union has established an official recognition procedure for quality certificates issued by an authority of the country of origin of the cereals, it should be made possible that those analyses are carried out merely by way of verification on a sufficiently representative number of imported lots.
- (11) The use of quotations for the various wheat types and for other cereals on the commodity exchanges of the United States should provide a both transparent and objective basis for establishing representative cost, insurance and freight (CIF) import prices. Given the volume of freight passing through and the amount of trade at the port of Rotterdam, this port is the destination in the Union for which sea freight quotations

¹⁸ Commission Implementing Regulation (EU) 2016/1239 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the system of import and export licences (OJ L 206, 30.7.2016, p. 44).

¹⁹ Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (OJ L 206, 30.7.2016, p. 1).

are most widely known, most transparent and the easiest available. The port of destination to be selected for the Union should therefore be Rotterdam.

- (12) Accordingly, for the sake of transparency, the representative CIF import prices are to be established from commodity exchange quotations for the cereal in question and the commercial premium assigned to the cereal and sea freight costs between the Gulf of Mexico or the Great Lakes and the port of Rotterdam. However, freight cost differences by port of destination justify flat rate adjustment of the import duty for Union ports located on the Mediterranean and on the Black Sea, on the Atlantic coast of the Iberian Peninsula, in Ireland, in the Nordic countries, in the Baltic States and in Poland. The factors of calculation of the representative CIF import prices so established should be monitored daily so that the trend of these prices can be followed. In the case of barley, sorghum and rye, the representative CIF import price calculated for wheat allows the market situation for those three cereals to be estimated and consequently the representative CIF import price determined for wheat should apply to those three products.
- (13) For the purpose of setting import duties on cereals in accordance with Article 180 of Regulation (EU) No 1308/2013, a period of 10 working days recording of the representative CIF import prices for each cereal should reflect market trends without uncertainty. The factors taken into account for the calculation of import duties for those products should be published.
- (14) In the case of imports of flint maize, the exchange quotation used for the calculation of the representative CIF import price may not, either because of the particular quality of the goods or because their price includes a quality premium over the normal price, take account of the existence of such a premium over normal market terms. To take account of that quality premium over prices or quotations, importers who show that they have used the goods to produce high quality products justifying the existence of such a premium should be reimbursed, at a flat rate, for a part of the import duty paid.
- (15) In order to maintain representative exchange quotations for maize on the market of the United States, and given that, over the years, activity in the market for Yellow Corn No 3 has significantly decreased, a new reference variety that offers assurances of sufficient market liquidity for the calculation of import duties is necessary. This new maize reference variety should be Yellow Corn No 2.
- (16) Within the framework of the GATT, the Union and the United States have agreed to clarify the tariff definition of residues from the manufacture of starch from maize. Imports of these products into the Union are subject to laboratory analysis to verify their conformity with the tariff definition. The Federal Grain Inspection Service (FGIS) of the United States Department of Agriculture and the United States wet milling industry, under the regular review of the United States' authorities, are to certify that imports of those products from the United States into the Union are in conformity with the agreed definition.
- (17) In order to ensure that importers respect the specific provisions of this Regulation as regards import, guarantee should be required from them.
- (18) Conformity of imports of residues from the manufacture of starch from maize from the United States should be continued to be checked by customs authorities on the basis of a certificates system as established by this Regulation.
- (19) In order to reduce the administrative burden on Member States to a minimum, while continuing to ensure the effective implementation of the provisions in this Regulation,

the requirement on Member States to communicate to the Commission the quantities and the value of products imported on a monthly basis under cover of certificates of conformity should be removed.

- (20) By Council Regulation (EC) No 2008/97²⁰, the Council adopted rules for the application of special arrangements for imports of rye from Türkiye laid down in the Additional Protocol to the Agreement establishing an Association between the European Community and Turkey.

Those special arrangements provide, under certain conditions, for a reduction of import duty on rye from Türkiye. To that end, operators should furnish the proof that a special export tax payable by the exporter has in fact been paid.

- (21) It is appropriate to fix, in accordance with Article 5 of Regulation (EC) No 2008/97, the procedure for proving payment of the special export charge.

- (22) In order to prevent or counteract adverse effects on the Union market which may result from imports of products in the sugar sector when those imports are made at a price below the level notified by the Union to the World Trade Organisation, it is necessary to apply additional import duties.

- (23) For the application of the additional import duties for the products of the sugar sector, the CIF import price of the consignment in question has to be taken into consideration. For the purposes of this Regulation, the CIF import price should be the cost, insurance and freight price of the consignment delivered at the frontier of the importing country. The CIF import price has to be determined and checked against the representative prices for the product concerned on the world market and on the Union import market for that product. To that end, it is necessary to establish the criteria for determining the representative CIF import prices for the products to which an additional import duty may be applied. For the determination of the representative CIF import prices, the Commission should take account of all the information available to it.

- (24) Part II of Annex II to Regulation (EU) No 1308/2013 provides the technical definitions concerning the sugar sector.

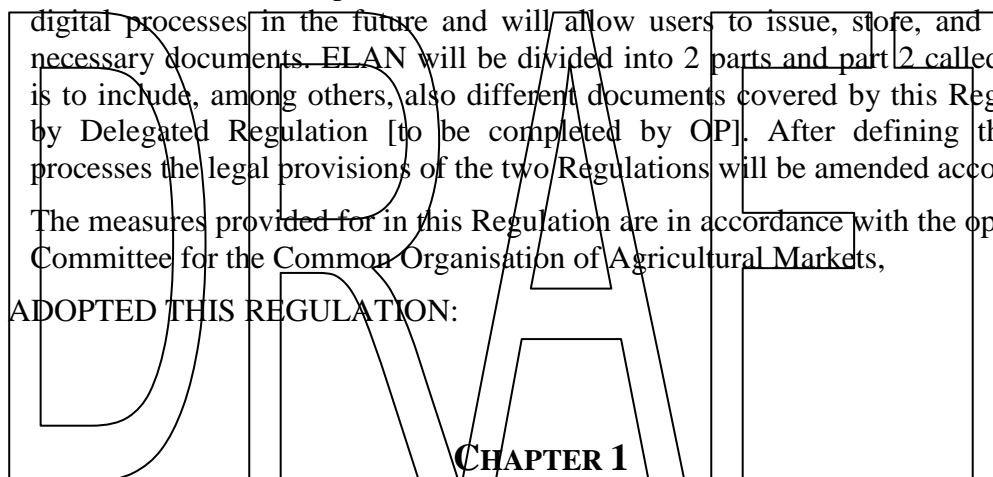
- (25) Article 190(1) of Regulation (EU) No 1308/2013 provides that products of the hops sector from third countries may be imported only if their quality standards are at least equivalent to those adopted for like products harvested and/or produced within the Union. Article 190(2) of that Regulation provides, however, that those products are to be considered as meeting those standards if they are accompanied by an attestation of equivalence issued by the competent authorities of the country of origin and recognised as equivalent to the certificate required for the marketing of hops and hop products of Union origin. In order to facilitate the checking of the attestations of equivalence issued by third countries for the import into the Union of products of the hop sector, the Commission should list and make public the competent bodies notified by third countries for the purpose of drawing up such documents.

- (26) The attestation of equivalence should be drawn up in electronic form and bear the electronic signature of the issuing body.

²⁰ Council Regulation (EC) No 2008/97 of 9 October 1997 laying down certain rules for the application of the special arrangements for imports of olive oil and certain other agricultural products originating in Turkey (OJ L 284, 16.10.1997, p. 17).

- (27) To ensure traceability, the information to be stamped on each unit of packaging covered by an attestation of equivalence should be provided for in order to provide some information about the characteristics of the product as well as a link to the attestation covering the product.
- (28) In order to ensure full traceability of products of the hop sector, rules should be adopted for cases where a consignment covered by an attestation of equivalence is split up before its entry into free circulation. If a consignment is resold or split up after it has been released for free circulation, the product should be accompanied by a commercial document drawn up by the vendor which contains certain information from the attestation of equivalence of the original consignment.
- (29) Trade of certain agricultural products between the EU and certain third countries often requires that the products are accompanied for imports by documents that certify the implementation of certain formalities (so-called ‘non-customs formalities’) required by the EU agricultural legislation, currently predominantly in the paper form. The Commission intends to digitise the whole process by establishing an electronic system for DG AGRI non-customs formalities (ELAN) based on TRACES.NT and linked to the EU Single Window Environment for customs as established by Regulation 2022/2399 of the European Parliament and of the Council²¹. ELAN will define the digital processes in the future and will allow users to issue, store, and retrieve the necessary documents. ELAN will be divided into 2 parts and part 2 called ELAN2-C is to include, among others, also different documents covered by this Regulation and by Delegated Regulation [to be completed by OP]. After defining those digital processes the legal provisions of the two Regulations will be amended accordingly.
- (30) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:



CHAPTER 1

RICE

SECTION 1

CONVERSION RATES FOR RICE

Article 1

Conversion rates

1. The conversion rate between husked rice and paddy rice shall be as follows:

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²¹ Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 (OJ L 317, 9.12.2022, p. 1).

Husked rice	Paddy rice
1	1,25

2. The conversion rate between husked rice and milled rice shall be as follows:

	Husked rice	Milled rice
Round-grained rice	1	0,775
Medium-grained or long-grained rice	1	0,69

3. The conversion rate between milled rice and semi-milled rice shall be as follows:

	Milled rice	Semi-milled rice
Round-grained rice	1	1,065
Medium-grained or long-grained rice	1	1,072

Article 2

Processing costs

1. The processing costs to be taken into consideration when paddy rice is converted into husked rice shall be EUR 47,13 per tonne of paddy rice.
2. The processing costs to be taken into consideration when husked rice is converted into milled rice shall be EUR 47,13 per tonne of husked rice.
3. The processing costs for converting semi-milled rice into milled rice shall not be taken into consideration.

Article 3

Value of the by-products

1. The value of the by-products obtained from processing paddy rice into husked rice shall be considered to be zero.
2. The value of the by-products obtained from processing husked rice into milled rice shall be:
 - (a) EUR 41,00 per tonne of husked round grain rice;
 - (b) EUR 52,00 per tonne of husked medium-grained or long-grained rice.

3. The value of the by-products obtained from processing semi-milled rice into milled rice shall be:
 - (a) EUR 12,62 per tonne of semi-milled round grain rice;
 - (b) EUR 14,05 per tonne of semi-milled medium-grained or long-grained rice.

Article 4

Value conversion

1. The conversion of the value of a quantity of husked rice into the value of the same quantity of rice at another stage of processing shall be done on the basis of husked rice containing 3 % broken rice. If the husked rice contains more than 3 % broken rice, the conversion shall be done after an adjustment is made on the basis of a value of EUR 110 per tonne of broken rice.
2. The conversion of the value of a quantity of semi-milled rice or milled rice into the value of the same quantity of rice at another stage of processing shall be done on the basis of semi-milled or milled rice containing no broken rice. If any semi-milled or milled rice contains broken rice, the conversion shall be done after an adjustment is made on the basis of a value of EUR 150 per tonne of broken rice.
3. The adjustments provided for in paragraphs 1 and 2 shall not be effected when the prices of husked rice and the prices of semi-milled or milled rice taken into consideration for fixing the levies are lower than:
 - (a) EUR 110 per tonne of husked rice;
 - (b) EUR 150 per tonne of semi-milled or milled rice.

Article 5

Value conversion

1. The conversion of the value of a quantity of husked rice into the value of the same quantity of paddy rice shall be done by:
 - (a) dividing the value to be converted by the rate fixed in Article 1(1) for paddy rice; and
 - (b) reducing the amount thus obtained by the processing costs fixed in Article 2(1).The conversion of the value of a quantity of paddy rice into the value of the same quantity of husked rice shall be done by:
 - (a) increasing the value to be converted by the processing costs fixed in Article 2(1); and
 - (b) multiplying the amount thus obtained by the rate fixed in Article 1(1) for paddy rice.
2. The conversion of the value of a quantity of husked rice into the value of the same quantity of milled rice shall be done by:
 - (a) increasing the value to be converted by the processing costs fixed in Article 2(2);

(b) reducing the value to be converted by the value of the by-products fixed in Article 3(2); and

(c) dividing the amount thus obtained by the rate fixed in Article 1(2) for milled rice.

The conversion of the value of a quantity of milled rice into the value of the same quantity of husked rice shall be done by:

(a) multiplying the value to be converted by the rate fixed in Article 1(2) for milled rice;

(b) reducing the amount thus obtained by the processing costs fixed in Article 2(2); and

(c) increasing the amount thus obtained by the value of the by-products fixed in Article 3(2).

3. The conversion of the value of a quantity of milled rice into the value of the same quantity of semi-milled rice shall be done by:

(a) dividing the value to be converted by the rate fixed in Article 1(3) for semi-milled rice; and

(b) increasing the amount thus obtained by the value of the by-products fixed in Article 3(3).

The conversion of the value of a quantity of semi-milled rice into the value of the same quantity of milled rice shall be done by:

(a) reducing the value to be converted by the value of the by-products fixed in Article 3(3); and

(b) multiplying the amount thus obtained by the rate fixed in Article 1(3) for semi-milled rice of the group in question.

Article 6

Quantity conversion

1. The conversion of a quantity of husked rice into a corresponding quantity of paddy rice or milled rice shall be done by multiplying the quantity to be converted by the rate fixed in Article 1(1) for paddy rice, or by the rate fixed in Article 1(2) for milled rice, as the case may be.

The conversion of a quantity of paddy rice or milled rice into a corresponding quantity of husked rice shall be done by dividing the quantity to be converted by the rate fixed in Article 1(1) for paddy rice or by the rate fixed in Article 1(2) for milled rice, as the case may be.

2. The conversion of a quantity of milled rice into a corresponding quantity of semi-milled rice shall be done by multiplying the quantity to be converted by the rate fixed in Article 1(3) for semi-milled rice.

The conversion of a quantity of semi-milled rice into a corresponding quantity of milled rice shall be done by dividing the quantity to be converted by the rate fixed in Article 1(3) for semi-milled rice.

SECTION 2

SPECIAL RULES FOR IMPORTS OF BASMATI RICE

Article 7

Applicable rules

Implementing Regulation (EU) 2016/1239 shall apply, unless otherwise provided for in this Regulation.

Article 8

Import licences applications

Import licence applications for Basmati rice as referred to in Article 176(1) of Regulation (EU) No 1308/2013 shall contain the following details

- (a) in box 8, indication of the country of origin and the word 'yes' marked with a cross;
- (b) in box 20, one of the entries set out in Annex I.

Article 9

Authenticity certificate

1. The authenticity certificate referred to in Article 4 of Delegated Regulation (EU) [to be completed by OP] shall be drawn up on a form in accordance with the specimen set out in Annex II.

The text of the form in the other Union languages shall be published in the C series of the *Official Journal of the European Union*.

The authenticity certificates may be stored and made available in the electronic system ELAN to be set up by the Commission.

2. The licence issuing authority issuing the import licence shall keep the original of the authenticity certificate and give the applicant a duplicate.

The authenticity certificate shall be valid for 90 days from the date of issue.

It shall be valid only if the boxes are duly completed and it is signed.

Article 10

Import licences

1. Import licences for Basmati rice shall contain the following details:

- (a) in box 8, indication of the country of origin and the word 'yes' marked with a cross;
- (b) in box 20, one of the entries set out in Annex III.

2. The duplicate of the authenticity certificate referred to in Article 9(2) shall be annexed to the import licence. If the licence is issued as an electronic document, the authority issuing the licence may transfer the duplicate of the authenticity certificate to the customs authorities by electronic means.
3. By derogation from Article 5(1) of Implementing Regulation (EU) 2016/1239, the security relating to import licences for Basmati rice shall be EUR 70 per tonne.

Article 11

Tolerance on quantity

In accordance with Article 5(5), first subparagraph, of Delegated Regulation (EU) 2016/1237, the tolerance on quantity shall be 0 %.

Article 12

Notification of quantities

Member States shall notify the Commission:

- (a) no later than 2 working days following a refusal, of the quantities in respect of which applications for import licences for Basmati rice have been refused, with an indication of the date of refusal and the grounds, the CN code, the country of origin, the issuing body and the number of the authenticity certificate, as well as the holder's name and address;
- (b) no later than 2 working days following their issue, of the quantities in respect of which applications for import licences for Basmati rice have been issued, with an indication of the date, the CN code, the country of origin, the issuing body and the number of the authenticity certificate, as well as the holder's name and address;
- (c) in the event of the cancellation of a licence, no later than 2 working days after cancellation, of the quantities in respect of which licences have been cancelled and the names and addresses of the holders of the cancelled licences;
- (d) on the last working day of each month following the month of release for free circulation, of the quantities actually released for free circulation, with an indication of the CN code, the country of origin, the issuing body and the number of the authenticity certificate.

The notifications shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183²² and Commission Implementing Regulation (EU) 2017/1185²³.

²² Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100).

²³ Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).

Article 13

Sample checks of imported Basmati rice

1. In the context of random checks or checks targeted at operations entailing a risk of fraud, Member States shall take representative samples of imported Basmati rice in accordance with Article 238 of Commission Implementing Regulation (EU) 2015/2447²⁴. The samples shall be sent to the competent body in the country of origin, as made public by the Commission on its website, for a DNA-based variety test.

The Member States may also carry out variety tests on the same sample in an Union laboratory.

2. If the results of one of the tests referred to in paragraph 1 show that the product analysed does not correspond to what is indicated on the authenticity certificate, the import duty on husked rice falling within CN code 1006 20, provided for by the Agreement in the form of an Exchange of Letters between the European Community and the United States relating to the method of calculation of applied duties for husked rice, approved by Council Decision 2005/476/EC²⁵, shall apply.

However, the presence up to 5 % of husked rice falling within CN code 1006 20 17 or CN code 1006 20 98 not corresponding to any of the varieties listed in Article 2(1) of Delegated Regulation (EU) [to be completed by OP] shall be accepted.

3. If the tests referred to in paragraph 1 or other information available to the Commission indicate a serious and lasting problem as regards the control procedures applied by a competent body in the country of origin, the Commission may contact the competent authorities in the country concerned. If such contacts fail to yield a satisfactory solution, the Commission may decide to apply the rate of import duty for husked rice falling within CN code 1006 20, provided for by the Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice, approved by Decision 2005/476/EC and under the conditions laid down in this Regulation and in Delegated Regulation (EU) [to be completed by OP].

Article 14

Market disturbances

1. The rice market shall be considered to be disturbed when, *inter alia*, a substantial increase in Basmati rice imports is noted for one quarter of the year as compared to the previous quarter and there is no satisfactory explanation.
2. If a disturbance of the rice market persists and if the Commission's consultations of the exporting countries concerned fail to yield a satisfactory solution, the import duty

²⁴ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

²⁵ Council Decision 2005/476/EC of 21 June 2005 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice and amending Decisions 2004/617/EC, 2004/618/EC and 2004/619/EC (OJ L 170, 1.7.2005, p. 67).

on husked rice falling within CN code 1006 20, provided for by the Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice, approved by Decision 2005/476/EC, may also be applied to imports of Basmati rice, by a Commission decision, subject to the conditions laid down in Section 2 of Chapter 1 of this Regulation and in Section 2 of Delegated Regulation (EU) [to be completed by OP].

CHAPTER 2

CEREALS

SECTION 1

IMPORT DUTIES ON CEREALS

Article 16

Import duties

1. By way of derogation to the rates of import duty in the Common Customs Tariff, the import duty on cereal products falling within CN codes 1001 11 00, 1001 19 00, ex 1001 91 20, ex 1001 99 00, 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 shall be equal to the intervention price on importation, increased by 55 %, minus the CIF import price determined in accordance with Article 17(1) applicable to the consignment in question. However, that import duty may not exceed the conventional rate of duty as determined on the basis of the Combined Nomenclature.
2. For the purpose of calculating the import duty referred to in paragraph 1, representative CIF import prices shall be established on a regular basis for the products referred to in that paragraph.
3. The Common Customs Tariff duty rates referred to in paragraph 1 shall be those applicable on the date referred to in Article 172(2) of Regulation (EU) No 952/2013.

Article 17

Fixing of import duties

1. The Commission shall calculate on a daily basis the import duty referred to in Article 16(1).
The intervention price to be used for the calculation of import duty shall be EUR 101,31 per tonne.
The CIF import price for the calculation of the import duty shall be the daily CIF representative import price determined by using the method provided for in Article 20.

2. The import duty for the cereal products referred to in Article 16(1) fixed by the Commission shall be fixed equal to the average of the import duties calculated during the previous 10 working days.

The Commission shall fix the import duty if the average of the import duties calculated during the previous 10 working days differs by more than EUR 5 per tonne compared to the duty that is in force, including when the import duty is zero.

The amount of the fixed import duty and the factors used for their calculation shall be published in the *Official Journal of the European Union*.

The import duty fixed shall apply from the date of publication and until a new import duty is fixed and enters into force.

3. Where the port of unloading in the Union is located:
 - (a) on the Mediterranean (beyond the Strait of Gibraltar) or on the Black Sea and where the goods arrive through the Atlantic Ocean or the Suez Canal, the Commission shall reduce the import duty by EUR 3 per tonne;
 - (b) on the Atlantic coast of the Iberian Peninsula, in Ireland, in Denmark, in Estonia, in Latvia, in Lithuania, in Poland, in Finland and in Sweden and where the goods arrive through the Atlantic Ocean, the Commission shall reduce the import duty by EUR 2 per tonne.

The customs authority at the port of unloading shall issue a document of unloading in accordance with the model set out in Annex IV attesting the quantity of each product unloaded. For the import duty reduction provided for in the first subparagraph to be granted, the document of unloading shall accompany the goods until completion of the customs import formalities.

The above document may be stored and made available in the electronic system ELAN to be set up by the Commission.

4. With regard to cereal products originating in Canada and falling within CN codes 1001 11 00, 1001 19 00, ex 1001 99 00 (high quality common wheat other than seed), 1002 10 00 and 1002 90 00, the import duty shall be equal to a percentage of the duty fixed in accordance with paragraph 2 and, if appropriate, paragraph 3. The percentage to be applied is set out in Annex V. The import duty shall be rounded down at least to the nearest EUR 0,001.

Article 18

Flint maize

1. Import duties shall be reduced by EUR 24 per tonne on flint maize meeting the specifications laid down in Annex VI.
2. In order to benefit from the reduction provided for in paragraph 1, flint maize shall be processed into a product of CN codes 1904 10 10, 1103 13 or 1104 23 within 6 months from the date of acceptance of entry for free circulation in the Union.
3. The provisions on the end-use of imported products from Article 254(1), (4) and (5) of Regulation (EU) No 952/2013 shall apply accordingly.
4. The guarantee referred to in Article 6 of Delegated Regulation (EU) [to be completed by OP] shall be EUR 24 per tonne.

If, however, the import duty applicable on the date of the acceptance of the declaration of release for free circulation in the Union is less than EUR 24 per tonne of maize, the specific guarantee shall be equal to the amount of the import duty.

Article 19

Quality standards for common wheat, durum wheat, and flint maize

The product quality classification standards to be met on importation into the Union, and the tolerances acceptable in the analysis applied towards this classification, shall be those set out in Annex VI.

Article 20

Determination of representative CIF import prices for high quality soft wheat and maize other than seed

1. For high quality soft wheat and maize other than seed falling within the CN codes referred to in Article 16(1), the components determining the CIF representative import prices referred to in Article 16(2) shall be:
 - (a) the representative exchange quotation on the market of the United States;
 - (b) the known commercial premiums and discounts attached to that quotation in the United States market on the quotation day;
 - (c) sea freight and associated costs between the United States (Gulf of Mexico or Duluth) and the port of Rotterdam for a vessel of at least 25 000 tonnes.
2. The Commission shall record each working day:
 - (a) the component referred to in paragraph 1, point (a), from the exchanges and using the reference varieties laid down in Annex VII;
 - (b) the components referred to in paragraph 1, points (b) and (c), from publicly available information.
3. With a view to calculating the component referred to in paragraph 1, point (b), or the relevant free on board quotation, a premium of EUR 14 per tonne of high quality soft wheat shall apply.
4. The representative CIF import prices for high quality common wheat and maize other than seed shall be the sum of the components referred to in paragraph 1.

The representative CIF import prices for high quality durum wheat, durum wheat seed and common wheat seed shall be the price calculated for high quality common wheat.

The representative CIF import price for medium quality durum wheat and low quality durum wheat shall be the price calculated for high quality common wheat, to which a discount of EUR 10 per tonne shall apply for medium quality durum wheat, and a discount of EUR 30 per tonne for low quality durum wheat.

The representative CIF import price for sorghum other than seed, sorghum seed falling within CN code 1007 10 90, rye other than seed, rye seed and maize seed

falling within CN code 1005 10 90 shall be the price calculated for maize other than seed.

Article 21

Guarantee for importation

1. For high quality common wheat, the specific guarantee referred to in Article 6 of Delegated Regulation (EU) [to be completed by OP] to be lodged with the customs authority on the date of acceptance of the declaration of release for free circulation in the Union shall be at the amount of EUR 95 per tonne.
2. For durum wheat, the amount of the specific guarantee referred to in Article 7 of Delegated Regulation (EU) [to be completed by OP] shall be the difference on the day of acceptance of the declaration of release for free circulation in the Union between the highest import duty and that applicable to the quality shown, plus a supplement of EUR 5 per tonne.

Article 22

Sampling for import duty calculation

1. The customs office of release for free circulation in the Union shall take representative samples, in accordance with Annex I to Commission Regulation (EC) No 152/2009²⁶, of every consignment of high quality common wheat (other than seed), of durum wheat and of flint maize. However, sampling shall not take place where the import duty for the different qualities is the same.
If, however, the Commission officially recognises a quality certificate for high quality common wheat, durum wheat or flint maize issued by the country of origin of the cereals, samples shall be taken for verification of the certified quality only from a sufficiently representative number of consignments.
2. The following certificates of conformity shall be officially recognised by the Commission pursuant to the principles laid down in Articles 58 and 59 of Implementing Regulation (EU) 2015/2447:
 - (a) certificates issued by the Servicio Nacional de Sanidad y Calidad Agroalimentaria (Senasa) of Argentina for flint maize;
 - (b) certificates issued by the Federal Grains Inspection Services (FGIS) of the United States for high quality common wheat and high quality durum wheat;
 - (c) certificates issued by the Canadian Grain Commission (CGC) of Canada for high quality common wheat and high quality durum wheat.

²⁶ Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 54, 26.2.2009, p. 1).

Annex VIII contains a blank specimen of the certificates of conformity issued by Senasa. Reproduction of the stamps authorised by the government of Argentina shall be published in the *Official Journal of the European Union*.

Annex IX contains blank specimens of the certificates of conformity and stamps issued by the FGIS.

Annex X contains blank specimens of the certificates of conformity, export specifications and stamps issued by the CGC.

The certificates of conformity may be stored and made available in the electronic system ELAN to be set up by the Commission.

When the analytical parameters entered in the certificates of conformity issued by the entities referred to in the first subparagraph show conformity with the high quality common wheat, durum wheat and flint maize quality standards set out in Annex VI, samples shall be taken of at least 3 % of the cargoes arriving at each entry port during the marketing year.

The goods shall be classified in the standard quality for which all the requirements laid down in Annex VI are met.

3. ~~The standard] reference methods laid down in Commission Implementing Regulation (EU) 2016/1240²⁷ shall apply to the classification of the imported cereals by standard quality.~~

For the purpose of this paragraph, “flint maize” means maize of the species *Zea mays indurata* the grains of which present a dominantly vitreous endosperm (hard or horny texture). They are generally orange or red. The upper part (opposite the germ), or crown, shows no fissure.

Vitreous grains of flint maize are defined as grains meeting two criteria:

- (a) their crown shows no fissure;
- (b) when cut lengthwise their endosperm shows a central mealy part completely surrounded by a horny part. The horny part must account for the dominant part of the total cut surface.

The vitreous grain percentage shall be established by counting in a representative sample of 100 grains the number meeting the criteria referred to in the third subparagraph.

The reference method for determining the flotation index for flint maize is set out in Annex XI.

4. If the analysis results show the imported high quality common wheat, durum wheat and flint maize to be of a lower standard quality than entered on the declaration of release for free circulation in the Union, the importer shall pay the difference between the import duty applicable to the product shown on the declaration and that on the product actually imported. In this case, the specific guarantee provided for in Article 18(4) of this Regulation and in Article 7(1) and (2) of Delegated Regulation

²⁷ Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (OJ L 206, 30.7.2016, p. 71).

(EU) [to be completed by OP] shall be released, except for the EUR 5 supplement provided for in Article 7(2), second subparagraph, of that Delegated Regulation.

If the difference referred to in the first subparagraph is not paid within 1 month, the specific guarantee provided for in Article 18(4) of this Regulation and in Article 7(1) and (2) of Delegated Regulation (EU) [to be completed by OP] shall be forfeit.

5. Representative samples of imported cereals taken by the competent authority of the Member State shall be retained for 6 months.

SECTION 2

IMPORTS OF RESIDUES FROM THE MANUFACTURE OF MAIZE STARCH FROM THE UNITED STATES

Article 23

Laboratory analysis

1. A laboratory analysis shall be carried out, under the responsibility of the competent authority of the Member State, to verify the conformity of residues from the manufacture of maize starch imported into the Union from the United States of America under CN code 2309 90 20 with the definition of this code for all shipments not accompanied by a certificate issued by the FGIS and a certificate issued by the United States wet milling industry as set out in Annex XII.

The above certificates may be stored and made available in the electronic system ELAN to be set up by the Commission.

2. Shipments from the United States of America which are accompanied by the two certificates referred to in paragraph 1 shall be subject to the customs measures for checking imports.

SECTION 3

PROCEDURES FOR THE IMPORTATION OF RYE FROM TÜRKIYE

Article 24

Proof of payment of the special export charge

Proof that the special export charge referred to in Article 5 of Regulation (EC) No 2008/97 has been paid shall be furnished by the operator to the competent authority of the Member State of import by presentation of A.TR movement certificate. In that case, the respective entry referred to in Annex XIII to this Regulation shall be made in the 'Remarks' section by the competent authority.

CHAPTER 3

SUGAR

TRADE WITH THIRD COUNTRIES IN THE SUGAR SECTOR

Article 25

Determination of CIF representative prices for white sugar and raw sugar

1. The Commission shall determine the CIF representative prices for white sugar and raw sugar on the basis of the most favourable purchasing opportunities on the world market.
2. When establishing the most favourable purchasing opportunities on the world market, the Commission shall take into account the relevant information available to it, in particular:
 - (a) quotations on exchanges which are important to the international sugar trade;
 - (b) sales concluded in international trade.
3. Paragraph 2 shall not apply where:
 - (a) the sugar is not of sound and fair marketable quality; or
 - (b) if the possibility of obtaining sugar at the price indicated in the offer relates only to a small quantity which is not representative of the market; or
 - (c) if the general trend of prices or the information available to the Commission leads the Commission to assume that the price indicated in the offer is not representative of actual market trends.
4. When establishing the most favourable purchasing opportunities on the world market, the Commission may take an average of several prices as a basis, provided that this average can be regarded as being representative of actual market trends.
5. Representative prices for white sugar and raw sugar on the world market or on the Union import market as referred to in Article 182(3) of Regulation (EU) No 1308/2013 shall mean the CIF representative prices established in accordance with this Article
6. The CIF representative prices shall be fixed for each marketing year in accordance with the procedure referred to in Article 183 of Regulation (EU) No 1308/2013. The Commission may amend those prices during that period if the fluctuation in the elements of the calculation produces a rise or fall of EUR 2,5 per 100 kilograms or more in relation to the CIF representative prices fixed previously.
7. The CIF representative price for sugar products falling within CN code 1702 90 95 shall be the representative price fixed for white sugar applied per 1 % of sucrose content per 100 kilograms net of the product in question.

Article 26

Determination of CIF representative prices for molasses

1. The Commission shall determine the CIF representative prices for molasses on the basis of the most favourable purchasing opportunities on the world market.
2. When establishing the most favourable purchasing opportunities on the world market, the Commission shall take in to account the relevant information available to it, in particular:
 - (a) offers on the world market;
 - (b) sales concluded in international trade.
3. Paragraph 2 shall not apply where:
 - (a) the molasses are not of sound and fair marketable quality; or
 - (b) if the possibility of obtaining molasses at the price indicated in the offer relates only to a small quantity which is not representative of the market; or
 - (c) if the general trend of prices or the information available to the Commission leads the Commission to assume that the price indicated in the offer is not representative of actual market trends.
4. When establishing the most favourable purchasing opportunities on the world market, the Commission may take an average of several prices as a basis, provided that this average can be regarded as being representative of actual market trends.
5. Representative prices for molasses on the world market or on the Union import market as referred to Article 182(3) of Regulation (EU) No 1308/2013 shall mean the CIF representative prices established in accordance with this Article.
6. The CIF representative prices shall be fixed for each marketing year in accordance with the procedure referred to in Article 183 of Regulation (EU) No 1308/2013. The Commission may amend them during that period if the fluctuation in the elements of the calculation produces a rise or fall of EUR 1,5 per 100 kilograms or more in relation to the CIF representative prices fixed previously.

Article 27

Additional import duties for certain sugar products

If imposed, the additional import duties referred to in Article 182(1) of Regulation (EU) No 1308/2013 shall be applied to sugar products falling within CN codes 1701 13 10, 1701 14 10, 1701 13 90, 1701 14 90, 1701 12 10, 1701 12 90, 1701 91 00, 1701 99 10, 1701 99 90 and 1702 90 95.

Article 28

Additional import duties for molasses

If imposed, the additional import duties referred to in Article 182(1) of Regulation (EU) No 1308/2013 shall be applied to molasses falling within CN codes 1703 10 00 and 1703 90 00.

Article 29

Trigger prices for certain sugar products

For 100 kilograms of net sugar product, the trigger price referred to in Article 182(1), point (a) of Regulation (EU) No 1308/2013 shall be equivalent to:

- (a) EUR 53,10 for white sugar falling within CN codes 1701 99 10 and 1701 99 90 of the standard quality referred to in Point B II of Annex III to Regulation (EU) No 1308/2013;
- (b) EUR 64,70 for sugar falling within CN code 1701 91 00;
- (c) EUR 54,10 for raw beet sugar falling within CN code 1701 12 90 of the standard quality referred to in Point B III of Annex III to Regulation (EU) No 1308/2013;
- (d) EUR 41,30 for raw beet sugar falling within CN code 1701 12 10 of the standard quality referred to in Point B III of Annex III to Regulation (EU) No 1308/2013;
- (e) EUR 55,20 for raw cane sugar falling within CN codes 1701 13 90 and 1701 14 90 of the standard quality referred to in Point B III of Annex III to Regulation (EU) No 1308/2013;
- (f) EUR 41,80 for raw cane sugar falling within CN code 1701 13 10 and 1701 14 10 of the standard quality referred to in Point B III of Annex III to Regulation (EU) No 1308/2013;
- (g) EUR 1,184 for the products falling within CN code 1702 90 95 per 1 % of sucrose content.

Article 30

Trigger prices for molasses

For 100 kilograms of molasses of the standard quality referred to in Article 32 of this Regulation, the trigger price referred to in Article 182(1), first subparagraph, point (a), of Regulation (EU) No 1308/2013 shall be equivalent to:

- (a) EUR 7,90 for molasses falling within CN code 1703 10 00;
- (b) EUR 8,20 for molasses falling within CN code 1703 90 00.

Article 31

Provisions on proofs, guarantee, release of the guarantee and recovery of import duties

1. The amount of the additional import duties for each type of molasse referred to in Article 28 and the sugar products referred to in Article 27 shall be established on the basis of the CIF import price of the consignment in question in accordance with Article 34.

For molasses, the CIF import price of the consignment in question shall be converted into the price of molasses of standard quality in accordance with Article 33.

In the case of white and raw sugar, the CIF import price of the consignment in question shall be converted into the equivalent price of sugar of standard quality as defined, respectively, in Point B II and III of Annex III to Regulation (EU) No 1308/2013 or the equivalent price for the product falling within CN code 1702 90 95, as the case may be.

2. When the CIF import price per 100 kilograms of a consignment is higher than the applicable CIF representative price determined in accordance with Articles 25 and 26, the importer shall present to the customs authorities of the Member State of import at least the following proofs:
 - (a) the purchasing contract, or any other equivalent document;
 - (b) the insurance contract for the consignment;
 - (c) the invoice;
 - (d) the certificate of origin (where applicable);
 - (e) the transport contract;
 - (f) in the case of sea transport, the bill of lading.

For the verification of the CIF import price of the consignment in question, the authorities of the Member State of import may require any other information and documents they deem necessary.

3. In the case referred to in paragraph 2, the importer shall provide a guarantee referred to in Articles 89 to 100 of Regulation (EU) No 952/2013, equal to the difference between the amount of additional import duty calculated on the basis of the CIF representative price applicable to the product in question and the amount of additional import duty calculated on the basis of CIF import price of the consignment in question.
4. The importer shall have 2 months from the sale of the products in question, subject to a limit of 9 months from the date of acceptance of the declaration of release for free circulation, to prove that the consignment was disposed of under conditions confirming the correctness of the information referred to in paragraph 2. Failure to meet one or other of these deadlines shall entail the loss of the guarantee provided. However, the time limit of 9 months may be extended by the customs authorities by a maximum of 3 months following a duly substantiated request of the importer. If the products are under the end-use procedure, Article 254 of Regulation (EU) No 952/2013 shall apply.

The guarantee provided in accordance with paragraph 3 shall be released to the extent that proof of the conditions of disposal is provided to the satisfaction of the customs authorities. Otherwise, the guarantee shall be forfeit by way of payment of the additional import duties.

5. If, on verification, the customs authorities establish that the requirements of this Article have not been met, they shall recover the duty due in accordance with Article 105 of Regulation (EU) No 952/2013. The amount of the duty to be recovered or remaining to be recovered shall include interest from the date the products were released for free circulation up to the date of recovery. The interest rate applied shall be that in force for recovery operations under national law.

Article 32

Standard quality of molasses

The standard quality molasses shall:

- (a) be of sound and fair marketable quality;
- (b) have a total sugar content of 48 %.

Article 33

Adjustments of CIF import prices to that of the standard quality for molasses

CIF import prices for molasses which do not relate to the standard quality shall be:

- (a) increased by one forty-eighth for each percentage point of total sugar content where the sugar content of the molasses concerned is less than 48 %;
- (b) reduced by one forty-eighth for each percentage point of total sugar content where the sugar content of the molasses concerned is more than 48 %.

Article 34

Calculation of the additional import duty referred to in Articles 27 and 28

Where the difference between the trigger price determined in accordance with Article 29 for certain sugar products and in accordance with Article 30 for molasses and the CIF import price of the consignment in question:

- (a) is 10 % or less than the trigger price, the additional duty shall be zero;
- (b) is more than 10 % but less than or equal to 40 % of the trigger price, the additional duty shall be 30 % of the amount over and above 10 %;
- (c) is more than 40 % but less than or equal to 60 % of the trigger price, the additional duty shall be 50 % of the amount over and above 40 %, to which shall be added the additional duty referred to in point (b);
- (d) is more than 60 % but less than or equal to 75 % of the trigger price, the additional duty shall be 70 % of the amount over and above 60 %, to which shall be added the additional duties referred to in points (b) and (c);
- (e) is more than 75 % of the trigger price, the additional duty shall be 90 % of the amount over and above 75 %, to which shall be added the additional duties referred to in points (b), (c) and (d).

Article 35

Adjustment of the import duty for imported raw sugar

If the yield of imported raw sugar as determined in accordance with Point B III of Annex III to Regulation (EU) No 1308/2013 differs from the yield fixed for the standard quality, the import duty for products falling within CN codes 1701 12 10, 1701 13 10 and 1701 14 10, and the additional duty for products falling within CN codes 1701 12 10, 1701 12 90, 1701 13 10, 1701 13 90, 1701 14 10 and 1701 14 90 to be levied per 100 kilograms of the said raw sugar shall be calculated by multiplying the corresponding duty fixed for raw sugar of the standard quality by a correcting coefficient. The correcting coefficient shall be obtained by dividing the percentage of the yield of the imported raw sugar by 92.

CHAPTER 4

HOPS

IMPORTS OF PRODUCTS OF THE HOPS SECTOR

Article 36

Subject matter

1. Entry into free circulation in the Union of products of the hops sector from third countries referred to in Article 1(2), point (f), of Regulation (EU) No 1308/2013 shall be conditional upon proof being furnished that the requirements specified in Article 190(1) of that Regulation have been met.
2. The proof referred to in paragraph 1 shall be furnished through the presentation of the attestation provided for in Article 190(2) of Regulation (EU) No 1308/2013 ('attestation of equivalence').

Article 37

Use of terms

For the purposes of this Chapter, 'consignment' means a quantity of a product having the same characteristics and sent by the same consignor at the same time to the same consignee.

For the purposes of this Chapter, the products of the hop sector include hop cones CN code: 1210 10, hop powders or pellets CN code: 1210 20, saps and extracts of hops CN code: 1302 13 00.

Article 38

Agencies authorised to issue an attestation of equivalence

1. Attestations of equivalence accompanying imported hops and hop products shall be issued by an agency authorised by the third country of origin or, where non-existent in the country of origin, an already authorised agency outside the product's country of origin.
2. On the basis of notifications from the competent authorities of third countries pursuant to Article 190 of Regulation (EU) No 1308/2013, the Commission shall draw up and update a list of agencies authorised to issue attestations of equivalence in the hop product's country of origin, containing the name, postal and e-mail address of those agencies.
3. The Commission shall make public on its website the name and address of the agencies notified by the competent authorities of third countries.

Article 39

Attestation of equivalence of imported products of the hops sector

1. The attestation of equivalence shall be issued for each consignment and shall consist of an original and a copy to be drawn up on a form corresponding to the model set out in Annex XIV and in accordance with the rules set out in Annex XVI.
2. The attestation of equivalence shall be valid only if it is duly completed and authenticated by one of the agencies referred to in the list drawn up and made public by the Commission in accordance with Article 38(3).
3. A duly authenticated attestation of equivalence is one which shows the place and date of issue, and which has been signed and bears the stamp or electronic signature of the issuing agency.

The attestation of equivalence may be stored and made available in the electronic system ELAN to be set up by the Commission.

Article 40

Labelling of the packaging of products of the hops sector

1. Each unit of packaging covered by an attestation of equivalence shall bear the following particulars in one of the official languages of the Union:
 - (a) the description of the hop or hop product;
 - (b) the variety or varieties;
 - (c) the country of origin;
 - (d) the marks and numbers indicated in section 9 of the attestation of equivalence or the extract.
2. The particulars provided for in paragraph 1 shall appear in legible, indelible characters of uniform size on the outside of the package.

Article 41

Customs procedure and keeping attestations of equivalence

For products of the hop sector, when they are presented to customs in accordance with Article 139 of Regulation (EU) No 952/2013 or at the latest before their release for free circulation in the Union, the original of the related attestation of equivalence shall be submitted to the customs authorities who shall countersign and retaining it.

The customs authorities shall transmit, where available, an electronic copy of the attestation of equivalence to the competent authority of the Member State in which the product is brought into the customs territory of the Union.

A copy of the countersigned attestation of equivalence issued by the competent authority of the third country shall be returned to the importer, who must keep it for at least 3 years.

Article 42

Splitting up of consignments of hop products before release for free circulation in the Union

1. Where, before its entry into free circulation in the Union, a consignment covered by an attestation of equivalence is split up and redispached, an attestation extract shall be drawn up in respect of each new consignment resulting from such splitting.

The attestation of equivalence shall be replaced by the necessary number of attestation extracts.

Each attestation extract shall be drawn up by the party concerned in an original on a form corresponding to the model set out in Annex XV and in accordance with the rules set out in Annex XVI and shall be sent to the customs authorities.

2. The customs authorities shall endorse accordingly the original of the attestation of equivalence and shall countersign the original of the extract.

For this purpose, the customs authority shall enter the quantities indicated in the extracts in the sections provided for this purpose on the attestation of equivalence and shall confirm the entry or confirm, where provided for by national administrative provisions, the quantities indicated by the declarant in the relevant sections.

The customs authorities shall retain the original of the endorsed attestation of equivalence and of the countersigned extract, send a copy of the endorsed attestation and each countersigned extract to the competent certification authority of the Member State and return a copy of each extract to the operator concerned.

Article 43

Splitting up of consignments of hop products after entry into free circulation in the Union

If the consignment of the products of the hop sector is resold or split up after it has been released for free circulation in the Union, the product must be accompanied by an invoice or other commercial document drawn up by the vendor, giving the reference number of the attestation of equivalence or of the extract, together with the name of the authority which issued them.

The following information from the attestation of equivalence or, as the case may be, the extract shall also be included on the invoice or commercial document:

- (a) for hop cones:
 - (i) the description of the product;
 - (ii) the gross weight;
 - (iii) the place of production;
 - (iv) the year of harvest;
 - (v) the variety;
 - (vi) the country of origin;
 - (vii) the markings and identification numbers set out in section 9 of the attestation of equivalence;
- (b) for hop products, in addition to the particulars listed under point (a): the place and date of processing.

Article 44

Controls on imported products of the hops sector and reporting

1. The Member States shall regularly carry out checks on a random basis to verify whether hop products under CN code 1210 entering the customs territory of the Union in order to be imported pursuant to Article 190 of Regulation (EU) No 1308/2013 comply with the minimum marketing requirements for hop cones set out in Annex I to Commission Regulation (EC) No 1850/2006²⁸ for those purposes.
2. The Member States shall report to the Commission, every year by 30 June, the frequency, type and result of the checks which were carried out over the year preceding that date. The checks shall cover at least 5 % of the number of consignments of hops expected to be imported from a third country into the Member State in question during the year.
3. If the competent authorities of the Member States find that the samples examined do not satisfy the minimum marketing requirements referred to in paragraph 1, the corresponding consignments shall not be marketed in the Union.

CHAPTER 5

FINAL PROVISIONS

Article 45

Entry into force

²⁸ Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products (OJ L 355, 15.12.2006, p. 72).

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

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN

DRAFT