

## ANNEX 22-14

**Certificate of origin for certain products subject to special non-preferential import arrangements***Introductory notes:*

1. The period of validity of the certificate of origin shall be 12 months from the date of issue by the issuing authorities.
2. Certificates of origin shall consist only of a single sheet identified by the word 'original' next to the title of the document. If additional copies are necessary, they shall bear the designation 'copy' next to the title of the document. The customs authorities in the Union shall accept as valid only the original of the certificate of origin.
3. Certificates of origin shall measure 210 × 297 mm; a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper used shall be white, not containing mechanical pulp, and shall weigh not less than 40 g/m<sup>2</sup>. The face of the original shall have a printed yellow guttloche pattern background making any falsification by mechanical or chemical means apparent.
4. Certificates of origin shall be printed and completed in typescript in one of the official languages of the Union. Entries must not be erased or overwritten. Any changes shall be made by crossing out the wrong entry and, if necessary, adding the correct particulars. Such changes shall be initialised by the person making them and endorsed by the issuing authorities.

All the additional particulars required for implementation of the Union legislation governing the special import arrangements shall be entered in box 5 of the certificate of origin.

Unused spaces in boxes 5, 6 and 7 shall be struck through in such a way that nothing can be added at a later stage.

5. Each certificate of origin shall bear a serial number, whether or not printed, by which it can be identified, and shall be stamped by the issuing authority and signed by the person or persons empowered to do so.
6. Certificates of origin issued retrospectively shall bear in Box 5 the following indication in one of the official languages of the European Union:

- Expedido a posteriori,
- Utdstedt efterfølgende,
- Nachträglich ausgestellt,
- Εκδόθητε τὴν ὑστερῶς,
- Issued retrospectively,
- Délivré a posteriori,
- Rilasciato a posteriori,
- Afgegeven a posteriori,
- Emitido a posteriori,
- Annettu jälkikäteen/utfärdat i efterhand,
- Utfärdat i efterhand,
- Vystaveno dodatečně,
- Välja antud tagasulatuvalt,
- Izsniegts retrospektīvi,
- Retrospektyvusis išdavimas,
- Kiadva visszamenőleges hatályal,
- Mahruq retrospectivement,
- Wystawione retrospektywnie,
- Vyhotovené dodatočne,
- उत्तरान्तरित प्रमाणपत्रम्,
- Eliberat ulterior,
- Izdano naknadno.



## **Information on the rules for importing garlic into the European Union (EU) from third countries, in particular Iran**

This material is for informational purposes only. The binding legal source is the European Commission regulations published in the EU's Official Journal. The electronic version of the regulations is available on the website of the European Commission:

<https://eur-lex.europa.eu/homepage.html?locale=pl>(legal status as of November 19, 2021).

### **I. Information on the tariff quota and the origin of the goods**

Import from third countries (including Iran) into the EU of fresh or chilled garlic (covered by the EU Common Customs Tariff code, CN 0703 20 00) is possible with the third country duty rate (*erga omnes*), which is: 9.60% + EUR 120.00 / 100 kg. In this case, it is not necessary to document the origin of the garlic in a strictly defined manner, although the importer should have information from his supplier specifying the origin of the product.

Regardless of this standard solution, it is possible to import garlic into the EU at a non-preferential rate of duty (9.60%) under the TRQ with order number 09.4287.

Imports of goods under quotas managed by the Directorate-General for Agriculture and Rural Development (DG AGRI) are subject to a licensing system (AGRIM - Agricultural Imports license) for each quantity. This means that the entrepreneur (importer) must always have an authorization enabling the introduction of a given product for free circulation in the EU at a preferential customs duty rate.

The licence is an instrument for managing TRQs by DG AGRI. The issue of an import license under a quota means the operator/entrepreneur has been allocated a specified quantity of a quota item. In Poland, the body that conducts the proceedings on granting the AGRIM licence is the General Director of the National Agricultural Support Center in Warsaw (detailed information is available at:

<https://kowr.gov.pl/handel-zagraniczny/handel-zagraniczny-swieze-owoce-i-warzywa/przywóz-swieżych-owocow-i-warzyw>

The rules for using the quotas result from the EU regulations establishing the individual quotas. These regulations define the CN codes of goods available under the quotas, countries of origin, deadlines for submitting applications, requirements for entrepreneurs, the amount of the required security or the method of using the imported goods.

In addition, it should be noted that proper documentation of the origin must be met in order to benefit from the above quota. There are strict requirements on how the origin of the garlic should be documented.

In order to properly document the origin, a special certificate of origin for agricultural products is used. Simple certificates of origin, which are most often issued by chambers of commerce or governmental institutions, do not apply here. The condition for placing the goods in question (garlic) under the customs procedure of release for free circulation, under this quota, is that a special certificate must be attached to the customs declaration.

Therefore, in order to release garlic for free circulation in the EU (CN code 0703 20 00), the Iranian operator acting as an exporter in the supply chain must obtain such a special certificate in his country and submit it to the importer. The certificate must meet the requirements set out in Annex 22-14 to the Union Customs Code Implementing Regulation. This annex specifies the template of the certificate itself as well as its technical specifications, i.e. the conditions relating to the paper that must be used for its printing, dimensions, colour and guilloche pattern.

**Such a certificate must be issued by the competent Iranian authorities responsible for this. The data concerning these authorities must be notified to the European Commission, along with the specimen of the seals that will be used to endorse these special certificates for agricultural products, as well as their possible subsequent verification. Notifications in this context are handled by the Directorate General for Taxation and Customs Union in the European Commission (DG TAXUD), and the contact person from DG TAXUD is e.g. Anne-Marie Michels, email:[anne-marie.michels@ec.europa.eu](mailto:anne-marie.michels@ec.europa.eu)**

**So far, Iran has not provided the European Commission with this necessary information. In this context, EU importers of Iranian garlic cannot currently benefit from this quota.**

## **II. Compliance control of fresh fruit and vegetables - at the import stage**

Under the Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011, the import of fresh fruit and vegetables (including garlic with the above-mentioned customs tariff code) is covered by the general Community commercial standard and is subject to compliance checks at the import stage. The requirements of the general commercial standard can be found in part A of the Annex to the above-mentioned regulation.

Control of fresh fruit and vegetables at importation is required before the goods are placed under the customs procedure of release for free circulation. Therefore, before the goods are released for free circulation, an entrepreneur in Poland is obliged to notify (in the competent provincial inspectorate of the commercial quality of agri-food products - WIJHARS) the intention to import from third countries each batch of fresh fruit and vegetables covered by the requirements of EU commercial standards. Then, after carrying out a risk analysis, the WIJHARS competent authority/unit decides whether to check compliance with the commercial standards or waives the checks. A decision issued by the competent authority of the commercial quality of agri-food products is required to submit a customs declaration. Detailed information is available on the website of the General Inspectorate of Agricultural and Food Quality in Warsaw, at the link: <https://www.gov.pl/web/ijhars/import-i-eksport>

## **III. Phytosanitary requirements**

In the area of protective measures against agrophagia (i.e. organisms, e.g. in the form of fungi, pests, bacteria or viruses, harmful to plants, which pose a potential threat to plants grown and growing in nature in a given area of the country), plants, plant products and other objects apply the rules established by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and concern border controls, performed in particular by the official plant health inspector, i.e. in Poland by the Border Branches of Voivodship Inspectorates for Protection Plant and Seed Production.

When introducing goods into the territory of the EU, in accordance with Art. 47 paragraph. 1 above of the regulation, the competent authorities carry out official controls at the border inspection post of first arrival to the EU on each consignment of goods in the form of plants, plant products and other objects in accordance with the lists established pursuant to Art. 72

paragraph 1 and art. 74 sec. 1 of Regulation (EU) 2016/2031. Therefore, as a rule, plants (*sensu lato*) that are introduced into the territory of the EU (including Poland) from third countries and pose a risk of spreading quarantine organisms, should be provided with a phytosanitary certificate issued by the competent plant health authority of the third country - Iran. Detailed phytosanitary requirements concerning the introduction of the above-mentioned goods on the territory of the EU are in Annex XI part B of the Commission Implementing Regulation (EU) 2019/2072 of November 28, 2019.

Regardless of the fact that the entrepreneur (who is the importer) has a phytosanitary certificate, pursuant to Art. 56 of Regulation (EU) 2017/625, each shipment of plant-based goods regulated under EU phytosanitary rules must be accompanied by a Common Health Entry Document, abbreviated as CHED-PP. The current model for the CHED-PP can be found in section C of the Annex to Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019. It should be emphasized that in order to ensure proper communication and division of responsibilities between various authorities and entities, the person responsible for the consignment fills in the relevant part of the Community health entry document (the so-called CHED-PP) in the TRACES NT system, providing the competent phytosanitary authorities at the border inspection post with before the arrival of the shipment, the information necessary for the immediate and complete identification of the goods and their destination. Evidence at the end of the control carried out by the competent official plant health inspector is the final completion of the CHED-PP. The importer must have a CHED-PP document for customs declaration and release for free circulation.

Finally, it is noted that the entities introducing plants on the territory of Poland are subject to (upon request) entry in the "official register of professional entities" kept by the competent voivodeship inspector of plant health and seed inspection. More information is available on the website of the State Plant Health and Seed Inspectorate: <http://piorin.gov.pl/eksport-i-import/import-towarow-do-ue/>