Commission Implementing Regulation (EU) 2019/1607 of 27 September 2019 amending Implementing Regulation (EU) 2016/1239 as regards the applicable closing dates for the submission of licence applications

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1607

of 27 September 2019

amending Implementing Regulation (EU) 2016/1239 as regards the applicable closing dates for the submission of licence applications

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 1234/2007[(1)], and in particular Article 178(b) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2016/1239[(2)] lays down common provisions as regards the application for and the issue of import and export licences for agricultural products. It contains provisions on the deadlines for licence applications and requests for cancellation. In particular, it contains provisions for cases in which that Regulation sets a period for procedures, in order to determine the opening or closing dates for that period where those dates fall on a Saturday, Sunday or public holiday.

(2) To facilitate tariff quota management across the Union, it is necessary to ensure that all agricultural tariff quotas managed by licences are subject to the same rules establishing deadlines for licence applications.

(3) Applicants should be able to lodge the licence applications regardless of public holidays in the Member States. Currently, closing dates for licence applications falling on a Saturday, Sunday or public holiday are determined differently, depending on whether the application period is defined by reference to a specified date or the length of that period. For the latter case, Article 3(4) of Council Regulation (EEC, Euratom) No 1182/71[(3)] provides that if the period ends on a Saturday, Sunday or public holiday, the closing date for application is the working day following that Saturday, Sunday or public holiday. In accordance with Article 5 of that Regulation, where the application period is defined by reference to a specified date, it ends on the last hour of the closing date. This means that, in the absence of a specific provision for cases where the closing date of application periods defined by reference to a specified date ends on a Saturday, Sunday or public holiday, applications would have to be submitted by the last working day preceding the Saturday, Sunday or public holiday in such cases.

(4) To avoid uncertainty about the relevant closing date, the closing dates for the submission of licence applications that fall on a Saturday, Sunday or public holiday should be

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1607. (See end of Document for details)*

advanced in all cases, irrespective of whether the application period is defined by reference to a specified date or the length of that period. In addition, Member States that want to provide for the necessary working arrangements allowing the submission of licence applications on a Saturday, Sunday or public holiday should be allowed to do so. For such cases, in order to ensure transparency in the management of licence applications, rules should be laid down to ensure that applicants are informed about such arrangements.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3(3) of Implementing Regulation (EU) 2016/1239 is amended as follows:

(1) point (b) is replaced by the following:

(b) by way of derogation from Article 3(2)(b) and (4) of that Regulation, the applicable closing date shall be the last working day preceding the Saturday, Sunday or public holiday and shall end at 13.00 hours Brussels time. However, in respect of applications for a licence Member States may decide to provide for the necessary working arrangements to allow their submission on a Saturday, Sunday or public holiday. In that case, the applicable closing date shall be the given Saturday, Sunday or public holiday and shall end at 13.00 hours Brussels time. Where a Member State decides to provide for such working arrangements, it shall publish them.;

(2) the following second subparagraph is added:

Point (b) of the first subparagraph shall also apply where the applicable closing date is defined by reference to a specified date and that date falls on a Saturday, Sunday or public holiday.

Article 2

This Regulation shall enter into force on the twentieth 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, 27 September 2019.

For the Commission

The President

Jean-Claude JUNCKER