Commission Implementing Regulation (EU) 2018/521 of 28 March 2018 amending Regulation (EC) No 1296/2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal

COMMISSION IMPLEMENTING REGULATION (EU) 2018/521

of 28 March 2018

amending Regulation (EC) No 1296/2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal

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 point (c) of Article 187 thereof,

Whereas:

(1) Commission Regulation (EC) No 1296/2008[(2)] lays down the rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal.

(2) In accordance with Article 6 of Regulation (EC) No 1296/2008, a flat-rate reduction may be applied to the import duty fixed in accordance with Commission Regulation (EU) No 642/2010[(3)]. Such a reduction was fixed by Commission Delegated Regulation (EU) 2018/94[(4)] for the import duty for sorghum imported into Spain from third countries. That reduction applies to the available balance of the quantities of sorghum to be imported into Spain under the tariff quota opened on 1 January 2017.

(3) In order to benefit from that flat-rate reduction, those quantities are subject to specific rules. In particular, point (a) of Article 12(1) of Regulation (EC) No 1296/2008 provides that where a flat-rate reduction has been adopted by the Commission, the period of validity of licences is to correspond to the period as specified in Article 6 of Commission Regulation (EC) No 1342/2003[(5)]. However, the relevant point of the latter provision has been deleted by Commission Delegated Regulation (EU) 2016/1237[(6)], which, together with Commission Implementing Regulation (EU) 2016/1239[(7)], lays down rules for applying the system of import and export licences for agricultural products provided for in Regulation (EU) No 1308/2013. It is therefore appropriate to reintroduce a rule regarding the period of validity of licences for the purposes of Regulation (EC) No 1296/2008. For reasons of clarity, that rule should be incorporated directly into Regulation (EC) No 1296/2008.

(4) Regulation (EC) No 1296/2008 should therefore be amended accordingly.

Changes to legislation: *Commission Implementing Regulation (EU) 2018/521 is up to date with all changes known to be in force on or before 02 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In the interest of legal certainty, it should be made clear that the rule regarding the period of validity applies to all the licences issued under Delegated Regulation (EU) 2018/94. This Regulation should therefore apply retroactively from the date of entry into force of Delegated Regulation (EU) 2018/94.

(6) 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

In Article 12 of Regulation (EC) No 1296/2008, paragraph 1 is replaced by the following:

1. The period of validity of licences shall be:
   a the period from the day of issue until the end of the second month following the month of the day of issue, in cases where a flat-rate reduction has been adopted by the Commission;
   b the period specified in the Regulation opening the invitation to tender, in the case of licences issued under a tendering procedure for the duty reduction.

Article 2

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

It shall apply from 26 January 2018.

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

Done at Brussels, 28 March 2018.

For the Commission

The President

Jean-Claude JUNCKER