Commission Implementing Regulation (EU) No 413/2014 of 23 April 2014 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine

COMMISSION IMPLEMENTING REGULATION (EU) No 413/2014

of 23 April 2014

opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine

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 points (a), (c) and (d) of Article 187 thereof,

Whereas:

(1) Regulation (EU) No 374/2014 of the European Parliament and of the Council[(2)] provides for preferential arrangements for 2014 as regards customs duties for imports of certain goods originating in Ukraine. In accordance with Article 3 of that Regulation the agricultural products listed in Annex III thereto are to be admitted for import into the Union within the limits of the tariff quotas as set out in that Annex. The quotas referred to in Annex III to that Regulation are to be administered by the Commission in accordance with Article 184(2)(b) of Regulation (EU) No 1308/2013.

(2) While the quota concerned should normally be managed through the use of import licences, it is however appropriate to attribute import rights as a first step and to issue import licences as a second, as provided for in Article 6(3) of Commission Regulation (EC) No 1301/2006[(3)]. In this way, operators that have obtained import rights should be able to decide, during the course of the quota period, the moment when they wish to apply for import licences, in view of their actual trade flows.

(3) Commission Regulation (EC) No 376/2008[(4)] should apply to import licences issued under this Regulation, save where derogations are appropriate.

(4) Furthermore, the provisions of Regulation (EC) No 1301/2006 which concern applications for import rights, the status of applicants and the issue of import licences should apply to import licences issued pursuant to this Regulation, without prejudice to additional conditions laid down in this Regulation.

(5) For appropriate administration of the tariff quotas, a security should be lodged at the time of submission of an import rights application, and at the time of issue of an import licence.

(6) In order to oblige operators to apply for import licences for all the import rights allocated, it should be provided that such obligation constitutes a primary requirement within the meaning of Commission Implementing Regulation (EU) No 282/2012[(5)].

(7) Commission Implementing Regulation (EU) No 1001/2013[(6)] has replaced some CN codes in Annex I to Council Regulation (EEC) No 2658/87[(7)] by new CN codes which now differ from those referred to in Regulation (EU) No 374/2014. The new CN codes should therefore be reflected in Annex I to this Regulation.

(8) Since the quotas referred to in Annex III to Regulation (EU) No 374/2014 are open only until 31 October 2014, this Regulation should enter into force as soon as possible.

(9) 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

Opening and management of tariffs quotas

1 This Regulation opens and manages import tariff quotas for the products indicated in Annex I.

2 The quantity of products covered by the quotas referred to in paragraph 1, the applicable rate of customs duty and the order numbers shall be as set out in Annex I.

3 The import tariff quotas referred to in paragraph 1 shall be managed by attributing import rights as a first step and issuing import licences as a second.

4 Regulations (EC) No 1301/2006 and (EC) No 376/2008 shall apply, unless otherwise provided for in this Regulation.

[F1 Article 2

Import tariff quota periods

1 The import tariff quotas referred to in Article 1(1) shall be opened from 25 April to 31 December 2014 and from 1 January to 31 December 2015.

2 The quantity set for the annual import tariff quota for 2015 and for each order number set out in Annex I shall be subdivided into four subperiods, as follows:

a 25 % from 1 January to 31 March;

b 25 % from 1 April to 30 June;

c 25 % from 1 July to 30 September;

d 25 % from 1 October to 31 December.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) No 1167/2014 of 31 October 2014 amending Implementing Regulation (EU) No 413/2014 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine.

Article 3

[F1Import rights application for the quota period 2014]

1 Applications for import rights shall be submitted no later than 13.00, Brussels time, on the 15th calendar day following the date of entry into force of this Regulation.

2 A security of EUR 35 per 100 kilograms shall be lodged at the time of submission of an import rights application.

3 Applicants for import rights shall demonstrate that a quantity of poultry products falling under CN codes 0207, 0210 99 39, 1602 31, 1602 32 or 1602 39 21 has been imported by them or on their behalf under the relevant customs provisions, during the 12 month period immediately prior to the import tariff quota period (hereinafter 'reference quantity'). A company formed by the merger of companies, each having an imported reference quantity, may combine those reference quantities as a basis for its application.

4 The total quantity covered by an application for import rights submitted in the import tariff quota period shall not exceed the applicant's reference quantity. Applications not complying with this rule shall be rejected by the competent authorities.

5 No later than the 7th working day following the end of the period for the submission of applications referred to in paragraph 1, Member States shall notify the Commission of the total quantities of all applications in kilograms of product weight and broken down by order number.

6 Import rights shall be awarded as from the 7th and no later than the 12th working day following the end of the period for the notification referred to in paragraph 5.

7 If application of the allocation coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 results in fewer import rights to be allocated than had been applied for, the security lodged in accordance with paragraph 2 shall be released proportionally without delay.

8 Import rights shall be valid from the day of the issue until **[**F1**]**31 December 2014**]**. Import rights shall not be transferable.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) No 1167/2014 of 31 October 2014 amending Implementing Regulation (EU) No 413/2014 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine.

[F2 Article 3a

Import rights applications for the quota period 2015

1 Applications for import rights shall be submitted in the first seven days of the month preceding each of the subperiods referred to in Article 2(2).

2 A security of EUR 35 per 100 kilograms shall be lodged at the time of submission of an import rights application.

3 Applicants for import rights shall, when presenting their first application for a given quota year, submit the proof that a quantity of poultry products falling under CN codes 0207, 0210 99 39, 1602 31, 1602 32 or 1602 39 21 has been imported by them or on their behalf under the relevant customs provisions, during the 12-month period immediately prior to their first application (hereinafter 'the reference quantity'). A company formed by the merger of companies, each having an imported reference quantity, may combine those reference quantities as a basis for its application.

4 The total quantity covered by an application for import rights submitted in the import tariff quota subperiod shall not exceed 25 % of the applicant's reference quantity. Applications not complying with this rule shall be rejected by the competent authorities.

5 Member States shall notify the Commission, by the 14th day of the month in which applications are submitted, of the total quantities, including nil returns, of all applications, expressed in kilograms of product weight and broken down by order number.

6 Import rights shall be awarded as from the 23rd day of the month in which applications are submitted and at the latest by the last day of that month.

7 If application of the allocation coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 results in fewer import rights to be allocated than had been applied for, the security lodged in accordance with paragraph 2 shall be released proportionally without delay.

8 Import rights shall be valid from the first day of the subperiod for which the application has been submitted until 31 December 2015. Import rights shall not be transferable.**]**

Textual Amendments

F2 Inserted by Commission Implementing Regulation (EU) No 1167/2014 of 31 October 2014 amending Implementing Regulation (EU) No 413/2014 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine.

Article 4

[F1 Issue of import licences for the quota period 2014]

1 The release into free circulation of the quantities awarded under the import tariff quotas referred to in Article 1(1) shall be subject to the presentation of an import licence.

2 Import licence applications shall cover the total quantity of import rights allocated. This obligation shall constitute a primary requirement within the meaning of Article 19(2) of Regulation (EU) No 282/2012.

3 Licence applications may be submitted only in the Member State where the applicant has applied for and obtained import rights under the import tariff quotas referred to in Article 1(1).

4 A security of EUR 75 per 100 kilograms shall be lodged by the operator at the time of issue of the import licence. Each issue of an import licence shall result in a corresponding reduction of the import rights obtained and the security lodged for import rights shall be released proportionally without delay.

5 Import licences shall be issued upon application by and in the name of the operator who has obtained the import rights.

6 Licence applications shall refer to only one order number. They may concern several products covered by different CN codes. In that case, all the CN codes and their descriptions shall be entered in boxes 15 and 16 of the licence application and the licence respectively.

7 Licence applications and import licences shall contain:

a in box 8, the name 'Ukraine' as country of origin and box 'yes' marked by a cross;

b in box 20, one of the entries listed in Annex II.

8 Each licence shall mention the quantity for each CN code.

9 In accordance with Article 22(2) of Regulation (EC) No 376/2008, the import licences shall be valid for 30 days from the actual day of issue of the licence. The term of validity of the import licences shall, however, expire at the latest on **[**F1 31 December 2014**]**.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) No 1167/2014 of 31 October 2014 amending Implementing Regulation (EU) No 413/2014 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine.

[F2 Article 4a

Issue of import licences for the quota period 2015

1 The release into free circulation of the quantities awarded under the import tariff quotas referred to in Article 1(1) shall be subject to the presentation of an import licence.

Import licence applications shall cover the total quantity of import rights allocated. The obligation referred to in Article 23(1) of Commission Delegated Regulation (EU) No 907/2014[8] shall be respected.

2 Licence applications shall be submitted only in the Member State where the applicant has applied for and obtained import rights under the quotas referred to in Article 1(1).

3 A security of EUR 75 per 100 kilograms shall be lodged by the operator at the time of submission of the import licence application. Each issue of an import licence shall result in a corresponding reduction of the import rights obtained and the security lodged for import rights shall be released proportionally without delay.

4 Import licences shall be issued upon application by and in the name of the operator who has obtained the import rights.