Commission Implementing Regulation (EU) No 418/2012 of 16 May 2012 amending Regulation (EC) No 376/2008 as regards licence obligations for certain agricultural products, and amending Regulation (EC) No 1342/2003 as regards the transfer of rights deriving from licences for cereals and rice imported under tariff quotas

COMMISSION IMPLEMENTING REGULATION (EU) No 418/2012

of 16 May 2012

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THE EUROPEAN COMMISSION,

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

Having regard to 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)[(1)], and in particular Article 134 and Article 161(3), in conjunction with Article 4 thereof,

Whereas:

(1) In accordance with Articles 130 and 161 of Regulation (EC) No 1234/2007, in order to manage imports and exports, the Commission has been given the power to determine the products for which import or export will be subject to presentation of a licence. When assessing the need for a licence system, the Commission has to take into account the appropriate instruments for the management of the markets and in particular for monitoring the imports or exports.

(2) Article 1(2)(a)(i) of Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products[(2)] in conjunction with Section A of Part I of Annex II to that Regulation provides for a licence obligation for imports of, among others, durum wheat including products imported under tariff quotas as referred to in Article 1(2)(a)(iii) of that Regulation, barley and grain sorghum other than hybrids for sowing, all these products including seeds thereof. Regulation (EC) No 376/2008 also provides for a licence obligation for imports of manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets, for imports of sago pith and for imports of sweet potatoes for human consumption.

(3) Article 1(2)(b)(i) of Regulation (EC) No 376/2008 in conjunction with Section A of Part II of Annex II to that Regulation provides for a licence obligation for exports of, among others, durum wheat, rye, barley and oats, all of them including seeds thereof.

Changes to legislation: *Commission Implementing Regulation (EU) No 418/2012 is up to date with all changes known to be in force on or before 31 March 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*

(4) Annex II to Regulation (EC) No 376/2008 refers to CN codes in order to indicate the products which are subject to the presentation of an import or export licence under the conditions laid down by that Regulation.

(5) It seems appropriate to adapt the CN codes used in Parts I, II and III of Annex II to Regulation (EC) No 376/2008 to those used in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff[(3)] as amended by Commission Regulation (EU) No 1006/2011[(4)]. Moreover, some minor linguistic changes to Annex II to Regulation (EC) No 376/2008 are needed in the interest of clarity.

(6) In the interest of simplification and for the purpose of alleviating the administrative burden for Member States and operators, the requirement of import licences for seeds of durum wheat, including products imported under tariff quotas as referred to in Article 1(2)(a)(iii) of Regulation (EC) No 376/2008, of barley and of grain sorghum other than hybrids for sowing, the requirement of import licences for manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets, for sago pith and for sweet potatoes for human consumption and the requirement of export licences for seeds of durum wheat, of rye, of barley and of oats should be abolished.

(7) Pursuant to Article 130(1) of Regulation (EC) No 1234/2007, Regulation (EC) No 376/2008 introduced a licence obligation for imports of all sugar products falling within CN code 1701 imported under preferential conditions other than tariff quotas. The amount of the security and the period of validity of import licences for all products falling within that CN code imported under preferential conditions other than tariff quotas are set out in Section C of Part I of Annex II to Regulation (EC) No 376/2008 by way of a reference to specific provisions of the sectoral Commission regulations. Since those regulations have been repealed in the meantime, it is appropriate to specify the amount of the security and the period of validity of import licences of the products concerned in that Section.

(8) The product codes for which an import licence is required are currently listed in Part I of Annex II to Regulation (EC) No 376/2008. By Article 2 of Council Regulation (EC) No 1667/2006 of 7 November 2006 on glucose and lactose[(5)], all the provisions, and in particular the system of trade with third countries, adopted for the dairy product lactose and lactose syrup falling within CN code 1702 19 00 are extended to the industrial product lactose and lactose syrup falling within CN code 1702 11 00. For the sake of completeness, transparency and clarity, it is appropriate to include CN code 1702 11 00 in Part I of Annex II to Regulation (EC) No 376/2008.

(9) Horizontal rules concerning transferability of licences including transfer of rights deriving from licences or certificates are laid down in Article 8(1) of Regulation (EC) No 376/2008. In the interest of clarity as regards transferability of licences issued in accordance with Article 1(2)(a)(ii) of Regulation (EC) No 376/2008 concerning tariff quotas, it seems appropriate to adapt Article 6(7) of Commission Regulation (EC) No

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1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice[6].

(10) Regulations (EC) No 376/2008 and (EC) No 1342/2003 should therefore be amended accordingly.

(11) For the sake of clarity, it is appropriate to lay down the rules concerning the import licences issued for seeds of durum wheat including products imported under tariff quotas as referred to in Article 1(2)(a)(iii) of Regulation (EC) No 376/2008, of barley and of grain sorghum other than hybrids for sowing, the import licences for manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets; sago pith; sweet potatoes for human consumption and the export licences issued for seeds of durum wheat, of rye, of barley and of oats, which are still valid on the date of entry into force of this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EC) No 376/2008

Annex II to Regulation (EC) No 376/2008 is replaced by the text in the Annex to this Regulation.

Article 2

Amendment of Regulation (EC) No 1342/2003

In Article 6 of Regulation (EC) No 1342/2003, paragraph 7 is replaced by the following:

7. By way of derogation from Article 8(1) of Regulation (EC) No 376/2008, rights deriving from licences referred to in paragraph 4 of this Article shall not be transferable.

Article 3

Transitional measures

At the request of the interested parties, the securities lodged for the issuing of import licences for seeds of durum wheat including products imported under tariff quotas as referred to in Article 1(2)(a)(iii) of Regulation (EC) No 376/2008, of barley and of grain sorghum other than hybrids for sowing, of import licences for manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets for sago pith and for sweet potatoes for human consumption and of export licences for seeds of durum wheat, of rye, of barley and of oats, shall be released when the following conditions are met:

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(a) the validity of the licences has not expired on the date of entry into force of this Regulation;

(b) the licences have been used only partially or not at all on the date of entry into force of this Regulation.

Article 4

Entry into force

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, 16 May 2012.

For the Commission

The President

José Manuel BARROSO

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ANNEX

‘ANNEXPART ILICENSING OBLIGATION — FOR IMPORTSList of products referred to in Article 1(2)(a)(i) and ceilings applicable in accordance with Article 4(1)(d)

A.

CEREALS (PART I OF ANNEX I TO REGULATION (EC) NO 1234/2007)

CN code	Description	Amount of the security	Period of validity	Net quantities[a]
1001 19 00	Durum wheat, other than seed, including products imported under tariff quotas as referred to in Article 1(2)(a)(iii)	1 EUR/t	until the end of the second month following the month of the actual day of issue of the licence, in accordance with Article 22(2)	5 000 kg
ex 1001 99 00	Spelt, common wheat and meslin other than seed, including products imported under tariff quotas as referred to in Article 1(2)(a)(iii)	1 EUR/t	until the end of the second month following the month of the actual day of issue of the licence, in accordance with Article 22(2)	5 000 kg
1003 90 00	Barley, other than seed	1 EUR/t	until the end of the second month following the month of the actual day of issue of the licence, in accordance with Article 22(2)	5 000 kg
1005 90 00	Maize other than seed	1 EUR/t	until the end of the second month following the month of the actual day of issue of the licence, in	5 000 kg

a Maximum quantities for which no licence or certificate needs to be presented, pursuant to Article 4(1)(d). Not applicable for imports under preferential conditions or under a tariff quota.

(—) Licence or certificate required for any quantities.