Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice (codification)

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(codification)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations[(1)], and in particular Article 1 thereof,

Having regard to Council Decision 96/317/EC of 13 May 1996 concerning the conclusion of the results of the consultations with Thailand under GATT Article XXIII[(2)], and in particular Article 3 thereof,

Whereas:

(1) Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice[(3)] has been substantially amended several times[(4)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) Under the negotiations conducted pursuant to GATT Article XXIV(6) in the wake of the accession of Austria, Finland and Sweden to the European Community, it was agreed to open from 1 January 1996 an annual import quota for 63 000 tonnes of semi-milled and wholly milled rice covered by CN code 1006 30 at zero duty. That quota was included in the European Community list provided for in Article II(1)(a) of GATT 1994.

(3) Under the consultations with Thailand pursuant to GATT Article XXIII, it was agreed to open an annual import quota for 80 000 tonnes of broken rice covered by CN code 1006 40 00 at an import duty reduced by EUR 28 per tonne.

(4) Council Decision 2005/953/EC of 20 December 2005 on the conclusion of an agreement in the form of an Exchange of Letters between the European Community and Thailand pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to GATT 1994[(5)] provides for the opening of a new global annual import quota of 13 500 tonnes of semi-milled or wholly milled rice falling within CN code 1006 30 at zero duty and an increase in the annual import quota for broken rice falling within CN code 1006 40 00 to 100 000 tonnes.

(5) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Thailand pursuant to Article XXIV: 6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union[6], approved by Council Decision 2006/324/EC[7], provides for an increase in the annual global tariff quota at zero duty for wholly milled and semi-milled rice covered by CN code 1006 30 of 25 516 tonnes for all origins and of 1 200 tonnes for Thailand. It also provides for the opening of an additional zero duty tariff quota of 31 788 tonnes of broken rice covered by CN code 1006 40 for all origins, and for new quotas at 15 % duty valid for all origins of 7 tonnes of paddy rice covered by CN code 1006 10 and 1 634 tonnes of husked rice covered by CN code 1006 20.

(6) The commitments for the annual import tariff quotas referred to in Article 1(1)(a), (c) and (d) of this Regulation provide that the administration of those quotas is to take account of traditional suppliers.

(7) With a view to preventing imports under those quotas from causing disturbance in the normal marketing of Union-grown rice, such imports should be staggered over the year so they can be absorbed more easily by the Union market.

(8) With a view to the sound administration of the quotas and in particular in order to ensure that the quantities fixed are not exceeded, special detailed rules should be laid down to cover the submission of applications and the issue of licences. Such detailed rules should either supplement or derogate from 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[8].

(9) It should be stipulated that Commission Regulation (EC) No 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[9] and Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences[10] apply in the framework of this Regulation.

(10) 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

1 The following annual global tariff quotas are hereby opened on 1 January each year:

a 63 000 tonnes of wholly milled or semi-milled rice covered by CN code 1006 30, at zero duty;

b 1 634 tonnes of husked rice covered by CN code 1006 20 at an *ad valorem* duty fixed at 15 %;

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1273/2011. (See end of Document for details)*

c 100 000 tonnes of broken rice covered by CN code 1006 40 00, with a reduction of 30,77 % in the duty fixed in Article 140 of Council Regulation (EC) No 1234/2007[(11)];

d 40 216 tonnes of wholly milled or semi-milled rice covered by CN code 1006 30, at zero duty;

e 31 788 tonnes of broken rice covered by CN code 1006 40 00, at zero duty.

Those overall import tariff quotas shall be broken down into import tariff quotas by country of origin and divided among a number of subperiods in accordance with Annex I.

Regulations (EC) No 1342/2003, (EC) No 1301/2006 and (EC) No 376/2008 shall apply to the quotas referred to in the first subparagraph, save as otherwise provided for in this Regulation.

2 An annual quota of 7 tonnes of paddy rice covered by CN code 1006 10, at an *ad valorem* duty fixed at 15 %, shall be opened on 1 January each year under order number 09.0083.

It shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93[(12)].

Article 2

For quantities not covered by import licences issued for the quotas referred to in Article 1(1)(a), (b) and (e) in respect of the subperiod of the month of September, import licence applications may be submitted in respect of all origins covered by the overall import tariff quota in the subperiod of the month of October.

Article 3

Where import licence applications are submitted in respect of rice and broken rice originating in Thailand and rice originating in Australia or the United States under the quantities referred to in Article 1(1)(a) and (c), they shall be accompanied by the original of the export licence drawn up in accordance with Annexes II, III and IV and issued by the competent body in the countries indicated therein.

The entries shall be optional for Sections 7, 8 and 9 of Annex II.

Article 4

1 Licence applications shall be lodged in the first 10 working days of the first month of each subperiod.

2 By way of derogation from Article 12 of Regulation (EC) No 1342/2003, the security for the import licences shall be:

— EUR 46 per tonne for the quotas provided for in Article 1(1)(a) and (d),

— EUR 5 per tonne for the quotas provided for in Article 1(1)(c) and (e).

3 The country of origin shall be entered in section 8 of licence applications and of the import licences and the word ‘yes’ shall be marked with a cross.

Licences shall be valid only for products originating in the country indicated in section 8.

4 Section 24 of the licences shall bear one of the following entries:

a in the case of the quota referred to in Article 1(1)(a), one of the entries listed in Annex V;

b in the case of the quota referred to in Article 1(1)(b), one of the entries listed in Annex VI;

c in the case of the quota referred to in Article 1(1)(c), one of the entries listed in Annex VII;

d in the case of the quota referred to in Article 1(1)(d), one of the entries listed in Annex VIII;

e in the case of the quota referred to in Article 1(1)(e), one of the entries listed in Annex IX.

5 By way of derogation from Article 6(1) of Regulation (EC) No 1301/2006, in the case of the tariff quotas concerned by the import licence applications referred to in the first paragraph of Article 3 of this Regulation, applicants may submit several applications for the same quota order number by import tariff quota subperiod.

Article 5

The allocation coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 shall be fixed by the Commission within 10 days of the final day for notification referred to in point (a) of Article 8 of this Regulation. At the same time the Commission shall fix the quantities available in respect of the following subperiod and, where applicable, in respect of the additional subperiod of the month of October.

If the allocation coefficient referred to in the first paragraph results in one or more quantities of less than 20 tonnes per application, Member States shall allocate the total of such quantities by drawing lots among the operators concerned for each quantity of 20 tonnes, with the remainder distributed equally between the 20-tonne quantities. However, where adding together the quantities of less than 20 tonnes does not result in the constitution of a 20-tonne quantity, the remainder shall be distributed by the Member State equally between the operators whose licences are for 20 tonnes or more.

Where, following the application of the second paragraph, the quantity for which a licence is to be issued is less than 20 tonnes, the licence application may be withdrawn by the operator within two working days following the date of entry into force of the Regulation fixing the allocation coefficient.

Article 6

Within three working days of the date of publication of the Commission's Decision fixing the quantities available, as provided for in Article 5, import licences shall be issued for the quantities resulting from the application of Article 5.

Article 7

1 Point (d) of the first subparagraph of Article 4(1) of Regulation (EC) No 376/2008 shall not apply.

2 The benefits in terms of customs duties provided for in Article 1(1) shall not apply to quantities imported under the tolerance specified in Article 7(4) of Regulation (EC) No 376/2008.

3 By way of derogation from Article 6(1) of Regulation (EC) No 1342/2003 and pursuant to Article 22(2) of Regulation (EC) No 376/2008, import licences for husked, semi-milled and wholly milled rice shall be valid from their actual day of issue until the end of the third month following that day.

4 Under the quotas referred to in Article 1(1), the release of the products into free circulation within the Union shall be subject to the presentation of a certificate of origin issued

by the competent national authorities of the country concerned in accordance with Article 47 of Regulation (EEC) No 2454/93.

However, in respect of those parts of the quotas relating to countries for which an export licence is required in accordance with Article 3 of this Regulation or in respect of quotas the origin of which is described as 'all countries', a certificate of origin is not required.

Article 8

The Member States shall send the Commission, by electronic means:

(a) no later than the second working day following the final day for the submission of licence applications at 18.00 (Brussels time), the information on the import licence applications referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, with a breakdown by eight-digit CN code and by country of origin of the quantities covered by those applications, specifying the number of the import licence and the number of the export licence where this is required;

(b) no later than the second working day following the issue of the import licences, information on the licences issued, as referred to in Article 11(1)(b) of Regulation (EC) No 1301/2006, with a breakdown by eight-digit CN code and by country of origin of the quantities for which import licences have been issued, specifying the number of the import licence and the quantities for which licence applications have been withdrawn in accordance with the third paragraph of Article 5 of this Regulation;

(c) no later than the last day of each month, the total quantities actually released for free circulation under the quota concerned during the previous month but one, broken down by eight-digit CN code and by country of origin, giving details of the packaging if that packaging is less than or equal to 5 kg. If no quantities have been released for free circulation during the period, a 'nil' notification shall be sent.

Article 9

1 The Commission shall monitor the quantities of goods imported under this Regulation, with a view in particular to establishing:

a the extent to which traditional trade flows, in terms of volume and presentation, to the Union are significantly changed; and

b whether there is subsidisation between exports benefiting directly from this Regulation and exports subject to the normal import charge.

2 If either of the criteria set out in points (a) and (b) of paragraph 1 is met, and in particular if the imports of rice in packages of five kilograms or less exceed the figure of 33 428 tonnes, and in any event on an annual basis, the Commission shall submit a report to the European Parliament and to the Council accompanied, if necessary, by appropriate proposals to avoid disruption of the Union rice sector.

3 Quantities imported in packages of the kind referred to in paragraph 2 and released for free circulation shall be indicated in the relevant import licence in accordance with Article 23 of Regulation (EC) No 376/2008.

Article 10

Regulation (EC) No 327/98 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XI.