# Commission Regulation (EC) No 433/2009 of 26 May 2009 amending Regulation (EC) No 1282/2006 as regards export licences and export refunds for milk and milk products

## COMMISSION REGULATION (EC) No 433/2009

## of 26 May 2009

## amending Regulation (EC) No 1282/2006 as regards export licences and export refunds for milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 Articles 170 and 171 in conjunction with Article 4 thereof,

Whereas:

(1) Article 1(2)(b) 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)] provides that export licences have to be presented for certain products. For the purposes of clarity it is necessary to delete the equivalent provision in the first subparagraph of Article 3(1) of Commission Regulation (EC) No 1282/2006 of 17 August 2006 laying down special detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards export licences and export refunds for milk and milk products[(3)].

(2) Commission Regulation (EC) No 57/2009 of 22 January 2009 fixing the export refunds on milk and milk products[(4)] has excluded from granting of a refund, as from 23 January 2009, the exports referred to in Article 36(1) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products[(5)]. As a consequence the second subparagraph of Article 3(1) of Regulation (EC) No 1282/2006 has become obsolete and should be deleted.

(3) Article 5 of 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[(6)] provides the documents to be submitted to show trade performance with third countries. With a view to harmonisation and coherence, it is appropriate to refer to that Article under the regimes where trade performance needs to be shown in Regulation (EC) No 1282/2006. Articles 24(3) and 30(1) of Regulation (EC) No 1282/2006 should be amended accordingly.

(4) Article 27 of Commission Regulation (EC) No 1282/2006 provides that licences issued in accordance with those provisions are only valid for the exports to the USA. In order

to ensure that and with a view of maximising the use of the quota, the security should be released only on presentation of a transport document as provided in Article 16(3) of Regulation (EC) No 800/1999. Article 27 of Regulation (EC) No 1282/2006 should be completed accordingly. In order to release the securities for licences for exports to the Dominican Republic it is appropriate, with a view to harmonisation and simplification and in order to alleviate the administrative burden of the exporter, to require the transport document as provided in Article 16(3) of Regulation (EC) No 800/1999. Article 34(3) of Regulation (EC) No 1282/2006 should therefore be amended accordingly.

(5) Chapter 4 of Section I of Part Two of 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[7] has been amended. Annex II to Regulation (EC) No 1282/2006 should be amended accordingly.

(6) Article 16 and Appendix 2 of Annex III to the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part[8], the signature and provisional application of which has been approved by Council Decision 2008/805/EC[9], provide for the tariff quota of milk powder previously contained in the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic[10], approved by Council Decision 98/486/EC[11]. Annex IV to Regulation (EC) No 1282/2006 should be updated accordingly.

(7) Regulation (EC) No 1282/2006 should therefore be amended accordingly.

(8) It should be provided that some of the amended provisions should not apply to licences that have already been issued.

(9) 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*

Regulation (EC) No 1282/2006 is amended as follows:

1. Paragraph 1 of Article 3 is deleted.

2. In Article 24(3), the following subparagraph is added:

> The proof of trade as referred to in the first subparagraph shall be furnished in accordance with the second paragraph of Article 5 of Commission Regulation (EC) No 1301/2006[12].

3. In Article 27, the following paragraph is added:

> Securities for export licences shall be released on presentation of the proof referred to in Article 32(2) of Commission Regulation (EC) No 376/2008[13] together with the transport document referred to in Article 16(3) of Regulation (EC) No 800/1999 mentioning as destination the United States of America.

4. In Article 30(1), the second subparagraph is replaced by the following:

The proof of trade as referred to in the first subparagraph shall be furnished in accordance with the second paragraph of Article 5 of Regulation (EC) No 1301/2006.

5. In Article 34(3), point (a) is replaced by the following text:

(a) on presentation of the proof referred to in Article 32(2) of Regulation (EC) No 376/2008 together with the transport document referred to in Article 16(3) of Regulation (EC) No 800/1999 mentioning as destination the Dominican Republic;

6. Annex II is amended as follows:

(a) in group No 7, the entries '0402 91 11 9370, 0402 91 31 9300' are replaced by '0402 91 10 9370, 0402 91 30 9300';

(b) in group No 9, the entries '0402 99 11 9350, 0402 99 31 9150, 0402 99 31 9300' are replaced by '0402 99 10 9350, 0402 99 31 9300';

(c) groups No 8 and 10 are deleted.

7. Annex IV is replaced by the text in the Annex to this Regulation.

*Article 2*

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

Article 1(3) shall apply to export licences issued for the quota year 2010 and following.

Article 1(5) shall apply to export licences issued for the quota year starting on 1 July 2009.

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

Done at Brussels, 26 May 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EC) No 433/2009. (See end of Document for details)*

ANNEX

ANNEX IV

**Entries referred to in Article 32(c)**

— in Bulgarian : Глава III, раздел 3 от Регламент (ЕО) № 1282/2006:

тарифна квота за периода 1.7… г. — 30.6… г., за мляко на прах, съгласно допълнение II към приложение III към Споразумението за икономическо партньорство между държавите от КАРИФОРУМ, от една страна, и Европейската общност и нейните държави-членки, от друга страна, чието подписване и временно прилагане е одобрено с Решение 2008/805/ЕО на Съвета.

— in Spanish : Capítulo III, sección 3, del Reglamento (CE) nº 1282/2006:

contingente arancelario de leche en polvo del año 1.7.…-30.6.…, con arreglo al apéndice 2 del anexo III del Acuerdo de Asociación Económica entre los Estados del CARIFORUM, por una parte, y la Comunidad Europea y sus Estados miembros, por otra, cuya firma y aplicación provisional han sido aprobadas mediante la Decisión 2008/805/CE del Consejo.

— in Czech : kapitola III oddíl 3 nařízení (ES) č. 1282/2006:

celní kvóta na období od 1. 7. … do 30. 6. … pro sušené mléko podle dodatku 2 přílohy III Dohody o hospodářském partnerství mezi státy CARIFORA na jedné straně a Evropským společenstvím a jeho členskými státy na straně druhé, jejíž podpis a prozatímní uplatňování byly schváleny rozhodnutím Rady 2008/805/ES.

— in Danish : Kapitel III, afdeling 3, i forordning (EF) nr. 1282/2006:

toldkontingent for 1.7…-30.6… for mælkepulver i overensstemmelse med bilag III, tillæg 2, til den økonomiske partnerskabsaftale mellem Cariforumlandene på den ene side og Det Europæiske Fællesskab og dets medlemsstater på den anden side, hvis undertegnelse og midlertidige anvendelse blev godkendt ved Rådets afgørelse 2008/805/EF.

— in German : Kapitel III Abschnitt 3 der Verordnung (EG) Nr. 1282/2006:

Milchpulverkontingent für den Zeitraum 1.7.…-30.6.… gemäß Anhang III Anlage 2 des Wirtschaftspartnerschaftsabkommens zwischen den CARIFORUM-Staaten einerseits und der Europäischen Gemeinschaft und ihren Mitgliedstaaten andererseits, dessen Unterzeichnung und vorläufige Anwendung mit dem Beschluss 2008/805/EG des Rates genehmigt wurde.

— in Estonian : määruse (EÜ) nr 1282/2006 III peatüki 3. jagu:

ühelt poolt CARIFORUMi riikide ning teiselt poolt Euroopa Ühenduse ja selle liikmesriikide vahelise majanduspartnerluslepingu (mille allakirjutamine ja esialgne kohaldamine on heaks kiidetud nõukogu otsusega 2008/805/EÜ) III lisa 2. liites on sätestatud piimapulbri tariifikvoot ajavahemikuks 1.7.…–30.6.…

— in Greek : κεφάλαιο III, τμήμα 3 του κανονισμού (ΕΚ) αριθ. 1282/2006: