Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat

COMMISSION REGULATION (EC) No 1385/2007

of 26 November 2007

laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat[(1)], and in particular Article 6(1) thereof,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues[(2)], and in particular Article 7 thereof,

Whereas:

(1) Commission Regulation (EC) No 1431/94 of 22 June 1994 laying down detailed rules for the application in the poultrymeat sector of the arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products[(3)] has been substantially amended several times and requires further amendment. Regulation (EC) No 1431/94 should therefore be repealed and replaced by a new regulation.

(2) The tariff quotas should be administered on the basis of import licences. For this purpose, the arrangements for submitting applications and the details that should appear on the licence applications and the licences themselves should be specified.

(3) Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products[(4)] 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[(5)] should apply, save as otherwise provided for in this Regulation.

(4) In order to ensure a regular flow of imports, the quota period running from 1 January to 31 December should be subdivided into several subperiods. In any event, under Regulation (EC) No 1301/2006 licences are valid only up to and including the last day of the tariff quota period. The administration of the tariff quotas should be based on import licences.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1385/2007. (See end of Document for details)*

(5) In view of the risk of speculation inherent in the system in the poultrymeat sector, clear conditions should be laid down as regards access for operators to the tariff quota scheme.

(6) For appropriate administration of the tariff quotas, the security linked to the import licences should be set at EUR 50 per 100 kilograms.

(7) In the interests of the operators, the Commission should determine the quantities that have not been applied for, which will be added to the next quota subperiod in accordance with Article 7(4) of Regulation (EC) No 1301/2006.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1 The tariff quotas in Annex I are opened by Regulation (EC) No 774/94 for the import of poultrymeat products under the CN codes indicated therein.

The tariff quotas shall be open on an annual basis for the period from 1 January to 31 December.

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

Article 2

The provisions of Regulations (EC) Nos 1291/2000 and 1301/2006 shall apply, save as otherwise provided for in this Regulation.

Article 3

The quantity fixed for the annual quota period for each serial number shall be divided among 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.

Article 4

1 For the purposes of applying Article 5 of Regulation (EC) No 1301/2006, applicants for import licences shall, when submitting the first application for a given tariff quota period, provide proof that they imported or exported at least 50 tonnes of products covered by Regulation (EEC) No 2777/75 in each of the two periods referred to in the said Article 5.

2 Licence applications may refer to only one of the serial numbers indicated in Annex I to this Regulation. They may concern several products covered by different CN codes. If they do, all the CN codes and their designations must be entered in boxes 16 and 15 of the licence application and the licence respectively.

Licence applications must be for a minimum of 10 tonnes and a maximum of 10 % of the quantity available for the quota concerned in the subperiod in question.

3 By way of derogation from Article 6(1) of Regulation (EC) No 1301/2006, in the case of groups 3, 5 and 6, each applicant may lodge more than one application for import licences for products in one group where such products originate in more than one country. Separate applications for each country of origin must be submitted simultaneously to the competent authority of a Member State. They shall be regarded as a single application, for the purposes of the maximum referred to in paragraph 5 of this Article.

4 Except for Group Numbers 3, 5 and 6, licences shall carry an obligation to import from the country that is specified. For the groups concerned by this obligation, the country of origin shall be entered in box 8 of the application and of the licence itself, and the word 'yes' shall be marked with a cross.

5 Box 20 of the licence application and the licence shall contain one of the entries indicated in Annex II, Part A.

Box 24 of the licence shall contain one of the entries indicated in Annex II, Part B.

For group 3 products, box 24 of the licence shall contain one of the entries indicated in Annex II, Part C.

For group 5 products, box 24 of the licence shall contain one of the entries indicated in Annex II, Part D.

Article 5

1 Licence applications may be submitted only in the first seven days of the month preceding each of the subperiods referred to in Article 3.

2 Licence applications must be accompanied by a supply contract specifying that the poultry supplies requested are available for delivery within the European Union during the quota period from the origin and for the quantity requested.

The first subparagraph shall apply only to group 1, 2 and 4 products.

3 A security of EUR 50 per 100 kilograms shall be lodged when an application for a licence is submitted.

4 Not later than the fifth day following the end of the period for submission of applications, Member States shall notify the Commission of the total quantities, in kilograms, applied for in respect of each group.

5 Licences shall be issued as of the seventh working day and at the latest by the eleventh working day following the end of the notification period provided for in paragraph 4.

6 If necessary, the Commission shall establish any quantities that have not been applied for, and these shall be added automatically to the quantity for the following quota subperiod.

Article 6

1 By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission by the end of the first month of each quota subperiod of the total quantities, in kilograms, for which licences have been issued, as referred to in Article 11(1)(b) of that Regulation.

2 Member States shall notify the Commission, before the end of the fourth month following each annual quota period, of the quantities, in kilograms, under each serial number actually released into free circulation under this Regulation in the period concerned.

3 By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission of the quantities, in kilograms, to which unused or partially used import licences relate, first when the application for the last subperiod is sent, and again before the end of the fourth month following each annual period.

Article 7

1 By way of derogation from Article 23 of Regulation (EC) No 1291/2000, import licences shall be valid for 150 days from the first day of the subperiod for which they are issued.

2 Without prejudice to Article 9(1) of Regulation (EC) No 1291/2000, the rights deriving from the licences may be transferred only to transferees satisfying the eligibility conditions set out in Article 5 of Regulation (EC) No 1301/2006 and Article 4(1) of this Regulation.

Article 8

Regulation (EC) No 1431/94 is hereby 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 III.

Article 9

This Regulation shall enter into force on the third 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 1385/2007. (See end of Document for details)*

[F1ANNEX I

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2017/1156 of 27 June 2017 amending Regulation (EC) No 1385/2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat.

For the quota period 1 January 201731 December 2017:
REDUCTION IN CUSTOMS DUTY SET AT 100 %
Chicken

(tonnes)

Country	Group number	Order number	CN Code	Annual quantities for 2017	Additional quantity available for the fourth quota sub-period in 2017[a]
Brazil	1	09.4410	0207 14 10 0207 14 50 0207 14 70	11 932	2 396

a The additional quantity is made available pursuant to the Agreement between the European Union and Brazil in force on 30 June 2017. This additional quantity is calculated on pro rata basis for the period 30 June 2017 until 31 December 2017 and is available for licence applications submitted for the quota subperiod commencing 1 October 2017.

Country	Group number	Order number	CN Code	Annual quantities for 2017
Thailand	2	09.4411	0207 14 10 0207 14 50 0207 14 70	5 100
Other	3	09.4412	0207 14 10 0207 14 50 0207 14 70	3 300

Turkey

(tonnes)

Country	Group number	Order number	CN Code	Annual quantities for 2017	Additional quantity available for the fourth

a The additional quantity is made available pursuant to the Agreement between the European Union and Brazil in force on 30 June 2017. This additional quantity is calculated on pro rata basis for the period 30 June 2017 until 31 December 2017 and is available for licence applications submitted for the quota subperiod commencing 1 October 2017.