Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90

[X1COMMISSION REGULATION (EC) No 1964/2006

of 22 December 2006

laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90]

[X1THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3491/90 of 26 November 1990 on imports of rice originating in Bangladesh(1), and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice(2), and in particular Articles 10(2), 11(4) and 13(1) thereof,

Whereas:

(1) Under Regulation (EEC) No 3491/90, the levy on imports of rice originating in Bangladesh is reduced by 50 % plus a standard component varying according to the extent to which the rice is milled, provided that a corresponding tax is paid when the rice is exported from the third country concerned. To this end, for the purposes of application of that Regulation, the changes which have taken place since its adoption should be taken into account, as should the overhaul of the agrimonetary arrangements in 1995.

(2) Commission Regulation (EEC) No 862/91 of 8 April 1991 laying down detailed rules applying Council Regulation (EEC) No 3491/90 to imports of rice originating in Bangladesh(3) has been substantively amended since its adoption. The provisions relating to the quota originating in Bangladesh should, moreover, be harmonised with the horizontal or sectoral implementing regulations, that is, apart from Regulation (EC) No 1301/2006, Commission Regulations (EC) Nos 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), 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(5), and 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). Regulation (EC) No 1301/2006 applies to import licences for tariff quota periods starting from 1 January 2007.

(3) Regulation (EC) No 1301/2006 lays down in particular detailed rules for applications for import licences, the status of applicants and the issue of licences. It limits the period of validity of import licences to the final day of the tariff quota period and applies without prejudice to additional conditions or derogations laid down by the sectoral regulations. The administration of the Community tariff quota for imports of

rice originating in Bangladesh should therefore be adapted by adopting a new regulation applicable from 2007 and repealing Regulation (EEC) No 862/91.

(4) In the interests of sound administration of the quota, it is necessary to allow operators to submit more than one licence application per quota period, and therefore to derogate from Article 6(1) of Regulation (EC) No 1301/2006. The specific rules which apply to the drawing up of licence applications, their issue, their period of validity and the notification of information to the Commission should therefore be laid down, as should suitable administrative measures in order to ensure that the volume of the quota fixed is not exceeded. Moreover, in order to improve controls on the quota and to simplify its administration, provision should be made for import licence applications to be submitted on a weekly basis, and the security should be fixed at a level appropriate to the risks involved.

(5) These measures should be applied from 1 January 2007, which is the date from which the measures provided for in Regulation (EC) No 1301/2006 apply.

(6) However, the period for lodging the first applications referred to in this Regulation falls on a public holiday in 2007; it should therefore be laid down that the first applications may be lodged by operators only from the first working day of 2007, and that this first period for lodging applications closes no later than Monday, 8 January 2007. It should also be specified that import licence applications for this first period should be sent to the Commission no later than Monday 8 January 2007.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 (Official Journal of the European Union L 408 of 30 December 2006).

Article 1

The annual import tariff quota provided for in Article 2(1) of Regulation (EEC) No 3491/90 shall be opened each year on January 1, for a quantity equivalent to 4 000 tonnes of husked rice. The serial number of the quota shall be 09.4517.

Regulations (EC) No 1291/2000, (EC) No 1342/2003 and (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

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Article 2

1 The certificate of origin referred to in the second indent of Article 1(2) of Regulation (EEC) No 3491/90 (hereinafter certificate of origin) shall be drawn up on a form of which a model is set out in Annex I to this Regulation.

2 The certificate of origin shall be valid for 90 days from the date of issue but not later than 31 December of the year of issue.

3 The competent authority for issuing certificates of origin shall be the 'Export Promotion Bureau of Bangladesh'.

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Article 3

1 The proof referred to in the first indent of Article 1(2) of Regulation (EEC) No 3491/90 shall be constituted by the insertion by the competent authorities in Bangladesh of one of the one of the entries shown in Annex II to this Regulation under 'Remarks' in the certificate of origin.

2 Where the tax collected by the exporting country is less than the reduction referred to in Article 1(1) of Regulation (EEC) No 3491/90, the reduction shall not exceed the amount collected.

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Article 4

1 In addition to fulfilling the other conditions laid down by Community rules, in order to qualify for the arrangements referred to in Article 1 of Regulation (EEC) No 3491/90, the application for an import licence and the import licence itself must contain:

a in sections 20 and 24, one of the entries shown in Annex III;

b in section 8, 'Bangladesh' and 'Yes' marked with a cross.

2 Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may submit more than one licence application per quota period. The eight-digit CN code shall be indicated on the application.

[[F1]3 Import licence applications shall be lodged with the competent authorities of the Member States no later than each Friday at 13:00 (Brussels time).

Each licence application shall indicate a quantity in kilograms (whole numbers).**]**

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1964/2006. (See end of Document for details)*

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Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1456/2007 of 10 December 2007 amending Regulations (EC) No 2058/96, (EC) No 2375/2002, (EC) No 2377/2002, (EC) No 2305/2003, (EC) No 955/2005, (EC) No 969/2006 and (EC) No 1964/2006 opening and providing for the administration of tariff quotas for imports of rice and cereals.

[F1 Article 5

1 Where the quantities applied for in a given week exceed the quantity available under the quota, the Commission shall fix the allocation coefficient for the quantities applied for during that week, pursuant to Article 7(2) of Regulation (EC) No 1301/2006, no later than the fourth working day following the last day for the submission of applications for that week, as referred to in the first subparagraph of Article 4(3) of this Regulation, and shall suspend the submission of new licence applications until the end of the quota period.

Applications submitted in respect of the current week shall be considered inadmissible.

Member States shall allow operators to withdraw, within two working days following the date of publication of the Regulation fixing the allocation coefficient, applications for which the quantity for which the licence is to be issued is less than 20 tonnes, whereas the licence application was for a greater quantity.

2 The import licence shall be issued on the eighth working day following the final day for the submission of applications.

3 The import licence, issued for a quantity not exceeding that entered on the certificate of origin referred to in Article 2, shall oblige the importer to import from Bangladesh.**]**

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Article 6

Notwithstanding Article 12 of Regulation (EC) No 1342/2003, the security for the import licences shall be fixed at EUR 30 per tonne for paddy rice falling within CN code 1006 10, with the exception of CN code 1006 10 10.

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[F1 Article 7

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

(a) on the Monday following the week in which the licence application was submitted, no later than 18:00 (Brussels time), the information on the import licence applications as referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, with a breakdown by eight-digit CN code of the total quantities (in product weight) covered by those applications;

(b) no later than the second working day following the issue of the import licences, the 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 of the total quantities (in product weight) for which import licences have been issued and the quantities for which licence applications have been withdrawn in accordance with the third subparagraph of Article 5(1) of this Regulation;

(c) no later than the last day of each month, the total quantities (in product weight) actually released for free circulation under this quota during the previous month but one, broken down by eight-digit CN code. If no quantities have been released for free circulation during one of these months, a 'nil' notification shall be sent. However, this notification shall no longer be required in the third month following the final day of validity of the licences.**]**

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Article 8

Regulation (EEC) No 862/91 is hereby repealed.

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