COMMISSION REGULATION (EC) No 1938/2006

of 20 December 2006

amending Regulation (EC) No 1431/94 laying down detailed rules for the application of Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products

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 lays down detailed rules for the application in the poultrymeat sector of the import 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].

(2) 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[4] applies to import licences for periods of import tariff quotas beginning on 1 January 2007. Regulation (EC) No 1301/2006 lays down in particular detailed rules for applications for import licences, the status of applicants and the issue of licenses. The Regulation limits the validity of licences to the final day of the tariff quota period. The provisions of Regulation (EC) No 1301/2006 must apply to import licences issued under Regulation (EC) No 1431/1994, unless otherwise provided for in that Regulation. The provisions of Regulation (EC) No 1431/94 must therefore be aligned on Regulation (EC) No 1301/2006 where necessary.

---

1 OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006.

2 OJ L 91, 8.4.1994, p. 1. Regulation as amended by Commission Regulation (EC) No 2198/95 (OJ L 221, 19.9.1995, p. 3).

3 OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1255/2006 (OJ L 228, 22.8.2006, p. 3).

4 OJ L 238, 1.9. 2006, p. 13.

(3) In view of the accession of Bulgaria and Romania to the European Union on 1 January 2007, entries in Bulgarian and Romanian must be added to applications and licences.

(4) Regulation (EC) No 1431/94 should therefore be amended accordingly.

(5) The Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1431/94 is amended as follows:

1. Articles 1, 2, 3, 4, 5 and 6 are replaced by the following:

"Article 1

1. This Regulation lays down detailed rules for the application of tariff quotas for importing products under the CN codes referred to in Annex I, opened by Regulation (EC) No 774/94.

2. The provisions of Regulation (EC) Nos 1291/2000 and 1301/2006 shall apply, except where otherwise provided for in this Regulation.

3. The quantity of products covered by the arrangements referred to in paragraph 1 and the reduction rate of the customs duty shall be as laid down in Annex I.

Article 2

The quantity fixed for each group shall be divided among the following four quarters:

- 25% from 1 January to 31 March,

- 25% from 1 April to 30 June,

- 25% from 1 July to 30 September,

- 25% from 1 October to 31 December.

Article 3

1. For the application of Article 5 of Regulation (EC) No 1301/2006, applicants for import licences must prove, when submitting the first application for a given tariff quota period, that they imported or exported not less than 50 tonnes of products referred to in Regulation (EEC) No 2777/75 in each of the two periods referred to in the said Article 5.

2. Licence applications must not involve more than one of the groups referred to in Annex I to this Regulation, but may involve several products covered by different CN codes. In such cases, all the CN codes shall be indicated in box 16 and their description in box 15 of licence applications and licences.

The application must be for a minimum of 10 tonnes and a maximum of 10% of the quantity available for the group concerned during the quarter in question.

3. The country of origin shall be entered in box 8 of the licence application and the licence, and the word "yes" shall be marked with a cross, except for groups 3, 5 and 6.

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

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

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

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

Article 4

1. Licence applications may be lodged only in the first seven days of the month preceding each quarter referred to in Article 2.

However, for the period from 1 January to 31 March 2007, licence applications shall be lodged during the first fifteen days of January 2007.

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.

This paragraph shall apply only to group 1, 2 and 4 products.

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 considered, as regards the maximum referred to in Article 3(2), as a single application.

4. Member States shall notify the Commission, by the fifth working day following the end of the period for submitting applications, of the total quantities in kilograms requested, broken down by group and origin.

5. Licences shall be issued as soon as possible after the Commission has taken a decision.

6. Member States shall notify the Commission, by the end of the fourth month following each annual period, of the quantities in kilograms actually released for free circulation under this Regulation during the period concerned, broken down by group and origin.

Article 5

Import licences shall be valid for 150 days from the actual day of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000.

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 defined in Article 5 of Regulation (EC) No 1301/2006 and Article 3(1) of this Regulation.

Article 6

A security of EUR 50 per 100 kilograms shall be lodged for applications for import licences for any product indicated in Article 1."

2. Article 7 is deleted.

3. Annex II is replaced by the Annex hereto.

4. Annexes III and IV are deleted.

Article 2

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

It shall apply from 1 January 2007.

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

Done at Brussels, 20 December 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX
"Annex II

A - Entries referred to in Article 3(4):

In Bulgarian: Регламент (ЕО) № 1431/94.

In Spanish: Reglamento (CE) n° 1431/94.

In Czech: Nařízení (ES) č. 1431/94.

In Danish: Forordning (EF) nr. 1431/94.

In German: Verordnung (EG) Nr. 1431/94.

In *Estonian*: Määrus (EÜ) nr 1431/94.

In Greek: Κανονισμός (ΕΚ) αριθ. 1431/94.

In English: Regulation (EC) No 1431/94.

In French: Règlement (CE) nº 1431/94.

In Italian: Regolamento (CE) n. 1431/94.

In Latvian: Regula (EK) Nr. 1431/94.

In Lithuanian: Reglamentas (EB) Nr. 1431/94.

In Hungarian: 1431/94/EK Rendelet.

In Maltese: Ir-Regolament (KE) Nru 1431/94.

In Dutch: Verordening (EG) nr. 1431/94.

In Polish: Rozporządzenie (WE) nr 1431/94.

In Portuguese: Regulamento (CE) nº 1431/94.

In Romanian: Regulament (CE) nr. 1431/94.

In Slovak: Nariadenie (ES) č. 1431/94.

In Slovenian: Uredba (ES) št. 1431/94.

In Finnish: Asetus (EY) N:o 1431/94.

In Swedish: Förordning (EG) nr 1431/94.