COMMISSION REGULATION (EC) No 1936/2006

of 20 December 2006

amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States)

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 3 thereof,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs[2], and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98[3], and in particular Article 5 thereof,

Whereas:

(1) Commission Regulation (EC) No 701/2003[4] lays down detailed rules as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States).

(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[5] applies to import licences for the import tariff quota periods from 1 January 2007. Regulation (EC) No 1301/2006 lays down in particular rules on applications for import licences, the status of applicants and the issue of licences. It limits the validity of the licences to the final day of the tariff quota period. Regulation (EC) No 1301/2006 must apply to import licences issued under Regulation (EC) No 701/2003, save as otherwise provided for in that Regulation. It is therefore

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1 OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

2 OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006.

3 OJ L 348, 21.12.2000, p. 5.

4 OJ L 99, 17.4.2003, p. 32. Regulation as amended by Regulation (EC) No 2170/2003 (OJ L 326, 13.12.2003, p. 4).

5 OJ L 238, 1.9.2006, p. 13.

necessary to bring Regulation (EC) No 701/2003 into line with Regulation (EC) No 1301/2006, where appropriate.

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

(4) Regulation (EC) No 701/2003 should therefore be amended accordingly.

(5) 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

Regulation (EC) No 701/2003 is hereby 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 applying the import tariff quotas on the products falling within the CN codes listed in Annex I hereto, opened by Regulation (EC) No 2286/2002.

2. Commission Regulations (EC) Nos 1291/2000[6] and 1301/2006 shall apply, save as otherwise provided for in this Regulation.

3. The quantity of products benefiting from the arrangements referred to in paragraph 1 and the rate of the reduction in the customs duty are fixed in Annex I hereto.

Article 2

The quantity fixed for each quota shall be divided into two subperiods, as follows:

– 50% from 1 January to 30 June,

– 50% from 1 July to 31 December.

Article 3

1. For the purposes of Article 5 of Regulation (EC) No 1301/2006, applicants for import licences must supply proof, when making their first application for a

[6] OJ L 152, 24.6.2000, p. 1.

given tariff quota period, that they have imported or exported at least 50 tonnes of products falling under Regulation (EEC) No 2777/75 in each of the two periods referred to in that Article 5.

2. Licence applications may involve several products covered by different CN codes. In such cases, all the CN codes shall be indicated in section 16 and their description in section 15 of licence applications and licences.

Applications must be for a minimum of 10 tonnes and a maximum of 10% of the quantity available in the subperiod in question.

Article 4

1. Section 8 of the licence application and the licence shall indicate the country of origin and "yes" shall be marked with a cross.

2. Section 20 of the licence application and the licence shall contain one of the references appearing in Annex II.A.

3. Section 24 of the licence shall contain one of the references appearing in Annex II.B.

Article 5

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

However, for the period from 1 January to 30 June 2007, licence applications shall be lodged during the first fifteen days of January 2007.

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

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

4. The Member States shall communicate to the Commission, before the end of the fourth month following each annual period, the quantities (expressed in kilograms) under each quota actually put into free circulation under this Regulation in the period concerned.

Article 6

1. Import licences shall be valid for 180 days from the actual day of issue under Article 23(2) of Regulation (EC) No 1291/2000.