Commission Regulation (EC) No 1847/2006 of 13 December 2006 adapting certain horizontal Regulations in the common agricultural policy by reason of the accession of Bulgaria and Romania to the European Union

COMMISSION REGULATION (EC) No 1847/2006

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 56 thereof,

Whereas:

(1) In view of the accession to the Community of Bulgaria and Romania (hereinafter referred to as 'the new Member States'), Commission Regulations (EEC) No 120/89 of 19 January 1989 laying down common detailed rules for the application of export levies and charges on agricultural products[(1)], (EEC) No 3515/92 of 4 December 1992 laying down common detailed rules for the application of Council Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an intervention agency[(2)], (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[(3)], (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)], (EC) No 2298/2001 of 26 November 2001 laying down detailed rules for the export of products supplied as food aid[(5)], (EC) No 2090/2002 of 26 November 2002 laying down detailed rules for applying Council Regulation (EEC) No 386/90 as regards physical checks carried out when agricultural products qualifying for refunds are exported[(6)] and (EC) No 639/2003 of 9 April 2003 laying down detailed rules pursuant to Council Regulation (EC) No 1254/1999 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport[(7)] should be adapted and provision should be made for certain indications in the languages of the new Member States.

(2) The abovementioned Regulations should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 120/89 is amended as follows:

1. In Article 4a(2), the third subparagraph is replaced by the following:

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The document sent to the customs office where the export formalities were carried out is completed by the customs office of exit to include one of the entries listed in Annex I.

2. In the second subparagraph of Article 13(2), 'Annex' is replaced by 'Annex II'.

3. The Annex is amended in accordance with Annex I to this Regulation.

Article 2

Regulation (EC) No 3515/92 is amended as follows:

1. The second subparagraph of Article 2 is replaced by the following:

The export declaration and, should the occasion arise, the external Community transit document or the equivalent national document shall show one of the entries listed in Annex I.

2. The first subparagraph of Article 5 is replaced by the following:

In cases coming within the second indent of Article 2 of Regulation (EEC) No 1055/77, where products are dispatched to another Member State as a transfer operation, the products shall be accompanied by a Control Copy T5 as referred to in Articles 912a to 912g of Commission Regulation (EEC) No 2454/93[(8)]. The Control Copy T5 shall be issued by the intervention agency which sends the products and shall show in box 104 one of the entries listed in Annex II.

3. The text in Annex II to this Regulation is added as Annex I and Annex II.

Article 3

Regulation (EC) No 800/1999 is amended as follows:

1. In Article 9(1)(c), the second subparagraph is replaced by the following:

In such cases, one of the entries listed in Annex Ia shall be added by the competent authorities of the Member State of destination of the T5 control copy or the Member State where a national document is used as proof under the heading "Remarks" in the section headed "Control of use and/or destination" on the T5 control copy or under the corresponding heading of the national document.

2. Article 10 is amended as follows:

(a) in paragraph 4, the first subparagraph is replaced by the following:

Where a product circulating under the external Community transit procedure or the common transit procedure is placed in a Member State other than that of export under a procedure as provided for in paragraph 1 for carriage to a station of destination or delivery to a consignee outside the customs territory of the Community, the customs office at which the product has been placed under a procedure as referred to above shall insert one of the entries listed in Annex Ib under "Remarks" in the section headed "Control of use and/or destination" on the back of the original of the T5 control copy.;

(b) in paragraph 5, the first subparagraph is replaced by the following:

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Where a product is taken over by the railways in the Member State of export or in another Member State and circulates under the external Community transit procedure or the common transit procedure under a contract of carriage for combined road-rail transport by rail to a destination outside the customs territory of the Community, the customs office competent for or nearest to the rail terminal at which the product is taken over by the railways shall insert one of the entries listed in Annex Ic under "Remarks" in the section headed "Control of use and/or destination" on the back of the original of the T5 control copy.

3. In Article 41(2), the second subparagraph is replaced by the following:

Boxes 33, 103 and 104 and, where appropriate, 105 of the T5 control copy shall be completed. Box 104 of the T5 control copy shall be completed, under the heading "Other", with one of the entries listed in Annex IIa.

4. Article 44(5) is replaced by the following:

5. Where Article 8 applies to deliveries to a rig, one of the entries listed in Annex IIb shall be entered under "Other" in box 104 of the T5 control copy.

5. The text in Annex III to this Regulation is inserted as Annex Ia, Annex Ib, Annex Ic, Annex IIa and Annex IIb.

6. In Annex IV, 'Bulgaria' and 'Romania' are deleted.

Article 4

Regulation (EC) No 1291/2000 is amended as follows:

1. In Article 9(2), the second subparagraph is replaced by the following:

In such cases, one of the entries listed in Annex Ia shall be made by the issuing agency in section 6 of the licence or certificate.

2. The first paragraph of Article 16 is replaced by the following:

Applications for licences and licences with advance fixing of the refund which are drawn up in connection with a food-aid operation within the meaning of Article 10(4) of the Agreement on Agriculture, concluded as part of the Uruguay Round of multilateral trade negotiations, shall contain in section 20 at least one of the entries listed in Annex Ib.

2a. In Article 18(4) 'BG' for Bulgaria and 'RO' for Romania is added.

3. Article 33 is amended as follows:

(a) In paragraph 2, the third subparagraph is replaced by the following:

Where the sole purpose of the T5 control copy is the release of the security, the T5 control copy shall contain in section 106 one of the entries listed in Annex Ic.

(b) In paragraph 3, the first subparagraph is replaced by the following:

Where, after acceptance of the export declaration as referred to in the first indent of Article 24(1)(b), a product is placed under one of the simplified arrangements provided for in Part II, Title II, Chapter 7, section 3 of

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Regulation (EEC) No 2454/93 or in Title X, Chapter I of Appendix I to the Convention of 20 May 1987 on a common transit procedure for carriage to a station-of-destination or delivery to a consignee outside the Community's customs territory, the T5 control copy required according to 2(b) shall be sent through official channels to the issuing body. One of the entries listed in Annex Id shall be entered in section "J" of the T5 control copy under the heading "Remarks".

4. In Article 36(4), the second subparagraph is replaced by the following:

One of the entries listed in Annex Ie, underlined in red, shall be entered in section 22 of replacement licences, certificates or extracts.

5. Article 42(1) is replaced by the following:

1. Where, following a case of *force majeure*, an operator has applied for the period of validity of a licence involving advance fixing of the export levy or export refund to be extended and the competent body has not yet taken a decision on such application, the operator may apply to the body for a second licence. The second licence shall be issued on the terms applying at the time of application except that:

a it shall be issued for no more than the unused quantity on the first licence for which extension has been applied for;

b section 20 thereof shall contain one of the entries listed in Annex If.

6. In Article 43(1), the point (a) is replaced by the following:

(a) if export was effected without an export licence or advance-fixing certificate, then where the information sheet INF 3 as provided for in Article 850 of Regulation (EEC) No 2454/93 is used it must bear in section A one of the entries listed in Annex Ig;.

7. In Article 45(3), the point (a) is replaced by the following:

(a) the declaration of export of the equivalent products or a copy or photocopy thereof certified as such by the competent authorities and bearing one of the entries listed in Annex Ih; the entry must be authenticated by the stamp of the customs office concerned, applied directly to the document in question;.

8. In Article 50(1), the second subparagraph is replaced by the following:

Save where the regulations in particular sectors require special wording, section 24 of licences and certificates shall indicate one of the entries listed in Annex Ii.

9. The text in Annex IV to this Regulation is inserted as Annex Ia, Annex Ib, Annex Ic, Annex Id, Annex Ie, Annex If, Annex Ig, Annex Ih and Annex Ii.

Article 5

Regulation (EC) No 2298/2001 is amended as follows:

1. In Article 3(3), the first subparagraph is replaced by the following:

In the document used to apply for the refund as referred to in Article 5(4) of Regulation (EC) No 800/1999 and in addition to the requirements of Article 16 of Regulation (EC) No 1291/2000, in box 20 of the application for licences and the export licence itself, one of the entries listed in the Annex shall be included.

2. The text in Annex V to this Regulation is added as Annex.

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Article 6

Regulation (EC) No 2090/2002 is amended as follows:

1. Article 10 is amended as follows:

(a) in paragraph 5, the second subparagraph is replaced by the following:

> If the customs office of exit or the office to which the T5 control copy is sent has taken a sample, one of the entries listed in Annex Ia shall be noted on the T5 control copy or, where applicable, on the national document to be returned to the competent authorities.;

(b) paragraph 6 is replaced by the following:

> 6. The customs office of exit or the office to which the T5 control copy is sent shall inform the competent authorities referred to in paragraph 5 in writing, using a copy of the original document, of the result of the tests, reporting:
>
> a either one of the entries listed in Annex Ib;
>
> b or the results of the tests if there is a discrepancy between the results and the product declared.;

(c) in paragraph 7, the second subparagraph is replaced by the following:

> In such cases, the customs office of exit or the office to which the control copy T5 is sent shall indicate one of the entries listed in Annex Ic on the control copy T5 or, where applicable, on the national document to be returned to the competent authorities.

2. The text in Annex VI to this Regulation is inserted as Annex Ia, Annex Ib and Annex Ic.

Article 7

Regulation (EC) No 639/2003 is amended as follows:

1. Article 2(3) is replaced by the following:

3. If the official veterinarian at the exit point is satisfied that the requirements of paragraph 2 are met, he shall certify this by one of the entries listed in Annex Ia and by stamping and signing the document constituting evidence of exit from the customs territory of the Community, either in Section J of the control copy T5 or in the most appropriate place on the national document.

2. The text in Annex VII to this Regulation is inserted as Annex Ia.

Article 8

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of Bulgaria and Romania to the European Union.

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