Commission Regulation (EC) No 219/2006 of 8 February 2006 opening and providing for the administration of the tariff quota for bananas falling under CN code 08030019 originating in ACP countries for the period 1 March to 31 December 2006

COMMISSION REGULATION (EC) No 219/2006

of 8 February 2006

opening and providing for the administration of the tariff quota for bananas falling under CN code 0803 00 19 originating in ACP countries for the period 1 March to 31 December 2006

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1964/2005 of 29 November 2005 on the tariff rates for bananas[(1)], and in particular Article 2 thereof,

Whereas:

(1) Article 1(2) of Regulation (EC) No 1964/2005 provides that each year from 1 January, with effect from 1 January 2006, an autonomous tariff quota of 775 000 tonnes net weight subject to a zero-duty rate is to be opened for imports of bananas under CN code 0803 00 19 originating in ACP countries.

(2) Commission Regulation (EC) No 2015/2005 of 9 December 2005 on imports during January and February 2006 of bananas originating in ACP countries under the tariff quota opened by Council Regulation (EC) No 1964/2005 on the tariff rates for bananas[(2)], adopts the interim measures needed to ensure Community market supplies and continuity of trade with the ACP countries and to avoid disruptions of trade flows during those two months. To that end, an overall amount of 160 000 tonnes has been made available for the purpose of issuing import licences under that tariff quota.

(3) The tariff quota provided for by Regulation (EC) No 1964/2005 for 2006 should therefore be opened and the provisions for its administration laid down for the period 1 March to 31 December 2006.

(4) As is the case for non-preferential imports, a method of administering the tariff quota should be adopted so as to favour international trade and smoother trade flows. The most appropriate method for this purpose would be that using the quota by chronological order of acceptance of the declarations of release for free circulation (the 'first come, first served' method). Nevertheless, in order to ensure continuity of trade with ACP countries and, therefore, satisfactory supplies for the Community market while avoiding disturbances in trade flows, part of the tariff quota should for the time being be reserved for operators who supplied the Community with ACP bananas under the import arrangements previously in force.

(5) Provision should therefore be made for a total quantity of 146 850 tonnes of the tariff quota to be reserved for the operators who actually imported bananas originating in ACP

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 219/2006. (See end of Document for details)*

countries into the Community during 2005. That proportion of the tariff quota should be administered by means of import licences issued to each operator in proportion to the quantities released for free circulation during 2005.

(6) In view of the quantities available, a ceiling should be set for the licence application which each operator may lodge for the period 1 March to 31 December 2006.

(7) Access to the rest of the tariff quota should be open to all operators established in the Community on a 'first come, first served' basis in accordance with Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code[(3)].

(8) As a result of the entry into force of the common customs tariff rate for bananas established by Regulation (EC) No 1964/2005, the import tariff quota arrangements established by Title IV of Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas[(4)] ceased applying on 31 December 2005 as provided for in Article 16(1) of that Regulation. The rules for administering tariff quotas provided for in Title IV of Regulation (EEC) No 404/93, adopted by Commission Regulation (EC) No 896/2001[(5)] are therefore null and void.

(9) For reasons of clarity and legal certainty, Regulation (EC) No 896/2001 should therefore be repealed. Nevertheless, some of its provisions should remain in force, particularly as regards the communication of information by the Member States which has been found useful for the purposes of administering the imports under this Regulation.

(10) This Regulation should enter into force immediately in order to enable licence applications to be lodged in time.

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

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject

The zero-duty tariff quota for the import of bananas falling under CN code 0803 00 19 originating in ACP countries provided for in Article 1(2) of Regulation (EC) No 1964/2005 is hereby opened for the period 1 March to 31 December 2006.

Article 2

Available quantities

The quantities available under the tariff quota are set at 615 000 tonnes, of which:

(a) 146 850 tonnes is to be administered in accordance with Chapter II and have the serial number 09.4164.

(b) 468 150 tonnes is to be administered in accordance with Chapter III and have the serial numbers: 09.1638, 09.1639, 09.1640, 09.1642 and 09.1644.

CHAPTER II

IMPORTS OF THE QUANTITIES PROVIDED FOR IN ARTICLE 2(A)

Article 3

Import licences

1 All imports under the quantity referred to in Article 2(a) shall be subject to the lodging of an import licence issued in accordance with the provisions of this Chapter.

2 Commission Regulation (EC) No 1291/2000[(6)] shall be applicable, with the exception of Article 8(4) and (5), subject to the provisions of this Regulation.

Article 4

Lodging licence applications

1 Economic operators established in the Community who actually imported bananas originating in ACP countries into the Community in 2005 shall be entitled to lodge import licence applications.

2 The quantities applied for by each operator may not exceed 40 % of the quantities of bananas originating in ACP countries which he released for free circulation in the Community during 2005.

3 Import licence applications must be lodged by each operator on 15 and 16 February 2006 with the competent authorities of the Member State which issued him in 2005 with the import licences for the quantities referred to in paragraph 2.

[[F1]The competent authorities in each Member State shall be as listed in the Annex. That list shall be amended by the Commission at the request of the Member States concerned.**]**

4 Licence applications shall be accompanied by a copy of the licence(s) used in 2005 to import bananas originating in ACP countries, duly endorsed, and the documents proving the ACP origin of the quantities under those licences, and the proof of lodging of a security in accordance with Title III of Commission Regulation (EEC) No 2220/85[(7)]. The security shall be EUR 150 per tonne.

5 Applications not lodged in accordance with this Article shall not be admissible.

6 Box 20 of licence applications and licences shall contain the entry ‘licence under Chapter II of Regulation (EC) No 219/2006’.

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 566/2006 of 6 April 2006 amending and derogating from Regulation (EC) No 2014/2005 on licences under the arrangements for importing bananas into the Community in respect of bananas released into free circulation at the common customs tariff rate of duty and amending Regulation (EC) No 219/2006 opening and providing for the administration of the tariff quota for bananas falling under CN code 08030019 originating in ACP countries for the period 1 March to 31 December 2006.

Article 5

Issuing of licences

1 Member States shall notify the Commission not later than 21 February 2006 of the total quantity for which admissible licence applications have been lodged.

2 If the quantities applied for exceed the quantity referred to in Article 2(a) the Commission shall, not later than 24 February 2006, set a reduction coefficient to be applied to each application.

3 The competent authorities shall issue the import licences from 27 February 2006, where appropriate applying the reduction coefficient referred to in paragraph 2.

4 Where, if a reduction coefficient is applied, a licence is issued for a quantity less than that applied for, the security referred to in Article 4(4) shall be released without delay for the quantity not awarded.

Article 6

Period of validity of licences and Member State notifications

1 The import licences issued in accordance with Article 5(3) shall be valid from 1 March to 31 December 2006.

[F1 2 Member States shall communicate the following information to the Commission:

a from April 2006 to January 2007 inclusive, not later than the 15th day of each month, the quantities of bananas released into free circulation during the previous month, on the basis of the licences issued in accordance with Article 5(3);

[F2 b as soon as possible and not later than 30 June 2006, the quantities of bananas released into free circulation, on the basis of the licences issued in accordance with Article 6(3) of Regulation (EC) No 2015/2005;**]**

The information referred to in the first subparagraph shall be sent via by the electronic system indicated by the Commission.**]**

[F3 3 Member States shall transmit to the Commission, not later than 28 April 2006, the list of operators operating under this Regulation and Regulation (EC) No 2015/2005.

The Commission may communicate these lists to the other Member States.**]**

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 219/2006. (See end of Document for details)*

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 566/2006 of 6 April 2006 amending and derogating from Regulation (EC) No 2014/2005 on licences under the arrangements for importing bananas into the Community in respect of bananas released into free circulation at the common customs tariff rate of duty and amending Regulation (EC) No 219/2006 opening and providing for the administration of the tariff quota for bananas falling under CN code 08030019 originating in ACP countries for the period 1 March to 31 December 2006.

F2 Substituted by Commission Regulation (EC) No 966/2006 of 29 June 2006 amending Regulation (EC) No 219/2006 opening and providing for the administration of the tariff quota for bananas falling under CN code 08030019 originating in ACP countries for the period 1 March to 31 December 2006.

F3 Inserted by Commission Regulation (EC) No 566/2006 of 6 April 2006 amending and derogating from Regulation (EC) No 2014/2005 on licences under the arrangements for importing bananas into the Community in respect of bananas released into free circulation at the common customs tariff rate of duty and amending Regulation (EC) No 219/2006 opening and providing for the administration of the tariff quota for bananas falling under CN code 08030019 originating in ACP countries for the period 1 March to 31 December 2006.

[F3 Article 6a

Formalities for release for free circulation

1 The customs offices at which the import declarations are lodged with a view to the release into free circulation of bananas shall:

a keep a copy of each import licence and extract therefrom endorsed on acceptance of a declaration of release into free circulation; and

b forward at the end of each fortnight a second copy of each import licence and extract endorsed to their Member State authorities listed in the Annex.

2 The authorities referred to in paragraph 1(b) shall, at the end of each fortnight, forward a copy of the licences and extracts received to the competent authorities of the Member States listed which issued those documents.

3 Where there is doubt as to the authenticity of the licence, the extract, or any information in or signatures on the documents presented, or as to the identity of the operators completing the formalities for release into free circulation or for the account of whom those formalities are completed, and where irregularities are suspected, the customs offices at which those documents were presented shall immediately inform the competent authorities of their Member State thereof. The latter shall immediately forward that information to the competent authorities of the Member State which issued the documents and to the Commission, for the purposes of a thorough check.

4 On the basis of the information received under paragraphs 1, 2 and 3, the Member States' competent authorities listed in the Annex shall carry out the additional checks needed to ensure the proper administration of the tariff quota arrangements, in particular verification of the quantities imported under those arrangements, by means of a precise comparison of the licences and extracts issued with the licences and extracts used. To that end, they shall verify in particular the authenticity and conformity of the documents used and that the documents have been used by operators.**]**