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

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

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 lays down that from 1 January each year, starting with 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 (CN code 0803 00 19) originating in ACP countries.

(2) The establishment of the appropriate instruments for managing the tariff quota for ACP banana imports provided for by Regulation (EC) No 1964/2005 cannot be completed in time before 1 January 2006. The Commission should therefore adopt interim measures for the issue of import licences for January and February 2006 to ensure Community supplies, ensure the continuity of trade with the ACP countries and avoid disruptions of trade flow. These measure are without prejudice to the detailed rules to be adopted later in 2006.

(3) Under the interim measures, provision should be made for import licences to be issued to operators established in the Community who, as the case may be, obtained a reference quantity as traditional operators, an annual allocation as non-traditional operators under the tariff quotas A/B or C referred to in Article 18(1) of Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas[(2)], or who, as traditional operators or non-traditional operators, qualified for the additional quantity set by Commission Regulation (EC) No 1892/2004 of 29 October 2004 on transitional measures for 2005 for imports of bananas into the Community by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia[(3)] and who actually imported bananas originating in the ACP countries in 2005. Given the temporary nature of these measures, applications lodged by new operators not registered in previous years should not be accepted.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 2015/2005. (See end of Document for details)*

(4) The allocation of the available quantities for January and February 2006 to the various groups of operators concerned should be based on data relating to the supply of ACP bananas to the Community in 2005. The supply figure was 750 000 tonnes under the tariff quota C reserved for the region in question. The figure for the 'all third countries' tariff quota A/B was 15 000 tonnes. Lastly, 10 000 tonnes of products of ACP origin were released into free circulation in the new Member States.

(5) In the case of operators who obtained a reference quantity or an annual allocation for 2005 under the tariff quota C of 750 000 tonnes, determined by reference to imports of ACP bananas, licences may be issued on the basis of the reference quantity or annual allocation notified for 2005.

(6) In the case of operators who obtained a reference quantity or annual allocation for 2005 under either the tariff quotas A/B or the accession-related additional quantity set by Regulation (EC) No 1892/2004, on the basis of imports of products from all third countries, not specifically products originating in ACP countries, provision should be made for licence applications to be accompanied by proof of actual import of products originating in ACP countries in 2005. The lodging of applications for quantities unrelated to imports of products from the origin in question during 2005 should be prevented. In the interests of management and monitoring, the number of applications per operator should be restricted.

(7) However, to help improve the fluidity of trade flows and give operators greater flexibility of action, a ceiling should not be set on the quantity for which a licence application may be lodged.

(8) Licences should be issued in proportion to the quantities requested, in accordance with the simultaneous examination method.

(9) Appropriate detailed rules should therefore be adopted.

(10) To enable licence applications to be lodged in time, this Regulation should enter into force immediately.

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

HAS ADOPTED THIS REGULATION:

TITLE I

General provisions

Article 1

Subject

This Regulation lays down the conditions for the issue of import licences for bananas falling under CN code 0803 00 19 originating in the ACP countries under the tariff quota

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 2015/2005. (See end of Document for details)*

referred to in Article 1(2) of Regulation (EC) No 1964/2005, for January and February 2006.

Article 2

Quantities available for January and February 2006

For January and February 2006,

— a quantity of 135 000 tonnes shall be available for the issue of import licences to operators referred to in Title II. This tariff quota's serial number shall be 09.4160,

— a quantity of 25 000 tonnes shall be available for the issue of import licences to operators referred to in Title III. This tariff quota's serial number shall be 09.4162.

TITLE II

Operators registered under tariff quota C, referred to in Article 18(1) of Regulation (EEC) No 404/93, for 2005

Article 3

Lodging of licence applications

For January and February 2006, each traditional operator C and each non-traditional operator C, as referred to in Article 3(3) and Article 7(1) of Commission Regulation (EC) No 896/2001[(4)] respectively, may lodge one or more import licence applications for up to a maximum, as the case may be, of

— in the case of traditional operators C, the reference quantity established and notified in respect of 2005 under tariff quota C, pursuant to Article 5(4) of Regulation (EC) No 896/2001,

— in the case of non-traditional operators C, the quantity established and notified in respect of 2005 under tariff quota C, pursuant to Article 9(3) of Regulation (EC) No 896/2001.

Box 20 of licence applications and licences shall contain the entry 'licence under Title II of Regulation (EC) No …./2005'.

TITLE III

Other operators

Article 4

Lodging of licence applications

1 Operators established in the Community, registered for the quotas A/B referred to in Article 18(1) of Regulation (EEC) No 404/93 or the additional quantity set by Regulation (EC) No 1892/2004, who, in 2005, have released bananas originating in ACP countries into free circulation may lodge a single import licence application in relation to the quantity set in the second indent of Article 2.