Commission Regulation (EC) No 1035/2005 of 1 July 2005 opening and providing for the administration of an autonomous tariff quota for preserved mushrooms from 1 July 2005

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Whereas:

(1) Commission Regulation (EC) No 1864/2004[(1)] opens tariff quotas for preserved mushrooms imported from third countries and lays down rules for the administration thereof.

(2) Regulation (EC) No 1864/2004 provides for transitional measures allowing importers from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter the new Member States) to benefit from the quotas. The aim of those measures is to make a distinction between traditional importers and new importers in the new Member States, and to adjust the quantities to which licence applications presented by traditional importers from the new Member States can relate so that these importers can benefit from the system.

(3) To ensure uninterrupted supplies to the enlarged Community market while taking account of the economic supply conditions in the new Member States prior to their accession to the European Union, an autonomous and temporary import tariff quota should be opened for preserved mushrooms of the genus *Agaricus* falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30. That new tariff quota is in addition to the ones opened by Commission Regulation (EC) No 1076/2004[(2)], Commission Regulation (EC) No 1749/2004[(3)] and Commission Regulation (EC) No 220/2005[(4)].

(4) The new quota should be transitional and may not prejudge the outcome of the negotiations under way in the context of the World Trade Organisation (WTO) as a result of the accession of the new Member States.

(5) The Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time-limit set by its Chairman,

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1035/2005. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

1 An autonomous tariff quota of 1 200 tonnestonnes (drained net weight), bearing serial number 09.4019 (hereinafter the autonomous quota), shall be opened from 1 July 2005 for Community imports of preserved mushrooms of the genus *Agaricus spp.* falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30.

2 The *ad valorem* duty applicable to products imported under the autonomous quota shall be 12 % for products falling within CN code 0711 51 00 and 23 % for products falling within CN codes 2003 10 20 and 2003 10 30.

Article 2

Regulation (EC) No 1864/2004 shall apply to the management of the autonomous quota, subject to the provisions of this Regulation.

However, Article 1, Article 5(2) and (5), Article 6(2), (3) and (4), Article 7, Article 8(2) and Articles 9 and 10 of Regulation (EC) No 1864/2004 shall not apply to the management of the autonomous quota.

Article 3

Import licences issued under the autonomous quota, hereinafter 'licences', shall be valid until 30 September 2005.

Box 24 of the licences shall show one of the entries listed in Annex I.

Article 4

1 Importers may submit licence applications to the competent authorities of the Member States in the five working days following the date of entry into force of this Regulation.

Box 20 of the licences shall show one of the entries listed in Annex II.

2 Licence applications submitted by a single traditional importer may not relate to a quantity exceeding 9 % of the autonomous quota.

3 Licence applications submitted by a single new importer may not relate to a quantity exceeding 1 % of the autonomous quota.

Article 5

The autonomous quota shall be allocated as follows:

— 95 % to traditional importers,

— 5 % to new importers.

If the quantity allocated to one of the categories of importers is not used in full, the balance may be allocated to the other category.

Article 6

1 The Member States shall notify the Commission, on the seventh working day following that of the entry into force of this Regulation, of the quantities for which licence applications have been made.

2 Licences shall be issued on the twelfth working day following that of the entry into force of this Regulation, unless the Commission has taken special measures under paragraph 3.

3 Where the Commission finds, on the basis of the information notified under paragraph 1, that licence applications exceed the quantities available for a category of importers under Article 5, it shall adopt, by means of a regulation, a single reduction percentage for the applications in question.

Article 7

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

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

Done at Brussels, 1 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission