COMMISSION REGULATION (EC) No 2334/2003

of 30 December 2003

derogating for the year 2004 from Regulation (EC) No 2125/95 opening and providing for the administration of tariff quotas for preserved mushrooms

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products [1], and in particular Article 15(1) thereof,

Whereas:

(1) Importers from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States') should benefit from the provisions of Commission Regulation (EC) No 2125/95 [2].

(2) Imports forming part of the quotas referred to in Regulation (EC) No 2125/95 are subject to submission of import licences, which have a limited validity period from the effective date of issue. The validity period of import licenses for the year 2004 should be reviewed to take account of the date of accession of the new Member States.

(3) To ensure the correct use of quotas and allow traditional importers from the new Member States to be in a position to apply for sufficient quantities during the year 2004, provisions should be made for the year 2004 to adjust the quantity to which licence applications presented by traditional importers from the Member States of the Community as constituted on 30 April 2004 may relate.

(4) In order to improve and simplify the administration of tariff quotas for preserved mushrooms for the year 2004, provisions should be made as regards the dates for lodging the applications.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 2(2) of Regulation (EC) No 2125/95, for the year 2004, tariff quotas for preserved mushrooms referred to in Article 1(1) of that Regulation shall be allocated between supplier countries in accordance with the Annex to this Regulation.

Article 2

By way of derogation from Article 3(2) of Regulation (EC) No 2125/95, for the year 2004, import licences shall be valid for a period of eight months from the effective date of issue within the meaning of Article 23(2) of Commission Regulation (EC) No 1291/2000 [3]. However, they shall not be valid after 31 December 2004.

Article 3

1. By way of derogation from Article 5(1) of Regulation (EC) No 2125/95:

(a) licence applications presented in January 2004 by the traditional importers within the meaning of Article 4(1)(a) of Regulation (EC) No 2125/95 shall not relate to a quantity exceeding 35 % of the average annual quantity of imports originating in countries other than Poland, Bulgaria and Romania and effected under that Regulation in the three previous calendar years;

(b) licence applications presented in May 2004 by the traditional importers within the meaning of Article 4(1)(a) of Regulation (EC) No 2125/95 shall not relate to a quantity exceeding 65 % of the average annual quantity of imports originating in countries other than Poland, Bulgaria and Romania and effected under that Regulation in the three previous calendar years.

2. By way of derogation from Article 5(2) of Regulation (EC) No 2125/95, for the year 2004, licence applications presented by the new importers within the meaning of Article 4(1)(b) of that Regulation shall not relate to a quantity exceeding 8 % of the quantity allocated under that provision.

[1] OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 453/2002 (OJ L 72, 14.3.2002, p. 9).

[2] OJ L 212, 7.9.1995, p. 16. Regulation as last amended by Regulation (EC) No 1142/2003 (OJ L 160, 28.6.2003, p. 39).

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