Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries

COMMISSION REGULATION (EC) No 2305/2003

of 29 December 2003

opening and providing for the administration of a Community tariff quota for imports of barley from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals[(1)], and in particular Article 12(1) thereof,

Whereas:

(1) Following trade negotiations which resulted in the conclusion of agreements in the form of an Exchange of Letters with Canada and the United States of America, approved respectively by Council Decisions 2003/253/EC[(2)] and 2003/254/EC[(3)], the Community changed the conditions for the import of common wheat of low and medium quality and of barley by creating import quotas from 1 January 2003. For barley, the Community decided to replace the system of preference margins by two tariff quotas, one for malting barley and one for barley, under Commission Regulation (EC) No 2376/2002[(4)].

(2) Regulation (EC) No 2376/2002 opens a tariff quota of 300 000 tonnes for imports of barley falling within CN code 1003 00 from third countries and derogates from Regulation (EC) No 1766/92. Following the amendment of Article 10(2) of Regulation (EC) No 1766/92 by Regulation (EC) No 1104/2003 with regard to the calculation of import duties on certain cereals, that tariff quota has become definitive. As a result, Regulation (EC) No 2376/2002 may no longer provide for a derogation. For the sake of clarity and transparency, therefore, that Regulation should be repealed and replaced by a new Regulation.

(3) On 1 May 2004 the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia become Member States of the European Union. Since the tariff quota for the import of 300 000 tonnes of barley is an annual quota awarded weekly from 1 January 2004, it is possible that it will be exhausted or largely used up on the scheduled accession date. For 2004 only, therefore, specific provisions should be laid down to enable the new Member States to make use of these quotas.

(4) To ensure that imports of the barley covered by this tariff quota are orderly and not speculative, they should be made subject to the issue of import licences. These licences will be issued, within the quantities set, at the request of the interested parties, subject, where appropriate, to the fixing of a reduction coefficient in respect of the quantities applied for.

(5) To ensure the proper management of this quota, deadlines should be laid down for the lodging of licence applications and the information to be included in applications and licences should be specified.

(6) To take account of supply conditions, a derogation should be made concerning the period of validity of the licences.

(7) With a view to the sound management of the quota, a derogation should be made from Commission Regulation (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[(5)] as regards the transferable nature of the licences and the tolerance relating to the quantities released into free circulation.

(8) The security on the import licences should also be set at a relatively high level, by derogation from Article 12 of Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice[(6)].

(9) Rapid two-way communication should be established between the Commission and the Member States regarding the quantities applied for and imported.

(10) The Management Committee for Cereals has not issued an opinion by the time limit laid down by its Chairman,

HAS ADOPTED THIS REGULATION:

[F1 Article 1

[F2 1 A tariff quota is hereby opened for the import of 307 105 tonnes of barley falling under CN code 1003 (order number 09.4126).**]**

2 The tariff quota shall be opened on 1 January each year. Duties on imports within the tariff quota shall be levied at a rate of EUR 16 per tonne.

Article 10(1) of Regulation (EC) No 1784/2003 shall apply to imports of the products referred to in this Regulation in excess of the quantity provided for in paragraph 1 of this Article.

[F3 3 Commission Regulations (EC) Nos 1291/2000, 1342/2003 and 1301/2006[(7)] shall apply, save as otherwise provided for in this Regulation.**]]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 970/2006 of 29 June 2006 amending Regulation (EC) No 2305/2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries.

F2 Substituted by Commission Implementing Regulation (EU) No 1253/2011 of 1 December 2011 amending Regulations (EC) No 2305/2003, (EC) No 969/2006, (EC) No 1067/2008 and (EC) No 1064/2009 opening and providing for the administration of EU tariff quotas for cereal imports from third countries.

F3 Inserted by Commission Regulation (EC) No 2022/2006 of 22 December 2006 amending Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 opening and providing for the administration of Community tariff quotas for imports of cereals.

[F4 Article 2

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Textual Amendments

F4 Deleted by Commission Regulation (EC) No 2022/2006 of 22 December 2006 amending Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 opening and providing for the administration of Community tariff quotas for imports of cereals.

[F5 Article 3

1 Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may not submit more than one licence application per week. Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

Import licence applications shall be lodged with the competent authorities of the Member States each week no later than **[**F6Friday**]** at 13.00 (Brussels time).

[F7. . . . .**]**

2 Each licence application shall indicate a quantity in kilograms (whole numbers).

[F6 3 No later than 18:00 (Brussels time) on the Monday following the week in which the licence application was lodged, the competent authorities shall send the Commission, by electronic means, a notification showing each application with the quantity applied for, including 'nil' notifications.**]**

[F6 4 Licences shall be issued on the fourth working day following the deadline for the notification referred to in paragraph 3.

Member States shall communicate to the Commission, by electronic means, on the day of issue of the import licences, the information on the licences issued as referred to in Article 11(1)(b) of Regulation (EC) No 1301/2006, with the total quantities for which import licences have been issued.**]]**

Textual Amendments

F5 Substituted by Commission Regulation (EC) No 2022/2006 of 22 December 2006 amending Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 opening and providing for the administration of Community tariff quotas for imports of cereals.

F6 Substituted by Commission Regulation (EC) No 1456/2007 of 10 December 2007 amending Regulations (EC) No 2058/96, (EC) No 2375/2002, (EC) No 2377/2002, (EC) No 2305/2003, (EC) No 955/2005, (EC) No 969/2006 and (EC) No 1964/2006 opening and providing for the administration of tariff quotas for imports of rice and cereals.

F7 Deleted by Commission Regulation (EC) No 1456/2007 of 10 December 2007 amending Regulations (EC) No 2058/96, (EC) No 2375/2002, (EC) No 2377/2002, (EC) No 2305/2003, (EC) No 955/2005, (EC) No 969/2006 and (EC) No 1964/2006 opening and providing for the administration of tariff quotas for imports of rice and cereals.

[F5 Article 4

In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual day of issue.**]**

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 2305/2003. (See end of Document for details)*

Textual Amendments

F5 Substituted by Commission Regulation (EC) No 2022/2006 of 22 December 2006 amending Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 opening and providing for the administration of Community tariff quotas for imports of cereals.

F4 Article 5

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Textual Amendments

F4 Deleted by Commission Regulation (EC) No 2022/2006 of 22 December 2006 amending Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 opening and providing for the administration of Community tariff quotas for imports of cereals.

F4 Article 6

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Textual Amendments

F4 Deleted by Commission Regulation (EC) No 2022/2006 of 22 December 2006 amending Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 opening and providing for the administration of Community tariff quotas for imports of cereals.

F4 Article 7

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Textual Amendments

F4 Deleted by Commission Regulation (EC) No 2022/2006 of 22 December 2006 amending Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 opening and providing for the administration of Community tariff quotas for imports of cereals.

Article 8

By derogation from Article 12(a) and (b) of Regulation (EC) No 1342/2003, the security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

Article 9

Regulation (EC) No 2376/2002 is hereby repealed.

Article 10

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

It shall apply from 1 January 2004.