Commission Regulation (EC) No 701/2003 of 16 April 2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States)

COMMISSION REGULATION (EC) No 701/2003

of 16 April 2003

laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs[(1)], as last amended by Commission Regulation (EC) No 493/2002[(2)], and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat[(3)], as last amended by Regulation (EC) No 493/2002, and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98[(4)], and in particular Article 5 thereof,

Whereas:

(1) Regulation (EC) No 2286/2002 implements the amendments to the arrangements for imports from the ACP States made as a result of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000[(5)]. Article 1(3) of that Regulation introduces general arrangements for reducing customs duties for the products in Annex I thereto and specific arrangements for reducing customs duties, within the framework of the tariff quotas, for certain products in Annex II thereto.

(2) As a result of these new import arrangements, detailed rules of application should be laid down for the issue of import licences for products qualifying for reduced duties. Commission Regulation (EC) No 704/1999 of 31 March 1999 laying down detailed rules for the application of the arrangements for imports of eggs and poultrymeat products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 903/90[(6)], as amended by Regulation (EC) No 1043/2001[(7)], should therefore be repealed.

(3) For the purposes of managing the tariff import quotas, the general rules laid down by 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[8], as last amended by Regulation (EC) No 325/2003[9], should be applied where this Regulation does not lay down specific rules.

(4) In order to ensure proper administration of the quotas, a security should be required for applications for import licences and certain conditions should be laid down as regards applicants themselves. The quotas should also be staggered over the year and the term of validity of licences should be specified.

(5) To allow optimum management of the tariff quota, this Regulation should apply from 1 January 2003.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

[F1[X1 Article 1

1 This Regulation lays down detailed rules for applying the import tariff quotas on the products falling within the CN codes listed in Annex I hereto, opened by Regulation (EC) No 2286/2002.

2 Commission Regulations (EC) Nos 1291/2000[10] and 1301/2006[11] shall apply, save as otherwise provided for in this Regulation.

3 The quantity of products benefiting from the arrangements referred to in paragraph 1 and the rate of the reduction in the customs duty are fixed in Annex I hereto.

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States) (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States).

Article 2

The quantity fixed for each quota shall be divided into two subperiods, as follows:

— 50 % from 1 January to 30 June,

— 50 % from 1 July to 31 December.

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States) (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

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Article 3

1 For the purposes of Article 5 of Regulation (EC) No 1301/2006, applicants for import licences must supply proof, when making their first application for a given tariff quota period, that they have imported or exported at least 50 tonnes of products falling under Regulation (EEC) No 2777/75 in each of the two periods referred to in that Article 5.

2 Licence applications may involve several products covered by different CN codes. In such cases, all the CN codes shall be indicated in section 16 and their description in section 15 of licence applications and licences.

Applications must be for a minimum of 10 tonnes and a maximum of 10 % of the quantity available in the subperiod in question.

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States) (Official Journal of the European Union L 407 of 30 December 2006).

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Article 4

1 Section 8 of the licence application and the licence shall indicate the country of origin and ‘yes’ shall be marked with a cross.

2 Section 20 of the licence application and the licence shall contain one of the references appearing in Annex II.A.

3 Section 24 of the licence shall contain one of the references appearing in Annex II.B.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 701/2003. (See end of Document for details)*

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States) (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

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Article 5

1 Licence applications may be lodged only in the first seven days of the month preceding each period referred to in Article 2.

However, for the period from 1 January to 30 June 2007, licence applications shall be lodged during the first 15 days of January 2007.

2 Not later than the fifth working day following the end of the period for submission of applications, the Member States shall notify the Commission of the total quantities, in kilograms, applied for in respect of each quota.

3 Licences shall be issued as soon as possible after the Commission has taken a decision.

4 The Member States shall communicate to the Commission, before the end of the fourth month following each annual period, the quantities (expressed in kilograms) under each quota actually put into free circulation under this Regulation in the period concerned.

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States) (Official Journal of the European Union L 407 of 30 December 2006).

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Article 6

1 Import licences shall be valid for 180 days from the actual day of issue under Article 23(2) of Regulation (EC) No 1291/2000.

2 Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, the transfer of rights deriving from licences or certificates shall be limited to holders who meet the eligibility criteria laid down in Article 5 of Regulation (EC) No 1301/2006 and Article 3(1) of this Regulation.**]]**

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States) (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States).

Article 7

A security of EUR 20 per 100 kilograms shall be lodged for import licence applications for all products.

Article 8

Import under the arrangements for a reduction in customs duties provided for in this Regulation may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000.

[X2]Article 9

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Editorial Information

X2 Deleted by Corrigendum to Commission Regulation (EC) No 1936/2006 of 20 December 2006 amending Regulation (EC) No 701/2003 laying down detailed rules for the application of Council Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States) (Official Journal of the European Union L 407 of 30 December 2006).

Article 10

Regulation (EC) No 704/1999 is hereby repealed.

Article 11

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 2003.

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