Commission Regulation (EC) No 462/2003 of 13 March 2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States and repealing Regulation (EC) No 2562/98

COMMISSION REGULATION (EC) No 462/2003

of 13 March 2003

laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States and repealing Regulation (EC) No 2562/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat[(1)], as last amended by Regulation (EC) No 1365/2000[(2)], and in particular Articles 8 and 22 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 (EEC) No 1706/98[(3)], 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[(4)]. Article 1(3) of that Regulation introduces, for the products in Annex I thereto, general arrangements for reducing customs duties 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 2562/98 of 27 November 1998 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States and repealing Regulation (EEC) No 904/90[(5)], as amended by Regulation (EC) No 1006/2001[(6)], should therefore be repealed.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[(7)], as amended by Regulation (EC) No 2299/2001[(8)], 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 Pigmeat,

HAS ADOPTED THIS REGULATION:

[F1[X1Article 1

1 All imports into the Community within the framework of Regulation (EC) No 2286/2002 of products covered by CN codes listed in Annex I to this Regulation shall qualify for reduced customs duties on presentation of an import licence.

2 Commission Regulations (EC) Nos 1291/2000[9] and 1301/2006[10] shall apply, save as otherwise provided for in this Regulation.

3 The quantity of products benefiting from the above arrangements and the rate of customs duty are fixed in Annex I hereto.

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States.

Article 2

The quantity fixed in part B of Annex I shall be divided into the following subperiods in the import tariff quota period:

— 25 % in the period 1 January to 31 March,
— 25 % in the period 1 April to 30 June,
— 25 % in the period 1 July to 30 September,
— 25 % in the period 1 October to 31 December.

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States.

Article 3

1 Notwithstanding Article 5 of Regulation (EC) No 1301/2006, retail establishments or restaurants selling their products to final consumers shall be excluded from the reduction in customs duties referred to in Article 1(1) of this Regulation and may not submit import licence applications to this end.

2 Import licence applications may mention only one of the serial numbers referred to in Annex I. They may involve several products covered by different combined nomenclature (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 one tonne and a maximum of 100 % of the quantity available for the subperiod specified in Article 2.

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States.

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 shown in part A of Annex II.

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

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States.

Article 5

1 Licence applications shall be lodged in the first seven days of the month preceding each subperiod referred to in Article 2.

However, for the period from 1 January to 31 March 2007, licence applications shall be lodged during the first 15 days of January 2007.

2 The Member States shall notify to the Commission, no later than the third working day following the end of the period for submission of applications, 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 notify 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 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States.

Article 6

1 Import licences shall be valid for 150 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 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States (Official Journal of the European Union L 407 of 30 December 2006).

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the 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 1939/2006 of 21 December 2006 amending Regulation (EC) No 462/2003 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States (Official Journal of the European Union L 407 of 30 December 2006).

Article 10

Regulation (EC) No 2562/98 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.