COMMISSION REGULATION (EC) No 121/94

of 25 January 1994

relating to the exemption from the import levy for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 518/92 of 27 February 1992 relating to certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, of the other part (1), as last amended by Regulation (EEC) No 2233/93 (2), and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 519/92 of 27 February 1992 relating to certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary, of the other part (3), as last amended by Regulation (EEC) No 2234/93 (4), and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 520/92 of 27 February 1992 relating to certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part (5), as last amended by Regulation (EEC) No 2235/93 (6), and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals (7), as last amended by Commission Regulation (EEC) No 2193/93 (8), and in particular Article 9 thereof,

Whereas the Community concluded Interim Agreements on trade and trade-related matters with Poland (9), Hungary (10) and the Czech and Slovak Federal Republic (11);

Whereas the Community subsequently concluded Additional Protocols to the Interim Agreements (12); whereas those Additional Protocols provide for advancing of the date of application of the concessions provided for in the said Agreements to 1 July 1993; whereas the volumes and import levy reductions for the cereals sector should therefore be adjusted with effect from 1 July 1993;

Whereas the Community signed Additional Protocols (13) with the Czech Republic and the Slovak Republic after the dissolution of the Czech and Slovak Federal Republic on 1 January 1993; whereas those Additional Protocols provide, *inter alia*, for the division of the Community concessions granted under the Interim Agreement between the two successor States;

Whereas the Additional Protocols provide for the opening of separate quotas for the Czech Republic and the Slovak Republic from 1 January 1994; whereas certain rules of application should therefore be revised in that connection, and in particular the procedure for issuing licences should be simplified;

Whereas the Interim Agreements provide for a reduction in import levies for certains products in the cereals sector; whereas this reduction is to be progressively applied and with certain quantitative restrictions;

Whereas, in particular, the origin of the products should be established by making their free circulation conditional upon the presentation of the EUR. 1 certificate provided for by Protocol 4 and issued by the exporting countries;

Whereas there should be provision for licences for the importation of the products in question, within the quantities fixed, to be issued following a review period and subject, where necessary, to a uniform percentage reduction in the quantities applied for; whereas applicants may withdraw their applications where a uniform percentage reduction is applied;

Whereas the information to be included on the applications and licences must be specified, notwithstanding Articles 8 and 21 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common

(1) OJ No L 56, 29. 2. 1992, p. 3.
(2) OJ No L 200, 10. 8. 1993, p. 3.
(3) OJ No L 56, 29. 2. 1992, p. 6.
(4) OJ No L 200, 10. 8. 1993, p. 4.
(5) OJ No L 56, 29. 2. 1992, p. 9.
(6) OJ No L 200, 10. 8. 1993, p. 5.
(7) OJ No L 181, 1. 7. 1992, p. 21.
(8) OJ No L 196, 5. 8. 1993, p. 22.
(9) OJ No L 114, 30. 4. 1992, p. 2.
(10) OJ No L 116, 30. 4. 1992, p. 2.
(11) OJ No L 115, 30. 4. 1992, p. 2.
(12) OJ No L 195, 4. 8. 1993, p. 43.
(13) OJ No L 349, 31. 12. 1993.

detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products (1), as last amended by Regulation (EEC) No 3519/93 (2);

Whereas, to take account of delivery conditions, import licences should be valid from the day they are issued to the end of the third month following that of issue; whereas the validity of the licences must be limited to the end of January where they are issued in respect of the maximum quantity for the previous year;

Whereas Article 12 of Commission Regulation (EEC) No 891/89 (3), as last amended by Regulation (EC) No 3579/93 (4), notwithstanding, in order to ensure efficient management of the scheme, the security in respect of import licences is fixed at ECU 25 per tonne;

Whereas the importation of brewing barley must be subject to measures to verify its use;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 14 (2) of the Interim Agreements, partial exemption from the import levy subject to the quantitative limits and reduction rates set out in the Annex to this Regulation shall apply to products originating in the Republics in question and listed in the Annex hereto.

In accordance with Protocol 4 of the Interim Agreements, products placed in free circulation on the internal market of the Community shall be accompanied by the original of the EUR. 1 certificate issued by the competent authorities of the exporting country.

Article 2

1. Applications for import licences shall be lodged with the competent authorities of each Member State on the second Monday of each month up to 1 p.m. Belgian time.

For a given year, licence applications may not relate to a quantity greater than that available for imports of the product in question.

2. The Member States shall send import licence applications to the Commission by telex or by telefax by 6 p.m. Belgian time on the day on which they are lodged.

This notification shall be made separtely from that of other applications for cereal import licences.

3. If import licence applications exceed the quantites in the annual quota, the Commission shall fix a single coefficient for reducing the quantites applied for not later than the third working day following the submission of the applications. Licence applications may be withdrawn within one working day following the date on which the reduction coefficient was fixed.

Without prejudice to the application of paragraph 3, a licence shall be issued on the fifth working day following the day on which the application for the licence was lodged.

4. Article 21 (1) of Regulation (EEC) No 3719/88 notwithstanding, the period of validity of the licence shall start from the day of its actual issue.

Article 3

Article 8 (1) of Regulation (EEC) No 891/89 notwithstanding, import licences shall be valid from their date of issue until the end of the third month following that in which they were issued. Nevertheless, the validity of licences shall be restricted to the end of January, where licences issued in respect of the previous year's quantity are concerned.

Article 4

Article 8 (4) of Regulation (EEC) No 3719/88 notwithstanding, the quantity placed in free circulation may not exceed that shown in boxes 17 and 18 of the import licence. To this end the figure '0' shall be entered in box 19 of the licence.

Article 5

For the product to be imported with the levy reduction as provided for in Article 1, the import licence application and the licence shall show:

(a) in box 8, the country of origin of the product;

(b) in box 20, one of the following entries:

'— Reglamento (CE) nº 121/94;
— Forordning (EF) nr. 121/94;
— Verordnung (EG) Nr. 121/94;
— Κανονισμός (ΕΚ) αριθ. 121/94;
— Regulation (EC) No 121/94;
— Règlement (CE) nº 121/94;
— Regolamento (CE) n. 121/94;
— Verordening (EG) nr. 121/94;
— Regulamento (CE) nº 121/94.'

(1) OJ No L 331, 2. 12. 1988, p. 1.
(2) OJ No L 320, 22. 12. 1993, p. 16.
(3) OJ No L 94, 7. 4. 1989, p. 13.
(4) OJ No L 326, 28. 12. 1993, p. 15.

The licence shall carry with it an obligation to import from the said country.

The licence shall also carry in box 24, depending on the levy reduction applicable, one of the following entries:

'— Exacción reguladora reducida un 60 %

— Nedsættelse af importafgiften med 60 %

— Ermäßigung der Abschöpfung um 60 %

— Μειωμένη εισφορά κατά 60 %

— Levy reduction 60 %

— Prélèvement réduit de 60 %

— Prelievo ridotto del 60 %

— Met 60 % verlaagde heffing

— Direito nivelador reduzido de 60 %'

Article 6

Article 12 (a) and (b) of Regulation (EEC) No 891/89 notwithstanding, the security in the case of import licences covered by this Regulation shall be ECU 25 per tonne.

Article 7

Commission Regulation (EEC) No 585/92 (1) is hereby repealed.

Article 8

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

It shall apply with effect from 1 January 1994.

However, as regards the quantites and levies provided for in points I, II.A and III of the Annex, it shall apply from 1 July 1993.

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

Done at Brussels, 25 January 1994.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 62, 7. 3. 1992, p. 40.

ANNEX

I. Products originating in the Republic of Hungary

(tonnes)

Period	1. 7. 1993 to 30. 6. 1994	1. 7. 1994 to 30. 6. 1995	1. 7. 1995 to 30. 6. 1996
Levy reduction (%)	60	60	60
CN code 1001 90 99	200 000	216 000	232 000

II.A. Products originating in the Czech and Slovak Federal Republic

(tonnes)

Period	1. 7 to 31. 12. 1993
Levy reduction (%)	60
CN Code 1003 00 90	17 750
CN code 1101 00 00	11 750
CN code 1107 10 99	20 750

II.B. Products originating in the Czech Republic

(tonnes)

Period	1. 1 to 30. 6. 1994	1. 7. 1994 to 30. 6. 1995	1. 7. 1995 to 30. 6. 1996
Levy reduction (%)	60	60	60
CN code 1003 00 90	23 667	25 333	27 333
CN code 1101 00 00	15 667	17 000	18 000
CN code 1107 10 99	24 371	29 667	31 667

II.C. Products originating in the Slovak Republic

(tonnes)

Period	1. 1 to 30. 6. 1994	1. 7. 1994 to 30. 6. 1995	1. 7. 1995 to 30. 6. 1996
Levy reduction (%)	60	60	60
CN code 1003 00 90	11 833	12 667	13 667
CN code 1101 00 00	7 833	8 500	9 000
CN code 1107 10 99	12 186	14 833	15 833

III. Products originating in the Republic of Poland

(tonnes)

Period	1. 7. 1993 to 30. 6. 1994	1. 7. 1994 to 30. 6. 1995	1. 7. 1995 to 30. 6. 1996
Levy reduction (%)	60	60	60
CN code 1008 10 00	3 800	4 100	4 350