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COMMISSION REGULATION (EC) No 1474/95

of 28 June 1995

►M6 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin ◄

(OJ L 145, 29.6.1995, p. 19)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Regulation (EC) No 2916/95 of 18 December 1995	L 305	49	19.12.1995
►M2	Commission Regulation (EC) No 573/96 of 29 March 1996	L 80	54	30.3.1996
►M3	Commission Regulation (EC) No 876/96 of 14 May 1996	L 118	17	15.5.1996
►M4	Commission Regulation (EC) No 937/96 of 24 May 1996	L 127	26	25.5.1996
►M5	Commission Regulation (EC) No 1102/96 of 19 June 1996	L 146	30	20.6.1996
►M6	Commission Regulation (EC) No 1219/96 of 28 June 1996	L 161	55	29.6.1996
►M7	Commission Regulation (EC) No 997/97 of 3 June 1997	L 144	11	4.6.1997
►M8	Commission Regulation (EC) No 1242/97 of 30 June 1997	L 173	77	1.7.1997
►M9	Commission Regulation (EC) No 1514/97 of 30 July 1997	L 204	16	31.7.1997
►M10	Commission Regulation (EC) No 1371/98 of 29 June 1998	L 185	17	30.6.1998
►M11	Commission Regulation (EC) No 1323/1999 of 23 June 1999	L 157	29	24.6.1999
►M12	Commission Regulation (EC) No 1356/2000 of 27 June 2000	L 155	36	28.6.2000

Corrected by:

►C1 Corrigendum, OJ L 181, 1.8.1995, p. 44 (1474/95)

►C2 Corrigendum, OJ L 148, 21.6.1996, p. 58 (1102/96)

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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of 28 June 1995

►M6 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin ◄

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 organization of the market in eggs [1], as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 [2], and in particular Articles 3 (2), 6 (1) and 15 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the Common system of trade for ovalbumin and lactalbumin [3], as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Articles 2 (1), 4 (1) and 10 thereof,

Whereas the Community has negotiated, in the framework of the Multilateral Trade negotiations of the Uruguay Round, various agreements and in particular the agreement on agriculture; whereas this agreement provides, amongst others, for the access to the Community markets of certain products in the egg sector and of egg albumin coming from third countries for a period of six years; whereas therefore detailed rules for the application of the import system in the egg and for egg albumin should be laid down for the period 1 July 1995 to 30 June 1996;

Whereas the administration of the arrangements should be based on import licences; whereas, to that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by way of derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [4], as last amended by Regulation (EC) No 1199/95 [5], should be laid down; whereas, in addition, provision should be made for the licences to be issued after a period of consideration, applying, where necessary, a single percentage of acceptance; whereas it is in the interest of importers and exporters to allow the licence application to be withdrawn after the coefficient of acceptance has been fixed;

Whereas, in order to ensure the regularity of imports, the quantity refered to in Annex I should be staggered over one year;

Whereas, in order to ensure proper administration of the system, the security for import licences under the said system the security should be fixed at ECU 20 per 100 kg (shell egg equivalent);

Whereas in order to ensure that the system is working properly and in particular to eliminate the risk of speculation inherent in the system in the egg and albumin sector, precise conditions governing access by traders to the said system should be laid down aiming at ensuring the seriousness of their acitivities in this sector;

Whereas the attention of the operators should be drawn to the fact that licences may only be used for products which comply with all veterinary provisions in force in the Community;

Whereas the Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by its chairman,

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[1] OJ No L 282, 1. 11. 1975, p. 49.
[2] OJ No L 349, 31. 12. 1994, p. 105.
[3] OJ No L 282, 1. 11. 1975, p. 104.
[4] OJ No L 331, 2. 12. 1988, p. 1.
[5] OJ No L 119, 30. 5. 1995, p. 4.

▼B

HAS ADOPTED THIS REGULATION:

▼M12

Article 1

The import tariff quotas listed in Annex I are opened annually for the product groups and under the conditions indicated therein.

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Article 2

The quotas referred to in Article 1 shall be staggered as follows:

for group E1:

— 20 % in the period 1 July to 30 September,

— 30 % in the period 1 October to 31 December,

— 30 % in the period 1 January to 31 March,

— 20 % in the period 1 April to 30 June;

For groups E2 and E3:

— 25 % in the period 1 July to 30 September,

— 25 % in the period 1 October to 31 December,

— 25 % in the period 1 January to 31 March,

— 25 % in the period 1 April to 30 June.

Article 3

All imports into the Community under the quotas referred to in Article 1 shall be subject to the presentation of an import licence.

Article 4

The import licences referred to in Article 3 shall be subject to the following provisions:

(a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported not less than ►C1 50 tonnes (shell egg equivalent) ◄ of products falling within the scope of Regulation (EEC) No 2771/75 (excluding hatching eggs) and (EEC) No 2783/85 in each of the two calendar years preceding the year in which the licence application is lodged or who are approved in accordance with Article 6 (1) of Council Directive 89/437/EEC [1] for the treatment of egg products. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this system;

(b) licence applications must not involve more than one of the groups referred to in Annex I of this Regulation. They may involve several products covered by different CN codes and originating in one single country; in such cases, all the CN codes shall be indicated in section 16 and their descriptions in section 15. Regarding groups E2 and E3, the total quantity shall be converted into shell egg equivalent.

Licence applications must relate to at least one tonne and to a maximum of 10 % of the quantity available for the group concerned and the periods specified in Article 2;

▼M7

(c) section 8 of licence applications and licences shall show the country of origin;

[1] OJ No L 212, 22. 7. 1989, p.87.

▼B

(d) Section 20 licence applications and licences shall show one of the following:

Reglamento (CE) nº 1474/95

Forordning (EF) nr. 1474/95

Verordnung (EG) Nr. 1474/95

Κανονισμός (ΕΚ) αριθ. 1474/95

Regulation (EC) No 1474/95

Règlement (CE) nº 1474/95

Regolamento (CE) n. 1474/95

Verordening (EG) nr. 1474/95

Regulamento (CE) nº 1474/95

Asetus (EY) N:o 1474/95

Förordning (EG) nr 1474/95;

(e) Section 24 of licences shall show one of the following:

Reducción del derecho del AAC conforme a lo establecido en el Reglamento (CE) nº 1474/95

Reduktion i toldsatsen i henhold til forordning (EF) nr. 1474/95

Ermäßigung des Zollsatzes gemäß Verordnung (EG) Nr. 1474/95

Μείωση του δασμού του ΚΔ όπως προβλέπεται στον Κανονισμό (ΕΚ) αριθ. 1474/95

Reduction of CCT duty pursuant to Regulation (EC) No 1474/95

Réduction du droit du tarif douanier commun comme prévu au règlement (CE) nº 1474/95

Riduzione del dazio TDC come prevede il regolamento (CE) n. 1474/95

Verlaging van het GDT-recht op grond van Verordening (EG) nr. 1474/95

Redução do direito da PAC previsto no Regulamento (CE) nº 1474/95

Maksua alennettu seuraavan mukaisesti: Asetus (EY) N:o 1474/95

Reduktion av Gemensamma tulltaxans tariffer enligt förordning (EG) nr 1474/95.

Article 5

1. Licence applications may be lodged only during the first 10 days of each period as specified in Article 2. ►**M4** However, for the quarter from 1 April to 30 June 1996, the licence applications may only be lodged during the 10-day period starting on 21 June. ◄

2. ►**M9** Licence applications must be submitted to the competent authority of the Member State in which the applicant is established or has set up his registered office. Applications shall be admissible only where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the same period, concerning products in the same group. ◄

▼M9

Where the same applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.

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However, each applicant may lodge more than one application for import licences for products in one group, where such products originate in more than one country. Separate applications for each country of origin must be submitted simultaneously to the comeptent authority of a Member State. They shall be considered, as regards the maximum referred to in Article 4 (b) as well as application of the rules in the previous subparagraph, as single applications.

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3. A security of ECU 20 per 100 kilograms shell egg equivalent shall be lodged for import licence applications for all products referred to in Article 1.

4. Member States shall notify the Commission, on the fifth working day following the end of the application submission period, of applications lodged for each of the products in the group in question. Such notification shall include a list of applicants and a statement of the quantities applied for in the group.

All notifications, including 'nil' notifications, shall be made by telex or fax on the working day stipulated, drawn up on the model shown in Annex II in cases where no application is made, and the models shown in Annexes II and III in cases where applicaitons have been made.

5. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of applications as referred to in Article 4.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage of acceptance for the quantities applied for. Where this percentage is less than 5 %, it is possible that the Commission will not award the quantities applied for; the securities shall be released immediately.

Operators may withdraw their licence applications within 10 working days following publication of the single percentage of acceptance in the *Official Journal of the European Communities* if application of the percentage results in the fixing of a quantity less than 20 tonnes shell egg equivalent. The Member States shall inform the Commission thereof within five days following the withdrawal of the licence application and shall release the security immediately.

The Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period of the quota period referred to in Article 1.

6. Licences shall be issued as quickly as possible after the Commission has taken its decision.

7. Licences may only be used for products which comply with all veterinary provisions in force in the Community.

▼M8

Article 6

For the purposes of applying Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue, but not beyond the end of the period specified in Article 1.

Import licences issued pursuant to this Regulation shall not be transferable.

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Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8 (4) of that Regulation notwithstanding, the quantity imported under this Regulaiton may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall accordingly be enterred in section 19 of the licence.

Article 8

This Regulation shall enter into force on 1 July 1995.

▼**M12**

ANNEX I

(tonnes)

Group number	CN code	Duty applicable, EUR/tonne product weight	Tariff quotas from 2000
E 1	0407 00 30	152	135 000
E 2	0408 11 80	711	
	0408 19 81	310	7 000 (1)
	0408 19 89	331	
	0408 91 80	687	
	0408 99 80	176	
E 3	3502 11 90	617	15 500 (1)
	3502 19 90	83	

(1) Shell egg equivalent. Conversion according to the rates of yield fixed in Annex 77 to Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1).

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ANNEX II

Application of Regulation (EC) No 1474/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/3 Egg sector		
Application for import licences at reduced duty — GATT	Date	Period

Member State:
Sender:
Person to contact:
Telephone:
Fax:

Address: DG VI/D/3
Fax (322) 296 62 79 or 296 12 27

(tonnes)

Group number	Quantity applied for	
	Product weight	Shell egg equivalent
E 1		
E 2		
E 3		

▼B

ANNEX III

Application of Regulation (EC) No 1474/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/3 Egg sector

Application for import licences at reduced duty – GATT	Date	Period

Member State:

(tonnes)

Group number	CN code	Applicant (name and address)	Quantity		Country of origin
			Product weight	Country of origin (SIC! Shell egg equivalent)	
E 1					
		Total per group			
E 2					
		Total per group			
E 3					
		Total per group			