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COMMISSION REGULATION (EC) No 1866/95

of 26 July 1995

►M2 establishing detailed rules for application in the eggs and poultrymeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part, and Estonia, Latvia and Lithuania, of the other part ◄

(OJ L 179, 29.7.1995, p. 26)

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 2166/96 of 12 November 1996	L 290	6	13.11.1996
►M3	Commission Regulation (EC) No 1514/97 of 30 July 1997	L 204	16	31.7.1997
►M4	Commission Regulation (EC) No 1429/2000 of 30 June 2000	L 161	49	1.7.2000
►M5	Commission Regulation (EC) No 2807/2000 of 20 December 2000	L 326	10	22.12.2000
►M6	Commission Regulation (EC) No 1043/2001 of 30 May 2001	L 145	24	31.5.2001

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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COMMISSION REGULATION (EC) No 1866/95

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►M2 establishing detailed rules for application in the eggs and poultrymeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part, and Estonia, Latvia and Lithuania, of the other part ◄

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1275/95 of 29 May 1995 on certain procedures for applying the Agreement on free trade and trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Estonia, of the other part [1], and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 1276/95 of 29 May 1995 on certain procedures for applying the Agreement on free trade and trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Latvia, of the other part [2] and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 1277/95 of 29 May 1995 on certain procedures for applying the Agreement on free trade and trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Lithuania, of the other part [3], and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat [4], as last amended by the Act of Accession of Austria, Finland and Sweden, and by Regulation (EC) No 3290/94 [5], and in particular Article 15 thereof,

Whereas the Agreements on free trade and trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Estonia [6], the Republic of Latvia [7] and the Republic of Lithuania [8], of the other part, were signed on 18 July 1994;

Whereas these Agreements on free trade and trade related matters provided for a reduction of 60 % in the duties set by the common customs tariff for the import of certain poultrymeat products, within certain quantitative limits; whereas, to ensure that imports comply with the rules in force, those quantities should be staggered over the year;

Whereas, while bearing in mind the Agreements on free trade and trade related matters intended to guarantee the origin of the product, provision should be made for the administration of the said arrangements to be guaranteed by import licences; whereas, to that end, notwithstanding 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 agriculture products [9], as last amended by Regulation (EC) No 1199/95 [10], detailed rules for submission of the applications and

(1) OJ No L 124, 7. 6. 1995, p. 1.
(2) OJ No L 124, 7. 6. 1995, p. 2.
(3) OJ No L 124, 7. 6. 1995, p. 3.
(4) OJ No L 282, 1. 11. 1975, p. 77.
(5) OJ No L 349, 31. 12. 1994, p. 105.
(6) OJ No L 373, 31. 12. 1994, p. 1.
(7) OJ No L 374, 31. 12. 1994, p. 1.
(8) OJ No L 375, 31. 12. 1994, p. 1.
(9) OJ No L 331, 2. 12. 1988, p. 1.
(10) OJ No L 119, 30. 5. 1995, p. 4.

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licences should be laid down; whereas, in addition, provision should be made for the certificates and licences to be issued after a period of consideration, applying, where necessary, a single acceptance rate;

Whereas, in order to ensure proper administration of the system, the security for import licences under the said system should be fixed at ECU 20 per 100 kg; whereas, in view of the likelihood of speculation inherent in the system in the poultrymeat sector, precise conditions governing access by operators to the said system should be laid down;

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

Whereas 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:

Article 1

All imports into the Community under the arrangements provided for in Article 14 (1), (2) and (3) of the Agreements on free trade and trade related matters between the Community, of the one part, and Lithuania and Latvia of the other, or under the arrangements provided for in Article 13 (1), (2) and (3) of the Agreements on free trade and trade related matters between the Community, of the one part, and Estonia of the other, of products in groups 50, 60 and 70 referred to in Annex I to this Regulation, shall be subject to the presentation of an import licence.

The quantities of products to which those arrangements apply and the rates of reduction in the levies set in the common customs tariff shall be those listed by group in Annex I.

The rate of reduction in the levy shall be that provided for in Article 2 for the period for which a licence is requested.

▼M2

Article 2

From 1 July 1996 the quantities indicated in Annex I shall be staggered over the year as follows:

— 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.

The quantities available for the period 1 October to 31 December 1996 shall however be as indicated in Annex IV to this Regulation and the licence applications shall be submitted from 11 to 20 November 1996.

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Article 2a

Article 2 and Article 4(1) notwithstanding, licence applications may be submitted only between 1 and 10 January 2001 for all quantities available for the period 1 January to 30 June 2001 referred to in Annex I.B.

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Article 3

The import licences provided for in Article 1 shall be subject to the following rules:

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(a) applicants for import licences must be natural or legal persons who, at the time at which applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported or exported at least 25 tonnes (by weight of product) in the case of products covered by Regulation (EEC) No 2777/75 and 5 tonnes (eggs and shell equivalent) in the case of products covered by Regulations (EEC) No 2771/75 and (EEC) No 2783/75 during both of the two calendar years preceding the year in which the licence applications were submitted. However retail establishments or restaurants selling their products to final consumers are excluded from the benefit of this scheme;

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(b) the licence application may involve only one of groups 50, 60 and 70 referred to in Annex I to this Regulation. The application may involve several products covered by different CN codes and originating in one of the countries covered by this Regulation. In such cases, all the CN codes shall be indicated in Section 15 and their designation in section 16;

A licence application must relate to at least one tonne and to a maximum of 25 % of the quantity available for the group concerned and the period as specified in Article 2;

(c) Section 8 of licence applications and licences shall indicate the country of origin; licences shall entail an obligation to import from the country indicated;

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

— Reglamento (CE) nº 1866/95,

— Forordning (EF) nr. 1866/95,

— Verordnung (EG) Nr. 1866/95,

— Κανονισμός (ΕΚ) αριθ. 1866/95,

— Regulation (EC) No 1866/95,

— Règlement (CE) nº 1866/95,

— Regolamento (CE) n. 1866/95,

— Verordening (EG) nr. 1866/95,

— Regulamento (CE) nº 1866/95,

— Asetus (EY) N:o 1866/95,

— Förordning (EG) nr 1866/95

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

— Reglamento (CE) nº 1866/95,

— Forordning (EF) nr. 1866/95,

— Verordnung (EG) Nr. 1866/95,

— Κανονισμός (ΕΚ) αριθ. 1866/95,

— Regulation (EC) No 1866/95,

— Règlement (CE) nº 1866/95,

— Regolamento (CE) n. 1866/95,

— Verordening (EG) nr. 1866/95,

— Regulamento (CE) nº 1866/95,

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— Asetus (EY) N:o 1866/95,

— Förordning (EG) nr 1866/95.

Article 4

▼M6

1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.

▼M3

2. 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.

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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3. The Member States shall notify the Commission on the fifth working day following the end of the application submission period of applications submitted for each of the products in the groups. Such notification shall include a list of applicants and a statement of the quantities applied for in each group. All notifications, including nil returns, shall be made by fax on the working day stipulated, using the model in Annex II to this Regulation in cases where no application has been submitted and the models in Annexes II and III in cases where applications have been submitted.

4. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of the applications referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single acceptance rate as a percentage of quantities applied for.

If the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period.

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

6. Licences issued shall be valid throughout the Community.

7. Licences may be used for products complying with all the veterinary requirements in force in the Community.

▼M6

8. Member States shall notify the Commission, before the end of the fourth month following each annual period specified in Annex I, of the total volume of products imported for each of the groups under this Regulation during that period.

All notifications, including ‘nil’ ones, shall be made using the model in Annex V to this Regulation.

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Article 5

For the purposes of Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue. ►M6 However, the validity of licences shall not extend beyond the end of the last period of the year referred to in Article 2 for which a licence has been issued. ◄

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

Article 6

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

Article 7

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

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

Article 8

The imported products shall be placed in free circulation on presentation of a movement certificate EUR 1 issued by the exporting country in accordance with Protocol 3 annexed to the Agreements on free trade.

Article 9

This Regulation shall enter into force on 1 August 1995.

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

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ANNEX I

▼M5

A. **PRODUCTS ORIGINATING IN LATVIA**

Reduction of 100 % in Common Customs Tariff duty

(tonnes)

Group No	CN code	1.7.2000 to 30.6.2001	Annual increase as from 1.7.2001
50 (09.4544)	ex 0207 (*)	625	65
55 (09.4566)	1602 32 1602 39	100	10

(*) Except CN codes 0207 13 91, 0207 14 91, 0207 26 91, 0207 27 91, 0207 34 10, 0207 34 90, 0207 35 91, 0207 36 81, 0207 36 85, 0207 36 89.

B. **PRODUCTS ORIGINATING IN LITHUANIA**

Reduction of 100 % in Common Customs Tariff duty

(tonnes)

Group No	CN code	1.1.2001 to 30.6.2001	1.7.2001 to 30.6.2002	Annual increase as from 1.7.2002
60 (09.4568)	ex 0207 (*)	500	1 100	100
65 (09.4570)	1602 32 1602 39	100	220	20

(*) Except CN codes 0207 13 91, 0207 14 91, 0207 26 91, 0207 27 91, 0207 34 10, 0207 34 90, 0207 35 91, 0207 36 81, 0207 36 85, 0207 36 89.

▼M4

C. **PRODUCTS ORIGINATING IN ESTONIA**

Reduction of 100 % in Common Customs Tariff duty

(tonnes)

Group No	CN code	1.7.2000 to 30.6.2001	Annual increase as from 1.7.2001
70 (09.4585)	0207 ([1]) Meat and edible offal, of poultry of heading No 0105, fresh chilled or frozen	625	190
75 (09.4586)	0408 ([2]) Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter	125	40

▼M4

(tonnes)

Group No	CN code	1.7.2000 to 30.6.2001	Annual increase as from 1.7.2001
78 (09.4587)	1602 32 Other prepared or preserved meat, meat offal or blood, of poultry of heading No 0105, of fowls of the species *Gallus domesticus* 1602 39 Other prepared or preserved meat, meat offal or blood, of poultry of heading No 0105, of other than of fowls of the species *Gallus domesticus*	100	30

([1]) Except CN codes 0207 13 91, 0207 14 91, 0207 26 91, 0207 27 91, 0207 34 10, 0207 34 90, 0207 35 91, 0207 36 81, 0207 36 85, 0207 36 89.
([2]) Except CN codes 0408 11 20, 0408 19 20, 0408 91 20, 0408 99 20

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ANNEX II

Application of Regulation (EC) No 1866/95

COMMISSION OF THE EUROPEAN COMMUNITIES — DG VI D-3

eggs and poultrymeat sector

APPLICATION FOR IMPORT LICENCES WITH REDUCED RATE OF CUSTOMS DUTY

Date : Period :

Member State :

Consignor :

Contact :

Telephone :

Fax :

Addressee : DG VI D-3

Telephone : (32 2) 296 27 65 Fax : (32 2) 296 62 79 or (32 2) 296 12 27

Group No	Quantity requested (in tonnes)
50	
60	
70	

▼B

ANNEX III

Application of Regulation (EC) No 1866/95

COMMISSION OF THE EUROPEAN COMMUNITIES — DG VI D-3

eggs and poultrymeat sector

APPLICATION FOR IMPORT LICENCES WITH REDUCED RATE OF CUSTOMS DUTY

Date : Period :

Member State :

Group No	CN Code	Applicant (name and address)	Quantity in tonnes
		Total by group No	

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ANNEX IV

(tonnes)

Group No	Total quantity available for period 1 October to 31 December 1996
50	262,5
60	262,5
70	262,5
75	52,5

▼M6

ANNEX IV

NOTIFICATION CONCERNING ACTUAL IMPORTS

Member State: .....

Application of Article ..... of Regulation .....

Quantity of products (in kg) actually imported:

Send to: DG AGRI/D/2 — Fax No: (32-2) 296 62 79

Group No	Quantity actually imported	Country of origin