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COMMISSION REGULATION (EC) No 2058/96

of 28 October 1996

opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10

(OJ L 276, 29.10.1996, p. 7)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Regulation (EC) No 1950/2005 of 28 November 2005	L 312	18	29.11.2005
►M2	Commission Regulation (EC) No 1996/2006 of 22 December 2006	L 398	1	30.12.2006
►M3	Commission Regulation (EC) No 2019/2006 of 21 December 2006	L 384	48	29.12.2006

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 2058/96

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opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ([1]), and in particular Article 1 thereof,

Whereas among the concessions granted is an annual quota of 1 000 tonnes at zero duty of broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10;

Whereas to ensure that the quota is properly managed specific rules on submission of applications and issuing of licences are required; whereas these rules either supplement or derogate from the provisions of Commission Regulation (EEC) No 3719/88 ([2]), as last amended by Regulation (EC) No 2137/95 ([3]);

Whereas specific provisions are required to ensure that the broken rice imported is not deflected from the prescribed use; whereas duty exemption should therefore be made conditional on submission of an undertaking by the importer as to the use of the rice and lodging of a security equal to the uncharged duty; whereas proper management of the quota requires that a reasonable time be allowed for processing; whereas consignment of the goods requires a T5 control copy to be made out in the Member State of entry for free circulation in accordance with Commission Regulation (EEC) No 2454/93 laying down provisions for implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ([4]), as last amended by Regulation (EC) No 1676/96 ([5]), as the appropriate means of giving proof of processing; whereas when processing takes place in the Member State of entry for free circulation proof of processing may be furnished by means of an equivalent national document;

Whereas, although the purpose of the security is to ensure payment of a newly arising import debt, there should be some flexibility in release of the security;

Whereas it should be stated that Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ([6]), as last amended by Regulation (EC) No 1527/96 ([7]), applies to imports under this Regulation;

Whereas security against import licences of ECU 25 per tonne should suffice for proper management of the quota;

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

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([1]) OJ No L 146, 20. 6. 1996, p. 1.
([2]) OJ No L 331, 2. 12. 1988, p. 1.
([3]) OJ No L 214, 8. 9. 1995, p. 21.
([4]) OJ No L 253, 11. 10. 1993, p. 1.
([5]) OJ No L 218, 28. 8. 1996, p. 1.
([6]) OJ No L 117, 24. 5. 1995, p. 2.
([7]) OJ No L 190, 31. 7. 1996, p. 23.

▼B

HAS ADOPTED THIS REGULATION:

Article 1

An annual zero duty tariff quota of 1 000 tonnes of broken rice of CN code 1006 40 for use in the production of food preparations of CN code 1901 10 is hereby opened in accordance with the provisions of this Regulation.

▼M3

The serial number of the quota shall be 09.4079.

Commission Regulations (EC) Nos 1291/2000 ([1]), 1342/2003 ([2]) and 1301/2006 ([3]) shall apply to the quota referred to in the first paragraph, save as otherwise provided for in this Regulation.

▼B

Article 2

1. Applications for import licences shall concern a quantity of at least 5 tonnes and not more than 500 tonnes of broken rice.

▼M3

Import licence applications shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time). However, for 2007, the period for lodging the first applications shall begin only on the first working day of 2007 and shall end no later than 8 January 2007, and the first Monday on which import licence applications are to be sent to the Commission in accordance with paragraph 4(a) shall be Monday 8 January 2007.

2. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may submit more than one licence application per quota period. However, applicants may submit only one licence application per week.

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3. Box 7 of the licence application and the import licence shall indicate the country of origin and the word 'yes' shall be marked with a cross.

4. Licence applications and licences shall contain:

▼M1

(a) in box 20 one of the entries listed in Annex I;

(b) in box 24, one of the entries listed in Annex II.

▼B

5. Notwithstanding Article 10 of Regulation (EC) No 1162/95, the security against import licences provided for in this Regulation shall be ECU 25 per tonne.

▼M3

Article 3

1. Where the quantities applied for in a given week exceed the quantity available under the quota, the Commission shall fix, no later than the fourth working day following the last day for the submission of applications for that week, an award coefficient for the quantities applied for during that week, reject applications submitted in respect of the following weeks and suspend the issue of import licences until the end of the year in question.

If the award coefficient referred to in the first subparagraph results in one or more quantities of less than 20 tonnes per application, Member States shall allocate the total of such quantities by drawing lots among

([1]) OJ L 152, 24.6.2000, p. 1.
([2]) OJ L 189, 29.7.2003, p. 12.
([3]) OJ L 238, 1.9.2006, p. 13.

▼M3

the operators concerned for each quantity of 20 tonnes, with the remainder distributed equally between the 20-tonne quantities. However, where adding together the quantities of less than 20 tonnes does not result in the constitution of a 20-tonne quantity, the remainder shall be distributed by the Member State equally between the operators whose licences are for 20 tonnes or more.

Where, following the application of the second paragraph, the quantity for which a licence is to be issued is less than 20 tonnes, the licence application may be withdrawn by the operator within two working days following the date of entry into force of the Regulation fixing the award coefficient.

2. Import licences shall be issued on the eighth working day following the final day for the notification of licence applications to the Commission referred to in Article 4(a).

Article 4

The Member States shall send the Commission, by electronic means:

(a) on the final day for the submission of licence applications, no later than 18.00 (Brussels time), the information on the import licence applications referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, with a break-down by eight-digit CN code and by country of origin of the quantities covered by those applications;

(b) no later than the second working day following the issue of the import licences, information on the licences issued, as referred to in Article 11(1)(b) of Regulation (EC) No 1301/2006, with a break-down by eight-digit CN code and by country of origin of the quantities for which import licences have been issued;

(c) no later than the last day of each month, the total quantities actually released for free circulation under this quota during the previous month but one, broken down by eight-digit CN code and by country of origin. If no quantities have been released for free circulation during the period, a 'nil' notification shall be sent.

▼B

Article 5

1. Exemption from customs duty shall be subject to:

(a) submission on entry for free circulation of a written undertaking by the importer that all the goods entered will be processed as indicated in box 20 of the licence within six months of the date of acceptance of the entry for free circulation;

(b) lodging by the importer, on entry for free circulation, of security for an amount equal to the customs duty for broken rice ►M3 fixed in Article 11d of Council Regulation (EC) No 1785/2003 [1]. ◄

2. On entry for free circulation the importer shall indicate as the place of processing either the name of a processing undertaking and a Member State or not more than five different processing plants. Consignment of the rice shall require a T5 control copy to be made out in the Member State of departure which, in accordance with Regulation (EEC) No 2454/93, shall also constitute proof of processing.

However, where processing takes place in the Member State of entry into free circulation, proof of processing may be an equivalent national document.

3. The T5 control copy shall carry:

▼M1

(a) in box 104, one of the entries listed in Annex III;

(b) in box 107, one of the entries listed in Annex IV.

[1] OJ L 270, 21.10.2003, p. 96.

▼B

4. Except in cases of *force majeure* the security referred to in paragraph 1 (b) shall be released when the importer gives proof to the competent authority of the Member State of entry into free circulation that all the rice entered has been processed into the product indicated in the import licence. Processing is deemed to have taken place when the product has been manufactured either in one or more of the factories belonging to the firm referred to in Article 5 (2) situated in the Member State referred to therein, or in the factory or one of the factories referred to in the same provision, within the time limit indicated in paragraph 1 (a).

Where rice entered for free circulation has not been processed within the specified time limit the security released shall be reduced by 2 % for each day by which the time limit is exceeded.

5. Proof of processing shall be given to the competent authority within six months following the time limit for processing.

If proof is not given within the time limit laid down in this paragraph, the security referred to in paragraph 1 (b), where applicable minus the percentage provided for in the second subparagraph of paragraph 4, shall be reduced by 2 % for each day by which the time limit is exceeded.

The amount of the security which is not released shall be forfeit as customs duties.

Article 6

1. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity entered for free circulation may not exceed that entered in boxes 17 and 18 of the import licence. The figure '0' shall accordingly be entered in box 19 of the licence.

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Article 7

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

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

▼M2

ANNEX I

Entries referred to in Article 2, paragraph 4, point a)

— *in Bulgarian*: Натрошен ориз с код по КН 1006 40 00, предназначен за производство на хранителни заготовки с код по КН 1901 10

— *in Spanish*: Partidos de arroz, del código NC 1006 40 00, destinados a la producción de preparaciones alimenticias del código NC 1901 10

— *in Czech*: Zlomková rýže kódu KN 1006 40 00 pro výrobu potravinových přípravků kódu KN 1901 10

— *in Danish*: Brudris, henhørende under KN-kode 1006 40 00, bestemt til fremstilling af tilberedte næringsmidler, henhørende under KN-kode 1901 10

— *in German*: Bruchreis des KN-Codes 1006 40 00, bestimmt zur Herstellung von Lebensmittelzubereitungen des KN-Codes 1901 10

— *in Estonian*: CN-koodi 1006 40 00 alla kuuluv purustatud riis CN-koodi 1901 10 alla kuuluvate toiduainete tootmiseks

— *in Greek*: Θραύσματα ρυζιού υπαγόμενα στον κωδικό ΣΟ 1006 40 00, που προορίζονται για την παραγωγή παρασκευασμάτων διατροφής του κωδικού ΣΟ 1901 10

— *in English*: Broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10

— *in French*: Brisures de riz, relevant du code NC 1006 40 00, destinées à la production de préparations alimentaires du code NC 1901 10

— *in Italian*: Rotture di riso, di cui al codice NC 1006 40 00, destinate alla produzione di preparazioni alimentari del codice NC 1901 10

— *in Latvian*: Šķeltie rīsi, uz kuriem attiecas KN kods 1006 40 00, kas paredzēti to pārtikas produktu ražošanai, uz kuriem attiecas KN kods 1901 10

— *in Lithuanian*: KN kodu 1006 40 00 klasifikuojami skaldyti ryžiai, skirti KN kodu 1901 10 klasifikuojamų maisto produktų gamybai

— *in Hungarian*: A 1901 10 KN-kód alá tartozó élelmiszerkészítmények előállítására szánt, a 1006 40 00 KN-kód alá tartozó törmelékrizs

— *in Maltese*: Ross miksur tal-kodiċi NK 1006 40 00 għall-produzzjoni ta' preparazzjonijiet alimentari tal-kodiċi NK 1901 10

— *in Dutch*: Breukrijst van GN-code 1006 40 00, voor de produktie van voor voeding bestemde bereidingen van GN-code 1901 10

— *in Polish*: Ryż łamany objęty kodem NC 1006 40 00 do produkcji przetworów spożywczych objętych kodem NC 1901 10

— *in Portuguese*: Trincas de arroz do código NC 1006 40 00, destinadas à produção de preparações alimentares do código NC 1901 10

— *in Romanian*: brizură de orez având codul NC 1006 40 00 destinat producției de preparate alimentare având codul NC 1901 10

— *in Slovak*: Zlomková ryža spadajúca do kódu KN 1006 40 00 na výrobu potravinových prípravkov spadajúcich do kódu KN 1901 10

— *in Slovenian*: Lomljen riž z oznako KN 1006 40 00 za proizvodnjo živilskih izdelkov z oznako KN 1901 10

— *in Finnish*: CN-koodiin 1006 40 00 kuuluvat rikkoutuneet riisinjyvät CN-koodiin 1901 10 kuuluvien elintarvikevalmisteiden valmistamiseksi

— *in Swedish*: Brutet ris som omfattas av KN-nummer 1006 40 00, avsett för produktion av livsmedelsberedningar som omfattas av KN-nummer 1901 10.

▼**M2**

ANNEX II

Entries referred to in Article 2, paragraph 4, point b)

— in Bulgarian: Освободено от мито [Регламент (ЕО) № 2058/96]

— in Spanish: Exención del derecho de aduana [Reglamento (CE) nº 2058/96]

— in Czech: Osvobozeno od cla (nařízení (ES) č. 2058/96)

— in Danish: Toldfri (Forordning (EF) nr. 2058/96)

— in German: Zollfrei (Verordnung (EG) Nr. 2058/96)

— in Estonian: Tollimaksuvaba (Määrus (EÜ) nr 2058/96)

— in Greek: Απαλλαγή δασμού [κανονισμός (ΕΚ) αριθ. 2058/96]

— in English: Free of customs duty (Regulation (EC) No 2058/96)

— in French: Exemption du droit de douane [règlement (CE) nº 2058/96]

— in Italian: Esenzione dal dazio doganale [Regolamento (CE) n. 2058/96]

— in Latvian: Atbrīvots no muitas nodok]a (Regula (EK) Nr. 2058/96)

— in Lithuanian: Muitas netaikomas (Reglamentas (EB) Nr. 2058/96)

— in Hungarian: Vámmentes (2058/96/EK rendelet)

— en Maltese: Eżenti mid-dazju doganali (Regolament (KE) Nru 2058/96)

— in Dutch: Vrijgesteld van douanerecht (Verordening (EG) nr. 2058/96)

— in Polish: Wolne od opłat celnych (rozporządzenie (WE) nr 2058/96)

— in Portuguese: Isenção de direito aduaneiro [Regulamento (CE) n.º 2058/96]

— in Romanian: Scutit de drepturi vamale [Regulamentul (CE) nr. 2058/96]

— in Slovak: Oslobodené od cla (nariadenie (ES) č. 2058/96)

— in Slovenian: Carine prosto (Uredba (ES) št. 2058/96)

— in Finnish: Tullivapaa (asetuksen (EY) N:o 2058/96)

— in Swedish: Tullfri (Förordning (EG) nr 2058/96).

▼M2

ANNEX III

Entries referred to in Article 5, paragraph 3, point a)

— *in Bulgarian*: Предназначени за производство на хранителни заготовки с код по КН 1901 10

— *in Spanish*: Destinadas a la producción de preparaciones alimenticias del código NC 1901 10

— *in Czech*: Pro výrobu potravinových přípravků kódu KN 1901 10

— *in Danish*: Bestemt til fremstilling af tilberedte næringsmidler, henhørende under KN-kode 1901 10

— *in German*: Bestimmt zur Herstellung von Lebensmittelzubereitungen des KN-Codes 1901 10

— *in Estonian*: CN-koodi 1901 10 alla kuuluvate toiduainete tootmiseks

— *in Greek*: Προορίζονται για την παραγωγή παρασκευασμάτων διατροφής του κωδικού ΣΟ 1901 10

— *in English*: For production of food preparations of CN code 1901 10

— *in French*: Destinées à la production de préparations alimentaires du code NC 1901 10

— *in Italian*: Destinate alla produzione di preparazioni alimentari del codice NC 1901 10

— *in Latvian*: Paredzēti to pārtikas produktu ražošanai, uz kuriem attiecas KN kods 1901 10

— *in Lithuanian*: Skirti KN kodu 1901 10 klasifikuojamų maisto produktų gamybai

— *in Hungarian*: A 1901 10 KN-kód alá tartozó élelmiszerkészítmények előállítására szánt

— *en Maltese*: Għall-produzzjoni ta' preparazzjonijiet alimentari tal-kodiċi KN 1901 10

— *in Dutch*: Bestemd voor de produktie van voor voeding bestemde bereidingen van GN-code 1901 10

— *in Polish*: Do produkcji przetworów spożywczych objętych kodem NC 1901 10

— *in Portuguese*: Destinadas à produção de preparações alimentares do código NC 1901 10

— *in Romanian*: Destinat producției de preparate alimentare având codul NC 1901 10

— *in Slovak*: Na výrobu potravinových prípravkov spadajúcich do kódu KN 1901 10

— *in Slovenian*: Za proizvodnjo živilskih izdelkov z oznako KN 1901 10

— *in Finnish*: Tarkoitettu CN-koodiin 1901 10 kuuluvien elintarvikevalmisteiden valmistukseen

— *in Swedish*: Avsett för produktion av livsmedelsberedningar som omfattas av KN-nummer 1901 10.

▼M2

ANNEX IV

Entries referred to in Article 5, paragraph 3, point b)

— *in Bulgarian*: Член 4 от Регламент (ЕО) № 2058/96

— *in Spanish*: Reglamento (CE) nº 2058/96 - artículo 4

— *in Czech*: Článek 4 nařízení (ES) č. 2058/96

— *in Danish*: Forordning (EF) nr. 2058/96 - artikel 4

— *in German*: Verordnung (EG) Nr. 2058/96 - Artikel 4

— *in Estonian*: Määruse (EÜ) nr 2058/96 artikkel 4

— *in Greek*: Κανονισμός (ΕΚ) αριθ. 2058/96 - άρθρο 4

— *in English*: Article 4 of Regulation (EC) No 2058/96

— *in French*: Règlement (CE) nº 2058/96 - article 4

— *in Italian*: Regolamento (CE) n. 2058/96 - articolo 4

— *in Latvian*: Regulas (EK) Nr. 2058/96 4. pants

— *in Lithuanian*: Reglamento (EB) Nr. 2058/96 4 straipsnis

— *in Hungarian*: A 2058/96/EK rendelet – 4. cikk

— *en Maltese*: Artikolu 4 tar-Regolament (KE) Nru 2058/96

— *in Dutch*: Verordening (EG) nr. 2058/96, artikel 4

— *in Polish*: Art. 4 rozporządzenia (WE) nr 2058/96

— *in Portuguese*: Regulamento (CE) n.º 2058/96 - artigo 4.º

— *in Romanian*: Regulamentul (CE) nr. 2058/96, articolul 4

— *in Slovak*: Článok 4 nariadenia (ES) č. 2058/96

— *in Slovenian*: Člen 4 Uredbe (ES) št. 2058/96

— *in Finnish*: Asetuksen (EY) N:o 2058/96 - 4 artikla

— *in Swedish*: Förordning (EG) nr 2058/96 - artikel 4.