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COMMISSION REGULATION (EC) No 2497/96

of 18 December 1996

laying down procedures for applying in the poultrymeat sector the arrangements provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel

(OJ L 338, 28.12.1996, p. 48)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 1514/97 of 30 July 1997	L 204	16	31.7.1997
►**M2**	Commission Regulation (EC) No 1043/2001 of 30 May 2001	L 145	24	31.5.2001
►**M3**	Commission Regulation (EC) No 361/2004 of 27 February 2004	L 63	15	28.2.2004

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 2497/96

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laying down procedures for applying in the poultrymeat sector the arrangements provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2398/96 of 12 December 1996 opening the tariff quota for turkey meat from Israel provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel [1] and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market poultrymeat [2], as last amended by Commission Regulation (EC) No 2615/95 [3], and in particular Article 15 thereof,

Whereas, pending entry into force of the Association Agreement, the arrangements for trade were applied by virtue of Decision 96/206/ECSC, EC of the Council and the Commission of 22 December 1996 on the conclusion by the European Community of an 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 State of Israel of the other part [4], signed on 18 December 1995 and in force from 1 January 1996;

Whereas provision should be made for the administration of the said arrangements to be by means of 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 agricultural products [5], as last amended by Regulation (EC) No 2350/96 [6], detailed rules for submission of the applications and the particulars which should appear in applications and licences should be laid down; whereas, in addition, provision should be made for licences to be issued after a period of consideration, applying, where necessary, a single acceptance rate;

Whereas, in order to ensure regular imports, the quantities laid down in Annex I to this Regulation should be staggered over the year;

Whereas, since the arrangements cannot be applied until 1 January 1997, the quota provided for 1996 should be carried forward into 1997;

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 kilograms; whereas, in view of the likelihood of speculation inherent in the system in the poultrymeat sector, precise conditions governing access by traders to the said system should be laid down;

Whereas the attention of traders 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,

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[1] OJ No L 327, 18. 12. 1996, p. 7.
[2] OJ No L 282, 1. 11. 1975, p. 88.
[3] OJ No L 305, 19. 12. 1995, p. 49.
[4] OJ No L 71, 20. 3. 1996, p. 1.
[5] OJ No L 331, 2. 12. 1988, p. 1.
[6] OJ No L 320, 11. 12. 1996, p. 4.

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HAS ADOPTED THIS REGULATION:

Article 1

▼M3

All imports into the Community under the arrangements provided for in Protocol 1 to the Association Agreement between the Community and Israel of products in groups IL1 and IL2 referred to in Annex I to this Regulation shall be subject to the presentation of an import licence.

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The quantities of products to which those arrangements apply and the rates of customs duty shall be those listed in Annex I.

The rate or reduction in the customs duty shall be that provided for in Article 2 for the period for which a licence is requested.

Article 2

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

— 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.

▼M3

However, in year 2004, the quotas referred to in Article 1 shall be staggered as follows:

— 33 % in the period 1 January to 30 April,

— 17 % in the period 1 May to 30 June,

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

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

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Article 3

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

(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 of the Member States that they have imported or exported not less than 50 tonnes of products falling under Regulation (EEC) No 2777/75 in each of the two calendar years preceding the year in which the licence application is lodged. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this system;

(b) the licence application may involve several products covered by different CN codes. In such cases, all the CN codes shall be indicated in section 16 and their description in section 15.

Ass licence application must relate to at least one tonne and to a maximum of 10 % 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 one of the following:

Reglamento (CE) nº 2497/96

Forordning (EF) nr. 2497/96

Verordnung (EG) Nr. 2497/96

Κανονισμός (ΕΚ) αριθ. 2497/96

Regulation (EC) No 2497/96

Règlement (CE) nº 2497/96

Regolamento (CE) n. 2497/96

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Verordening (EG) nr. 2497/96

Regulamento (CE) n.º 2497/96

Asetus (EY) N:o 2497/96

Förordning (EG) nr 2497/96

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

CCT duties reduced as provided for in:

Reglamento (CE) nº 2497/96

Forordning (EF) nr. 2497/96

Verordnung (EG) Nr. 2497/96

Κανονισμός (ΕΚ) αριθ. 2497/96

Regulation (EC) No 2497/96

Règlement (CE) nº 2497/96

Regolamento (CE) n. 2497/96

Verordening (EG) nr. 2497/96

Regulamento (CE) n.º 2497/96

Asetus (EY) N:o 2497/96

Förordning (EG) nr 2497/96.

Article 4

▼M2

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

▼M3

However, for the period of 1 January to 30 April 2004 and 1 May to 30 June 2004 licence applications shall be lodged, respectively during the first seven days of March and May 2004.

▼M1

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

4. 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 group. Such notification shall include a list of applicants and a statement of the quantities applied for in the group.

All notifications, including nil returns, shall be made by telex or 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.

5. The Commission shall be 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.

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

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

▼M2

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 IV 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. ►M2 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. ◄

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

Article 6

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

However, notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, 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 7

The imported products shall be placed in free circulation on presentation of a movement certificate EUR 1 issued by the State of Israel in accordance with Protocol 3 annexed to the Association Agreement and the Interim Agreement.

Article 8

This Regulation shall enter into force on the third day following 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.

▼M3

ANNEX I

Group number	Order number	CN code	Description (1)	Reduction of the MFN customs duty (2) (%)	Tariff quotas (tonnes)				
					1.1.-31.12. 2004	1.1.-31.12. 2005	1.1.-31.12. 2006	1.1.-31.12. 2007	and following years
IL1	09.4092	0207 25	Turkeys, not cut in pieces, frozen	100	1 442,0	1 484,0	1 526,0	1 568,0	1 568,0
		0207 27 10	Boneless turkeys cuts, frozen						
		0207 27 30/40/50/60/70	Turkeys cuts with bone in, frozen						
IL2	09.4091	ex 0207 32	Meat of ducks and geese, not cut in pieces, fresh or chilled	100	515,0	530,0	545,0	560,0	560,0
		ex 0207 33	Meat of ducks and geese, not cut in pieces, frozen						
		ex 0207 35	Other meat and edible offal of ducks and geese, fresh or chilled						
		ex 0207 36	Other meat and edible offal of ducks and geese, frozen						

(1) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the Combined Nomenclature codes. Where 'ex' Combined Nomenclature codes are indicated, the preferential scheme is to be determined by the application of the Combined Nomenclature codes and corresponding description taken together.

(2) Duty reduction applies to 'ad valorem' customs duties and in the case of code 0207 also to specific customs duties.

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ANNEX II

Application of Regulation (EC) No 2497/96

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D.3

POULTRYMEAT SECTOR

Application for import licences at reduced rate of duty Israel	Date:	Period:

Member State:

Sender:

Responsible contact person:

Tel.:

Fax:

Addressee: DG VI/D.3

Fax: (32 2) 296 62 79/296 12 27

Group number	Quantity applied for
	Product weight
I1	

▼B

ANNEX III

Application of Regulation (EC) No 2497/96

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D.3

POULTRYMEAT SECTOR

Application for import licences at reduced rate of duty Israel	Date:	Period:

Member State:

Group number	CN code	Applicant (Name and address)	Quantity (tonnes)
			Product weight
I1			
		Total in tonnes by group	

▼M2

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