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►B ►M5 **COMMISSION REGULATION (EC) No 1898/97**

of 29 September 1997

laying down rules for the application in the pigmeat sector of the arrangements provided for in the Europe Agreements with Bulgaria, the Czech Republic, Slovakia, Romania, Poland and Hungary ◄

(OJ L 267, 30.9.1997, p. 58)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Regulation (EC) No 618/98 of 18 March 1998	L 82	35	19.3.1998
►M2	Commission Regulation (EC) No 2072/2000 of 29 September 2000	L 246	34	30.9.2000
►M3	Commission Regulation (EC) No 2866/2000 of 27 December 2000	L 333	9	29.12.2000
►M4	Commission Regulation (EC) No 1006/2001 of 23 May 2001	L 140	13	24.5.2001
►M5	Commission Regulation (EC) No 1877/2002 of 21 October 2002	L 284	9	22.10.2002
►M6	Commission Regulation (EC) No 1160/2003 of 30 June 2003	L 162	35	1.7.2003
►M7	Commission Regulation (EC) No 1467/2003 of 19 August 2003	L 210	11	20.8.2003

Corrected by:

►C1 Corrigendum, OJ L 40, 13.2.1998, p. 18 (1898/97)

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 1898/97

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations ([1]), as last amended by Regulation (EC) No 1595/97 ([2]), and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ([3]), as last amended by Regulation (EC) No 3290/94 ([4]), and in particular Article 22 thereof,

Whereas Regulation (EC) No 3066/95 adjusts as an autonomous and transitional measure the agricultural concessions in the Europe Agreements concluded between the European Communities and their Member States of the one part and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania respectively of the other part, for the period 1 January 1996 to entry into force of the Additional Protocols; whereas these adjustments were extended by Council Regulation (EC) No 2490/96 ([5]) to 31 December 1997; whereas owing to procedural delays the Additional Protocols to the Europe Agreements, negotiation of which are concluded, cannot enter into force on 1 July 1997; whereas Regulation (EC) No 3066/95 has therefore been amended by Regulation (EC) No 1595/97 in order to allow early implementation in the agricultural sector of the negotiation results;

Whereas, while bearing in mind the provisions of the Interim Agreements intended to guarantee product origin, the arrangements should be operated using import licences; whereas rules on the presentation of licence applications and to the entries to be made on applications and licences are required that differ from those in 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 ([6]), as last amended by Regulation (EC) No 1404/97 ([7]); whereas licences should be issued following a reflection period and possibly with a common percentage acceptance applied;

Whereas for the purposes of smooth operation of the arrangements security of ECU 30 per 100 kilograms should be required against import licences; whereas given the risk of speculative misuse of the arrangements where pigmeat is concerned importer access to these products should be precisely regulated;

Whereas import licences for certain product categories in the pigmeat sector have already been assigned for the period 1 July to

([1]) OJ L 328, 30. 12. 1995, p. 31.
([2]) OJ L 216, 8. 8. 1997, p. 1.
([3]) OJ L 282, 1. 11. 1975, p. 1.
([4]) OJ L 349, 31. 12. 1994, p. 105.
([5]) OJ L 338, 28. 12. 1996, p. 13.
([6]) OJ L 331, 2. 12. 1988, p. 1.
([7]) OJ L 194, 23. 7. 1997, p. 5.

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30 September 1997 in line with Commission Regulation (EC) No 1461/97 of 25 July 1997 determining the extent to which applications lodged in July 1997 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic can be accepted [1] and with Commission Regulation (EC) No 1462/97 of 25 July 1997 determining the extent to which applications lodged in July 1997 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with Bulgaria and Romania can be accepted [2]; whereas the quantities available for the period 1 October to 31 December 1997 should be set by reference to the quantities agreed and quotas set for the period 1 July to 31 December 1997;

Whereas Commission Regulation (EEC) No 2698/93 [3], as last amended by Regulation (EC) No 691/97 [4], lays down detailed rules for application in the pigmeat sector of the arrangements provided for in the Interim Agreements between the European Economic Community and Poland, Hungary, and the former Czech and Slovak Federative Republic; whereas since it is replaced by this Regulation it should be repealed;

Whereas Commission Regulation (EC) No 1590/94 [5], as last amended by Regulation (EC) No 691/97, lays down detailed rules for application in the pigmeat sector of the arrangements provided for in the Interim Agreements between the Community and Bulgaria and Romania; whereas since it is replaced by this Regulation it should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

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All imports into the Community under the arrangements laid down in Decisions 2003/286/EC, 2003/298/EC, 2003/299/EC, 2003/18/EC, 2003/263/EC and 2003/285/EC of products covered by group Nos 1, 2, 3, 4, H1, 7, 8, 9, T1, T2, T3, S1, S2, B1, 15, 16 and 17 provided for in Annex I hereto shall be subject to the presentation of an import licence.

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The quantities covered by these arrangements and the reduction in the Common Customs Tariff duty are listed by group in Annex I.

Article 2

The quantities referred to in Article 1 are, for each period specified in Annex I, allocated as follows:

— 1 July to 30 September: 25 %,

— 1 October to 31 December: 25 %,

— 1 January to 31 March: 25 %,

— 1 April to 30 June: 25 %.

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[1] OJ L 199, 26. 7. 1997, p. 22.
[2] OJ L 199, 26. 7. 1997, p. 24.
[3] OJ L 245, 1. 10. 1993, p. 80.
[4] OJ L 102, 19. 4. 1997, p. 12.
[5] OJ L 167, 1. 7. 1994, p. 16.

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Article 3

The following provisions shall apply to the import licences referred to in Article 1:

1. Applicants must be natural or legal persons who at the time of application can satisfy the competent authority of their Member State that they have been engaging in ►C1 trade with third countries in pigmeat for at least 12 months. ◄ Retailers and restaurateurs selling products to the final consumer are excluded.
2. Licence applications may cover only one of the groups indicated in Annex I. They may cover products of differing CN codes originating in only one of the countries to which this Regulation relates. In such cases all the CN codes and product descriptions must be entered in boxes 16 and 15 respectively. The application must be for a minimum of one tonne and a maximum of 25 % of the quantity available for the group concerned during the quarter in question as specified in Article 2.
3. Box 8 of the licence application and the licence shall show the country of origin; the licence shall impose an obligation to import from that country.
4. Box 20 of the licence application and the licence shall carry one of the following entries:
   — Reglamento (CE) nº 1898/97
   — Forordning (EF) nr. 1898/97
   — Verordnung (EG) Nr. 1898/97
   — Κανονισμός (ΕΚ) αριθ. 1898/97
   — Regulation (EC) No 1898/97
   — Règlement (CE) nº 1898/97
   — Regolamento (CE) n. 1898/97
   — Verordening (EG) nr. 1898/97
   — Regulamento (CE) nº 1898/97
   — Asetus (EY) N:o 1898/97
   — Förordning (EG) nr 1898/97.
5. Box 24 of the licence shall carry one of the following entries:
   — Reducción del derecho de aduana en virtud del Reglamento (CE) nº 1898/97
   — Nedsættelse af importafgiften jf. forordning (EF) nr. 1898/97
   — Ermäßigung des Zollsatzes nach dem GZT gemäß Verordnung (EG) Nr. 1898/97
   — Μείωση του δασμού όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 1898/97
   — Customs duty reduction as provided for in Regulation (EC) No 1898/97
   — Réduction du droit de douane comme prévu au règlement (CE) nº 1898/97
   — Riduzione del dazio doganale a norma del regolamento (CE) n. 1898/97
   — Douanerecht verlaagd overeenkomstig Verordening (EG) nr. 1898/97
   — Redução do direito aduaneiro conforme previsto no Regulamento (CE) nº 1898/97
   — Tullialennus, josta on säädetty asetuksessa (EY) N:o 1898/97
   — Nedsättning av tullavgiften enligt förordning (EG) nr 1898/97.

Article 4

▼M4

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

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2. Applications shall be invalid if the applicant does not declare in writing that he has not lodged and will not lodge, for the period in

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question, other applications for products of the same group in the Member State of lodgement or another Member State. If an applicant lodges more than one application for products of one group none of the applications shall be valid.

3. Member States shall notify to the Commission, on the ►M1 third ◄ working day following the end of the period for lodging applications, those lodged for each of the products of the groups in question. The applicants and quantities for each group shall be listed. All notifications, including 'nil' ones, shall be made by telex or fax on the stipulated working day. The form reproduced as Annex II shall be used for 'nil' notifications and those reproduced as Annexes II and III if applications have been made.

4. The Commission shall decide with all speed to what the applications referred to in Article 3 can be met.

If the total amount applied for is more than that available the quantities granted shall be scaled down by a common percentage.

If it is less than the amount available the Commission shall determine the quantity to be added to that available for the next period.

5. Licences shall be issued as soon as possible after the Commission's decision.

6. Licences shall be valid throughout the Community.

▼M4

7. Member States shall notify the Commission, before the end of the fourth month following each annual period defined in Annex I, of the quantities of actual imports of products under this Regulation for that period.

All notifications, including notifications that there have been no imports, shall be made using the model shown in Annex V.

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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 their actual date of issue.

However, licences shall not be valid beyond 30 June of the year of issue.

Licences shall not be transferable.

Article 6

Security of EUR 20 per 100 kg shall be lodged against applications for import licences for any product indicated in Article 1.

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Article 7

The provisions of Regulation (EEC) No 3719/88 shall be applicable except as otherwise provided by this Regulation.

However, Article 8 (4) of that Regulation notwithstanding, quantities imported pursuant to this Regulation may not exceed that indicated in boxes 17 and 18 of the import licence. To that end '0' shall be entered in box 19 of the licence.

Article 8

The products shall be placed in free circulation on presentation fo an EUR.1 certificate issued by the exporting country in accordance with Protocol 4 to the Europe Agreements concluded with the said countries, or, of a declaration by the exporter in accordance with the provisions of the said Protocol.

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Article 9

The Member States shall cooperate closely with the Commission to ensure compliance with this Regulation.

Article 10

The quantities available for applications in the period 1 to 10 October 1997 are given in Annex IV hereto.

Article 11

Regulations (EEC) No 2698/93 and (EC) No 1590/94 are hereby repealed.

Article 12

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 July 1997.

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

▼M6

ANNEX I

Imports into the Community of the following products shall be subject to the concessions set out below:

A. PRODUCTS ORIGINATING IN HUNGARY

Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4705	1	1601 00 91 1601 00 99	Sausages, dry or other	Free	11 375	875	(2)
09.4706	2	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Other preparations, preserved meat of domestic swine	Free	1 170	90	(2)
09.4704	3	0210 11 11 0210 12 11 0210 19 40 0210 19 51	Meat of domestic swine, salted or in brine	Free	1 300	100	(2)
09.4708	4	ex 0203	Meat of domestic swine, fresh, chilled or frozen	Free	52 000	4 000	(2) (3)
09.4727	H1	1501 00 19	Pig fat (including lard), other	Free	3 170	290	

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

(2) This concession is only applicable to products not benefiting from export refunds.

(3) Excluding tenderloin presented alone.

▼M6

B. PRODUCTS ORIGINATING IN POLAND

Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4806	7	1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products but excluding CN code 1601 00 10	Free	20 800	1 600	(2)
		ex 1602	Other prepared or preserved meat, meat offal or blood, of swine:				
		1602 41	— hams and cuts thereof				
		1602 42	— shoulders and cuts thereof				
		1602 49	— other, including mixtures excluding CN code 1602 49 90				
09.4820	8	0103 92 19	Live swine, domestic species	Free	1 750		(2)
09.4809	9	ex 0203	Meat of domestic swine, fresh, chilled or frozen	Free	39 000	3 000	(2) (3)
		ex 0210	Meat of swine:				(2)
		0210 11	— Ham, shoulders and cuts thereof, with bone in				
		0210 12	— bellies and cuts thereof				
		0210 19	— other				

(1) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.
(2) This concession is only applicable to products not benefiting from export refunds.
(3) Excluding tenderloin presented alone.

C. PRODUCTS ORIGINATING IN THE CZECH REPUBLIC

Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4625	T1	0103 91 10 0103 92 19	Live swine, domestic species	20	1 500	0	

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Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4626	T2	ex 0203 0210 11 to 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked	Free	14 500	1 500	(2) (3) (2)
09.4629	T3	1601 00 1602 41 to 1602 49	Sausages and similar products Prepared or preserved meat of swine	Free	4 370	690	(2)

(1) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.
(2) This concession is only applicable to products not benefiting from export refunds.
(3) Excluding tenderloin presented alone.

D. PRODUCTS ORIGINATING IN SLOVAKIA

Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4632	S1	ex 0203 0210 11 to 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked	Free	3 000	300	(2) (3) (2)
09.4634	S2	1601 00 1602 41 to 1602 49	Sausages and similar products Prepared or preserved meat of swine	Free	350	50	(2)

(1) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.
(2) This concession is only applicable to products not benefiting from export refunds.
(3) Excluding tenderloin presented alone.

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E. PRODUCTS ORIGINATING IN BULGARIA

Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4671	B1	ex 0203 0210 11 0210 12 0210 19 1601 00 1602 41 1602 42 1602 49	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked Sausages and similar products Prepared or preserved meat, meat offal or blood of swine	Free	3 000	500	(2) (3)

(1) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, applicability of the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.
(2) This concession is only applicable to products not benefiting from export refunds.
(3) Excluding tenderloin presented alone.

F. PRODUCTS ORIGINATING IN ROMANIA

Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4751	15	1601 00 91 1601 00 99	Sausages, other than of liver	20	1 125	0	
09.4752	16	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Preserved meat of domestic swine	20	2 125	0	

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Order No	Group No	CN code	Description (1)	Applicable duty (% of MFN)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase (tonnes)	Special provisions
09.4756	17	ex 0203	Meat of domestic swine, fresh, chilled or frozen	20	15 625	0	(2)

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

(2) This concession is only applicable to products not benefiting from export refunds.

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ANNEX II

Application of Regulation (EC) No 1898/97

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3 Pigmeat sector
Request for import licences at reduced customs duties	Date	Period

Member State:

Sender:

Contact:

Telephone No:

Telefax No:

Group No	Quantity requested
1	
2	
3	
4	
H1	
H2	
5	
6	
7	
8	
9	
10/11	
12/13	
14	
15	
16	
17	

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ANNEX III

Application of Regulation (EC) No 1898/97

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3 Pigmeat sector
Request for import licences at reduced customs duties	Date	Period

Member State

Group No	CN code	Applicant (name and address)	Quantity (tonnes)
		Total in tonnes of group number	

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ANNEX IV

(tonnes)

Group No	Quantity available
1	2 413,5
2	267,7
3	841
4	10 585,3
H1	1 200
H2	250
5	1 650
6	1 125,3
7	5 170
8	770
9	5 610
10/11	320
12/13	1 265
14	165
15	490
16	904,3
17	6 875

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ANNEX V

Communication of actual imports

Member State: .....

Application of Article ..... of Regulation (EC) No .....

Quantities of products actually imported:

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

Group No	Quantity actually imported	Country of origin