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COMMISSION REGULATION (EC) No 1396/98

of 30 June 1998

laying down procedures for applying in the poultrymeat sector Council Regulation (EC) No 779/98 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95

(OJ L 187, 1.7.1998, p. 41)

Amended by:

	Official Journal		
	No	page	date
►**M1** 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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laying down procedures for applying in the poultrymeat sector Council Regulation (EC) No 779/98 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 779/98 of 7 April 1998 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95 [1], 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 [2], as last amended by Commission Regulation (EC) No 2916/95 [3], and in particular Article 15 thereof,

Whereas Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products [4] establishes the system of preferences applicable to imports into the Community of agricultural products originating in Turkey;

Whereas Regulation (EC) No 779/98 opens with effect from 1 January 1998 new annual tariff quotas for certain poultrymeat products; whereas the quotas are to apply for an indefinite period;

Whereas provision should be made for the administration of these arrangements 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 1044/98 [6], detailed rules for submission of 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, 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 L 113, 15. 4. 1998, p. 1.
[2] OJ L 282, 1. 11. 1975, p. 77.
[3] OJ L 305, 19. 12. 1995, p. 49.
[4] OJ L 86, 20. 3. 1998, p. 1.
[5] OJ L 331, 2. 12. 1988, p. 1.
[6] OJ L 149, 20. 5. 1998, p. 11.

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HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community of products in the groups referred to in Annex I to this Regulation under the arrangements provided for in Regulation (EC) No 779/98 shall be subject to the presentation of an import licence.

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

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.

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 this system;

(b) a licence application may contain only one of the group numbers defined in Annex I hereto; it 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.

A licence application must cover at least one tonne, up 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 1396/98

— Forordning (EF) nr. 1396/98

— Verordnung (EG) Nr. 1396/98

— Κανονισμός (ΕΚ) αριθ. 1396/98

— Regulation (EC) No 1396/98

— Règlement (CE) nº 1396/98

— Regolamento (CE) n. 1396/98

— Verordening (EG) nr. 1396/98

— Regulamento (CE) nº 1396/98

— Asetus (EY) N:o 1396/98

— Förordning (EG) nr 1396/98;

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

CCT duty as provided for in:

— Reglamento (CE) nº 1396/98

— Forordning (EF) nr. 1396/98

— Verordnung (EG) Nr. 1396/98

— Κανονισμό (ΕΚ) αριθ. 1396/98

— Regulation (EC) No 1396/98

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— Règlement (CE) nº 1396/98
— Regolamento (CE) n. 1396/98
— Verordening (EG) nr. 1396/98
— Regulamento (CE) nº 1396/98
— Asetus (EY) N:o 1396/98
— Förordning (EG) nr 1396/98.

Article 4

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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. Licence applications shall be admissible only where the applicant declares in writing that he has not submitted and undertakes not to submit any applications, in respect of the current period, concerning products in the same group in the Member State in which his application is lodged or in other Member States.

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

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 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.

6. Licences shall be issued as soon 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.

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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. ►M1 However, the validity of licences shall not extend beyond the end

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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 the licence.

Article 7

The imported products shall be placed in free circulation on presentation of a EUR 1 movement certificate issued by the exporting country in accordance with Protocol 3 annexed to Decision No 1/98 of the EC-Turkey Association Council.

Article 8

This Regulation shall enter into force on 1 July 1998.

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

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ANNEX I

Group number	CN code	CCT duty applicable (ECU/tonne)	Annual tariff quota (tonnes)
T1	0207 25 10	170	1 000
	0207 25 90	186	
	0207 27 30	134	
	0207 27 40	93	
	0207 27 50	339	
	0207 27 60	127	
	0207 27 70	230	

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ANNEX II

APPLICATION OF REGULATION (EC) No 1396/98

COMMISSION OF THE EUROPEAN COMMUNITIES — DG VI D 3

Poultrymeat sector

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

Member State: .....

Sender: .....

Responsible contact person: .....

Telephone: .....

Fax: .....

Addressee: DG VI/D/3

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

Group number	Quantity applied for (tonnes)
T1	

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ANNEX III

APPLICATION OF REGULATION (EC) No 1396/98

COMMISSION OF THE EUROPEAN COMMUNITIES — DG VI D 3

Poultrymeat sector

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

Member State: .....

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

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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