COMMISSION REGULATION (EC) No 1004/2005

of 30 June 2005

laying down detailed rules for the opening and administration of the tariff quotas for sugar products originating in Albania, Bosnia and Herzegovina and Serbia, Montenegro and Kosovo, as provided for in Council Regulation (EC) No 2007/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 [1], and in particular the second paragraph of Article 6 thereof,

Whereas:

(1) Article 4(4) of Council Regulation (EC) No 2007/2000 lays down that imports of sugar products under headings 1701 and 1702 of the Combined Nomenclature originating in Albania, Bosnia and Herzegovina and Serbia, Montenegro and Kosovo [2], shall be subject to annual duty-free tariff quotas. Those quotas should be opened on a multiannual basis and detailed rules should be adopted for their application for 12-month periods starting on 1 July.

(2) In view of introducing a duty free tariff quota in order to ensure an economically sustainable development of the sugar sectors of the countries concerned as well as considering the relatively large quantity approved for Serbia, Montenegro and Kosovo, the tariff quota of this country should be managed according to a system of export certificates issued by authorities in that country. The form and layout of this certificate and the procedures for using them should be specified.

(3) To ensure efficient management of preferential imports under this Regulation, measures need to be adopted making it possible for the Member States to keep records of the relevant data, and to report them to the Commission.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down detailed rules of implementation for imports of sugar products under headings 1701 and 1702 of the Combined Nomenclature originating in Albania, Bosnia and Herzegovina and Serbia, Montenegro and Kosovo, covered by the annual duty-free tariff quotas referred to in Article 4(4) of Regulation (EC) No 2007/2000.

2. Imports referred to in paragraph 1 shall be subject to production of an import licence which shall bear the following quota order numbers:

— 09.4324 for the quota of 1 000 tonnes (net weight) of sugar products originating in Albania,

— 09.4325 for the quota of 12 000 tonnes (net weight) of sugar products originating in Bosnia and Herzegovina,

— 09.4326 for the quota of 180 000 tonnes (net weight) of sugar products originating in Serbia, Montenegro and Kosovo.

Article 2

Import licences provided for in Article 1(2) shall be issued in accordance with Commission Regulation (EC) No 1291/2000 [3] and Commission Regulation (EC) No 1464/95 [4], save where this Regulation provides otherwise.

Article 3

For the purpose of this Regulation, the following definitions shall apply:

(a) 'import period' means the one-year-period from 1 July to 30 June the following year;

(b) 'working day' means a working day at the Commission offices in Brussels.

[1] OJ L 240, 23.9.2000, p. 1. Regulation as last amended by Council Regulation (EC) No 374/2005 (OJ L 59, 5.3.2005, p. 1).
[2] As defined by UN Security Council Resolution 1244.
[3] OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1747/2004 (OJ L 311, 8.10.2004, p. 17).
[4] OJ L 144, 28.6.1995, p. 14. Regulation as last amended by Regulation (EC) No 96/2004 (OJ L 15, 22.1.2004, p. 3).

Article 4

1. Import licence applications shall be lodged with the competent authorities of the Member States.

2. Import licence applications shall be accompanied by the following documents:

(a) proof that the applicant has lodged a security of EUR 2 per 100 kilograms;

(b) in the case of imports from Serbia, Montenegro and Kosovo, the original plus a copy of the export licence issued by the authorities in Serbia, Montenegro and Kosovo, in accordance with the model form set out in Annex I, for a quantity equal to the quantity of the import licence application. The original of the export licence shall be kept by the competent authority of the Member State.

Article 5

Import licence applications and import licences shall show:

(a) in section 8, 'Albania', 'Bosnia and Herzegovina' or 'Serbia, Montenegro and Kosovo', the word 'yes' being marked with a cross. Import licences shall be valid only for products originating in Albania, Bosnia and Herzegovina or Serbia, Montenegro and Kosovo.

(b) in section 20 for Albania, one of the entries listed in Part A of Annex II.

(c) in section 20 for Bosnia and Herzegovina, one of the entries listed in Part B of Annex II.

(d) in section 20 for Serbia, Montenegro and Kosovo, one of the entries listed in Part C of Annex II.

Article 6

1. Import licence applications may be presented each week from Monday to Friday. No later than the first working day of the following week Member States shall notify the Commission of the quantities of sugar products, broken down by eight-digit CN code, for which import licence applications have been presented during the preceding week.

The communications referred to in the first subparagraph shall be effected by electronic means using forms communicated by the Commission to the Member States.

2. The Commission shall draw up a weekly total of the quantities for which import licence applications have been presented.

3. Where licence applications for one of the tariff quotas referred to in Article 4(4) of Regulation (EC) No 2007/2000 exceed the level of that quota, the Commission shall suspend the submission of further applications for that quota for the current import period, fix a single reducing coefficient to be applied and shall inform the Member States that the limit concerned has been reached.

4. Where, in application of measures adopted pursuant to paragraph 3, the quantity for which a licence is issued is less than the quantity applied for, the licence application may be withdrawn within three working days of the adoption of those. In the event of such a withdrawal the security shall be released immediately.

5. Licences shall be issued on the third working day following the notification referred to in paragraph 1, subject to measures taken by the Commission pursuant to paragraph 3.

6. Where, in application of measures adopted pursuant to paragraph 3, the quantity for which the import licence is issued is less than the quantity applied for, the amount of the security shall be reduced proportionately.

Article 7

Import licences shall be valid from their actual date of issue until 30 June of the relevant import period.

Article 8

1. By way of derogation from Article 8(4) of Regulation (EC) No 1291/2000, the quantity released into free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that effect in section 19 of the licence.

2. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, rights deriving from import licences shall not be transferable.

Article 9

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

It shall apply from 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Model export licence as referred to in Article 4(2)(b)

<table>
<tr><td rowspan="2">1 Exporter (name, full address, country)</td><td>ORIGINAL</td><td rowspan="2">2 SERIAL No</td></tr>
<tr><td>3 Import period</td></tr>
<tr><td>4 Importer (name, full address, country) (optional)</td><td colspan="2">EXPORT LICENCE
SUGAR</td></tr>
<tr><td rowspan="2">5 Place and date of loading — means of transport (optional)</td><td>6 Country of origin</td><td>7 Country of destination</td></tr>
<tr><td colspan="2">8 Additional details
Producer of sugar (name, full address)</td></tr>
<tr><td colspan="2">9 Description of goods</td><td>10 CN code (8-digit)</td><td>11 Quantity (kg)</td></tr>
<tr><td colspan="4">12 CERTIFICATION BY COMPETENT AUTHORITY

I, the undersigned, hereby certify that the total quantity of sugar for which export licences have been issued under Regulation (EC) No 1004/2005 for the import period indicated in Box 3, including this export licence, is less than or equal to the tariff quota referred to in Article 4(4)(c) of Regulation (EC) No 2007/2000.</td></tr>
<tr><td>13 Competent authority (name, complete address, country)</td><td colspan="3">At: ..... On: .....

(signature) (stamp)</td></tr>
</table>

ANNEX II

A. Entries referred to in Article 5(b):

— *in Spanish:* Exención de derechos de importación [Reglamento (CE) nº 2007/2000, artículo 4, apartado 4], número de orden 09.4324

— *in Czech:* Osvobozeno od dovozního cla (nařízení (ES) č. 2007/2000, čl. 4 odst. 4), sériové číslo 09.4324

— *in Danish:* Fritages for importtold (artikel 4, stk. 4, i forordning (EF) nr. 2007/2000), løbenummer 09.4324

— *in German:* Frei von Einfuhrabgaben (Verordnung (EG) Nr. 2007/2000, Artikel 4 Absatz 4), laufende Nummer 09.4324

— *in Estonian:* Impordimaksust vabastatud (määruse (EÜ) nr 2007/2000 artikli 4 lõige 4), järjekorranumber 09.4324

— *in Greek:* Δασμολογική απαλλαγή [κανονισμός (ΕΚ) αριθ. 2007/2000, άρθρο 4 παράγραφος 4], αύξων αριθμός 09.4324

— *in English:* Free from import duty (Regulation (EC) No 2007/2000, Article 4(4)), order number 09.4324

— *in French:* Exemption du droit d'importation [article 4, paragraphe 4, du règlement (CE) nº 2007/2000], numéro d'ordre 09.4324

— *in Italian:* Esenzione dal dazio all'importazione [Regolamento (CE) n. 2007/2000, articolo 4(4)], numero d'ordine 09.4324

— *in Latvian:* Atbrīvots no importa nodokļa (Regula (EK) Nr. 2007/2000, 4. panta 4. punkts), kārtas numurs 09.4324

— *in Lithuanian:* Atleista nuo importo muito (Reglamentas (EB) Nr. 2007/2000, 4(4) straipsnis), kvotos numeris 09.4324

— *in Hungarian:* Mentes a behozatali vám alól (a 2007/2000/EK rendelet, 4. cikk (4) bekezdés), rendelésszám 09.4324

— *in Dutch:* Vrij van invoerrechten (Verordening (EG) nr. 2007/2000, artikel 4, lid 4), volgnummer 09.4324

— *in Polish:* Wolne od przywozowych opłat celnych (rozporządzenie (WE) nr 2007/2000, art. 4 ust. 4), numer seryjny 09.4324

— *in Portuguese:* Isenção de direitos de importação [Regulamento (CE) n.º 2007/2000, n.º 4 do artigo 4.º], número de ordem 09.4324

— *in Slovak:* Oslobodený od dovozného cla (nariadenie (ES) č. 2007/2000, článok 4 ods. 4), poradové číslo 09.4324

— *in Slovenian:* Brez uvozne carine (Uredba (ES) št. 2007/2000, člen 4(4)), številka kvote 09.4324

— *in Finnish:* Vapaa tuontitulleista (Asetuksen (EY) N:o 2007/2000 4 artiklan 4 kohta), järjestysnumero 09.4324

— *in Swedish:* Importtullfri (förordning (EG) nr 2007/2000, artikel 4.4), löpnummer 09.4324

B. Entries referred to in Article 5(c):

— *in Spanish:* Exención de derechos de importación [Reglamento (CE) nº 2007/2000, artículo 4, apartado 4], número de orden 09.4325

— *in Czech:* Osvobozeno od dovozního cla (nařízení (ES) č. 2007/2000, čl. 4 odst. 4), sériové číslo 09.4325

— *in Danish:* Fritages for importtold (artikel 4, stk. 4, i forordning (EF) nr. 2007/2000), løbenummer 09.4325

— *in German:* Frei von Einfuhrabgaben (Verordnung (EG) Nr. 2007/2000, Artikel 4 Absatz 4), laufende Nummer 09.4325

— *in Estonian:* Impordimaksust vabastatud (määruse (EÜ) nr 2007/2000 artikli 4 lõige 4), järjekorranumber 09.4325

— *in Greek:* Δασμολογική απαλλαγή [κανονισμός (ΕΚ) αριθ. 2007/2000, άρθρο 4 παράγραφος 4], αύξων αριθμός 09.4325

— *in English:* Free from import duty (Regulation (EC) No 2007/2000, Article 4(4)), order number 09.4325

— *in French:* Exemption du droit d'importation [article 4, paragraphe 4, du règlement (CE) nº 2007/2000], numéro d'ordre 09.4325

— *in Italian:* Esenzione dal dazio all'importazione [Regolamento (CE) n. 2007/2000, articolo 4(4)], numero d'ordine 09.4325

— *in Latvian:* Atbrīvots no importa nodokļa (Regula (EK) Nr. 2007/2000, 4. panta 4. punkts), kārtas numurs 09.4325

— *in Lithuanian:* Atleista nuo importo muito (Reglamentas (EB) Nr. 2007/2000, 4(4) straipsnis), kvotos numeris 09.4325

— *in Hungarian:* Mentes a behozatali vám alól (a 2007/2000/EK rendelet, 4. cikk (4) bekezdés), rendelésszám 09.4325

— *in Dutch:* Vrij van invoerrechten (Verordening (EG) nr. 2007/2000, artikel 4, lid 4), volgnummer 09.4325

— *in Polish:* Wolne od przywozowych opłat celnych (rozporządzenie (WE) nr 2007/2000, art. 4 ust. 4), numer seryjny 09.4325

— *in Portuguese:* Isenção de direitos de importação [Regulamento (CE) n.º 2007/2000, n.º 4 do artigo 4.º], número de ordem 09.4325

— *in Slovak:* Oslobodený od dovozného cla (nariadenie (ES) č. 2007/2000, článok 4 ods. 4), poradové číslo 09.4325

— *in Slovenian:* Brez uvozne carine (Uredba (ES) št. 2007/2000, člen 4(4)), številka kvote 09.4325

— *in Finnish:* Vapaa tuontitulleista (Asetuksen (EY) N:o 2007/2000 4 artiklan 4 kohta), järjestysnumero 09.4325

— *in Swedish:* Importtullfri (förordning (EG) nr 2007/2000, artikel 4.4), löpnummer 09.4325

C. Entries referred to in Article 5(d):

— *in Spanish:* Exención de derechos de importación [Reglamento (CE) nº 2007/2000, artículo 4, apartado 4], número de orden 09.4326

— *in Czech:* Osvobozeno od dovozního cla (nařízení (ES) č. 2007/2000, čl. 4 odst. 4), sériové číslo 09.4326

— *in Danish:* Fritages for importtold (artikel 4, stk. 4, i forordning (EF) nr. 2007/2000), løbenummer 09.4326

— *in German:* Frei von Einfuhrabgaben (Verordnung (EG) Nr. 2007/2000, Artikel 4 Absatz 4), laufende Nummer 09.4326

— *in Estonian:* Impordimaksust vabastatud (määruse (EÜ) nr 2007/2000 artikli 4 lõige 4), järjekorranumber 09.4326

— *in Greek:* Δασμολογική απαλλαγή [κανονισμός (ΕΚ) αριθ. 2007/2000, άρθρο 4 παράγραφος 4], αύξων αριθμός 09.4326

— *in English:* Free from import duty (Regulation (EC) No 2007/2000, Article 4(4)), order number 09.4326

— *in French:* Exemption du droit d'importation [article 4, paragraphe 4, du règlement (CE) n° 2007/2000], numéro d'ordre 09.4326

— *in Italian:* Esenzione dal dazio all'importazione [Regolamento (CE) n. 2007/2000, articolo 4(4)], numero d'ordine 09.4326

— *in Latvian:* Atbrīvots no importa nodokļa (Regula (EK) Nr. 2007/2000, 4. panta 4. punkts), kārtas numurs 09.4326

— *in Lithuanian:* Atleista nuo importo muito (Reglamentas (EB) Nr. 2007/2000, 4(4) straipsnis), kvotos numeris 09.4326

— *in Hungarian:* Mentes a behozatali vám alól (a 2007/2000/EK rendelet, 4. cikk (4) bekezdés), rendelésszám 09.4326

— *in Dutch:* Vrij van invoerrechten (Verordening (EG) nr. 2007/2000, artikel 4, lid 4), volgnummer 09.4326

— *in Polish:* Wolne od przywozowych opłat celnych (rozporządzenie (WE) nr 2007/2000, art. 4 ust. 4), numer seryjny 09.4326

— *in Portuguese:* Isenção de direitos de importação [Regulamento (CE) n.º 2007/2000, n.º 4 do artigo 4.º], número de ordem 09.4326

— *in Slovak:* Oslobodený od dovozného cla (nariadenie (ES) č. 2007/2000, článok 4 ods. 4), poradové číslo 09.4326

— *in Slovenian:* Brez uvozne carine (Uredba (ES) št. 2007/2000, člen 4(4)), številka kvote 09.4326

— *in Finnish:* Vapaa tuontitulleista (Asetuksen (EY) N:o 2007/2000 4 artiklan 4 kohta), järjestysnumero 09.4326

— *in Swedish:* Importtullfri (förordning (EG) nr 2007/2000, artikel 4.4), löpnummer 09.4326