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COMMISSION REGULATION (EC) No 2014/2005

of 9 December 2005

on licences under the arrangements for importing bananas into the Community in respect of bananas released into free circulation at the common customs tariff rate of duty

(OJ L 324, 10.12.2005, p. 3)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 566/2006 of 6 April 2006	L 99	6	7.4.2006
►**M2**	Commission Regulation (EC) No 239/2007 of 6 March 2007	L 67	3	7.3.2007

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on licences under the arrangements for importing bananas into the Community in respect of bananas released into free circulation at the common customs tariff rate of duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1964/2005 of 2 December 2005 on the tariff rates for bananas [1], and in particular Article 2 thereof,

Whereas:

(1) Regulation (EC) No 1964/2005 sets the rate of duty applicable from 1 January 2006 to imports into the Community of bananas falling within CN code 0803 00 19.

(2) Import arrangements based on the application of a customs duty at an appropriate rate, parallel to the application of a tariff preference in connection with a tariff quota for imports originating in ACP countries, must be accompanied by a mechanism for monitoring imports on a regular basis to ascertain the quantities released into free circulation in the Community. The appropriate instrument for achieving that objective is a mechanism based on issuing import licences subject to the provision of a security to ensure that the operations for which a licence has been applied for are actually performed. Detailed rules for applying such a mechanism as regards imports at the common customs tariff rate of duty should be laid down.

(3) Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of securities for agricultural products [2] is applicable.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The release into free circulation of bananas falling within CN code 0803 00 19 at the common customs tariff rate of duty shall be subject to the presentation of an import licence issued by the Member States to any party applying therefor, irrespective of their place of establishment in the Community.

2. The issue of import licences shall be subject to the provision of a security in accordance with Title III of Commission Regulation (EEC) No 2220/85 [3] guaranteeing compliance with the commitment to import during the period of validity of the licence. The security shall be EUR 15 per tonne.

Save in the case of *force majeure*, the security shall be forfeit in whole or in part if the operation has not been performed or has been performed only partially during that period.

3. Import licence applications shall be lodged in any Member State.

▼M1

Box 8 of licence applications must indicate the group of countries of origin ‘ACP’ or ‘non-ACP’ and the word ‘Yes’ must be marked with a cross.

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[1] OJ L 316, 2.12.2005, p. 1.
[2] OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1856/2005 (OJ L 297, 15.11.2005, p. 7).
[3] OJ L 205, 3.8.1985, p. 5.

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4. Licences shall be issued without delay, in accordance with Regulation (EC) No 1291/2000.

▼M1

Box 8 of licences must indicate the group of countries of origin 'ACP' or 'non-ACP' and the word 'Yes' must be marked with a cross.

5. Licences shall be valid from the actual day of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000 until the end of the month following their issue. However, no licences shall be valid after 31 December of the year of issue.

Import licences shall be valid only for imports originating in the group of countries indicated.

6. Notwithstanding the first indent of Article 35(4)(a) of Regulation (EC) No 1291/2000, proof of use of the import licence as referred to in Article 33(1)(a) of that Regulation must be supplied, except in cases of *force majeure*, within 30 days following the date of expiry of the period of validity of the licence.

Article 2

1. Member States shall communicate the following information to the Commission:

(a) every Wednesday: wholesale prices for yellow bananas, broken down by country of origin or group of countries of origin, as recorded the previous week on the representative markets listed in Article 3 of Commission Regulation (EC) No 3223/94 ([1]), broken down by country or group of countries of origin;

(b) not later than the 15th day of each month, the quantities for which import licences were issued during the previous month;

(c) not later than the 15th day of each month, the quantities covered by licences used and returned to the issuing body during the previous month, broken down by origin.

▼M2

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▼M1

2. The information referred to in paragraph 1 shall be sent via by the electronic system indicated by the Commission.

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Article 3

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

It shall apply from 1 January 2006.

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

([1]) OJ L 337, 24.12.1994, p. 66.