COMMISSION REGULATION (EC) No 392/2006

of 6 March 2006

opening and providing for the administration of an autonomous tariff quota for preserved mushrooms from 1 April 2006

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Whereas:

(1) Commission Regulation (EC) No 1864/2004 [1] opens tariff quotas for preserved mushrooms imported from third countries and lays down rules for the administration thereof.

(2) Regulation (EC) No 1864/2004 provides for transitional measures allowing importers from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter the new Members States) to benefit from the quotas. The aim of those measures is to make a distinction between traditional importers and new importers in the new Member States, and to adjust the quantities to which licence applications presented by traditional importers from the new Member States can relate so that these importers can benefit from the system.

(3) To ensure uninterrupted supplies to the enlarged Community market while taking account of the economic supply conditions in the new Member States prior to their accession to the European Union, an autonomous and temporary import tariff quota should be opened for preserved mushrooms of the genus *Agaricus* falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30.

(4) The new quota should be transitional and may not prejudge the outcome of the negotiations under way in the context of the World Trade Organisation (WTO) as a result of the accession of the new Member States.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. An autonomous tariff quota of 1 200 tonnes (drained net weight), bearing order number 09.4075 (hereinafter the autonomous quota), shall be opened from 1 April 2006 for Community imports of preserved mushrooms of the genus *Agaricus* spp. falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30.

2. The *ad valorem* duty applicable to products imported under the autonomous quota shall be 12 % for products falling within CN code 0711 51 00 and 23 % for products falling within CN codes 2003 10 20 and 2003 10 30.

Article 2

Regulation (EC) No 1864/2004 shall apply to the management of the autonomous quota, subject to the provisions of this Regulation.

However, Articles 1, 5(2) and (5), 6(2), (3) and (4), 7, 8(2), 9 and 10 of Regulation (EC) No 1864/2004 shall not apply to the management of the autonomous quota.

Article 3

Import licences issued under the autonomous quota, hereinafter 'licences', shall be valid until 30 June 2006.

Box 24 of the licences shall show one of the entries listed in Annex I.

[1] OJ L 325, 28.10.2004, p. 30. Regulation as last amended by Regulation (EC) No 1995/2005 (OJ L 320, 8.12.2005, p. 34).

Article 4

1. Importers may submit licence applications to the competent authorities of the Member States in the five working days following the date of entry into force of this Regulation.

Box 20 of the licence applications shall show one of the entries listed in Annex II.

2. Licence applications submitted by a single traditional importer may not relate to a quantity exceeding 9 % of the autonomous quota.

3. Licence applications submitted by a single new importer may not relate to a quantity exceeding 1 % of the autonomous quota.

Article 5

The autonomous quota shall be allocated as follows:

— 95 % to traditional importers,

— 5 % to new importers.

If the quantity allocated to one of the categories of importers is not used in full, the balance may be allocated to the other category.

Article 6

1. The Member States shall notify the Commission, on the seventh working day following that of the entry into force of this Regulation, of the quantities for which licence applications have been made.

2. Licences shall be issued on the 12th working day following the entry into force of this Regulation, unless the Commission has taken special measures under paragraph 3.

3. Where the Commission finds, on the basis of the information notified under paragraph 1, that licence applications exceed the quantities available for a category of importers under Article 5, it shall adopt, by means of a regulation, a single reduction percentage for the applications in question.

Article 7

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

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

Done at Brussels, 6 March 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Entries referred to in Article 3

— *in Spanish:* Certificado expedido en virtud del Reglamento (CE) nº 392/2006 y válido únicamente desde el 1 abril de 2006 hasta el 30 de junio de 2006.

— *in Czech:* Licence vydaná na základě nařízení (ES) č. 392/2006 a platná pouze od 1. dubna 2006 do 30. června 2006.

— *in Danish:* licens udstedt i henhold til forordning (EF) nr. 392/2006 og kun gyldig fra 1. april 2006 til den 30. juni 2006.

— *in German:* Lizenz gemäß der Verordnung (EG) Nr. 392/2006 erteilt und nur vom 1. April 2006 bis zum 30. Juni 2006 gültig.

— *in Estonian:* määruse (EÜ) nr 392/2006 kohaselt väljastatud litsents, alates 1. aprillist 2006 mis kehtib 30. juunini 2006.

— *in Greek:* Το πιστοποιητικό εκδόθηκε βάσει του κανονισμού (ΕΚ) αριθ. 392/2006 και ισχύει μόνο από την 1η Απριλίου 2006 έως τις 30 Ιουνίου 2006.

— *in English:* licence issued under Regulation (EC) No 392/2006 and valid only from 1 April 2006 until 30 June 2006.

— *in French:* certificat émis au titre du règlement (CE) nº 392/2006 et valable seulement du 1er avril 2006 au 30 juin 2006.

— *in Italian:* domanda di titolo presentata ai sensi del regolamento (CE) n. 392/2006 e valida soltanto dal 1º aprile 2006 al 30 giugno 2006.

— *in Latvian:* atļauja, kas izdota saskaņā ar Regulu (EK) Nr. 392/2006 un ir derīga tikai no 2006. gada 1. aprīļa līdz 2006. gada 30. jūnijam.

— *in Lithuanian:* Licencija, išduota pagal Reglamento (EB) Nr. 392/2006 nuostatas, galiojanti tik nuo 2006 m. balandžio 1 d. iki 2006 m. birželio 30 d.

— *in Hungarian:* a 392/2006/EK rendelet szerint kibocsátott engedély, csak 2006. április 1-től 2006. június 30-ig érvényes.

— *in Maltese:* liċenzja maħruġa taħt ir-Regolament (KE) Nru 392/2006 u valida biss mill-1 ta' April 2006 sat-30 ta' Ġunju 2006.

— *in Dutch:* Overeenkomstig Verordening (EG) nr. 392/2006 afgegeven certificaat dat slechts vanaf 1 april tot en met 30 juni 2006 geldig is.

— *in Polish:* pozwolenie wydane zgodnie z rozporządzeniem (WE) nr 392/2006 i ważne wyłącznie od dnia 1 kwietnia 2006 do dnia 30 czerwca 2006 r.

— *in Portuguese:* certificado emitido a título do Regulamento (CE) n.º 392/2006 e eficaz somente de 1 de Abril de 2006 até 30 de Junho de 2006.

— *in Slovak:* Licencia vydaná na základe nariadenia (ES) č. 392/2006 a platná len od 1. apríla 2006 do 30. júna 2006.

— *in Slovene:* dovoljenje, izdano v skladu z Uredbo (ES) št. 392/2006 in veljavno samo od 1. aprila 2006 do 30. junija 2006.

— *in Finnish:* asetuksen (EY) N:o 392/2006 mukaisesti annettu todistus, joka on voimassa ainoastaan 1 päivästä huhtikuuta 2006 30 päivään kesäkuuta 2006.

— *in Swedish:* Licens utfärdad i enlighet med förordning (EG) nr 392/2006, giltig endast från och med den 1 april 2006 till och med den 30 juni 2006.

ANNEX II

Entries referred to in Article 4(1)

— *in Spanish:*	Solicitud de certificado presentada al amparo del Reglamento (CE) nº 392/2006
— *in Czech:*	žádost o licenci podaná na základě nařízení (ES) č. 392/2006
— *in Danish:*	licensansøgning i henhold til forordning (EF) nr. 392/2006
— *in German:*	Lizenzantrag gemäß der Verordnung (EG) Nr. 392/2006
— *in Estonian:*	määruse (EÜ) nr 392/2006 kohaselt esitatud litsentsitaotlus
— *in Greek:*	αἴτηση χορήγησης πιστοποιητικού κατ' εφαρμογήν του κανονισμού (ΕΚ) αριθ. 392/2006
— *in English:*	licence application under Regulation (EC) No 392/2006
— *in French:*	demande de certificat faite au titre du règlement (CE) nº 392/2006
— *in Italian:*	domanda di titolo presentata ai sensi del regolamento (CE) n. 392/2006
— *in Latvian:*	licence pieprasīta saskaņā ar Regulu (EK) Nr. 392/2006
— *in Lithuanian:*	Prašymas išduoti licenciją pagal Reglamentą (EB) Nr. 392/2006
— *in Hungarian:*	a 392/2006/EK rendelet szerinti engedélykérelem
— *in Maltese:*	applikazzjoni għal liċenzja taħt ir-Regolament (KE) Nru 392/2006
— *in Dutch:*	Overeenkomstig Verordening (EG) nr. 392/2006 ingediende certificaataanvraag
— *in Polish:*	wniosek o pozwolenie przedłożony zgodnie z rozporządzeniem (WE) nr 392/2006
— *in Portuguese:*	pedido de certificado apresentado a título do Regulamento (CE) n.º 392/2006
— *in Slovak:*	žiadosť o licenciu na základe nariadenia (ES) č. 392/2006
— *in Slovene:*	dovoljenje, izdano v skladu z Uredbo (ES) št. 392/2006
— *in Finnish:*	asetuksen (EY) N:o 392/2006 mukainen todistushakemus
— *in Swedish:*	Licensansökan enligt förordning (EG) nr 392/2006.