COMMISSION REGULATION (EC) No 433/2009

of 26 May 2009

amending Regulation (EC) No 1282/2006 as regards export licences and export refunds for milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1], and in particular Articles 170 and 171 in conjunction with Article 4 thereof,

Whereas:

(1) Article 1(2)(b) of Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [2] provides that export licences have to be presented for certain products. For the purposes of clarity it is necessary to delete the equivalent provision in the first subparagraph of Article 3(1) of Commission Regulation (EC) No 1282/2006 of 17 August 2006 laying down special detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards export licences and export refunds for milk and milk products [3].

(2) Commission Regulation (EC) No 57/2009 of 22 January 2009 fixing the export refunds on milk and milk products [4] has excluded from granting of a refund, as from 23 January 2009, the exports referred to in Article 36(1) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products [5]. As a consequence the second subparagraph of Article 3(1) of Regulation (EC) No 1282/2006 has become obsolete and should be deleted.

(3) Article 5 of Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences [6] provides the documents to be submitted to show trade performance with third countries. With a view to harmonisation and coherence, it is appropriate to refer to that Article under the regimes where trade performance needs to be shown in Regulation (EC) No 1282/2006. Articles 24(3) and 30(1) of Regulation (EC) No 1282/2006 should be amended accordingly.

(4) Article 27 of Commission Regulation (EC) No 1282/2006 provides that licences issued in accordance with those provisions are only valid for the exports to the USA. In order to ensure that and with a view of maximising the use of the quota, the security should be released only on presentation of a transport document as provided in Article 16(3) of Regulation (EC) No 800/1999. Article 27 of Regulation (EC) No 1282/2006 should be completed accordingly. In order to release the securities for licences for exports to the Dominican Republic it is appropriate, with a view to harmonisation and simplification and in order to alleviate the administrative burden of the exporter, to require the transport document as provided in Article 16(3) of Regulation (EC) No 800/1999. Article 34(3) of Regulation (EC) No 1282/2006 should therefore be amended accordingly.

(5) Chapter 4 of Section I of Part Two of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [7] has been amended. Annex II to Regulation (EC) No 1282/2006 should be amended accordingly.

(6) Article 16 and Appendix 2 of Annex III to the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part [8], the signature and provisional application of which has been approved by Council Decision 2008/805/EC [9], provide for the tariff quota of milk powder previously contained in the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic [10], approved by Council Decision 98/486/EC [11]. Annex IV to Regulation (EC) No 1282/2006 should be updated accordingly.

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 114, 26.4.2008, p. 3.
[3] OJ L 234, 29.8.2006, p. 4.
[4] OJ L 19, 23.1.2009, p. 5.
[5] OJ L 102, 17.4.1999, p. 11.
[6] OJ L 238, 1.9.2006, p. 13.
[7] OJ L 256, 7.9.1987, p. 1.
[8] OJ L 289, 30.10.2008, p. 3.
[9] OJ L 289, 30.10.2008, p. 1.
[10] OJ L 218, 6.8.1998, p. 46.
[11] OJ L 218, 6.8.1998, p. 45.

(7) Regulation (EC) No 1282/2006 should therefore be amended accordingly.

(8) It should be provided that some of the amended provisions should not apply to licences that have already been issued.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1282/2006 is amended as follows:

1. Paragraph 1 of Article 3 is deleted.

2. In Article 24(3), the following subparagraph is added:

'The proof of trade as referred to in the first subparagraph shall be furnished in accordance with the second paragraph of Article 5 of Commission Regulation (EC) No 1301/2006 (*).

(*) OJ L 238, 1.9.2006, p. 13.'

3. In Article 27, the following paragraph is added:

'Securities for export licences shall be released on presentation of the proof referred to in Article 32(2) of Commission Regulation (EC) No 376/2008 (*) together with the transport document referred to in Article 16(3) of Regulation (EC) No 800/1999 mentioning as destination the United States of America.

(*) OJ L 114, 26.4.2008, p. 3.'

4. In Article 30(1), the second subparagraph is replaced by the following:

'The proof of trade as referred to in the first subparagraph shall be furnished in accordance with the second paragraph of Article 5 of Regulation (EC) No 1301/2006.'

5. In Article 34(3), point (a) is replaced by the following text:

'(a) on presentation of the proof referred to in Article 32(2) of Regulation (EC) No 376/2008 together with the transport document referred to in Article 16(3) of Regulation (EC) No 800/1999 mentioning as destination the Dominican Republic;'

6. Annex II is amended as follows:

(a) in group No 7, the entries '0402 91 11 9370, 0402 91 31 9300' are replaced by '0402 91 10 9370, 0402 91 30 9300';

(b) in group No 9, the entries '0402 99 11 9350, 0402 99 31 9150, 0402 99 31 9300' are replaced by '0402 99 10 9350, 0402 99 31 9300';

(c) groups No 8 and 10 are deleted.

7. Annex IV is replaced by the text in the Annex to this Regulation.

Article 2

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

Article 1(3) shall apply to export licences issued for the quota year 2010 and following.

Article 1(5) shall apply to export licences issued for the quota year starting on 1 July 2009.

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

Done at Brussels, 26 May 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

'ANNEX IV

Entries referred to in Article 32(c)

— *in Bulgarian:* Глава III, раздел 3 от Регламент (ЕО) № 1282/2006:

тарифна квота за периода 1.7… г. — 30.6… г., за мляко на прах, съгласно допълнение II към приложение III към Споразумението за икономическо партньорство между държавите от КАРИФОРУМ, от една страна, и Европейската общност и нейните държави-членки, от друга страна, чието подписване и временно прилагане е одобрено с Решение 2008/805/ЕО на Съвета.

— *in Spanish:* Capítulo III, sección 3, del Reglamento (CE) nº 1282/2006:

contingente arancelario de leche en polvo del año 1.7.…-30.6…., con arreglo al apéndice 2 del anexo III del Acuerdo de Asociación Económica entre los Estados del CARIFORUM, por una parte, y la Comunidad Europea y sus Estados miembros, por otra, cuya firma y aplicación provisional han sido aprobadas mediante la Decisión 2008/805/CE del Consejo.

— *in Czech:* kapitola III oddíl 3 nařízení (ES) č. 1282/2006:

celní kvóta na období od 1. 7. … do 30. 6. … pro sušené mléko podle dodatku 2 přílohy III Dohody o hospodářském partnerství mezi státy CARIFORA na jedné straně a Evropským společenstvím a jeho členskými státy na straně druhé, jejíž podpis a prozatímní uplatňování byly schváleny rozhodnutím Rady 2008/805/ES.

— *in Danish:* Kapitel III, afdeling 3, i forordning (EF) nr. 1282/2006:

toldkontingent for 1.7.…-30.6… for mælkepulver i overensstemmelse med bilag III, tillæg 2, til den økonomiske partnerskabsaftale mellem Cariforumlandene på den ene side og Det Europæiske Fællesskab og dets medlemsstater på den anden side, hvis undertegnelse og midlertidige anvendelse blev godkendt ved Rådets afgørelse 2008/805/EF.

— *in German:* Kapitel III Abschnitt 3 der Verordnung (EG) Nr. 1282/2006:

Milchpulverkontingent für den Zeitraum 1.7.…-30.6.… gemäß Anhang III Anlage 2 des Wirtschaftspartnerschaftsabkommens zwischen den CARIFORUM-Staaten einerseits und der Europäischen Gemeinschaft und ihren Mitgliedstaaten andererseits, dessen Unterzeichnung und vorläufige Anwendung mit dem Beschluss 2008/805/EG des Rates genehmigt wurde.

— *in Estonian:* määruse (EÜ) nr 1282/2006 III peatüki 3. jagu:

ühelt poolt CARIFORUMi riikide ning teiselt poolt Euroopa Ühenduse ja selle liikmesriikide vahelise majanduspartnerluslepingu (mille allakirjutamine ja esialgne kohaldamine on heaks kiidetud nõukogu otsusega 2008/805/EÜ) III lisa 2. liites on sätestatud piimapulbri tariifikvoot ajavahemikuks 1.7.…–30.6.….

— *in Greek:* κεφάλαιο III, τμήμα 3 του κανονισμού (ΕΚ) αριθ. 1282/2006:

δασμολογική ποσόστωση 1.7.…-30.6…, για τη σκόνη γαλάκτος σύμφωνα με το προσάρτημα 2 του παραρτήματος III της συμφωνίας οικονομικής σύμπραξης μεταξύ των κρατών CARIFORUM, αφενός, και της Ευρωπϊκής Κοινότητας και των κρατών μελών, αφετέρου, της οποίας η υπογραφή και η προσωρινή αφαρμογή εγκρίθηκε με την απόφαση 2008/805/ΕΚ του Συμβουλίου.

— *in English:* Chapter III, Section 3 of Regulation (EC) No 1282/2006:

tariff quota for 1.7.…-30.6…, for milk powder according to Appendix 2 of Annex III to the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, the signature and provisional application of which has been approved by Council Decision 2008/805/EC.

— *in French:* Chapitre III, Section 3, du règlement (CE) nº 1282/2006:

contingent tarifaire pour la période du 1.7… au 30.6…, pour le lait en poudre conformément à l'appendice 2 de l'annexe III de l'accord de partenariat économique entre les États du Cariforum, d'une part, et la Communauté européenne et ses États membres, d'autre part, dont la signature et l'application provisoire ont été approuvées par la décision 2008/805/CE du Conseil.

— *in Italian:* capo III, sezione 3 del regolamento (CE) n. 1282/2006:

contingente tariffario per l'anno 1.7…-30.6…, per il latte in polvere ai sensi dell'appendice 2 dell'allegato III dell'accordo di partenariato economico tra gli Stati del CARIFORUM, da una parte, e la Comunità europea e i suoi Stati membri, dall'altra, la cui firma e la cui applicazione provvisoria sono state approvate con decisione 2008/805/CE del Consiglio.

— *in Latvian:* Regulas (EK) Nr. 1282/2006 III nodaļas 3. iedaļā:

Tarifa kvota no 1. jūlija līdz 30. jūnijam piena pulverim saskaņā ar III pielikuma 2. papildinājumu Ekonomisko partnerattiecību nolīgumā starp CARIFORUM valstīm no vienas puses un Eiropas Kopienu un tās dalībvalstīm no otras puses, kura parakstīšana un provizoriska piemērošana apstiprināta ar Padomes Lēmumu 2008/805/EK.

— *in Lithuanian:* Reglamento (EB) Nr. 1282/2006 III skyriaus 3 skirsnyje:

tarifinė kvota nuo … metų liepos 1 dienos iki … metų birželio 30 dienos pieno milteliams, numatyta CARIFORUM valstybių ir Europos bendrijos bei jos valstybių narių Ekonominės partnerystės susitarimo, kurio pasirašymas ir laikinas taikymas patvirtinti Tarybos sprendimu 2008/805/EB, III priedo 2 priedėlyje.

— *in Hungarian:* Az 1282/2006/EK rendelet III. fejezetének 3. szakasza:

az egyrészről a CARIFORUM-államok másrészről az Európai Közösség és tagállamai közötti gazdasági partnerségi megállapodás – amelynek aláírását és ideiglenes alkalmazását a 2008/805/EK tanácsi határozat hagyta jóvá – III. mellékletének 2. függeléke szerinti tejporra […] július 1-től […] június 30-ig vonatkozó vámkontingens.

— *in Maltese:* Il-Kaptiolu III, it-Taqsima 3 tar-Regolament (KE) Nru 1282/2006:

kwota tariffarja għal 1.7…-30.6…, għat-trab tal-ħalib skont l-Appendiċi 2 tal-Anness III għall-Ftehim ta' Sħubija Ekonomika bejn l-Istati CARIFORUM, minn naħa waħda, u l-Komunità Ewropea u l-Istati Membri tagħha, min-naħa l-oħra, li l-iffirmar u l-applikazzjoni provviżorja tiegħu kienu approvati bid-Deċiżjoni tal-Kunsill 2008/805/KE.

— *in Dutch:* hoofdstuk III, afdeling 3 van Verordening (EG) nr. 1282/2006:

tariefcontingent melkpoeder voor het jaar van 1.7.… t/m 30.6.… overeenkomstig aanhangsel 2 van bijlage III bij de economische partnerschapsovereenkomst tussen de CARIFORUM-staten, enerzijds, en de Europese Gemeenschap en haar lidstaten, anderzijds, waarvan de ondertekening en de voorlopige toepassing zijn goedgekeurd bij Besluit 2008/805/EG van de Raad.

— *in Polish:* rozdział III sekcja 3 rozporządzenia (WE) nr 1282/2006:

kontyngent taryfowy na okres od 1.7.… do 30.6.… na mleko w proszku zgodnie z dodatkiem 2 do załącznika III do Umowy o partnerstwie gospodarczym między państwami CARIFORUM z jednej strony, a Wspólnotą Europejską i jej państwami członkowskimi z drugiej strony, której podpisanie i tymczasowe stosowanie zostało zatwierdzone decyzją Rady 2008/805/WE.

— *in Portuguese:* Secção 3 do capítulo III do Regulamento (CE) n.º 1282/2006:

Contingente pautal de leite em pó do ano 1.7.…-30.6.…, ao abrigo do apêndice 2 do anexo III do Acordo de Parceria Económica entre os Estados do Cariforum, por um lado, e a Comunidade Europeia e os seus Estados-Membros, por outro, cuja assinatura e aplicação a título provisório foram aprovadas pela Decisão 2008/805/CE do Conselho.

— *in Romanian:* capitolul III secțiunea 3 din Regulamentul (CE) nr. 1282/2006:

contingent tarifar pentru anul 1.7…-30.6, pentru lapte praf în conformitate cu apendicele 2 din anexa III la Acordul de parteneriat economic între statele CARIFORUM, pe de o parte, și Comunitatea Europeană și statele membre ale acesteia, pe de altă parte, ale cărui semnare și aplicare provizorie au fost aprobate prin Decizia 2008/805/CE a Consiliului.

— *in Slovak:* kapitola III oddiel 3 nariadenia (ES) č. 1282/2006:

colná kvóta na obdobie od 1. júla … do 30. júna … na sušené mlieko podľa dodatku 2 k prílohe III k Dohode o hospodárskom partnerstve medzi štátmi fóra CARIFORUM na jednej strane a Európskym spoločenstvom a jeho členskými štátmi na strane druhej, ktorej podpísanie a predbežné vykonávanie sa schválilo rozhodnutím Rady 2008/805/ES.

— *in Slovenian:* poglavje III, oddelek 3 Uredbe (ES) št. 1282/2006:

Tarifna kvota za obdobje 1.7…–30.6… za mleko v prahu v skladu z Dodatkom 2 k Prilogi III k Sporazumu o gospodarskem partnerstvu med državami CARIFORUMA na eni strani ter Evropsko skupnostjo in njenimi državami članicami na drugi strani, katerega podpis in začasno uporabo je Svet odobril s Sklepom 2008/805/ES.

— *in Finnish:* asetuksen (EY) N:o 1282/2006 III luvun 3 jaksossa:

Euroopan yhteisön ja sen jäsenvaltioiden sekä CARIFORUM-valtioiden talouskumppanuussopimuksen, jonka allekirjoittaminen ja väliaikainen soveltaminen on hyväksytty neuvoston päätöksellä 2008/805/EY, liitteessä III olevan lisäyksen 2 mukainen maitojauheen tariffikiintiö 1.7…–30.6… välisenä aikana.

— *in Swedish:* Kapitel III, avsnitt 3 i förordning (EG) nr 1282/2006:

tullkvot för 1.7…–30.6… för mjölkpulver enligt tillägg 2 till bilaga III till avtalet om ekonomiskt partnerskap mellan Cariforum-staterna, å ena sidan, och Europeiska gemenskapen och dess medlemsstater, å andra sidan, vars undertecknande och provisoriska tillämpning godkändes genom rådets beslut 2008/805/EG.’