COMMISSION IMPLEMENTING REGULATION (EU) No 286/2013

of 22 March 2013

on transitional measures to be adopted in respect of trade in agricultural products on the occasion of the accession of Croatia

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty of Accession of Croatia, and in particular Article 3(4) thereof,

Having regard to the Act of Accession of Croatia, and in particular Article 41 thereof,

Whereas:

(1) Transitional measures should be adopted in order to avoid the risk of deflection of trade, affecting the common organisation of agricultural markets due to the accession of Croatia to the European Union on 1 July 2013.

(2) Trade deflections liable to disrupt the market organisations often involve products moved artificially with a view to benefit from enlargement of the Union and do not form part of the normal stocks of the acceding State concerned. Accumulation of such surplus quantities can also give rise to distortion of competition likely to affect the proper functioning of the common organisation of the markets. Surplus stocks may also result from national production. Provisions should, therefore, be made for effective, proportionate, and deterrent charges at the amount of the difference between import duties applicable in Croatia before accession and the import duties applicable in the Union increased with 20 %, to be levied on surplus stocks in Croatia.

(3) It is necessary to prevent goods in respect of which export refunds were paid before 1 July 2013 from benefiting from a second export refund when exported to third countries after 30 June 2013.

(4) 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

Scope

This Regulation shall apply to products set out in the Annex.

Article 2

Definitions

For the purposes of this Regulation 'products' means agricultural products and/or goods not included in Annex I to the Treaty on the Functioning of the European Union.

Article 3

Charges on holders of products in free circulation

1. Without prejudice to Section 3(a) of Annex IV to the Act of Accession, and where stricter legislation does not apply at national level, Croatia shall levy charges on holders of surplus stocks at 1 July 2013 of products in free circulation.

2. In order to determine the surplus stock of each holder, Croatia shall take into account:

(a) averages of stocks available in the period from 1 July 2010 to 30 June 2013;

(b) the pattern of trade in the period from 1 July 2010 to 30 June 2013;

(c) the circumstances in which stocks were built up.

The notion 'surplus stocks' applies to products imported into or originating from Croatia and to such products outside the customs territory of Croatia but intended for the market in Croatia.

The recording of the stocks shall be performed on the basis of the Combined Nomenclature applicable on 1 July 2013.

3. The amount of the charge referred to in paragraph 1 shall, for each product concerned, be equal to the amount by which the import duty applicable in the Union in accordance with Annex I to Council Regulation (EEC) No 2658/87 [1], including any applicable additional duty on 30 June 2013, exceeds the import duty applicable in Croatia on that date, plus 20 % of that amount. The revenue of the charge collected by national authorities shall be assigned to the national budget of Croatia.

4. Croatia shall, without delay, carry out an inventory of stocks available as on 1 July 2013. To this end, it shall use a system for identifying holders of surplus stocks based on a risk analysis taking account of the following criteria:

(a) type of activity of the holder;

[1] OJ L 256, 7.9.1987, p. 1.

(b) capacity of storage facilities;

(c) level of activity.

Croatia shall notify the Commission any measures it has implemented prior to its accession, to avoid any speculative stock-piling due to the accession, in particular to monitor and track down import flows for products with high risk of stock-piling, by 1 July 2013.

Croatia shall notify the Commission of the quantity of products in surplus stocks, except of those quantities in public stocks as referred to in Article 4, by 31 March 2014.

5. Where a CN code covers products for which the import duty referred to in paragraph 3 is not the same, the inventory of stocks as referred to in paragraph 4 shall be made for each product or group of products subject to a different import duty.

Article 4

Census of public stocks

By 1 October 2013 at the latest, Croatia shall communicate the list and the quantities of goods which are in its public stocks as referred to in Section 3 of Annex IV to the Act of Accession.

Article 5

National security stocks

The stocks as referred to in Article 3(4) and Article 4 shall not include national security stocks which may possibly have been constituted by Croatia. Croatia shall inform the Commission of all changes made to national security stocks together with the conditions governing the changes for the purposes of establishing the Union supply balance.

Article 6

Measures in the event of non-payment of charges

If any Member State suspects that the charges provided for in Article 3 have not been paid in respect of a product, it shall inform Croatia so as to enable it to take appropriate measures.

Article 7

Proof of non-payment of refunds

Products for which the declaration of export to third countries is accepted by Croatia during the period from 1 July 2013 to 30 June 2014 may qualify for an export refund if such refund has been fixed in accordance with Article 164 of Council Regulation (EC) No 1234/2007 [1] provided that it is established that no export refund has already been paid in respect of those products or their constituents.

Article 8

No double payment of market support measures

Any product for which an export refund has been paid shall not be eligible for any intervention measure or aid as laid down in Article 3 of Council Regulation (EC) No 1290/2005 [2].

Article 9

Entry into force and applicability

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of Croatia.

It shall apply until 30 June 2015.

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

Done at Brussels, 22 March 2013.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 209, 11.8.2005, p. 1.

ANNEX

LIST OF PRODUCTS REFERRED TO IN ARTICLE 1

CN code	Description
0201	Meat of bovine animals, fresh or chilled
0202	Meat of bovine animals, frozen
0203 21	Meat of swine, fresh, chilled or frozen:
	– Frozen:
	–– Carcases and half-carcases
0203 22	–– Hams, shoulders and cuts thereof, with bone in
0203 29	–– Other
0204	Meat of sheep or goats, fresh, chilled or frozen
0206 10	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen:
	– Of bovine animals, fresh or chilled
0206 29	–– Other
0207 12	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen
	– Of fowls of the species *Gallus domesticus*
	–– Not cut in pieces, frozen
0207 14	–– Cuts and offal, frozen
0207 25	– Of turkeys
	–– Not cut in pieces, frozen
0207 27	–– Cuts and offal, frozen
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal
0402 10	Milk and cream, concentrated or containing added sugar or other sweetening matter:
	– In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 %
0402 21	– In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 %;
	–– Not containing added sugar or other sweetening matter
0402 29	–– Other
0405	Butter and other fats and oils derived from milk; dairy spreads
0406	Cheese and curd
0703 20 00	Garlic, fresh or chilled
0711 51 00	Mushrooms of the genus *Agaricus*, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption

CN code	Description
0811 10 11	Strawberries, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing sugar or other sweetening matter, -- containing added sugar or other sweetening matter --- with a sugar content exceeding 13 % by weight
0811 10 19	Strawberries, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing sugar or other sweetening matter, -- containing added sugar or other sweetening matter --- other, with a sugar content not exceeding 13 % by weight
0811 10 90	Strawberries, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing sugar or other sweetening matter, - other than containing added sugar or other sweetening matter
1001	Wheat and meslin
1002	Rye
1003	Barley
1004	Oats
1005	Maize (corn)
1006 10	Rice in the husk (paddy or rough)
1006 20	Husked (brown) rice
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed
1006 40 00	Broken rice
1007	Grain sorghum
1008	Buckwheat, millet and canary seed; other cereals
1101 00	Wheat or meslin flour
1102	Cereal flours other than of wheat or meslin
1103	Cereal groats, meal and pellets
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading 1006; germ of cereals, whole, rolled, flaked or ground
1107	Malt, whether or not roasted
1108	Starches; inulin
1109 00 00	Wheat gluten, whether or not dried
1602	Other prepared or preserved meat, meat offal or blood
2003 10	Mushrooms of the genus *Agaricus*, prepared or preserved otherwise than by vinegar or acetic acid

CN code	Description
2008 30 55	Citrus fruit, otherwise prepared or preserved, not containing added spirit but containing added sugar, in immediate packings of a net content exceeding 1 kg:
	---- Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids
2008 30 75	Citrus fruit, otherwise prepared or preserved, not containing added spirit but containing added sugar, in immediate packings of a net content not exceeding 1 kg:
	---- Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids
Ex 2008 30 90	Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids
	--- Not containing added sugar
2008 70 92	Peaches, including nectarines;
	--- Not containing added spirit and sugar, in immediate packings of a net content of 5 kg or more
2204 30	- Other grape must
2207	- Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength
2208 90 91	-- Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol, in containers holding:
	--- 2 litres or less
2208 90 99	--- More than 2 litres