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►**B** **COMMISSION IMPLEMENTING REGULATION (EU) No 412/2014**

of 23 April 2014

opening and providing for the administration of Union import tariff quotas for eggs, egg products and albumins originating in Ukraine

(OJ L 121, 24.4.2014, p. 32)

Amended by:

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COMMISSION IMPLEMENTING REGULATION (EU) No 412/2014

of 23 April 2014

opening and providing for the administration of Union import tariff quotas for eggs, egg products and albumins originating in Ukraine

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([1]), and in particular points (a), (c) and (d) of Article 187 thereof,

Whereas:

(1) Regulation (EU) No 374/2014 of the European Parliament and of the Council ([2]) provides for preferential arrangements for 2014 as regards customs duties for the import of certain goods originating in Ukraine. In accordance with Article 3 of that Regulation agricultural products listed in Annex III thereto are to be admitted for import into the Union within the limits of the quotas as set out in that Annex. The quotas referred to in Annex III to Regulation (EU) No 374/2014 are to be administered by the Commission in accordance with Article 184(2)(b) of Regulation (EU) No 1308/2013.

(2) The import tariff quotas concerned should be managed through the use of import licences. To this end, Commission Regulation (EC) No 1301/2006 ([3]) should apply, without prejudice to additional conditions laid down in this Regulation.

(3) Commission Regulation (EC) No 376/2008 ([4]) should apply to import licences issued in accordance with this Regulation, save where derogations are appropriate.

([1]) OJ L 347, 20.12.2013, p. 671.

([2]) Regulation (EU) No 374/2014 of the European Parliament and of the Council of 16 April 2014 on the reduction or elimination of customs duties on goods originating in Ukraine (OJ L 118, 22.4.2014, p. 1).

([3]) 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 (OJ L 238, 1.9.2006, p. 13).

([4]) 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 (OJ L 114, 26.4.2008, p. 3).

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(4) For the appropriate administration of the tariff quotas, the security linked to the import licences should be lodged at the time of submission of a licence application.

(5) Commission Implementing Regulation (EU) No 1001/2013 ([1]) has replaced some CN codes in Annex I to Council Regulation (EEC) No 2658/87 ([2]) by new CN codes which now differ from those referred to in Regulation (EU) No 374/2014. The new CN codes should therefore be reflected in Annex I to this Regulation.

(6) Since the quotas referred to in Annex III to Regulation (EU) No 374/2014 are open only until 31 October 2014, this Regulation should enter into force as soon as possible.

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

HAS ADOPTED THIS REGULATION:

Article 1

Opening and management of tariff quotas

1. This Regulation opens and manages import tariff quotas for the egg sector and albumin products indicated in Annex I.

2. The quantity of products covered by the quotas referred to in paragraph 1, the applicable rate of customs duty and the order numbers shall be as set out in Annex I.

3. The import tariff quotas referred to in paragraph 1 shall be managed by means of import licences.

4. Regulations (EC) No 1301/2006 and (EC) No 376/2008 shall apply, unless otherwise provided for in this Regulation.

5. For the purposes of this Regulation, the weight of egg products shall be converted into the shell egg equivalent according to the standard rates of yield set out in Annex 69 to Commission Regulation (EEC) No 2454/93 ([3]).

([1]) Commission Implementing Regulation (EU) No 1001/2013 of 4 October 2013 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 290, 31.10.2013, p. 1).

([2]) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

([3]) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

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6. For the purposes of this Regulation, the weight of milk albumins shall be converted into the shell egg equivalent according to the standard rates of yield of 7,00 for dried milk albumins (CN code 3502 20 91) and of 53,00 for other milk albumins (CN code 3502 20 99) using the principles of conversion laid down in Annex 69 to Regulation (EEC) No 2454/93.

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Article 2

Import tariff quota periods

1. The import tariff quotas referred to in Article 1(1) shall be opened from 25 April to 31 December 2014 and from 1 January to 31 December 2015.

2. The quantity set for the annual import tariff quota for 2015 for each order number set out in Annex I shall be subdivided into four subperiods, as follows:

(a) 25 % from 1 January to 31 March;

(b) 25 % from 1 April to 30 June;

(c) 25 % from 1 July to 30 September;

(d) 25 % from 1 October to 31 December.

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Article 3

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Import licence applications and import licences for the quota period 2014

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1. Applications for licences shall be submitted no later than 13.00, Brussels time, on the 15th calendar day following the date on which this Regulation enters into force.

2. Licence applications may refer to only one order number. They may concern several products covered by different CN codes. In that case, all the CN codes and their descriptions shall be entered in boxes 15 and 16 of the licence application and the licence respectively. In the case of tariff quota 09.4275 set out in Annex I, the total quantity shall be converted into the shell egg equivalent.

3. Licence applications shall be made for a minimum quantity of 1 tonne and a maximum of 10 % of the quantity available for the quota concerned.

4. Licence applications and licences shall contain:

(a) in box 8, the name ‘Ukraine’ as country of origin and the box ‘yes’ marked by a cross;

(b) in box 20, one of the entries listed in Annex II.

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5. A security of EUR 20 per 100 kilograms shall be lodged at the time of the submission a licence application.

6. No later than the 7th working day following the end of the period for the submission of applications referred to in paragraph 1, Member States shall notify the Commission of the total quantity applied for in kilograms egg shell equivalent weight and broken down by order number.

7. The release into free circulation of the quantity awarded under the import tariff quota referred to in Article 1(1) shall be subject to the presentation of an import licence.

8. Import licences shall be issued as from the 7th and no later than the 12th working day following the end of the notification period referred to in paragraph 6.

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Article 3a

Import licence applications and import licences for the quota period 2015

1. The release into free circulation of the quantities awarded under the import tariff quotas referred to in Article 1(1) shall be subject to the presentation of an import licence.

2. A security of EUR 20 per 100 kilograms shall be lodged by the operator at the time of the submission of an import licence application.

3. Licence applications shall refer to only one order number. They may concern several products covered by different CN codes. In that case, all the CN codes and their descriptions shall be entered in boxes 15 and 16 of the licence application and the licence respectively. In the case of tariff quota 09.4275 set out in Annex I, the total quantity shall be converted into the shell egg equivalent.

4. Licence applications and licences shall contain:

(a) in box 8, the name ‘Ukraine’ as country of origin and the box ‘yes’ marked by a cross;

(b) in box 20, one of the entries listed in Annex II.

5. Each licence shall mention the quantity for each CN code.

6. Applications for import licences shall be submitted in the first seven days of the month which precedes each of the subperiods referred to in Article 2(2).

7. Licence applications shall be made for a minimum quantity of 1 tonne and a maximum of 10 % of the quantity available for the quota concerned in the quota subperiod concerned.

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8. Member States shall notify the Commission, by the 14th day of the month in which applications are submitted, of the total quantities, including nil returns, of all applications, expressed in kilograms egg shell equivalent weight in the case of tariff quota 09.4275 set out in Annex I and in kilograms product weight in the case of tariff quota 09.4276, and broken down by order number.

9. Import licences shall be issued as from the 23rd day of the month in which applications are submitted and at the latest by the last day of that month.

10. The Commission shall set, where appropriate, the quantity for which no applications for licenses were received and which are automatically added to the quantity set for the next quota subperiod.

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Article 4

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Validity of import licences for the quota period 2014

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1. Import licences shall be valid from the first day of their issue until ►M1 31 December 2014 ◄.

2. Without prejudice to Article 8(1) of Regulation (EC) No 376/2008, rights deriving from the licences may be transferred only to transferees satisfying the eligibility conditions set out in Article 5 of Regulation (EC) No 1301/2006.

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Article 4a

Validity of import licences for the quota period 2015

By way of derogation from Article 22 of Regulation (EC) No 376/2008, the import licences shall be valid for 150 days from the first day of the subperiod for which they have been issued. The term of validity of the import licences shall, however, expire at the latest on 31 December 2015.

Article 5

Notifications to the Commission for the quota period 2014

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission:

(a) no later than 14 November 2014, of the quantities of products, including nil returns, for which import licences were issued during the quota period 2014;

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(b) no later than 30 April 2015, of the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued.

2. No later than 30 April 2015, Member States shall notify the Commission of the quantities of products, which were actually released into free circulation during the import tariff quota period 2014.

3. In the case of the notifications referred to in paragraphs 1 and 2, the quantity shall be expressed in kilograms egg shell equivalent weight in the case of tariff quota 09.4275 set out in Annex I and in kilograms of product weight in the case of tariff quota 09.4276 and broken down by order number.

Article 5a

Notifications to the Commission for the quota period 2015

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission not later than the 10th day following the month of application, of the quantities, including nil returns, covered by licences they have issued.

2. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission of the quantities, including nil returns, covered by unused or partially used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued:

(a) together with the notifications referred to in Article 3a(8) of this Regulation regarding the applications submitted for the last subperiod of the quota period for 2015;

(b) for quantities not yet notified at the time of the first notification provided for in point (a), by 30 April 2016 at the latest.

3. No later than 30 April 2016, Member States shall notify the Commission of the quantities of products, which were actually released into free circulation during that import tariff quota period.

4. In the case of the notifications referred to in paragraphs 1, 2 and 3, the quantity shall be expressed in kilograms egg shell equivalent weight in the case of tariff quota 09.4275 set out in Annex I and in kilograms of product weight in the case of tariff quota 09.4276 and broken down by order number.

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Article 6

Entry into force

This Regulation shall enter into force on the day following that 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.

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ANNEX I

Notwithstanding the rules on the interpretation of the Combined Nomenclature, the wording of the description of products shall be regarded as merely indicative, since the applicability of the preferential arrangements is determined, within the context of this Annex, by the scope of the CN codes.

Order number	CN codes	Description	Import period	Quantity in tonnes	Duty applicable (EUR/t)
09.4275	0407 21 00 0407 29 10 0407 90 10 0408 11 80 0408 19 81 0408 19 89 0408 91 80 0408 99 80 3502 11 90 3502 19 90 3502 20 91 3502 20 99	Poultry eggs in shell, fresh, preserved or cooked; Birds' eggs, not in shell, and egg yolks, fresh dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter, fit for human consumption; eggs albumins and milk albumins, fit for human consumption	Year 2014 Year 2015	1 500 (expressed in shell egg equivalent) 1 500 (expressed in shell egg equivalent)	0
09.4276	0407 21 00 0407 29 10 0407 90 10	Poultry eggs in shell, fresh, preserved or cooked	Year 2014 Year 2015	3 000 (expressed in net weight) 3 000 (expressed in net weight)	0

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ANNEX II

Entries referred to in Article 3(4)(b)

— In Bulgarian: Регламент за изпълнение (ЕС) № 412/2014

— In Spanish: Reglamento de Ejecución (UE) nº 412/2014

— In Czech: Prováděcí nařízení (EU) č. 412/2014

— In Danish: Gennemførelsesforordning (EU) nr. 412/2014

— In German: Durchführungsverordnung (EU) Nr. 412/2014

— In Estonian: Rakendusmäärus (EL) nr 412/2014

— In Greek: Εκτελεστικός κανονισμός (ΕΕ) αριθ. 412/2014

— In English: Implementing Regulation (EU) No 412/2014

— In French: Règlement d'exécution (UE) nº 412/2014

— In Croatian: Provedbena uredba (EU) br. 412/2014

— In Italian: Regolamento di esecuzione (UE) n. 412/2014

— In Latvian: Īstenošanas regula (ES) Nr. 412/2014

— In Lithuanian: Įgyvendinimo reglamentas (ES) Nr. 412/2014

— In Hungarian: 412/2014/EU végrehajtási rendelet

— In Maltese: Regolament ta' Implimentazzjoni (UE) Nru 412/2014

— In Dutch: Uitvoeringsverordening (EU) nr. 412/2014

— In Polish: Rozporządzenie wykonawcze (UE) nr 412/2014

— In Portuguese: Regulamento de Execução (UE) n.º 412/2014

— In Romanian: Regulamentul de punere în aplicare (UE) nr. 412/2014

— In Slovak: Vykonávacie nariadenie (EÚ) č. 412/2014

— In Slovene: Izvedbena uredba (EU) št. 412/2014

— In Finnish: Täytäntöönpanoasetus (EU) N:o 412/2014

— In Swedish: Genomförandeförordning (EU) nr 412/2014.