

Commission Regulation (EC) No 442/2009 of 27 May 2009 opening and providing for the administration of Community tariff quotas in the pigmeat sector (repealed)

CHAPTER II

TARIFFS MANAGED USING THE SIMULTANEOUS EXAMINATION OF APPLICATIONS METHOD

Article 4

Quota allocation

The quantity set for the annual tariff quota period referred to in Annex I, part B, shall be allocated in four tariff subperiods as follows:

- (a) 25 % from 1 July to 30 September;
- (b) 25 % from 1 October to 31 December;
- (c) 25 % from 1 January to 31 March;
- (d) 25 % from 1 April to 30 June.

Article 5

Applicants

For the purposes of applying Article 5 of Regulation (EC) No 1301/2006, import licence applicants shall, when submitting their first application for a given annual quota period, furnish proof that they imported or exported, during each of the two periods referred to in that Article, at least 50 tonnes of products from the pigmeat sector within the meaning of Article 1(1)(q) of Regulation (EC) No 1234/2007.

Article 6

Import licence applications and import licences

1 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 designations must be entered in boxes 16 and 15 of the licence application and the licence respectively.

2 Licence applications must be for a minimum of 20 tonnes and a maximum of 20 % of the quantity available for the quota concerned in the quota subperiod in question.

3 Licence applications and licences themselves shall contain:

- a in box 8, the name of the country of origin;
- b in box 20, one of the entries listed in Annex II, Part A.

For tariffs 09.4170 and 09.4204, 'yes' in box 8 is also marked by a cross.

4 Box 24 of the licence shall contain one of the references appearing in Annex II, part B.

- 5 The licences shall require imports from:
- a the United States of America in respect of tariff No 09.4170;
 - b Canada in respect of tariff No 09.4204.

6 Import licence applications shall be lodged during the first seven days of the month preceding each tariff subperiod referred to in Article 4.

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

8 As regards tariff No 09.4038, by way of derogation from Article 6(1) of Regulation (EC) No 1301/2006, each applicant may submit several import licence applications for products covered by a single order number, if those products originate in different countries. Applications relating to separate countries of origin must be submitted simultaneously to the competent authority of a Member State. They shall be regarded as a single application for the purposes of the maximum referred to in paragraph 2 of this Article.

Article 7

Issue of import licences

Import licences shall be issued by Member States from the 23rd day of the month in which applications are submitted and prior to the start of the relevant tariff subperiod.

Article 8

Transmission to the Commission

1 The communication of licence applications, as referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, shall take place by the 14th day of the month in which applications are submitted.

2 By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006:

- a communication as referred to in Article 11(1)(b) of the said Regulation shall be carried out by the end of the first month of each tariff subperiod;
- b communication as referred to in Article 11(1)(c) of the said Regulation shall be carried out for the first time at the same time as the application for the last tariff subperiod, and for the second time prior to the end of the fourth month following each annual period for quantities not yet notified at the time of the first communication.

3 Member States shall communicate to the Commission, before the end of the fourth month following each annual quota period, the quantities, for each order number, actually released into free circulation under this Regulation in the period concerned.

4 The quantities covered by paragraphs 1, 2 and 3 above shall be expressed in kilograms.

Article 9

Validity of import licences

1 By way of derogation from Article 22 of Regulation (EC) No 376/2008, import licences shall be valid for 150 days from the first day of the tariff subperiod for which they are issued.

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 and Article 5 of this Regulation.

Article 10

Origin of products

1 The origin of the products covered by this Regulation shall be determined in accordance with the Community rules in force.

2 As regards tariff No 09.4170, when goods are released into free circulation they shall be subject to the presentation of a certificate of origin issued by the competent authorities of the United States of America in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93.

3 As regards tariff No 09.4204, when goods are released into free circulation they shall be subject to the presentation of a certificate of origin issued by the competent authorities of Canada in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93.