

COMMISSION REGULATION (EEC) No 2245/90

of 31 July 1990

laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Article 27 thereof,

Whereas, under Article 14 (1) and (3) of Regulation (EEC) No 715/90, levies are not charged on imports of products falling within CN codes 0714 10 90 and 0714 90 11 originating in the ACP States or in the OCT; whereas the detailed rules for the application of such arrangements should be limited to imposing an obligation to import from the ACP State or OCT indicated in the import licence the product released for free circulation and exempted from the levy, and to setting up a regular notification system;

Whereas, under Article 24 (1) of Regulation (EEC) No 715/90, levies are not applied to direct imports into the French overseas departments (ODs) of products falling within CN code 0714 90 11 within the limits of a Community tariff quota of 2 000 tonnes; whereas the detailed rules for the application of such arrangements should relate to the lodging of applications for import licences and the issue of such licences and guarantee direct importation into the ODs and observance of the maximum quantity laid down; whereas, in order to comply with the objective of the measure and to ensure the management and supervision of the quota, the use of licences for release for free circulation into the abovementioned departments should be strictly limited; whereas these detailed rules either supplement or derogate from, as the case may be, Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾, as last amended by Regulation (EEC) No 1599/90 ⁽³⁾, or Commission Regulation (EEC) No 891/89 of 5 April 1989 on special detailed rules for

the application of the system of import and export licences for cereals and rice ⁽⁴⁾, as amended by Regulation (EEC) No 1105/90 ⁽⁵⁾;

Whereas, so that the actual use made of licences can be monitored better, the provision of Regulation (EEC) No 3719/88 on early submission of proof of release for free circulation should apply;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the detailed rules for importing:

- into the Community products falling within CN codes 0714 10 91 and 0714 90 11 originating in the ACP States or the OCT (Title I),
- into the French overseas departments products falling within CN code 0714 90 11 originating in the ACP States and the OCT (Title II).

TITLE I

Article 2

1. For the purposes of Article 14 (1) and (3) of Regulation (EEC) No 715/90 and with a view to the release for free circulation into the Community of products falling within CN codes 0714 10 91 and 0714 90 11, the licence application and the import licence shall contain in box 8 the name of the ACP State or OCT in which the product originates. The licence shall constitute an obligation to import from that country and/or territory.
2. The licence shall contain one of the following entries in box 24:
 - Product ACP/PTU:
 - no hay lugar a exacción reguladora
 - apartados 1 y 3 del artículo 14 y apartado 2 del artículo 1 del Reglamento (CEE) n° 715/90;

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ No L 151, 15. 6. 1990, p. 29.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 111, 1. 5. 1990, p. 48.

- AVS/OLT-produkt :
 - fritagelse for afgift
 - forordning (EØF) nr. 715/90 : artikel 1, stk. 2, og artikel 14, stk. 1 og 3;
- Erzeugnis AKP/ÜLG :
 - Freistellung von der Abschöpfung
 - Verordnung (EWG) Nr. 715/90, Artikel 1 Absatz 2 und Artikel 14 Absätze 1 und 3;
- Προϊόν ΑΚΕ/ΥΧΕ :
 - απαλλαγή από την εισφορά
 - κανονισμός (ΕΟΚ) αριθ. 715/90, άρθρο 1 παράγραφος 2 και άρθρο 14 παράγραφοι 1 και 3;
- ACP/OCT product :
 - exemption from the levy
 - Regulation (EEC) No 715/90, Article 1 (2) and Article 14 (1) and (3);
- Produit ACP/PTOM :
 - exemption du prélèvement
 - règlement (CEE) n° 715/90 : article 1^{er} paragraphe 2 et article 14 paragraphes 1 et 3;
- Prodotto ACP/PTOM :
 - esenzione dal prelievo
 - regolamento (CEE) n. 715/90, articolo 1, paragrafo 2 e articolo 14, paragrafi 1 e 3;
- Produkt ACS/LGO :
 - vrijstelling van heffing
 - Verordening (EEG) nr. 715/90 : artikel 1, lid 2, en artikel 14, leden 1 en 3;
- Produto ACP/PTU :
 - isenção do direito nivelador
 - Regulamento (CEE) n° 715/90 : n° 2 do artigo 1° e n°s 1 e 3 do artigo 14°

Article 3

Member States shall notify the Commission before the end of each month of the quantities in respect of which import licences for products originating in the ACP States/OCT have been applied for, during the preceding four weeks, broken down by tariff nomenclature code and country of origin.

TITLE II

Article 4

With a view to the release for free circulation into the French overseas departments in accordance with Article 24 of Regulation (EEC) No 715/90 of products falling within CN code 0714 90 11, the following special provisions shall apply:

1. Licence applications shall be for a quantity not exceeding 500 tonnes per individual applicant acting on his own account.

2. The licence application and the import licence shall contain in box 8 the name of the ACP State or the overseas country or territory (OCT) in which the product originates. The licence shall constitute an obligation to import from that country or territory.

3. The licence shall contain one of the following entries in box 24 :

- Producto ACP/PTU :
 - no ha lugar a exacción reguladora
 - apartado 1 del artículo 24 del Reglamento (CEE) n° 715/90
 - exclusivamente válido para el despacho a libre práctica en los D.U.;
- AVS/OLT-produkt :
 - fritagelse for afgift
 - forordning (EØF) nr. 715/90 : artikel 24, stk. 1
 - gælder udelukkende for overgang til fri omsætning i de oversøiske departementer;
- Erzeugnis AKP/ÜLG :
 - Freistellung von der Abschöpfung
 - Verordnung (EWG) Nr. 715/90, Artikel 24 Absatz 1
 - gilt ausschließlich für die Abfertigung zum freien Verkehr in den französischen überseeischen Departements;
- Προϊόν ΑΚΕ/ΥΧΕ :
 - απαλλαγή από την εισφορά
 - κανονισμός (ΕΟΚ) αριθ. 715/90, άρθρο 24 παράγραφος 1
 - ισχύει αποκλειστικά για θέση σε ελεύθερη κυκλοφορία στα υπερπόντια διαμερίσματα;
- ACP/OCT product :
 - exemption from the levy
 - Regulation (EEC) No 715/90, Article 24 (1)
 - valid only for release for the circulation in the OD;
- Produit ACP/PTOM :
 - exemption du prélèvement
 - règlement (CEE) n° 715/90 : article 24 paragraphe 1
 - exclusivement valable pour une mise en libre pratique dans les départements d'outre-mer;
- Prodotto ACP/PTOM :
 - esenzione dal prelievo
 - regolamento (CEE) n. 715/90 : articolo 24, paragrafo 1
 - valido solamente per l'immissione in libera pratica nei DOM;
- Produkt ACS/LGO :
 - vrijstelling van heffing
 - Verordening (EEG) nr. 715/90 : artikel 24, lid 1
 - geldt uitsluitend voor het in het vrije verkeer brengen in de Franse overzeese departementen;

— Produto ACP/PTU :

- isenção do direito nivelador
- Regulamento (CEE) n° 715/90 : n° 1 do artigo 24°
- válido exclusivamente para uma introdução em livre prática nos DU.

Article 5

1. Licence applications shall be lodged with the competent authorities of the Member States every Monday before 1 p.m. or, if that day is not a working day, on the first working day following.

2. Member States shall, by telex not later than 1 p.m. on the working day following the day on which the application is lodged, notify the Commission of the origin of the product, the quantity applied for and the name of the applicant.

3. Not later than the third working day following the day on which the applications are lodged, the Commission shall determine and inform the Member States by telex to what extent the licence applications are accepted.

4. Subject to paragraph 3, licences shall be issued on the fifth working day following the day on which the applications were lodged, in the case of applications notified in accordance with paragraph 2.

5. The licences issued shall be valid exclusively for the release for free circulation into the French overseas departments from the day of effective issue until the end of the second month following that date. However, they shall not be valid beyond 31 December of the year in which they are issued.

Article 6

Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not

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

Done at Brussels, 31 July 1990.

be greater than that entered in boxes 17 and 18 of the import licence; the figure 0 shall be entered for this purpose in box 19 of the licence.

Article 7

Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

TITLE III

General Provisions

Article 8

1. Notwithstanding Article 12 of Regulation (EEC) No 891/89, the amount of the security in respect of the import licence shall be ECU 0,5 per tonne.

2. In cases where, as a result of the application of Article 5 (3), the quantity for which the licence is issued is less than that for which it was applied for, the amount of the security corresponding to the difference shall be released.

3. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

Article 9

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

For the Commission

Ray MAC SHARRY

Member of the Commission