

Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1265/95⁽²⁾, and in particular Articles 9 (2) and 12 (4) thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽³⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 3491/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part⁽⁴⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3492/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part⁽⁵⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3296/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part⁽⁶⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3297/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part⁽⁷⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3382/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part⁽⁸⁾, and in particular Article 1 thereof,

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Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1439/95. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Having regard to Council Regulation (EC) No 3383/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽⁹⁾, and in particular Article 1 thereof,

Whereas under the Agreement on Agriculture concluded in the framework of the Uruguay Round of multilateral trade negotiations⁽¹⁰⁾, the Community has undertaken to replace the variable import levies by fixed customs duties as from 1 July 1995; whereas the Agreement on Agriculture also provides for the replacement of the present special arrangements with third countries on imports of products in the sheep and goat sector by a system of tariff quotas; whereas these changes require the adoption of new detailed rules and also the repeal of certain existing rules; whereas it is appropriate in the interest of transparency to group the rules on the administration of all tariff quotas in the sector into one single Regulation and to provide for the opening of the various quotas in separate legal texts;

Whereas henceforth the duty payable upon importation into the Community is fixed in the Common Customs Tariff;

Whereas it is appropriate to maintain the obligation to submit a licence upon importation and upon exportation of all products of the sector, with the exception of pure-bred sheep and goats and certain offals and fats;

Whereas since the Agreement on Agriculture requires the conversion of Voluntary Restraint Agreements into country-specific tariff quotas it is necessary to provide for a management system which ensures that only products originating in those specific countries can be imported under the tariff quotas; whereas the latter consideration as well as the need to ensure a smooth transition to the new regime warrant a system whereby the issuance of an import licence is made subject to the presentation of a document of origin issued by an authority of the exporting State which fulfils certain criteria and which has been recognized by the Community; whereas it is therefore necessary to fix the said criteria and in particular to require of the issuing authorities of the exporting countries that controls be effected as to the adherence to the quantities that may be imported under the quotas, notably through a system of precise and regular notifications to the Commission of the quantities in respect of which documents of origin have been issued;

Whereas rules should be laid down for the format and the other details of the document of origin as well as for the procedures to be followed in respect of its issuance and its exchange for an import licence; whereas the introduction of yearly tariff quotas also requires strict rules as to the validity of documents of origin and of import licences;

Whereas the additional preferential imports provided for in the Association Agreements with the countries of Central Europe should be administered in the same way as the country-specific quotas resulting from the Uruguay Round of multilateral trade negotiations;

Whereas the Community also undertook in the Uruguay Round of multilateral trade negotiations to open a non-country-specific tariff quota for countries other than those for which a country-specific quota was provided for; whereas it is appropriate to manage this quota in the same way as the autonomous import system laid down in Commission Regulation (EEC) No 3653/85⁽¹¹⁾, as last amended by Regulation (EEC) No 2779/93⁽¹²⁾; whereas the detailed rules should therefore

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provide for the issuance of import licences on a quarterly basis and, where necessary, the application of a reduction coefficient;

Whereas an efficient administration of these tariff quotas also requires a regular flow of information from the Member States to the Commission on the quantities in respect of which import licences have been issued; whereas the frequency of the notifications relating to a country-specific quota should be increased when the annual quota is close to exhaustion whereas the Member States should also inform the Commission of quantities for which export licences have been issued;

Whereas the abolition of the variable import levy and the introduction of tariff quotas require the repeal of Commission Regulations (EEC) No 2668/80⁽¹³⁾, as last amended by Regulation (EEC) No 3890/92⁽¹⁴⁾, (EEC) No 19/82⁽¹⁵⁾, as last amended by Regulation (EC) No 3302/94⁽¹⁶⁾, (EEC) No 20/82⁽¹⁷⁾, as last amended by Regulations (EC) No 3302/94 and (EEC) No 3653/85; whereas it is, however, necessary to provide that those regulations remain applicable to import licences that have been issued thereunder;

Whereas the Management Committee for Sheep and Goats has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

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- (1) OJ No L 289, 7.10.1989, p. 1.
- (2) OJ No L 123, 3.6.1995, p. 1.
- (3) OJ No L 349, 31.12.1994, p. 105.
- (4) OJ No L 319, 21.12.1993, p. 1.
- (5) OJ No L 319, 21.12.1993, p. 4.
- (6) OJ No L 341, 30.12.1994, p. 14.
- (7) OJ No L 341, 30.12.1994, p. 17.
- (8) OJ No L 336, 22.12.1994, p. 22.
- (9) OJ No L 368, 31.12.1994, p. 1.
- (10) OJ No L 368, 31.12.1994, p. 5.
- (11) OJ No L 348, 24.12.1985, p. 21.
- (12) OJ No L 252, 9.10.1993, p. 10.
- (13) OJ No L 276, 20.10.1980, p. 39.
- (14) OJ No L 391, 31.12.1992, p. 51.
- (15) OJ No L 3, 7.1.1982, p. 18.
- (16) OJ No L 3, 7.1.1982, p. 26.
- (17) OJ No L 341, 30.12.1994, p. 45.

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