

Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC

[^{F1}COMMISSION REGULATION (EC) No 1484/95

of 28 June 1995

laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC]

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Council Regulation (EC) No 3290/94⁽²⁾, and in particular Articles 5 (4) and 15 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Articles 5 (4) and 15 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Article 3 (4) and 10 thereof,

Whereas Regulations (EEC) No 2771/75, (EEC) No 2777/75 and (EEC) No 2783/75 provide that from 1 July 1995 imports of one or more of the products falling under these Regulations at the rate of duty of the Common Customs Tariff shall be subject to the payment of an additional import duty if certain conditions set out in the Agreement on Agriculture concluded in the framework of the Uruguay Round of multilateral trade negotiations have been fulfilled, unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective; whereas these additional import duties may be imposed in particular if the import prices fall below the trigger prices;

Whereas, therefore, specific implementing rules should be laid down for the poultrymeat and egg sectors as well as for egg albumin and the trigger prices should be published;

Whereas the import prices to be taken into consideration for imposing an additional import duty should be checked against the representative prices on the world market or on the Community import market for the products in question; whereas it is necessary that Member States communicate the prices at various stages of marketing at regular intervals in order to be able to determine the representative prices and the corresponding additional duties;

Status: Point in time view as at 01/05/2010.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)

Whereas the importer may choose that the additional duty is calculated on a basis which is different from the representative price; whereas, however, in that case there should be provision for the lodging of a security equal to the amount of additional duty which he would have paid if the additional duty had been determined on the basis of the representative price; whereas the security will be reimbursed if, within a certain time limit, proof is provided that the conditions for the disposal of the consignment have been met; whereas, as part of *a posteriori* checks, additional duty due will be recovered pursuant to Article 220 of Council Regulation (EEC) No 2913/92⁽⁵⁾ establishing the Community customs code; whereas it is only fair that, within the framework of such checks, interest will be added to the duty due;

Whereas the provisions of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽⁶⁾, as last amended by Regulation (EEC) No 3821/92⁽⁷⁾, are replaced by the provisions of this Regulation; whereas the aforementioned Regulation should, therefore, be replaced as from the date of entry into force of the Agreement on Agriculture of the Uruguay Round;

Whereas it results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors as well as for egg albumin that additional duties should be imposed on the import of certain products, taking into account variation of prices according to origin; whereas, therefore, representative prices and corresponding additional duties should be published for those products;

Whereas additional duties may not be imposed in particular on products imported within tariff quotas agreed upon in the framework of the Uruguay Round of multilateral trade negotiations;

Whereas the Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by the chairman,

HAS ADOPTED THIS REGULATION:

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 493/1999 of 5 March 1999 amending Regulation \(EC\) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing additional import duties in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC.](#)

Article 1

The additional import duties referred to in Article 5 (1) of Regulations (EEC) No 2771/75 and (EEC) No 2777/75 and in Article 3 (1) of Regulation (EEC) No 2783/75, hereinafter referred to as ‘additional duties’, are applied to the products listed in Annex I and originating in the countries indicated therein.

The corresponding trigger prices referred to in Article 5 (2) of Regulations (EEC) No 2771/75 and (EEC) No 2777/75 and in Article 3 (2) of Regulation (EEC) No 2783/75 are shown in Annex II.

Status: Point in time view as at 01/05/2010.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)

[^{F2}Article 2

1 The representative prices referred to in Article 141(3) of Council Regulation (EC) No 1234/2007⁽⁸⁾ and in the second subparagraph of Article 3(3) of Regulation (EEC) No 2783/75 shall be determined at regular intervals on the basis of data collected under the Community surveillance system governed by Article 308d of Commission Regulation (EEC) No 2454/93⁽⁹⁾.

2 The representative prices are shown in Annex I.]

Textual Amendments

F2 Substituted by [Commission Regulation \(EC\) No 816/2009 of 7 September 2009 amending Regulation \(EC\) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing additional import duties in the poultrymeat and egg sectors and for egg albumin.](#)

[^{F1}Article 3

1 The additional duty shall be established on the basis of the cif import price of the consignment in question in accordance with the provisions of Article 4.

2 When the cif import price per 100 kg of a consignment is higher than the applicable representative price referred to in Article 2(1), the importer shall present to the competent authorities of the importing Member States at least the following proofs:

- the purchasing contract, or any other equivalent document,
- the insurance contract,
- the invoice,
- the certificate of origin (where applicable),
- the transport contract,
- and, in the case of sea transport, the bill of lading.

[^{F3} In the case referred to in paragraph 2, the importer must lodge the security referred to in Article 248(1) of Regulation (EEC) No 2454/93, equal to the difference between the amount of additional import duty calculated on the basis of the representative price applicable to the product in question and the amount of additional import duty calculated on the basis of the cif import price of the consignment in question.

4 The importer shall have two months from the sale of the products in question, subject to a limit of nine months from the date of acceptance of the declaration of release for free circulation, to prove that the consignment was disposed of under conditions confirming the correctness of the prices referred to in paragraph 2. Failure to meet one or other of these deadlines shall entail the loss of the security lodged. However, the time limit of nine months may be extended by the competent authorities by a maximum of three months at the request of the importer, which must be duly substantiated.

The security lodged shall be released to the extent that proof of the conditions of disposal is provided to the satisfaction of the customs authorities. Otherwise, the security shall be forfeit by way of payment of the additional duties.]

5 If on verification the competent authorities establish that the requirements of this Article have not been met, they shall recover the duty due in accordance with Article 220 of Regulation (EEC) No 2913/92. The amount of the duty to be recovered or remaining to be recovered shall include interest from the date the goods were released for free circulation up to the date of recovery. The interest rate applied shall be that in force for recovery operations under national law.]

Status: Point in time view as at 01/05/2010.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)

Textual Amendments

- F1** Substituted by Commission Regulation (EC) No 493/1999 of 5 March 1999 amending Regulation (EC) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing additional import duties in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC.
- F3** Substituted by Commission Regulation (EU) No 248/2010 of 24 March 2010 amending Regulation (EC) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultry meat and egg sectors and for egg albumin, and Regulation (EC) No 504/2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector.

Article 4

1 ^[F1]If the difference between the trigger price in question referred to in Article 1(2) and the cif import price of the consignment in question:]

- a is less than or equal to 10 % of the trigger price, no additional duty shall be imposed;
- b is greater than 10 % but less than or equal to 40 % of the trigger price, the additional duty shall equal 30 % of the amount by which the difference exceeds 10 %;
- c is greater than 40 % but less than or equal to 60 % of the trigger price, the additional duty shall equal 50 % of the amount by which the difference exceeds 40 %, plus the additional duty allowed under (b);
- d is greater than 60 % but less than or equal to 75 %, the additional duty shall equal 70 % of the amount by which the difference exceeds 60 % of the trigger price, plus the additional duties allowed under (b) and (c);
- e is greater than 75 % of the trigger price, the additional duty shall equal 90 % of the amount by which the difference exceeds 75 %, plus the additional duties allowed under (b), (c) and (d).

^{F4}2

Textual Amendments

- F1** Substituted by Commission Regulation (EC) No 493/1999 of 5 March 1999 amending Regulation (EC) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing additional import duties in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC.
- F4** Deleted by Commission Regulation (EC) No 684/1999 of 29 March 1999 amending Regulation (EC) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC.

Article 5

If necessary, the Commission may, at the request of a Member State or on its own initiative, adjust Annex I.

However, the Commission may adjust the representative prices only if these prices are at least 5 % different from the determined prices.

Status: Point in time view as at 01/05/2010.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)

F²Article 6

The additional duties referred to in Article 1 shall not apply in the case of imports under Commission Regulations (EC) No 533/2007⁽¹⁰⁾, (EC) No 539/2007⁽¹¹⁾, (EC) No 616/2007⁽¹²⁾, (EC) No 1385/2007⁽¹³⁾ and (EC) No 536/2007⁽¹⁴⁾.]

Textual Amendments

- F2** Substituted by [Commission Regulation \(EC\) No 816/2009 of 7 September 2009 amending Regulation \(EC\) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing additional import duties in the poultrymeat and egg sectors and for egg albumin.](#)

Article 7

Regulation No 163/67/EEC is repealed.

Article 8

This Regulation shall enter into force on 1 July 1995.

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

Status: Point in time view as at 01/05/2010.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)

ANNEX I

[^{F5}The annex is not included in this consolidated act. It is regularly replaced by up-to-date administrative acts within the framework of agricultural policy and generally has a limited period of validity.]

Textual Amendments

- F5** Substituted by [Commission Regulation \(EC\) No 2916/95 of 18 December 1995 amending certain Regulations concerning the common organization of the markets in poultrymeat and eggs and the common system of trade for ovalbumin and lactalbumin.](#)

ANNEX II

CN code	Trigger price ECU/100 kg
0105 11 11	8 588,0
0105 11 19	8 588,0
0105 11 91	8 588,0
0105 11 99	8 588,0
[^{F5} 01051200 01051920]	3 242,3
0105 19 90	14 525,0
[^{F5} 01059200 01059300]	55,8
0105 99 10	115,1
0105 99 20	185,9
0105 99 30	147,8
0105 99 50	133,3
[^{F5} 0207 11 10]	142,3
[^{F5} 0207 11 30]	100,2
[^{F5} 0207 11 90]	128,5
[^{F5} 0207 24 10]	170,0
[^{F5} 0207 24 90]	250,0
[^{F5} 0207 32 11]	158,8
[^{F5} 0207 32 15]	185,1
[^{F5} 0207 32 19]	173,5
[^{F5} 0207 32 51]	207,1

Status: Point in time view as at 01/05/2010.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)

[^{F5} 0207 32 59]	257,3
[^{F5} 0207 32 90]	173,2
[^{F5} 0207 12 10]	98,8
[^{F5} 0207 12 90]	131,2
[^{F5} 0207 25 10]	177,7
[^{F5} 0207 25 90]	179,8
[^{F5} 0207 33 11]	170,1
[^{F5} 0207 33 19]	167,9
[^{F5} 0207 33 51]	200,0
[^{F5} 0207 33 59]	248,2
[^{F5} 0207 33 90]	204,5
[^{F5} 0207 13 10]	339,8
[^{F5} 0207 13 20]	100,0
[^{F5} 0207 13 30]	180,0
[^{F5} 0207 13 50]	227,1
[^{F5} 0207 13 60]	158,1
[^{F5} 0207 13 70]	310,7
[^{F5} 0207 13 99]	100,0
[^{F5} 0207 26 10]	339,0
[^{F5} 0207 26 20]	342,3
[^{F5} 0207 26 50]	279,9
[^{F5} 0207 26 60]	142,9
[^{F5} 0207 26 70]	177,8
[^{F5} 0207 26 80]	200,0
[^{F5} 0207 26 99]	216,7
[^{F5} 0207 35 11]	435,3
[^{F5} 0207 35 15]	423,2
[^{F5} 0207 35 23]	133,3
[^{F5} 0207 35 31]	100,0
[^{F5} 0207 35 41]	78,3
[^{F5} 0207 35 51]	463,4

*Status: Point in time view as at 01/05/2010.**Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)*

[^{F5} 0207 35 53]	331,9
[^{F5} 0207 35 61]	309,7
[^{F5} 0207 35 63]	164,2
[^{F5} 0207 14 10]	333,5
[^{F5} 0207 14 20]	251,1
[^{F5} 0207 14 30]	97,5
[^{F5} 0207 14 40]	80,0
[^{F5} 0207 14 50]	235,7
[^{F5} 0207 14 60]	158,9
[^{F5} 0207 14 70]	316,6
[^{F5} 0207 14 99]	143,4
[^{F5} 0207 27 10]	329,9
[^{F5} 0207 27 20]	337,8
[^{F5} 0207 27 40]	80,8
[^{F5} 0207 27 50]	280,0
[^{F5} 0207 27 60]	111,1
[^{F5} 0207 27 70]	172,7
[^{F5} 0207 27 80]	233,3
[^{F5} 0207 27 99]	131,3
[^{F5} 0207 36 11]	465,3
[^{F5} 0207 36 15]	354,5
[^{F5} 0207 36 21]	100,0
[^{F5} 0207 36 23]	133,3
[^{F5} 0207 36 31]	107,8
[^{F5} 0207 36 41]	81,1
[^{F5} 0207 36 51]	432,4
[^{F5} 0207 36 53]	308,3
[^{F5} 0207 36 61]	309,7
[^{F5} 0207 36 63]	166,0
[^{F5} 0207 36 71]	234,5
[^{F5} 0207 36 79]	500,0

Status: Point in time view as at 01/05/2010.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)

[^{F5} 0207 36 90]	163,2
0209 00 90	135,8
[^{F5} 16023211 16023921]	318,6
0407 00 11	935,9
0407 00 19	743,6
0407 00 30	52,7
0408 11 80	343,3
0408 19 81	69,6
0408 19 89	111,9
0408 91 80	271,4
0408 99 80	59,7
[^{F5} 3502 11 90]	521,5
[^{F5} 3502 19 90]	51,7

Status: Point in time view as at 01/05/2010.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. 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)

- (1) OJ No L 282, 1.11.1975, p. 49.
- (2) OJ No L 349, 31.12.1994, p. 105.
- (3) OJ No L 282, 1.11.1975, p. 77.
- (4) OJ No L 282, 1.11.1975, p. 104.
- (5) OJ No L 302, 19.10.1992, p. 1.
- (6) OJ No 129, 28.6.1967, p. 2577/67.
- (7) OJ No L 387, 31.12.1992, p. 24.
- (8) [^{F2}OJ L 299, 16.11.2007, p. 1.]
- (9) [^{F2}OJ L 253, 11.10.1993, p. 1.]
- (10) [^{F2}OJ L 125, 15.5.2007, p. 9.]
- (11) [^{F2}OJ L 128, 16.5.2007, p. 19.]
- (12) [^{F2}OJ L 142, 5.6.2007, p. 3.]
- (13) [^{F2}OJ L 309, 27.11.2007, p. 47.]
- (14) [^{F2}OJ L 128, 16.5.2007, p. 6.]

Textual Amendments

- F2** Substituted by Commission Regulation (EC) No 816/2009 of 7 September 2009 amending Regulation (EC) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing additional import duties in the poultrymeat and egg sectors and for egg albumin.

Status:

Point in time view as at 01/05/2010.

Changes to legislation:

There are outstanding changes not yet made to Commission Regulation (EC) No 1484/95. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.