

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

*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.

*[<sup>F1</sup> Article 2*

1 The representative prices referred to in Article 141(3) of Council Regulation (EC) No 1234/2007<sup>(1)</sup> 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<sup>(2)</sup>.

2 The representative prices are shown in Annex I.]

**Textual Amendments**

**F1** 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.](#)

*[<sup>F2</sup> 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.

[<sup>F3</sup> 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.

*Status: Point in time view as at 24/05/2019.*

*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)*

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.]

**Textual Amendments**

- F2** 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 [F2If 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).

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#### **Textual Amendments**

- F2** 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.

#### *[<sup>F1</sup>Article 6*

The additional duties referred to in Article 1 shall not apply in the case of imports under Commission Regulations (EC) No 533/2007<sup>(3)</sup>, (EC) No 539/2007<sup>(4)</sup>, (EC) No 616/2007<sup>(5)</sup>, (EC) No 1385/2007<sup>(6)</sup> and (EC) No 536/2007<sup>(7)</sup>.]

#### **Textual Amendments**

- F1** 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.

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- (1) [<sup>F1</sup>OJ L 299, 16.11.2007, p. 1.]
- (2) [<sup>F1</sup>OJ L 253, 11.10.1993, p. 1.]
- (3) [<sup>F1</sup>OJ L 125, 15.5.2007, p. 9.]
- (4) [<sup>F1</sup>OJ L 128, 16.5.2007, p. 19.]
- (5) [<sup>F1</sup>OJ L 142, 5.6.2007, p. 3.]
- (6) [<sup>F1</sup>OJ L 309, 27.11.2007, p. 47.]
- (7) [<sup>F1</sup>OJ L 128, 16.5.2007, p. 6.]

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#### **Textual Amendments**

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