

COMMISSION REGULATION (EC) No 1484/95

of 28 June 1995

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

for egg albumin and the trigger prices should be published;

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,

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;

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,

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⁽⁴⁾ 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;

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 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⁽⁵⁾, as last amended by Regulation (EEC) No 3821/92⁽⁶⁾, 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, therefore, specific implementing rules should be laid down for the poultrymeat and egg sectors as well as

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

⁽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.

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 multi-lateral 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:

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.

Article 2

1. The representative prices referred to in the second subparagraph of Article 5 (3) of Regulation (EEC) No 2771/75 and (EEC) No 2777/75 and in the second subparagraph of Article 3 (3) of Regulation (EEC) No 2783/75, shall be determined at regular intervals taking into account in particular:

- the prices on third country markets,
- free-at-Community-frontier offer prices,
- prices at the various stages of marketing in the Community for imported products.

These prices are shown in Annex I.

2. The Member States shall communicate to the Commission, each Monday, the prices referred to at the third indent of paragraph 1 for representative shipments of products listed in Annex II.

Article 3

1. At the request of the importer the additional duty may be established on the basis of the cif import price of the consignment in question, if this price is higher than

the applicable representative price, referred to in Article 2 (1).

The application of the cif import price of the consignment in question for establishing the additional duty is subject to the presentation by the interested party to the competent authorities of the importing Member State of 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.

2. In the case referred to in paragraph 1, the importer must lodge the security referred to in Article 248 (1) of Commission Regulation (EEC) No 2454/93⁽¹⁾, equal to the amount of additional duty which he would have paid if the calculation of the additional duty had been made on the basis of the representative price applicable to the product in question.

The importer shall have one month from the sale of the products in question, subject to a limit of four 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 1. Failure to meet one or other of these deadlines shall entail the loss of the security lodged. However, the time limit of four 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.

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.

3. In the absence of the request referred to in paragraph 1, the import price of the consignment in question to be taken into consideration for imposing an additional duty shall be the representative price referred to in Article 2 (1).

⁽¹⁾ OJ No L 253, 11. 10. 1993, p. 1.

Article 4

1. If the difference between the trigger price in question referred to in Article 1 (2) and the import price to be taken into consideration for imposing an additional duty in accordance with Article 3 (1) of (3):

- (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).

2. The additional duties corresponding to the representative prices laid down in accordance with Article 2 (1) are shown in Annex I.

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

Done at Brussels, 28 June 1995.

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.

Article 6

The additional duties laid down in Annex I shall not apply to imports in the framework of Commission Regulation (EC) No 1431/94⁽¹⁾ and (EC) No 1474/95⁽²⁾.

Article 7

Regulation No 163/67/EEC is repealed.

Article 8

This Regulation shall enter into force on 1 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 156, 23. 6. 1994, p. 9.

⁽²⁾ See page 19 of this Official Journal.

ANNEX I

CN code	Description	Representative price ECU/100 kg	Additional duty ECU/100 kg	Origin (¹)
0207 41 10	Boneless cuts of fowls of the species <i>gallus domesticus</i>	185	38	01
		220	24	02
		240	18	03
0408 11 80	Dried egg yolk	225	25	04

(¹) Origin of imports :

01 China

02 Brazil

03 Thailand

04 Canada, United States of America

ANNEX II

CN code	Trigger price ECU/100 kg	CN code	Trigger price ECU/100 kg
0105 11 11	8 588,0	0207 39 65	100,0
0105 11 19	8 588,0	0207 39 67	78,3
0105 11 91	8 588,0	0207 39 71	463,4
0105 11 99	8 588,0	0207 39 73	331,9
0105 19 10	3 242,3	0207 39 75	309,7
0105 19 90	14 525,0	0207 39 77	164,2
0105 91 00	55,8	0207 41 10	333,5
0105 99 10	115,1	0207 41 11	251,1
0105 99 20	185,9	0207 41 21	97,5
0105 99 30	147,8	0207 41 31	80,0
0105 99 50	133,3	0207 41 41	235,7
0207 10 11	142,3	0207 41 51	158,9
0207 10 15	100,2	0207 41 71	316,6
0207 10 19	128,5	0207 41 90	143,4
0207 10 31	170,0	0207 42 10	329,9
0207 10 39	250,0	0207 42 11	337,8
0207 10 51	158,8	0207 42 31	80,8
0207 10 55	185,1	0207 42 41	280,0
0207 10 59	173,5	0207 42 51	111,1
0207 10 71	207,1	0207 42 59	172,7
0207 10 79	257,3	0207 42 71	233,3
0207 10 90	173,2	0207 42 90	131,3
0207 21 10	98,8	0207 43 11	465,3
0207 21 90	131,2	0207 43 15	354,5
0207 22 10	177,7	0207 43 21	100,0
0207 22 90	179,8	0207 43 23	133,3
0207 23 11	170,1	0207 43 31	107,8
0207 23 19	167,9	0207 43 41	81,1
0207 23 51	200,0	0207 43 51	432,4
0207 23 59	248,2	0207 43 53	308,3
0207 23 90	204,5	0207 43 61	309,7
0207 39 11	339,8	0207 43 63	166,0
0207 39 13	100,0	0207 43 71	234,5
0207 39 15	180,0	0207 43 81	500,0
0207 39 21	227,1	0207 43 90	163,2
0207 39 23	158,1	0209 00 90	135,8
0207 39 25	310,7	1602 39 11	318,6
0207 39 27	100,0	0407 00 11	935,9
0207 39 31	339,0	0407 00 19	743,6
0207 39 33	342,3	0407 00 30	52,7
0207 39 41	279,9	0408 11 80	343,3
0207 39 43	142,9	0408 19 81	69,6
0207 39 45	177,8	0408 19 89	111,9
0207 39 47	200,0	0408 91 80	271,4
0207 39 51	216,7	0408 99 80	59,7
0207 39 53	435,3	3502 10 91	521,5
0207 39 55	423,2	3502 10 99	51,7
0207 39 61	133,3		