

Commission Regulation (EC) No 1385/2007 of 26 November
2007 laying down detailed rules for the application of Council
Regulation (EC) No 774/94 as regards opening and providing for the
administration of certain Community tariff quotas for poultrymeat

Article 1

1 The tariff quotas in Annex I are opened by Regulation (EC) No 774/94 for the import of poultrymeat products under the CN codes indicated therein.

The tariff quotas shall be open on an annual basis for the period from 1 January to 31 December.

2 The quantity of products covered by the quotas referred to in paragraph 1, the applicable reduction in customs duty, the serial numbers and the group numbers shall be as set out in Annex I.

Article 2

The provisions of Regulations (EC) Nos 1291/2000 and 1301/2006 shall apply, save as otherwise provided for in this Regulation.

Article 3

The quantity fixed for the annual quota period for each serial number shall be divided among four subperiods, as follows:

- (a) 25 % from 1 January to 31 March;
- (b) 25 % from 1 April to 30 June;
- (c) 25 % from 1 July to 30 September;
- (d) 25 % from 1 October to 31 December.

Article 4

1 For the purposes of applying Article 5 of Regulation (EC) No 1301/2006, applicants for import licences shall, when submitting the first application for a given tariff quota period, provide proof that they imported or exported at least 50 tonnes of products covered by Regulation (EEC) No 2777/75 in each of the two periods referred to in the said Article 5.

2 Licence applications may refer to only one of the serial numbers indicated in Annex I to this Regulation. They may concern several products covered by different CN codes. If they do, all the CN codes and their designations must be entered in boxes 16 and 15 of the licence application and the licence respectively.

Licence applications must be for a minimum of 10 tonnes and a maximum of 10 % of the quantity available for the quota concerned in the subperiod in question.

3 By way of derogation from Article 6(1) of Regulation (EC) No 1301/2006, in the case of groups 3, 5 and 6, each applicant may lodge more than one application for import licences for products in one group where such products originate in more than one country. Separate applications for each country of origin must be submitted simultaneously to the competent authority of a Member State. They shall be regarded as a single application, for the purposes of the maximum referred to in paragraph 5 of this Article.

4 Except for Group Numbers 3, 5 and 6, licences shall carry an obligation to import from the country that is specified. For the groups concerned by this obligation, the country of origin shall be entered in box 8 of the application and of the licence itself, and the word 'yes' shall be marked with a cross.

5 Box 20 of the licence application and the licence shall contain one of the entries indicated in Annex II, Part A.

Box 24 of the licence shall contain one of the entries indicated in Annex II, Part B.

For group 3 products, box 24 of the licence shall contain one of the entries indicated in Annex II, Part C.

For group 5 products, box 24 of the licence shall contain one of the entries indicated in Annex II, Part D.

Article 5

1 Licence applications may be submitted only in the first seven days of the month preceding each of the subperiods referred to in Article 3.

2 Licence applications must be accompanied by a supply contract specifying that the poultry supplies requested are available for delivery within the European Union during the quota period from the origin and for the quantity requested.

The first subparagraph shall apply only to group 1, 2 and 4 products.

3 A security of EUR 50 per 100 kilograms shall be lodged when an application for a licence is submitted.

4 Not later than the fifth day following the end of the period for submission of applications, Member States shall notify the Commission of the total quantities, in kilograms, applied for in respect of each group.

5 Licences shall be issued as of the seventh working day and at the latest by the eleventh working day following the end of the notification period provided for in paragraph 4.

6 If necessary, the Commission shall establish any quantities that have not been applied for, and these shall be added automatically to the quantity for the following quota subperiod.

Article 6

1 By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission by the end of the first month of each quota subperiod of the total quantities, in kilograms, for which licences have been issued, as referred to in Article 11(1)(b) of that Regulation.

2 Member States shall notify the Commission, before the end of the fourth month following each annual quota period, of the quantities, in kilograms, under each serial number actually released into free circulation under this Regulation in the period concerned.

3 By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission of the quantities, in kilograms, to which unused or partially used import licences relate, first when the application for the last subperiod is sent, and again before the end of the fourth month following each annual period.

Article 7

1 By way of derogation from Article 23 of Regulation (EC) No 1291/2000, import licences shall be valid for 150 days from the first day of the subperiod for which they are issued.

2 Without prejudice to Article 9(1) of Regulation (EC) No 1291/2000, the rights deriving from the licences may be transferred only to transferees satisfying the eligibility conditions set out in Article 5 of Regulation (EC) No 1301/2006 and Article 4(1) of this Regulation.

Article 8

Regulation (EC) No 1431/94 is hereby repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 9

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

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

Done at Brussels, 26 November 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission