

Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries

CHAPTER II

'A' LICENCES

Article 6

General provisions concerning 'A' licence applications and licences

- 1 By way of derogation from Article 23 of Regulation (EC) No 1291/2000, 'A' licences shall be valid only for the subperiod for which they have been issued. Box 24 thereof shall show one of the entries listed in Annex III.
- 2 The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall amount to EUR 50 per tonne.
- 3 The country of origin shall be entered in box 8 of 'A' licence applications and of licences and the word 'yes' shall be marked with a cross. The import licence shall be valid only for imports originating in the country indicated.
- 4 By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, rights arising under 'A' licences shall not be transferable.

Article 7

Allocation of total quantities among traditional and new importers

The total quantity allocated to Argentina, China and other third countries pursuant to Annex I shall be distributed as follows:

- (a) 70 % to traditional importers;
- (b) 30 % to new importers.

Article 8

Reference quantity of traditional importers

For the purposes of this Chapter, the 'reference quantity' shall be the quantity of garlic imported by a traditional importer within the meaning of Article 4, as follows:

- (a) for traditional importers who imported garlic between 1998 and 2000 into the Community as constituted at 1 January 1995, the maximum quantity of garlic imported during one of the 1998, 1999 and 2000 calendar years;

- (b) for traditional importers who imported garlic between 2001 and 2003 into the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia, the maximum quantity of garlic imported during:
 - (i) either the 2001, 2002 or 2003 calendar year;
 - (ii) or the 2001/2002, 2002/2003 or 2003/2004 import tariff quota period;
- (c) for traditional importers who imported garlic between 2003 and 2005 into Bulgaria or Romania, the maximum quantity of garlic imported during:
 - (i) either the 2003, 2004 or 2005 calendar year;
 - (ii) or the 2003/2004, 2004/2005 or 2005/2006 import tariff quota period;
- (d) for traditional importers who do not fall within points (a), (b) or (c), the maximum quantity of garlic imported during one of the first three completed import tariff quota periods during which they have obtained import licences pursuant to Regulation (EC) No 565/2002⁽¹⁾, Regulation (EC) No 1870/2005 or this Regulation.

Garlic originating in Member States of the Community as constituted at 1 January 2007 shall not be taken into account in the calculation of the reference quantity.

The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia shall choose and apply one of the two methods referred to in point (b) of the first paragraph to all traditional importers, in accordance with objective criteria and in such a way as to ensure equal treatment between operators.

Bulgaria and Romania shall choose and apply one of the two methods referred to in point (c) of the first paragraph to all traditional importers, in accordance with objective criteria and in such a way as to ensure equal treatment between operators.

Article 9

Restrictions applicable to ‘A’ licence applications

1 The total quantity covered by ‘A’ licence applications submitted by a traditional importer in any import tariff quota period may not exceed that importer’s reference quantity. Applications not complying with this rule shall be rejected by the competent authorities.

2 The total quantity covered by ‘A’ licence applications submitted by a new importer in any subperiod may not exceed 10 % of the total quantity referred to in Annex I for that subperiod and that origin. Applications not complying with this rule shall be rejected by the competent authorities.

Article 10

Lodging of ‘A’ licence applications

1 Importers shall submit their applications for ‘A’ licences during the first five working days of April, July, October and January prior to the respective subperiod.

2 Box 20 of ‘A’ licence applications shall indicate ‘traditional importer’ or ‘new importer’ as appropriate.

3 No 'A' licence applications may be lodged for a specific subperiod and for a specific origin where no quantity is indicated in Annex I for that subperiod and for that origin.

4 Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

5 No 'B' licence may be issued in response to an 'A' licence application.

Article 11

Issuing of 'A' licences

'A' licences shall be issued by the competent authorities on the seventh working day following the deadline for notification provided for in Article 12(1).

Article 12

Notifications to the Commission

1 By the 15th day of each month referred to in Article 10(1), the Member States shall notify the Commission of the quantities in kilograms, including nil returns, for which 'A' licence applications have been lodged in respect of the relevant subperiod.

By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, the Member States shall notify the information referred to in that subparagraph by the same date.

Notifications shall be broken down by origin. Notifications shall also give separate figures for the quantities of garlic applied for by traditional and new importers.

2 The Member States shall communicate to the Commission the list of traditional and new importers applying for 'A' licences in respect of the relevant subperiod by the last day of each month referred to in Article 10(1). In the case of groups of operators set up in accordance with national law, the operators making up the group shall also be listed. This notification shall be made by electronic means using the form made available to the Member States by the Commission.

Status: This is the original version (as it was originally adopted).

- (1) [OJ L 86, 3.4.2002, p. 11](#). Regulation repealed by Regulation (EC) No 1870/2005.