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COMMISSION REGULATION (EC) No 442/2009

of 27 May 2009

opening and providing for the administration of Community tariff quotas in the pigmeat sector

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		Official Journal		
		No	page	date
► <u>M1</u>	Commission Implementing Regulation (EU) No 492/2013 of 28 May 2013	L 142	1	29.5.2013
► <u>M2</u>	Commission Regulation (EU) No 519/2013 of 21 February 2013	L 158	74	10.6.2013
► <u>M3</u>	Commission Implementing Regulation (EU) 2017/1585 of 19 September 2017	L 241	1	20.9.2017

**COMMISSION REGULATION (EC) No 442/2009**

of 27 May 2009

**opening and providing for the administration of Community tariff
quotas in the pigmeat sector**

CHAPTER I

GENERAL PROVISIONS*Article 1***Opening and management of tariffs**

1. This Regulation opens and manages import tariff quotas for the pigmeat sector products indicated in Annex I.
2. The tariffs indicated in Annex I, Part A, to this Regulation shall be managed in accordance with Articles 308a, 308b and 308c(1) of Regulation (EEC) No 2454/93. Article 308c(2) and (3) of that Regulation shall not apply.
3. The quotas indicated in Annex I, part B shall be managed using the simultaneous examination of applications method.
4. As regards the tariffs indicated in Annex I, part B to this Regulation, the provisions of Regulation (EC) No 1301/2006 and Regulation (EC) No 376/2008 shall apply, unless otherwise provided in this Regulation.

*Article 2***Import tariff period**

The tariffs referred to in Article 1 shall be open on an annual basis from 1 July of each year until 30 June of the following year, with the exception of the tariff bearing order No 09.0119 which shall be open from 1 January to 31 December of each year.

*Article 3***Products falling within CN codes ex 0203 19 55 and ex 0203 29 55**

1. For the purposes of this Regulation, of the products coming under CN codes ex 0203 19 55 and ex 0203 29 55, quotas bearing order numbers 09.4038, 09.0118 and 09.4170 shall comprise:
 - (a) 'boneless loins': loins and cuts thereof, without tenderloin, with or without subcutaneous fat or rind;
 - (b) 'tenderloin': cuts including the meats of muscles *musculus major psoas* and *musculus minor psoas*, with or without head, trimmed or not trimmed.



2. For the purposes of this Regulation, of the products coming under CN codes ex 0203 19 55 and ex 0203 29 55, quotas bearing order numbers 09.4038 and 09.0123 shall include ham and cuts of ham.

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CHAPTER II
**TARIFFS MANAGED USING THE SIMULTANEOUS EXAMINATION
 OF APPLICATIONS METHOD**

*Article 4***Quota allocation**

The quantity set for the annual tariff quota period referred to in Annex I, part B, shall be allocated in four tariff subperiods as follows:

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

*Article 5***Applicants**

For the purposes of applying Article 5 of Regulation (EC) No 1301/2006, import licence applicants shall, when submitting their first application for a given annual quota period, furnish proof that they imported or exported, during each of the two periods referred to in that Article, at least 50 tonnes of products from the pigmeat sector within the meaning of Article 1(1)(q) of Regulation (EC) No 1234/2007.

*Article 6***Import licence applications and import licences**

1. Licence applications may refer to only one order number. They may concern several products covered by different CN codes. In that case, all the CN codes and their designations must be entered in boxes 16 and 15 of the licence application and the licence respectively.
2. Licence applications must be for a minimum of 20 tonnes and a maximum of 20 % of the quantity available for the quota concerned in the quota subperiod in question.
3. Licence applications and licences themselves shall contain:
 - (a) in box 8, the name of the country of origin;
 - (b) in box 20, one of the entries listed in Annex II, Part A.

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For tariff 09.4170, 'yes' in box 8 is also marked by a cross.

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4. Box 24 of the licence shall contain one of the references appearing in Annex II, part B.

▼M3

5. The licences shall require imports from the United States of America in respect of tariff No 09.4170.

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6. Import licence applications shall be lodged during the first seven days of the month preceding each tariff subperiod referred to in Article 4.

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7. A security of EUR 20 per 100 kilograms shall be lodged at the time of submitting a licence application.

8. As regards tariff No 09.4038, by way of derogation from Article 6(1) of Regulation (EC) No 1301/2006, each applicant may submit several import licence applications for products covered by a single order number, if those products originate in different countries. Applications relating to separate countries 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 2 of this Article.

*Article 7***Issue of import licences**

Import licences shall be issued by Member States from the 23rd day of the month in which applications are submitted and prior to the start of the relevant tariff subperiod.

*Article 8***Transmission to the Commission**

1. The communication of licence applications, as referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, shall take place by the 14th day of the month in which applications are submitted.

2. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006:

- (a) communication as referred to in Article 11(1)(b) of the said Regulation shall be carried out by the end of the first month of each tariff subperiod;
- (b) communication as referred to in Article 11(1)(c) of the said Regulation shall be carried out for the first time at the same time as the application for the last tariff subperiod, and for the second time prior to the end of the fourth month following each annual period for quantities not yet notified at the time of the first communication.

3. Member States shall communicate to the Commission, before the end of the fourth month following each annual quota period, the quantities, for each order number, actually released into free circulation under this Regulation in the period concerned.

4. The quantities covered by paragraphs 1, 2 and 3 above shall be expressed in kilograms.

*Article 9***Validity of import licences**

1. By way of derogation from Article 22 of Regulation (EC) No 376/2008, import licences shall be valid for 150 days from the first day of the tariff subperiod for which they are issued.

2. Without prejudice to Article 8(1) of Regulation (EC) No 376/2008, 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 5 of this Regulation.

▼B*Article 10***Origin of products**

1. The origin of the products covered by this Regulation shall be determined in accordance with the Community rules in force.

2. As regards tariff No 09.4170, when goods are released into free circulation they shall be subject to the presentation of a certificate of origin issued by the competent authorities of the United States of America in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93.

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CHAPTER III

FINAL PROVISIONS*Article 11***Repeals**

Regulations (EC) No 806/2007, (EC) No 812/2007, (EC) No 979/2007 and (EC) No 1382/2007 are repealed.

However, Regulation (EC) No 1382/2007 shall continue to apply for import tariff periods prior to 1 January 2010.

Regulations (EC) No 806/2007, (EC) No 812/2007 and (EC) No 979/2007 shall continue to apply for import tariff periods prior to 1 July 2009.

*Article 12***Entry into force**

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

It shall apply to the import quota periods opened from 1 July 2009. Nevertheless, as regards tariff No 09.0119, it shall apply to the import tariff periods opened from 1 January 2010.

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



ANNEX I

Notwithstanding the rules on the interpretation of the Combined Nomenclature, the wording of the description of products must be regarded as merely indicative, since the applicability of the preferential arrangements is determined, within the context of this Annex, by the scope of the CN codes. Where 'ex' CN codes are indicated, the application of the preferential scheme is to be determined on the basis of the CN code and corresponding description taken together.

PART A

Quotas managed on the basis of the 'first come, first served' principle

Order number	CN codes	Description of goods	Quantity in tonnes (weight of product)	Duty applicable (EUR/tonne)
09.0118	ex 0203 19 55 ex 0203 29 55	Tenderloin, fresh, chilled or frozen	5 000	300
09.0119	0203 19 13 0203 29 15	Pigmeat, fresh, chilled or frozen	7 000	0
09.0120	1601 00 91	Sausages, dry or for spreading, uncooked	3 002	747
	1601 00 99	Other		502
09.0121	1602 41 10	Other prepared or preserved meat, meat offal or blood	6 161	784
	1602 42 10			646
	1602 49 11			784
	1602 49 13			646
	1602 49 15			646
	1602 49 19			428
	1602 49 30			375
	1602 49 50			271
09.0122	0203 11 10 0203 21 10	Carcases and half-carcases, fresh, chilled or frozen	15 067	268
09.0123	0203 12 11	Cuts, fresh, chilled or frozen, boned and with bone in, excluding tenderloin, presented alone	► M1 6 135 ◀	389
	0203 12 19			300
	0203 19 11			300
	0203 19 13			434
	0203 19 15			233
	ex 0203 19 55			434
	0203 19 59			434
	0203 22 11			389
	0203 22 19			300
	0203 29 11			300
	0203 29 13			434
	0203 29 15			233
	ex 0203 29 55			434
	0203 29 59			434

▼ M3

PART B

Quotas managed using the simultaneous examination method

Order number	CN codes	Description of goods	Quantity in tonnes (net weight)	Duty applicable (EUR/tonne)
09.4038	ex 0203 19 55 ex 0203 29 55	Boned loins and hams, fresh, chilled or frozen	35 265	250
09.4170	ex 0203 19 55 ex 0203 29 55	Boned loins and hams, fresh, chilled or frozen, originating from the United States of America	4 922	250

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ANNEX II

PART A

Entries referred to in point (b) of the first subparagraph of Article 6(3)

<i>in Bulgarian:</i>	Регламент (ЕО) № 442/2009.
<i>in Spanish:</i>	Reglamento (CE) n° 442/2009.
<i>in Czech:</i>	Nařízení (ES) č. 442/2009.
<i>in Danish:</i>	Forordning (EF) nr. 442/2009.
<i>in German:</i>	Verordnung (EG) Nr. 442/2009.
<i>in Estonian:</i>	Määrus (EÜ) nr 442/2009.
<i>in Greek:</i>	Κανονισμός (ΕΚ) αριθ. 442/2009.
<i>in English:</i>	Regulation (EC) No 442/2009.
<i>in French:</i>	Règlement (CE) n° 442/2009.

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<i>in Croatian:</i>	Uredba (EZ) br. 442/2009.
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<i>in Italian:</i>	Regolamento (CE) n. 442/2009.
<i>in Latvian:</i>	Regula (EK) Nr. 442/2009.
<i>in Lithuanian:</i>	Reglamentas (EB) Nr. 442/2009.
<i>in Hungarian:</i>	442/2007/EK rendelet.
<i>in Maltese:</i>	Ir-Regolament (KE) Nru 442/2009.
<i>in Dutch:</i>	Verordening (EG) nr. 442/2009.
<i>in Polish:</i>	Rozporządzenie (WE) nr 442/2009.
<i>in Portuguese:</i>	Regulamento (CE) n.º 442/2009.
<i>in Romanian:</i>	Regulamentul (CE) nr. 442/2009.
<i>in Slovak:</i>	Nariadenie (ES) č. 442/2009.
<i>in Slovenian:</i>	Uredba (ES) št. 442/2009.
<i>in Finnish:</i>	Asetus (EY) N:o 442/2009.
<i>in Swedish:</i>	Förordning (EG) nr 442/2009.

PART B

Entries referred to in Article 6(4)

<i>in Bulgarian:</i>	намаляване на общата митническа тарифа съгласно предвиденото в Регламент (ЕО) № 442/2009.
<i>in Spanish:</i>	reducción del arancel aduanero común prevista en el Reglamento (CE) n° 442/2009.
<i>in Czech:</i>	snížení společné celní sazby tak, jak je stanoveno v nařízení (ES) č. 442/2009.
<i>in Danish:</i>	toldnedsættelse som fastsat i forordning (EF) nr. 442/2009.
<i>in German:</i>	Ermäßigung des Zollsatzes nach dem GZT gemäß Verordnung (EG) Nr. 442/2009.
<i>in Estonian:</i>	ühise tollitariifistiku maksumäära alandamine vastavalt määrusele (EÜ) nr 442/2009.
<i>in Greek:</i>	Μείωση του δασμού του κοινού δασμολογίου, όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 442/2009.
<i>in English:</i>	reduction of the common customs tariff pursuant to Regulation (EC) No 442/2009.
<i>in French:</i>	réduction du tarif douanier commun comme prévu au règlement (CE) n° 442/2009.

▼M2

in Croatian: sniženje stope zajedničke carinske tarife u skladu s Uredbom (EZ) br. 442/2009.

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in Italian: riduzione del dazio della tariffa doganale comune a norma del regolamento (CE) n. 442/2009.

in Latvian: Regulā (EK) Nr. 442/2009 paredzētais vienotā muitas tarifa samazinājums.

in Lithuanian: bendrojo muito tarifo muito sumažinimai, nustatyti Reglamente (EB) Nr. 442/2009.

in Hungarian: a közös vámtarifában szereplő vámtétel csökkentése a 442/2009/EK rendelet szerint.

in Maltese: tnaqqis tat-tariffa doganali komuni kif jipprovdi r-Regolament (KE) Nru 442/2009.

in Dutch: Verlaging van het gemeenschappelijke douanetarief overeenkomstig Verordening (EG) nr. 442/2009.

in Polish: Cła WTC obniżone jak przewidziano w rozporządzeniu (WE) nr 442/2009.

in Portuguese: redução da Pauta Aduaneira Comum como previsto no Regulamento (CE) n.º 442/2009.

in Romanian: reducerea tarifului vamal comun astfel cum este prevăzut de Regulamentul (CE) nr. 442/2009.

in Slovak: Zníženie spoločnej colnej sadzby, ako sa ustanovuje v nariadení (ES) č. 442/2009.

in Slovenian: znižanje skupne carinske tarife v skladu z Uredbo (ES) št. 442/2009.

in Finnish: Asetuksessa (EY) N:o 442/2009 säädetty yhteisen tullitariffin alennus.

in Swedish: nedsättning av den gemensamma tulltaxan i enlighet med förordning (EG) nr 442/2009.