

Commission Regulation (EU) No 1178/2010 of 13 December  
2010 laying down detailed rules for implementing the  
system of export licences in the egg sector (codification)

*Article 1*

All exports of products in the egg sector for which an export refund is requested, with the exception of eggs for hatching falling within [<sup>F1</sup>CN codes 0407 11 00, 0407 19 11 and 0407 19 19], shall be subject to the presentation of an export licence with advance fixing of the refund, in accordance with the provisions of Articles 2 to 8.

**Textual Amendments**

- F1** Substituted by [Commission Implementing Regulation \(EU\) No 1379/2011 of 20 December 2011 amending Regulations \(EC\) No 382/2008, \(EU\) No 1178/2010 and \(EU\) No 90/2011 as regards the CN codes and the product codes of the agricultural product nomenclature for export refunds in the beef and veal, egg and poultrymeat sectors.](#)

*Article 2*

- 1 Export licences shall be valid for 90 days from their actual day of issue within the meaning of Article 22(2) of Regulation (EC) No 376/2008.
- 2 Applications for licences and licences shall bear, in section 15, the description of the product and, in section 16, the 12-digit product code of the agricultural product nomenclature for export refunds.
- 3 The categories of products referred to in the second subparagraph of Article 13(1) of Regulation (EC) No 376/2008, as well as the rate of the security for export licences are given in Annex I.
- 4 Applications for licences and licences shall bear, in section 20, at least one of the entries listed in Annex II.

*Article 3*

- 1 Applications for export licences may be lodged with the competent authorities from Monday to Friday of each week.
- 2 Applicants for export licences shall be natural or legal persons who, at the time applications are submitted, are able to prove to the satisfaction of the competent authorities in the Member States that they have been engaged in trade in the egg sector for at least 12 months. However, retail establishments or restaurants selling their products to end consumers may not lodge applications.
- 3 Export licences are issued on the Wednesday following the period referred to in paragraph 1, provided that none of the particular measures referred to in paragraph 4 have since been taken by the Commission.
- 4 Where the issue of export licences would or might result in the available budgetary amounts being exceeded or in the maximum quantities which may be exported with a refund being exhausted during the period concerned, in view of the limits referred to in Article 169 of Regulation (EC) No 1234/2007, or where the issue of export licences would not allow exports to continue during the remainder of the period, the Commission may:

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- a set a single acceptance percentage for the quantities applied for;
- b reject applications for which licences have not yet been granted;
- c suspend the lodging of licence applications for a maximum period of five working days, extendable by the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

Licence applications made during the suspension period shall be invalid.

The measures provided for in the first subparagraph may be implemented or modulated by category of product and by destination.

5 The measures provided for in paragraph 4 may be adopted where export licence applications relate to quantities which exceed or might exceed the normal disposable quantities for one destination and issuing the licences requested would entail a risk of speculation, distortion of competition between operators, or disturbance of the trade concerned or the internal market.

6 Where quantities applied for are rejected or reduced, the security shall be released immediately for all quantities for which an application was not satisfied.

7 Notwithstanding paragraph 3, where a single percentage of acceptance less than 80 % is set, the licence shall be issued at the latest by the 11th working day following publication of that percentage in the *Official Journal of the European Union*. During the 10 working days following its publication, the operator may:

- either withdraw his application, in which case the security is released immediately,
- or request immediate issuing of the licence, in which case the competent authority shall issue it without delay but no sooner than the normal issue date for the relevant week.

8 By way of derogation from paragraph 3, the Commission can set a day other than Wednesday for the issuing of export licences when it is not possible to respect this day.

#### *Article 4*

1 On application by the operator, licence applications for up to 25 tonnes of products shall not be subject to any special measures as referred to in Article 3(4) and the licences applied for shall be issued immediately.

In such cases, notwithstanding Article 2(1), the term of validity of the licences shall be limited to five working days from their actual day of issue within the meaning of Article 22(2) of Regulation (EC) No 376/2008 and section 20 of licence applications and of licences shall show one of the entries listed in Annex III.

2 The Commission may, where necessary, suspend the application of this Article.

#### *Article 5*

Export licences shall not be transferable.

#### *Article 6*

1 The quantity exported within the tolerance referred to in Article 7(4) of Regulation (EC) No 376/2008 shall not give entitlement to payment of the refund.

2 In section 22 of the licence, at least one of the entries listed in Annex IV shall be indicated.

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### Article 7

1 By Friday each week, Member States shall notify the Commission of the following information:

- a the applications for export licences as referred to in Article 1 lodged from Monday to Friday of the same week, stating whether they fall within the scope of Article 4 or not;
- b the quantities covered by export licences issued on the preceding Wednesday, not including those issued immediately under Article 4;
- c the quantities covered by export licence applications withdrawn pursuant to Article 3(7) during the preceding week.

2 The notification of the applications referred to in point (a) of paragraph 1 shall specify:

- a the quantity in product weight for each category referred to in Article 2(3);
- b the breakdown by destination of the quantity for each category in the case where the rate of refund varies according to the destination;
- c the rate of refund applicable;
- d the total amount of refund prefixed in euro per product category.

3 Member States shall communicate to the Commission on a monthly basis following the expiry of validity of export licences the quantity of unused export licences.

### Article 8

1 For the eggs for hatching falling within [F<sup>1</sup>CN codes 0407 11 00, 0407 19 11 and 0407 19 19], operators shall declare at the time when customs formalities for exports are fulfilled, that they intend to claim an export refund.

2 Not later than two working days after exporting, operators shall lodge with the competent authority the application for an *ex post* export licence for the eggs for hatching which have been exported. In section 20 of the licence application and of the licence, the term *ex post* shall be indicated together with the customs office where customs formalities have been fulfilled as well as the day of export within the meaning of Article 5(1) of Commission Regulation (EC) No 612/2009<sup>(1)</sup>.

By way of derogation from Article 14(2) of Regulation (EC) No 376/2008 no security shall be required.

3 Member States shall notify the Commission, by Friday each week of the number of *ex post* export licences applied for, during the current week, including 'nil' notifications. The notifications shall specify, where applicable, the details referred to in Article 7(2).

4 *Ex post* export licences shall be issued each following Wednesday, provided that none of the particular measures referred to in Article 3(4) are taken by the Commission after the export concerned. Where such measures are taken they shall apply to the exports already carried out.

This licence accords entitlement to payment of the refund applicable on the day of export within the meaning of Article 5(1) of Regulation (EC) No 612/2009.

5 Article 23 of Regulation (EC) No 376/2008 shall not apply to the *ex post* licences referred to in paragraphs 1 to 4 of this Article.

The licences shall be presented directly by the interested party to the agency in charge of the payment of export refunds. This agency shall attribute and stamp the licence.

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#### *Article 9*

The notifications referred to in this Regulation, including ‘nil’ notifications, shall be made in accordance with Regulation (EC) No 792/2009.

#### *Article 10*

Regulation (EC) No 596/2004 is 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 VII.

#### *Article 11*

This Regulation shall enter into force on the twentieth 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.

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(1) [OJ L 186, 17.7.2009, p. 1.](#)

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**Changes and effects yet to be applied to :**

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)