

Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (Text with EEA relevance)

CHAPTER II

SPECIFIC SECTORAL PROVISIONS

Article 9

Hemp

1 The release for free circulation of hemp products listed in Sections C, D, and G of Part I of the Annex to this Regulation shall be subject to an import licence in accordance with the model set out in Annex I to Implementing Regulation (EU) 2016/1239 ('import licence AGRIM').

The licence shall be issued only where it has been demonstrated to the satisfaction of the Member State where the hemp products are to be released for free circulation that all the conditions laid down in Article 189(1) of Regulation (EU) No 1308/2013 and in this Regulation and the requirements laid down by the Member State concerned pursuant to Article 189(2) of Regulation (EU) No 1308/2013, have been met.

2 The application for a licence shall contain the information in line with the instructions for hemp products in the notice on import and export licences for agricultural products.

Member States may lay down additional requirements relating to the licence application and the issue and use of the licence, as referred to in Article 189(2) of Regulation (EU) No 1308/2013.

3 For the purposes of point (c) of Article 189(1) of Regulation (EU) No 1308/2013 the Member States concerned shall establish arrangements for the authorisation of importers of hemp seed other than for sowing. Those arrangements shall include the definition of the conditions for authorisation, checks and the penalties to be applied in cases of irregularity.

4 In the case of release for free circulation of hemp seeds other than for sowing as referred to in Section G of Part I of the Annex, the import licence shall be issued only where the authorised importer undertakes that the authorities competent for checks concerning the relevant operations in the Member State where the importer is authorised will be provided, within the time limits and under the conditions set by the Member State, with documents demonstrating that the hemp seed covered by the licence has undergone, within a period of less than 12 months from the date on which the licence is issued, one of the following operations:

- a placing in a condition that excludes use for sowing;

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- b mixing with seed other than hemp seed for the purposes of animal nutrition, with hemp seed accounting for a maximum of 15 % of the total mixture and, in exceptional cases, a maximum of 25 % at the request of the authorised importer accompanied by a justification;
- c export to a third country.

However, if part of the hemp seed covered by the licence has not undergone one of the operations referred to in the first subparagraph within the time limit of 12 months, the Member State may, at the request of the authorised importer accompanied by a justification, extend that time limit by one or two periods of six months.

The documents referred to in the first subparagraph shall be drawn up by the operators who have carried out the operations and shall comprise at least the following information:

- a the name, full address, Member State and signature of the operator;
- b a description of the operation carried out meeting the conditions laid down in the first subparagraph and the date on which it was carried out;
- c the quantity in kilograms of hemp seed to which the operation related.

On the basis of a risk analysis, each Member State concerned shall carry out checks on the accuracy of the documents relating to the operations referred to in the first subparagraph carried out on their territory.

5 By way of derogation from Article 6(1), rights deriving from import licences for hemp products shall not be transferable.

Article 10

Garlic

1 Import licences for garlic as listed in Sections E and F of Part I of the Annex shall be referred to as 'B' licences.

2 Applicants may only lodge applications for 'B' licences with the licence issuing authority of the Member State in which they are established and in which they are registered for VAT purposes.

3 By way of derogation from Article 6(1), rights deriving from 'B' licences shall not be transferable.

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/1409 Sch. 1 para. 13](#)
- Annex Pt. 1 s. B omitted by [S.I. 2019/1409 Sch. 1 para. 14\(a\)](#)
- Annex Pt. 1 s. E omitted by [S.I. 2019/1409 Sch. 1 para. 14\(a\)](#)
- Annex Pt. 1 s. F omitted by [S.I. 2019/1409 Sch. 1 para. 14\(a\)](#)
- Annex Pt. 2 s. B omitted by [S.I. 2019/1409 Sch. 1 para. 14\(b\)](#)
- Art. 1(b) words substituted by [S.I. 2019/1409 Sch. 1 para. 1](#)
- Art. 2(1)(b) omitted by [S.I. 2019/1409 Sch. 1 para. 2\(2\)\(c\)](#)
- Art. 2(1)(c) words omitted by [S.I. 2019/1409 Sch. 1 para. 2\(2\)\(a\)](#)
- Art. 2(1)(d) omitted by [S.I. 2019/1409 Sch. 1 para. 2\(2\)\(c\)](#)
- Art. 2(1)(e) words omitted by [S.I. 2019/1409 Sch. 1 para. 2\(2\)\(b\)](#)
- Art. 2(1)(f) omitted by [S.I. 2019/1409 Sch. 1 para. 2\(2\)\(c\)](#)
- Art. 2(2)(b) words substituted by [S.I. 2019/1409 Sch. 1 para. 2\(3\)\(a\)\(i\)](#)
- Art. 2(2)(b) words substituted by [S.I. 2019/1409 Sch. 1 para. 2\(3\)\(a\)\(ii\)](#)
- Art. 2(2)(c) words substituted by [S.I. 2019/1409 Sch. 1 para. 2\(3\)\(b\)\(i\)](#)
- Art. 2(2)(c)(iii) words substituted by [S.I. 2019/1409 Sch. 1 para. 2\(3\)\(b\)\(ii\)](#)
- Art. 3(1)(b) words substituted by [S.I. 2019/1409 Sch. 1 para. 3\(2\)\(a\)](#)
- Art. 3(1)(d) words omitted by [S.I. 2019/1409 Sch. 1 para. 3\(2\)\(b\)](#)
- Art. 3(1)(e) words substituted by [S.I. 2019/1409 Sch. 1 para. 3\(2\)\(c\)](#)
- Art. 4(4)(b) words substituted by [S.I. 2019/1409 Sch. 1 para. 4\(3\)](#)
- Art. 5(2)(c) word substituted by [S.I. 2019/1409 Sch. 1 para. 5\(2\)\(a\)](#)
- Art. 5(2)(c) words substituted by [S.I. 2019/1409 Sch. 1 para. 5\(2\)\(b\)](#)