

Commission Implementing Regulation (EU) 2017/1778 of 29 September 2017 amending Regulation (EC) No 891/2009 as regards certain provisions concerning the first sub-period of the 2017/2018 import tariff quota period in the sugar sector and the full-time refiners' regime

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1778

of 29 September 2017

amending Regulation (EC) No 891/2009 as regards certain provisions concerning the first sub-period of the 2017/2018 import tariff quota period in the sugar sector and the full-time refiners' regime

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007⁽¹⁾, and in particular point (e) of Article 187 thereof,

Whereas:

- (1) Article 3(1) of Commission Regulation (EC) No 891/2009⁽²⁾ provides that tariff quotas in the sugar sector are to be opened on an annual basis for the period from 1 October to 30 September.
- (2) Article 192(3) of Regulation (EU) No 1308/2013 provides that import licences for sugar for refining shall be issued during the first three months of each marketing year only to full-time refiners provided that the quantities concerned do not exceed the quantities of the exclusive import capacity for full-time refiners set out in paragraph 1 of that Article. In accordance with Article 192(1) of Regulation (EU) No 1308/2013, exclusive import capacity for full-time refiners was only granted until the end of the 2016-2017 marketing year.
- (3) Article 14(1) of Regulation (EC) No 891/2009 provides that only full-time refiners may apply for import licences for sugar intended for refining with a start validity date during the first three months of each marketing year.
- (4) In accordance with the second subparagraph of Article 5(1) of Regulation (EC) No 891/2009, licence applications for the first sub-period of the 2017/2018 import tariff quota period were to be submitted from the eighth to the 14th day of September 2017.
- (5) For reasons of legal certainty as regards the right of operators other than full-time refiners to submit applications for import licenses for the first sub-period of the 2017/2018 import tariff quota period, Article 14 of Regulation (EC) No 891/2009 should be deleted. Moreover, the period for the submission of applications for the first sub-period of the 2017/2018 import tariff quota period should be extended until 9

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October 2017 and, as a consequence, the period of issuance of import licences and the period of notification of applications received by Member States adjusted.

- (6) Operators should also be given the possibility to withdraw applications already submitted between 8 and 14 September 2017 in case they wish to reconsider their application or introduce a revised application.
- (7) It is therefore necessary to amend Regulation (EC) No 891/2009 accordingly.
- (8) Given that the 2017/2018 import tariff quota period starts on 1 October, the proposed amendments should apply from the date of publication of this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

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- (1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).
- (2) Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector (OJ L 254, 26.9.2009, p. 82).

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