

COMMISSION REGULATION (EEC) No 579/92
of 5 March 1992

laying down detailed rules for the application in the poultrymeat and egg sectors of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic Hungary and the Czech and Slovak Federal Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 518/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and the Republic of Poland of the other part⁽¹⁾,

Having regard to Council Regulation (EEC) No 519/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of one the part, and the Republic of Hungary, of the other part⁽²⁾,

Having regard to Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community of the one part, and the Czech and Slovak Federal Republic of the other part⁽³⁾,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽⁴⁾, as last amended by Regulation (EEC) No 1235/89⁽⁵⁾, and in particular Article 15 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽⁶⁾, as last amended by Regulation (EEC) No 1235/89, and in particular Article 15 thereof,

Whereas the Association Agreements between the European Economic Community and the European Coal and Steel Community of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic of the other part, were signed on 16 December 1991; whereas, pending the entry into force of those Agreements, the Community has decided to apply with effect from 1 March 1992 the Interim Agree-

ments concluded with the above countries, hereinafter known as 'Interim Agreements';

Whereas the Agreements referred to above provided for a reduction in the import levy for certain products in the egg and poultrymeat sectors, within certain quantity limits; whereas, in order to ensure that the imports are regular, those quantities should be staggered over the year;

Whereas, while bearing in mind the provisions of the Interim Agreements intended to guarantee the origin of the product, provision should be made for the administration of the said Arrangements to be guaranteed by import licences for the majority of the products; whereas, to that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by derogation from Articles 8 and 21 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agriculture products⁽⁷⁾, as last amended by Regulation (EEC) No 1599/90⁽⁸⁾, should be laid down; whereas, in addition, provision should be made for the certificates and licences to be issued after a period of consideration, applying, where necessary, a single percentage reduction;

Whereas, in order to ensure proper administration of the system, provision should be made for the guarantee for import licences under the said system to be fixed at ECU 30 per 100 kg; whereas, in view of the likelihood of speculation inherent in the system in question in the egg and poultrymeat sectors, precise conditions governing access by operators to the said system should be laid down;

Whereas, for live geese, whole geese or geese cut in pieces, it is possible to replace the system of import licences with a system for monitoring quantities actually imported, which is less restrictive for importers;

Whereas, in the case of those products, equal and continuous access to the quantities subject to a reduced levy should be ensured for all Community importers, and the levy should be applied consistently until the quantities are exhausted; whereas the necessary measures should be

⁽¹⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽²⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽⁵⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽⁶⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁸⁾ OJ No L 151, 15. 6. 1990, p. 29.

taken to ensure sufficient Community administration of those quantities by providing the opportunity to draw from the volume of those quantities on the basis of actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community within the framework of the arrangements provided for in Article 14 (2) and (4) of the Interim Agreement of products in groups 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26 and 27 referred to in Annex I to this Regulation, shall be subject to the presentation of an import licence.

The quantities of products to which these arrangements apply and the rates of reduction in the levies shall be those listed by group in Annex I.

Article 2

The quantities shall be staggered over the year as follows:

- for products in groups 1, 12 and 19:
 - in 1992,
 - 24 % in the period 1 March to 30 June,
 - 38 % in the period 1 July to 30 September,
 - 38 % in the period 1 October to 31 December,
 - for 1993 to 1996,
 - 15 % in the period 1 January to 31 March,
 - 15 % in the period 1 April to 30 June,
 - 35 % in the period 1 July to 30 September,
 - 35 % in the period 1 October to 31 December;
- for products in groups 2, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26 and 27:
 - in 1992,
 - 40 % in the period 1 March to 30 June,
 - 30 % in the period 1 July to 30 September,
 - 30 % in the period 1 October to 31 December,
 - for 1993 to 1996,
 - 25 % in the period 1 January to 31 March,
 - 25 % in the period 1 April to 30 June,

- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

Article 3

The import licences provided for in Article 1 shall be subject to the following rules:

- (a) Applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have been trading with third countries in the poultrymeat or egg sector for at least the preceding 12 months; however, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this regime;
- (b) The licence application may involve only one of groups 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26 and 27 referred to in Annex I to this Regulation. The application may involve several products covered by different CN codes and originating in one of the three countries covered by this Regulation. In such cases, all the CN codes shall be indicated in section 16 and their designation in section 15;

A licence application must relate to at least one tonne and to a maximum of 25 % of the quantity available for the group concerned and for the period as specified in Article 2;

- (c) Section 8 of licence applications and licences shall show the country of origin; licences shall carry with them an obligation to import from the country indicated;
- (d) Section 20 of licence applications and licences shall show one of the following:

Reglamento (CEE) n° 579/92;
 Forordning (EØF) nr. 579/92;
 Verordnung (EWG) Nr. 579/92;
 Κανονισμός (ΕΟΚ) αριθ. 579/92;
 Regulation (EEC) No 579/92;
 Règlement (CEE) n° 579/92;
 Regolamento (CEE) n. 579/92;
 Verordening (EEG) nr. 579/92;
 Regulamento (CEE) n° 579/92.

(e) Section 24 of licences shall show one of the following:

Levy reduced in accordance with:

- Reglamento (CEE) n° 579/92;
- Forordning (EØF) nr. 579/92;
- Verordnung (EWG) Nr. 579/92;
- Κανονισμός (ΕΟΚ) αριθ. 579/92;
- Regulation (EEC) No 579/92;
- Règlement (CEE) n° 579/92;
- Regolamento (CEE) n. 579/92;
- Verordening (EEG) nr. 579/92;
- Regulamento (CEE) n° 579/92.

Article 4

1. Licence applications may only be lodged during the first 10 days of each period as specified in Article 2.
2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any applications, in respect of the current period, concerning products in the same group in the Member State in which his application is lodged or in other Member States; where the same interested party submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.
3. The Member States shall notify the Commission, on the third working day following the end of the application submission period, of applications lodged for each of the products in the groups. Such notification shall comprise a list of applicants and quantities applied for in each group.

All notifications, including notifications of nil applications, shall be made by telex or fax on the working day stipulated, drawn up on the model found in Annex II to this Regulation in the case where no application is made and on the models found in Annexes II and III in the case where applications have been made.

4. Subject to a decision on the acceptance of applications by the Commission, licences shall be issued on the 23rd day of each period as specified in Article 2.
5. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in quantities applied for.

If the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period.

6. Licences issued shall be valid throughout the Community.

Article 5

Licences shall be valid for 120 days from the date of actual issue in the case of licences issued for the period from 1 March to 30 June 1992 and for 90 days in the case of licences issued from 1 July 1992.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8 (4) of that Regulation notwithstanding, the quantity imported under this Regulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure 0 shall be entered to that effect in section 19 of licences.

Article 8

The products shall be placed in free circulation on presentation of an EUR 1 circulation certificate issued by the exporting country in accordance with Protocol 4 annexed to the Interim Agreement.

Article 9

The quantities for the products in groups 3, 13 and 20 referred to in Annex I to this Regulation shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 10

1. In order to qualify under the import arrangements provided for in Article 14 (2) and (4) of the Interim Agreement for products in groups 3, 13 and 20 referred to in Annex I to this Regulation, the importer must present the competent authorities of the importing Member State with a declaration of entry into force circulation comprising an application to this effect for the products in question accompanied by the certificate referred to in Article 8. If this declaration is accepted by the competent authorities of that Member State, those authorities shall communicate to the Commission the requests for drawing from the quantities set out in Annex I.

2. The requests for drawing, bearing the date of acceptance of the declaration of entry into free circulation, shall be communicated to the Commission without delay.

3. The drawings shall be granted by the Commission on the basis of the date of acceptance of the declarations of entry into free circulation by the competent authorities of the importing Member State, to the extent that the available balance so permits.

Any drawing not used shall be returned as soon as possible to the quantity corresponding to the year for which it was allocated.

When the quantities requested are greater than the available balance of the quantities set out in Annex I, allocation shall be made on a *pro rata* basis with respect to the requests. The Commission shall inform Member States of the drawings made as quickly as possible.

Article 11

Each Member State shall ensure that importers of the products in groups 3, 13 and 20 referred to in Annex I to

this Regulation have equal and continuous access to the quantities set out in Annex I for such time as the residual balance of the quantity volume so permits.

Article 12

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 13

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 March 1992.

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

Done at Brussels, 5 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

A. Products originating in the Republic of Hungary

I. Levy reduced by 50 %

Group No	CN code	1 March to 31 December 1992	1 January to 31 December 1993	1 January to 31 December 1994	1 January to 31 December 1995	1 January to 31 December 1996
1	0207 10 51 0207 10 55 0207 23 11 0207 10 59 0207 23 19	573	780	850	910	970
2	ex 0207 39 55 (a) ex 0207 43 15 (a) ex 0207 39 73 (a) ex 0207 43 53 (a) ex 0207 39 77 (a) ex 0207 43 63 (a)	566	780	850	910	970
3	0207 10 71 0207 23 51 0207 10 79 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 (b) ex 0207 43 31 (b) ex 0207 39 67 (b) ex 0207 43 41 (b) 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 (b) ex 0207 43 71 (b)	12 348	13 800	15 000	16 100	17 300

(a) ducks in pieces

(b) geese in pieces

II. Levy reduced by :

- 20 % from 1 March to 31 December 1992
- 40 % from 1 January to 31 December 1993
- 60 % from 1 January 1994

Group No	CN code	1 March to 31 December 1992	1 January to 31 December 1993	1 January to 31 December 1994	1 January to 31 December 1995	1 January to 31 December 1996
4	0207 10 15 0207 21 10 0207 10 19 0207 21 90	10 000	13 000	14 000	15 000	16 000
5	0207 39 21 0207 41 41	3 083	4 000	4 400	4 700	5 000
6	0207 39 23 0207 41 51	3 542	4 650	5 050	5 450	5 850

Group No	CN code	1 March to 31 December 1992	1 January to 31 December 1993	1 January to 31 December 1994	1 January to 31 December 1995	1 January to 31 December 1996
7	0207 39 11 0207 41 10	2 833	3 700	4 000	4 300	4 600
8	0207 39 41 0207 42 41	1 250	1 650	1 800	1 900	2 050
9	0207 39 31 0207 42 10	1 250	1 650	1 800	1 900	2 050
10	ex 0407 00	875	1 150	1 250	1 350	1 450
11	0408 91 10	175	230	250	270	290

B. Products originating in the Republic of Poland

I. Levy reduced by 50 %

Group No	CN code	1 March to 31 December 1992	1 January to 31 December 1993	1 January to 31 December 1994	1 January to 31 December 1995	1 January to 31 December 1996
12	0207 10 51 0207 10 55 0207 23 11 0207 10 59 0207 23 19 ex 0207 39 55 (a) ex 0207 43 15 (a) ex 0207 39 73 (a) ex 0207 43 53 (a) ex 0207 39 77 (a) ex 0207 43 63 (a)	858	1 000	1 100	1 200	1 300
13	0105 99 20 0207 10 71 0207 10 79 0207 23 51 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 (b) ex 0207 43 31 (b) ex 0207 39 67 (b) ex 0207 43 41 (b) 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 (b) ex 0207 43 71 (b) ex 0207 39 85 (b) ex 0207 43 90 (b)	12 348	13 800	14 900	16 100	17 200

(a) ducks in pieces

(b) geese in pieces

II. Levy reduced by:

- 20 % from 1 March to 31 December 1992
- 40 % from 1 January to 31 December 1993
- 60 % from 1 January 1994.

Group No	CN code	1 March to 31 December 1992	1 January to 31 December 1993	1 January to 31 December 1994	1 January to 31 December 1995	1 January to 31 December 1996
14	0105 91 00 0207 10 11 0207 10 15 0207 10 19 0207 21 10 0207 21 90	2 083	2 750	3 000	3 250	3 500
15	0207 39 11 0207 39 13 0207 39 15 0207 39 17 0207 39 21 0207 39 23 0207 39 27 0207 41 10 0207 41 11 0207 41 21 0207 41 31 0207 41 41 0207 41 51 0207 41 71 0207 41 90	2 917	3 850	4 200	4 550	4 900
16	0105 99 30 0207 10 31 0207 10 39 0207 22 10 0207 22 90 0207 39 31 0207 39 33 0207 39 35 0207 39 37 0207 39 41 0207 39 43 0207 39 45 0207 39 47 0207 39 51 0207 42 10 0207 42 11 0207 42 21 0207 42 31 0207 42 41 0207 42 51 0207 42 59 0207 42 71	833	1 100	1 200	1 300	1 400
17	ex 0407 00	917	1 200	1 300	1 400	1 500
18	0408 91 10 0408 99 10 (c)	133	180	190	200	220

(c) In dried whole egg equivalent (1 kg of liquid egg = 0,26 kg of dried whole egg)

C. Products originating in the Czech and Slovak Federal Republic

I. Levy reduced by 50 %

Group No	CN code	1 March to 31 December 1992	1 January to 31 December 1993	1 January to 31 December 1994	1 January to 31 December 1995	1 January to 31 December 1996
19	0207 10 51 0207 10 55 0207 23 11 0207 10 59 0207 23 19 ex 0207 39 55 (a) ex 0207 43 15 (a) ex 0207 39 73 (a) ex 0207 43 53 (a) ex 0207 39 77 (a) ex 0207 43 63 (a)	275	300	325	350	375
20	0207 10 71 0207 23 51 0207 10 79 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 (b) ex 0207 43 31 (b) ex 0207 39 67 (b) ex 0207 43 41 (b) 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 (b) ex 0207 43 71 (b)	917	1 200	1 300	1 400	1 500

(a) ducks in pieces

(b) geese in pieces

II. Levy reduced by:

- 20 % from 1 March to 31 December 1992
- 40 % from 1 January to 31 December 1993
- 60 % from 1 January 1994

Group No	CN code	1 March to 31 December 1992	1 January to 31 December 1993	1 January to 31 December 1994	1 January to 31 December 1995	1 January to 31 December 1996
21	0207 10 11 0207 10 15 0207 21 10 0207 10 19 0207 21 90	1 750	2 300	2 500	2 700	2 900

Group No	CN code	1 March to 31 December 1992	1 January to 31 December 1993	1 January to 31 December 1994	1 January to 31 December 1995	1 January to 31 December 1996
22	0207 39 21 0207 41 41 0207 39 23 0207 41 51	917	1 200	1 300	1 400	1 500
23	0207 39 11 0207 41 10	1 750	2 300	2 500	2 700	2 900
24	0207 22 10 0207 22 90 0207 39 31 0207 39 41 0207 42 10 0207 42 41	417	550	600	650	700
25	ex 0407 00	4 458	5 850	6 300	6 800	7 300
26	0408 11 10 (c) 0408 19 11 0408 19 19	267	350	380	400	440
27	0408 91 10 0408 99 10 (d)	1 792	2 350	2 550	2 750	2 950

(c) in liquid egg yolk equivalent (1 kg dried yolk = 2,12 kg liquid yolk)

(d) in liquid whole egg equivalent (1 kg dried whole egg = 3,9 kg liquid whole egg).

ANNEX II

Application of Regulation (EEC) No 579/92

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3 - Eggs and poultry
Applications for import licences at reduced levies	Date	Period

Member State :
Consigner :
Person to contact :
Telephone :
Fax :

Group No	Quantity requested
1	
2	
4	
5	
6	
7	
8	
9	
10	
11	
12	
14	
15	
16	
17	
18	
19	
21	
22	
23	
24	
25	
26	
27	

*ANNEX III***Application of Regulation (EEC) N° 579/92**

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3-Eggs and poultry sector	
Applications for import licences at reduced levies		Date	Period
Group No	Member State		
CN code	Applicant (name and address)		Quantity (tonnes)
	Total tonnes of group number		