

Commission Regulation (EC) No 1789/2006 of 5 December 2006 opening and providing for the administration of the tariff quota for the import of bananas falling under CN code 08030019 originating in ACP countries for the period 1 January to 31 December 2007

CHAPTER II

IMPORTS OF THE QUANTITIES PROVIDED FOR IN ARTICLE 2(A)

Article 3

Import licences

1 All imports under the quantity fixed in Article 2(a) shall be subject to the lodging of an import licence issued in accordance with the provisions of this Chapter.

2 Commission Regulation (EC) No 1291/2000⁽¹⁾ shall be applicable, with the exception of Article 8(4) and (5), subject to the provisions of this Regulation.

Article 4

Lodging licence applications

1 Economic operators established in the Community who actually imported bananas originating in ACP countries into the Community in 2006, on the basis of licences issued under Chapter II of Regulation (EC) No 219/2006, shall be entitled to lodge import licence applications.

2 The quantities applied for by each operator may not exceed 110 % of the quantity imported on the basis of licences allocated to him under chapter II of Regulation (EC) No 219/2006.

3 Import licence applications must be lodged by each operator on 8 and 9 January 2007 with the competent authorities of the Member State which issued him in 2006 with the import licences for the quantities referred to in paragraph 2.

The competent authorities in each Member State shall be as listed in the Annex. That list shall be amended by the Commission at the request of the Member States concerned.

4 Licence applications shall be accompanied by a copy of the licence(s) used in 2006 to import bananas originating in ACP countries, duly endorsed, and the documents proving the ACP origin of the quantities under those licences, and the proof of lodging of a security in accordance with Title III of Commission Regulation (EEC) No 2220/85⁽²⁾. The security shall be EUR 150 per tonne.

5 Applications not lodged in accordance with this Article shall not be admissible.

6 Box 20 of licence applications and licences shall contain the entry 'licence under Chapter II of Regulation (EC) No 1789/2006'.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1789/2006, CHAPTER II. (See end of Document for details)

Article 5

Issuing of licences

1 Member States shall notify the Commission not later than 15 January 2007 of the total quantity for which admissible licence applications have been lodged.

2 If the quantities applied for exceed the quantity referred to in Article 2(a) the Commission shall, not later than 18 January 2007, set an allocation coefficient to be applied to each application.

3 The competent authorities shall issue the import licences from 22 January 2007, where appropriate applying the allocation coefficient referred to in paragraph 2.

4 Where, if an allocation coefficient is applied, a licence is issued for a quantity less than that applied for, the security referred to in Article 4(4) shall be released without delay for the quantity not awarded.

Article 6

Period of validity of licences and Member State notifications

1 The import licences issued in accordance with Article 5(3) shall be valid until 31 December 2007.

2 From February 2007 to January 2008 inclusive, Member States shall notify the Commission, not later than the 15th of each month, of the quantities of bananas released into free circulation during the previous month on the basis of licences issued in accordance with Article 5(3).

The information referred to in the first subparagraph shall be sent via by the electronic system indicated by the Commission.

3 Member States shall transmit to the Commission, not later than 26 January 2007, the list of operators operating under this Regulation.

The Commission may communicate these lists to the other Member States.

Article 7

Formalities for release for free circulation

1 The customs offices at which the import declarations are lodged with a view to the release into free circulation of bananas shall:

- a keep a copy of each import licence and extract therefrom endorsed on acceptance of a declaration of release into free circulation; and
- b forward at the end of each fortnight a second copy of each import licence and extract endorsed to their Member State authorities listed in the Annex.

2 The authorities referred to in paragraph 1(b) shall, at the end of each fortnight, forward a copy of the licences and extracts received to the competent authorities of the Member States listed which issued those documents.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1789/2006, CHAPTER II. (See end of Document for details)

3 Where there is doubt as to the authenticity of the licence, the extract, or any information in or signatures on the documents presented, or as to the identity of the operators completing the formalities for release into free circulation or for the account of whom those formalities are completed, and where irregularities are suspected, the customs offices at which those documents were presented shall immediately inform the competent authorities of their Member State thereof. The latter shall immediately forward that information to the competent authorities of the Member State which issued the documents and to the Commission, for the purposes of a thorough check.

4 On the basis of the information received under paragraphs 1, 2 and 3, the Member States' competent authorities listed in the Annex shall carry out the additional checks needed to ensure the proper administration of the tariff quota arrangements, in particular verification of the quantities imported under those arrangements, by means of a precise comparison of the licences and extracts issued with the licences and extracts used. To that end, they shall verify in particular the authenticity and conformity of the documents used and that the documents have been used by operators.

Changes to legislation: There are currently no known outstanding effects for the Commission
Regulation (EC) No 1789/2006, CHAPTER II. (See end of Document for details)

- (1) [OJ L 152, 24.6.2000, p. 1](#). Regulation as last amended by Regulation (EC) No 1282/2006 ([OJ L 234, 29.8.2006, p. 4](#)).
- (2) [OJ L 205, 3.8.1985, p. 5](#). Regulation as last amended by Regulation (EC) No 673/2004 ([OJ L 105, 14.4.2004, p. 17](#)).

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 1789/2006, CHAPTER II.