



Brussels, XXX
[...] (2013) XXX draft

COMMISSION STAFF WORKING DOCUMENT

[...] Commission Delegated Regulation (EU) No xxx of xxx supplementing Regulation (EU) No xxx of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation) with regard to the fruit and vegetable sector

DISCLAIMER

The content of this draft is still under Commission-internal consultation and has not yet been agreed upon by other Commission services. It will probably still be subject to changes.

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[...]Commission Delegated Regulation (EU) No xxx of xxx supplementing Regulation (EU) No xxx of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation) with regard to the fruit and vegetable sector

(Preparation of a delegated act under the new sCMO with regard to the measures on operational programmes of associations of producer organisations, crisis prevention and management measures, extension of rules and entry price)

THE EUROPEAN COMMISSION,

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

Having regard to the European Parliament and Council Regulation (UE) No xxx/xxx of xxx establishing a common organisation of the markets in agricultural products (Single CMO Regulation), and in particular Articles 122 thereof,

Whereas:

- (1) Regulation (UE) No xxx/xxx establishes a common organisation of agricultural markets (sCMO) which includes some new provisions in relation to the clearance of certain fruit and vegetables subject to the entry price system.
- (2) Regulation (UE) No xxx/xxx establishing a common organisation of agricultural markets (sCMO) also empowers the European Commission to adopt delegated acts in accordance with Article 160 to provide a flat rate value to verify the veracity of the declared entry price of a consignment and to provide conditions to lodge a security. That experience has shown as appropriate to request the lodging of a security when the custom value exceeds by more than 8% the standard import value calculated by the Commission.
- (3) Article 122 of Regulation (UE) No xxx/xxx applies from on October 1st 2014 on and hence new the new provisions shall apply from the same date.
- (4) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Article 137 of Implementing Regulation (EU) No 543/2011 is replaced by the following:

"Article 137

1. Article 122 of European Parliament and Council Regulation xxx/yyyy shall apply to the products listed in annex XVI.

2. When the custom value is determined in accordance with the transaction value referred to in Article 29 of Regulation (EEC) No 2913/92 of the products in their country of origin plus the costs of insurance and freight up to the borders of the customs territory of the Union (FOB price), and that custom value is higher by more than 8 % than the flat-rate calculated by the Commission as a standard import value at the time the declaration of release of the products for free circulation is made, where applicable, the importer must lodge the security referred to in Article 248(1) of Regulation (EEC) No 2454/93. For this purpose, the amount of import duty for which the products may finally be liable shall be the amount of duty due if the product in question had been classified on the basis of the standard import value concerned;

3. When the custom value is calculated in accordance with Article 30(2)(c) of Regulation (EEC) No 2913/92 applied to the greatest aggregate quantity, the importer must lodge a security referred to in Article 248(1) of Regulation (EEC) No 2454/93, equal to the amount of duty due if the classification of the products had been made on the basis of the standard import value concerned, where applicable, to the lot in question.

4. The custom value of the goods imported on consignment may be directly determined by means of the standard import value calculated in accordance with Article 136.

2. Where the entry price is calculated on the basis of the fob price of the products in the country of origin, the customs value shall be calculated on the basis of the relevant sale at that price.

When the entry price is calculated in accordance with Article 30(2)(c) of Regulation (EEC) No 2913/92 or by means of the standard import value calculated in accordance with Article 136(1) of this Regulation, the customs value shall be calculated on the same basis as the entry price.

3. The importer shall have one month from the sale of the products in question, subject to a limit of four months from the date of acceptance of the declaration of release for free circulation, to prove that the lot was disposed of under the conditions confirming the correctness of the prices referred to in Article 29 of Regulation (ECC) No 2913/92, or to determine the customs value referred to in Article 30(2)(c) of Regulation (ECC) No 2913/92. Failure to meet one of these deadlines shall entail the loss of the security lodged, without prejudice to the application of paragraph 5.

The security lodged shall be released to the extent that proof of the conditions of disposal is provided to the satisfaction of the customs authorities.

Otherwise the security shall be forfeit by way of payment of the import duties.

4. The time limit of four months referred to in paragraph 3 may be extended by the competent authorities of the Member State by a maximum of three months at the request of the importer, which must be duly justified.

If on verification the competent authorities establish that the requirements of this Article have not been met, they shall recover the duty due in accordance with Article 220 of Regulation (EEC) No 2913/92. The amount of the duty to be recovered or remaining to be recovered shall include interest from the date the goods were released for free circulation up to the date of recovery. The interest rate applied shall be that in force for recovery operations under national law."

Article 2

Entry into force

This Regulation shall apply on the 1 October 2014

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

Done at Brussels,

For the Commission
The President

José Manuel BARROSO