

THE MINISTRY OF AGRICULTURE, FISHERIES AND RURAL DEVELOPMENT

Pursuant to Article 26, paragraph 1, of the Act on the Organisation of Agricultural Markets (Official Gazette 149/09), the Minister of Agriculture, Fisheries and Rural Development, with the approval of the minister responsible for the economy, hereby issues the

ORDINANCE ON IMPORT AND EXPORT LICENCES FOR AGRICULTURAL PRODUCTS

Article 1

- (1) This Ordinance lays down the conditions and procedures for submitting applications and issuing import and export licences for certain agricultural products.
- (2) The obligation to obtain an import or export licence is laid down in order to ensure the administrative monitoring of imports and exports of agricultural products.

Definitions

Article 2

- (1) An import licence is a document issued in the form set forth in Annex V to this Ordinance, which constitutes authorisation and gives rise to an obligation to import into the customs territory of the Republic of Croatia the agricultural products for which the licence was issued.
- (2) An export licence is a document issued in the form set forth in Annex VI to this Ordinance, which constitutes authorisation and gives rise to an obligation to export from the customs territory of the Republic of Croatia the agricultural products for which the licence was issued.
- (3) A security is a cash deposit or a bank guarantee whereby an applicant submitting an application for an import or export licence guarantees that the products in respect of which the licence is issued will be imported or exported in accordance with the conditions set out in the licence.
- (4) Force majeure means any external, exceptional and unforeseeable circumstances occurring after the import or export licence has been issued and affecting the performance of the obligations under the import or export licence, which the importer or exporter could not prevent, remove or avoid.
- (5) For the purposes of this Ordinance, "import" means a customs procedure for the release of goods into free circulation.
- (6) For the purposes of this Ordinance, "export" means a customs procedure allowing domestic goods to leave the customs territory of the Republic of Croatia.

(7) The Paying Agency in Agriculture, Fisheries and Rural Development (hereinafter: the Paying Agency) is a legal person responsible for issuing import and export licences and implementing the other activities provided for in this Ordinance.

(8) The Customs Administration of the Ministry of Finance (hereinafter: the Customs Administration) is an administrative organisation within the Ministry of Finance that monitors and controls imports and exports of agricultural products on presentation of an import or export licence, where, under the provisions of this Ordinance, such licence is required for the agricultural product that is being imported or exported, and carries out the other activities provided for in this Ordinance.

(9) The records of beneficiaries of trade measures (hereinafter: the Records) is a collection of data about the beneficiaries of trade measures for agricultural products (hereinafter: beneficiary(ies)), which is kept by the Paying Agency.

(10) The electronic key is a string of alphanumeric characters defining the user within the application programme, thus enabling unambiguous identification of the user when accessing the application programme.

I. GENERAL PROVISIONS

Article 3

(1) Import licences shall be required for imports into the customs territory of the Republic of Croatia of products listed in Annexes Ia and Ib to this Ordinance.

(2) Export licences shall be required for exports from the customs territory of the Republic of Croatia of products listed in Annex II to this Ordinance.

(3) Import and export licences shall be issued to the applicant and shall not be transferable.

Area of application of import and export licences

Article 4

(1) The importer or exporter shall obtain an appropriate licence for the import or export of the products referred to in Article 3, paragraphs 1 and 2 of this Ordinance.

(2) Provisions of paragraph 1 of this Article shall not apply to the import of the products referred to in Article 3, paragraph 1 that are imported under preferential tariff quotas.

(3) By way of derogation from the provisions of paragraph 1 of this Article, an import or export licence shall not be required for:

- a) imports or exports of goods of a non-commercial nature,
- b) release for free circulation of goods covered by the provisions of the Regulation on conditions and procedures for obtaining customs duty exemptions (Official Gazette 5/07, 153/09).

Minimum quantity

Article 5

Import or export licences must be obtained if the quantity of the products referred to in Article 3, paragraphs 1 and 2 of this Ordinance is equal to or greater than the minimum quantity specified in the tables in Annexes Ia, Ib and II to this Ordinance.

Applications for licences

Article 6

- (1) An application for an import licence shall be made to the Paying Agency on the form shown in Annex III to this Ordinance.
- (2) An application for an export licence shall be made to the Paying Agency on the form shown in Annex IV to this Ordinance.
- (3) Importers or exporters registered in the Records referred to in Article 7 of this Ordinance may lodge the applications referred to in paragraphs 1 and 2 of this Article electronically, through the web site of the Paying Agency.
- (4) Applications for licences referred to in paragraphs 1 and 2 of this Article shall be accompanied by proof that the security referred to in Article 8 of this Ordinance has been lodged.
- (5) If an application is lodged in accordance with paragraph 3 of this Article, the beneficiary must, within three days from the electronic filing of the application, furnish proof that the security referred to in Article 8, paragraph 4 of this Ordinance has been lodged, and the filing date of the application shall be the date on which the proof concerned is received by the Paying Agency.
- (6) If the applicant fails to lodge the security referred to in Article 8 of this Ordinance, an import or export licence will not be issued.

Records of beneficiaries of trade measures

Article 7

- (1) An application for registration in the Records shall be made to the Paying Agency on the form shown in Annex VIII to this Ordinance.
- (2) The applications referred to in paragraph 1 of this Article may be made throughout the year, but no later than five working days prior to the submission of the first application for an import or export licence in accordance with Article 6, paragraph 3 of this Ordinance.
- (3) In addition to the form referred to in paragraph 1 of this Article, the beneficiaries must provide one of the following documents:
 - Legal persons: a copy of the extract from the Commercial Court Register,

- Craftsmen: a copy of the extract from the Crafts Register
- Natural persons: a copy of the identity card.

(4) After carrying out an administrative check, the Paying Agency shall notify the beneficiary of his registration in the Records and shall assign him an electronic key for using electronic services.

(5) Electronic keys are composed of two independent sets of alphanumeric characters, one of the sets being a user name and the other a password.

(6) The Paying Agency shall guarantee the confidentiality of electronic keys until they are given to beneficiaries.

(7) After receiving the electronic key, the beneficiary shall be responsible for its use and security.

(8) The beneficiary shall remain registered in the Records until such time as he submits a written request to the Paying Agency asking to be removed from the Records.

(9) The beneficiary shall, within 24 hours, send to the Paying Agency written notification of any changes in one or more information entered in the Records.

(10) The written notification referred to in paragraph 9 of this Article means a notification sent by electronic mail or other telecommunication means, and the date of submission of such notification shall be the date on which it is received by the Paying Agency.

(11) In the case of an administrative error occurring due to the failure of a beneficiary to provide the notification referred to in paragraph 9 of this Article, the Paying Agency shall bear no liability.

The amount of security and the manner in which security must be lodged

Article 8

(1) An applicant for an import or export licence must lodge a security, the amount of which shall be determined depending on the quantity and type of products for which the application is being made.

(2) The amount of security per unit of products shall be as set out in Annexes Ia, Ib and II to this Ordinance.

(3) By way of derogation from Article 6, paragraph 6 of this Ordinance, where the total amount of the security per application for an import or export licence comes to HRK 730.00 or less, the applicant shall not be required to lodge a security.

(4) For the purposes of this Ordinance, the acceptable forms of security are:

a) a cash deposit made into the State Budget of the Republic of Croatia, account number: 1001005-1863000160, reference number: 64 9725-45927-PIN of the applicant, indicating the

purpose of the payment (the type and quantity of products in respect of which the application is being made).

b) a bank guarantee, if issued by a business bank that has its principal office in the Republic of Croatia and is authorised to carry out such activities.

(5) Where the amount of the security lodged by an applicant exceeds the amount determined in accordance with Article 8, paragraph 1 of this Ordinance, the Paying Agency shall return the excess amount to the account of the applicant within 15 days from the date on which the application for an import or export licence was received.

Issue of import and export licences

Article 9

(1) The Paying Agency shall issue an import or export licence to an applicant who has submitted a valid application referred to in Article 6, within 10 days from the date on which the complete application was submitted.

(2) Where an administrative check reveals that an application is not complete, the Paying Agency shall notify the applicant thereof, giving him the opportunity to complete the application within seven days from the date on which the initial application was submitted.

(3) If the applicant fails to complete the application within the time specified in paragraph 2 of this Article, the Paying Agency shall issue a decision refusing the application and releasing the security lodged.

(4) Where, after the licence has been issued but before it has been used, the subsequent control reveals that the amount of the security lodged by the applicant is less than the amount determined in accordance with Article 8, paragraph 1 of this Ordinance, the Paying Agency shall notify the applicant thereof in writing.

(5) After receiving the notification referred to in paragraph 4 of this Article, the applicant must immediately lodge the balance amount of security.

(6) If the applicant fails to fulfil the obligation referred to in paragraph 5 of this Article within seven days after the date of receipt of the notification referred to in paragraph 4 of this Article, the licence shall be immediately declared invalid, and the security lodged shall be forfeited in full.

(7) The Paying Agency shall inform the Customs Administration in writing of invalid licences referred to in paragraph 6 of this Article.

The period of validity of import and export licences

Article 10

(1) The import under an import licence must be effected within the time specified in the tables in Annexes Ia and Ib to this Ordinance.

(2) The export under an export licence must be effected within the time specified in the table in Annex II to this Ordinance.

Force majeure

Article 11

(1) By way of derogation from the provisions of Article 10 of this Ordinance, the period of validity of import and export licences may be extended, or the importer or exporter may be released from the obligations deriving from the licence, where import or export cannot be effected due to circumstances of force majeure.

(2) In the cases referred to in paragraph 1 of this Article, the importer or exporter shall apply in writing to the Paying Agency either for the period of validity of the import or export licence to be extended or for the security to be released and the obligations under the licence cancelled, and shall provide appropriate written proof of the circumstances of force majeure.

(3) Applications referred to in paragraph 2 of this Article shall be submitted no later than 30 days after the expiry of the period of validity of the licence.

(4) The Paying Agency shall examine the proof referred to in paragraph 2 of this Article and shall, accordingly, either approve or reject the application referred to in paragraph 2 of this Article.

(5) If the Paying Agency decides that the period of validity of the licence be extended, it shall determine the new period of validity that it considers appropriate in view of the circumstances, and that, in any case, shall not exceed six months following the expiry of the original period of validity.

(6) The new period of validity of the import or export licence referred to in paragraph 5 of this Article shall begin with the date of expiry of the original period of validity.

Tolerance with regard to the quantity of products imported or exported as compared with the quantity indicated on the import or export licence

Article 12

The obligations deriving from an import or export licence shall be considered to have been fulfilled if the quantity of imported or exported products is different by no more than 5% from the quantity for which the import or export licence was issued.

Release and forfeiture of the security

Article 13

(1) The obligation deriving from an import or export licence shall be considered to have been fulfilled on the day the customs declaration of release for free circulation, or the customs declaration relating to export, is accepted.

(2) The importer or export shall submit to the Paying Agency the completed original application form set out in Annex VII to this Ordinance, the original customs declarations proving the level of fulfilment of the obligations under the import or export licence and the original of the corresponding licence endorsed by the Customs Administration, within 30 days after the expiry of the licence.

(3) If the importer or exporter fails to submit the complete documentation referred to in paragraph 2 of this Article, the whole of the security referred to in Article 8 of this Ordinance shall be forfeited.

(4) If the quantity imported or exported amounts to 5% or less of the quantity indicated in the licence, the whole of the security referred to in Article 8 of this Ordinance shall be forfeited.

(5) Where the quantity imported or exported amounts to more than 5% of the quantity indicated in the licence, the security referred to in Article 8 of this Ordinance shall be released in proportion to the quantities for which proof as referred to in paragraph 2 of this Article has been produced.

(6) If the obligations deriving from the import or export licence are fully met in accordance with Article 12 of this Ordinance, the whole of the security referred to in Article 8 of this Ordinance shall be released.

(7) Where the documentation referred to in paragraph 2 of this Article is submitted to the Paying Agency after the prescribed time limit, the amount to be released, calculated in accordance with paragraphs 5 and 6 of this Article, shall be reduced by 5% for each day by which the time limit is exceeded.

(8) The amount referred to in paragraph 7 of this Article may not exceed the amount of the security lodged.

(9) The security referred to in paragraphs 5 and 6 of this Article shall be released within 15 days after the receipt of the application referred to in paragraph 2 of this Article.

Issue of a duplicate import or export licence

Article 14

(1) Where the original import or export licence is lost, the importer or exporter may submit to the Paying Agency a written application for the issue of a duplicate licence.

(2) A duplicate licence shall be issued by the Paying Agency, shall be drawn up in the same way as the original document but shall have the word "DUPLICATE" printed in its title.

(3) The importer or exporter must have the duplicate licence endorsed by the competent Customs Administration in the same way as the original licence was endorsed.

(4) The duplicate licence referred to in paragraph 2 of this Article may not be used to carry out import or export operations, but only as a replacement of the original licence for the purpose of releasing the security referred to in Article 8 of this Ordinance and as proof of the level of fulfilment of the obligations.

Reporting

Article 15

- (1) The Customs Administration shall monitor and control imports and exports effected under the issued import and export licences and shall inform thereof the Ministry and the Paying Agency.
- (2) For each consignment, the Customs Administration shall endorse the import or export licence or duplicates thereof by making entries in the table on the back of the licence at the time of import or export.
- (3) The reports of the Customs Administration shall be submitted in electronic format.
- (4) The layout and content of the report forms shall be determined jointly by the Paying Agency and the Customs Administration.

II. TRANSITIONAL ADN FINAL PROVISIONS

Article 16

Annexes I to VIII are printed along with this Ordinance and form an integral part thereof.

Article 17

- (1) This Ordinance shall enter into force on 1 September 2010.
- (2) By way of derogation from paragraph 1 of this Article, for products listed in Annex Ib, the provisions of this Ordinance shall enter into force on 1 January 2011.

Class: 011-02/09-01/242
Reg. No: 525-05-2/10-25
Zagreb, 8 June 2010

THE MINISTER

Petar Čobanković, m.p.

ANNEX Ia

Agricultural products for which an import licence must be obtained in accordance with Article 3, paragraph 1 of this Ordinance when they are imported into the customs territory of the Republic of Croatia:

Tariff code	Description	Minimum quantity	Amount of the security (HRK)	Period of validity
Customs Tariff Chapter: Cereals; Products of the milling industry				
1001 10 00 90	Durum wheat, other	5,000 kg	7.30/t	until the end of the second month following the month of the issue of the licence
1001 90 99 05	Other common wheat			
1003 00 90 10	Barley for malt			
1003 00 90 90	Other barley			
1005 90 00 10	Maize, yellow			
1005 90 00 20	Maize, popcorn			
1005 90 00 30	Cinquantino			
1005 90 00 90	Maize, other			
1007 00 90	Grain sorghum, other			
1101 00 11	Flour of durum wheat			
1101 00 15 10	Flour of durum wheat without gluten			
1101 00 15 20	Flour of common wheat			
Customs Tariff Chapter: Edible fruit and nuts				
0803 00 19	Bananas	200 kg	109.50/t	until the end of the first month following the month of the issue of the licence
Customs Tariff Chapter: Meat and edible meat offal				
0201	Meat of bovine animals, fresh or chilled	150 kg	43.80/100 kg	until the end of the third month following the month of the issue of the licence
0202	Meat of bovine animals, frozen			
Customs Tariff Chapter: Dairy produce				
0406	Cheese and curd	150 kg	35.15/100 kg	until the end of the third month following the month of the issue of the licence

ANNEX Ib

Agricultural products for which an import licence must be obtained in accordance with Article 3, paragraph 1 of this Ordinance when they are imported into the customs territory of the Republic of Croatia:

Tariff code	Description	Minimum quantity	Amount of the security (HRK)	Period of validity
Customs Tariff Chapter: Sugars and sugar confectionery				
1701	Cane or beet sugar and chemically pure sucrose, in solid form	2,000 kg	73.00 kn/t	until the end of the ninth month after the issue, and in any case until the end of the current marketing year
Customs Tariff Chapter: Edible fruit and nuts				
0808 10 80	Apples, other	200 kg	109.50/t	3 months following the day of issue of the licence
Customs Tariff Chapter: Live animals; Animal products				
0102 90 05 to 0102 90 79	Live bovine animals, other	2 head	36.50/head	until the end of the third month following the month of the issue of the licence
1602 50 10	Prepared or preserved meat of bovine animals, uncooked; mixtures of cooked meat or offal and uncooked meat or offal	200 kg	87.60/100 kg	
1602 50 31	Corned beef, in airtight containers			
1602 50 95	Other prepared or preserved meat of bovine animals, uncooked; mixtures of cooked meat or offal and uncooked meat or offal			
1602 90 61	Other prepared or preserved meat, uncooked; mixtures of cooked meat or offal and uncooked meat or offal, including preparations of blood of any animal			
1602 90 69	Other prepared or preserved meat, uncooked; mixtures of cooked meat or offal and uncooked meat or offal, including preparations of blood of any animal, other			
Customs Tariff Chapter: Dairy produce				
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	150 kg	35.,15/100 kg	until the end of the third month following the month of the issue of the licence
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter			
0403 10 11 to 0403 10 39	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured			
0403 90 11 to 0403 90 69				
ex 0405	Butter and other fats and oils derived from milk; dairy spreads			

ANNEX II

Agricultural products for which an export licence must be obtained in accordance with Article 3, paragraph 2 of this Ordinance when they are exported from the customs territory of the Republic of Croatia.

Tariff code	Description	Minimum quantity	Amount of the security	Period of validity of the export licence
Customs Tariff Chapter: Cereals; Products of the milling industry				
1001 10 00 90	Durum wheat, other	5,000 kg	7.3 kn/t	until the end of the fourth month following the month of the issue of the licence
1001 90 99 05	Other common wheat			
1003 00 90 10	Barley for malt			
1003 00 90 90	Other barley			
1005 90 00 10	Maize, yellow			
1005 90 00 20	Maize, popcorn			
1005 90 00 30	Cinquantino			
1005 90 00 90	Maize, other			
1007 00 90	Grain sorghum, other			
1101 00 11	Flour of durum wheat			
1101 00 15 10	Flour of durum wheat without gluten			
1101 00 15 20	Flour of common wheat			

ANNEX III**Application for the issue of an import licence referred to in Article 6, paragraph 1**

1. Agency issuing the licence Paying Agency for Agriculture, Fisheries and Rural Development Ulica grada Vukovara 269d 10000 Zagreb	
APPLICATION FOR THE ISSUE OF AN IMPORT LICENCE	
2. Applicant: Name:	PIN:
Main office address:	3. Exporting country:
Telephone:	4. Country of origin:
Telefax:	5. Total amount of security (HRK)
Contact person:	
DESCRIPTION OF THE PRODUCT TO BE IMPORTED	
6. Trade denomination	
7. Description of the product in accordance with the Combined Nomenclature	8. CN code
9. Quantity, in appropriate units, expressed in figures	10. Quantity in words
11. Special particulars	
Place and date: Signature and stamp of the applicant	

ANNEX IV**Application for the issue of an export licence referred to in Article 6, paragraph 2**

1. Agency issuing the licence Paying Agency for Agriculture, Fisheries and Rural Development Ulica grada Vukovara 269d 10000 Zagreb	
APPLICATION FOR THE ISSUE OF AN EXPORT LICENCE	
2. Applicant: Name:	PIN:
Main office address: Telephone: Telefax: Contact person:	3. Receiving country: 4. Total amount of security (HRK)
DESCRIPTION OF THE PRODUCT TO BE EXPORTED	
5. Trade denomination	
6. Description of the product in accordance with the Combined Nomenclature	7. CN code
8. Quantity, in appropriate units, expressed in figures	9. Quantity in words
10. Special particulars	
Place and date: Signature and stamp of the applicant	

ANNEX V
Model of the import licence referred to in Article 2, paragraph 1

REPUBLIC OF CROATIA – IMPORT LICENCE

1. Agency issuing the licence: Paying Agency for Agriculture, Fisheries and Rural Development Ulica grada Vukovara 269d 10000 Zagreb		
2. Licence issued to the applicant: (name, address, PIN, telephone, telefax)	3. Exporting country:	
	4. Country of origin:	
	5. Date of lodging original licence application:	
	6. Total amount of security (HRK):	
	7. LAST DAY OF VALIDITY OF THE LICENCE:	
DESCRIPTION OF THE PRODUCT TO BE IMPORTED		
8. Trade denomination:		
9. Description in accordance with the Combined Nomenclature:		10. CN code:
11. Quantity, in appropriate units, expressed in figures:	12. Quantity, in appropriate units, expressed in words:	13. Tolerance:
14. Special particulars:		
15. Special conditions:		
16. Date of issue and licence number: Date _____ LICENCE NUMBER: _____ CLASS: _____ REG. NO: _____ Issuing agency's signature and stamp		17. Term of validity extended until: Date _____ inclusive For the total quantity of _____ In Zagreb, on _____ Issuing agency's signature and stamp

Table to monitor the utilisation of the import licence

Indicate the quantity available in box 1 of column 19 and the quantity attributed in box 2 of column 19			
18. Total quantity indicated in the licence:		21. Customs document based on which the attribution was made (form and No)	22. Signature of the customs officer and stamp of the customs office making attribution
19. Quantity in figures	20. Quantity in words		
1			
2			
1			
2			
1			
2			
1			
2			
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2			
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2			
1			
2			
1			
2			
1			
2			

ANNEX VI
Model of the export licence referred to in Article 2, paragraph 2

REPUBLIC OF CROATIA – EXPORT LICENCE

1. Agency issuing the licence: Paying Agency for Agriculture, Fisheries and Rural Development Ulica grada Vukovara 269d 10000 Zagreb			
2. Licence issued to the applicant: (name, address, PIN, telephone, telefax)		3. Receiving country:	
		4. Date of lodging original licence application:	
		5. Total amount of security (HRK):	
		6. LAST DAY OF VALIDITY OF THE LICENCE:	
DESCRIPTION OF THE PRODUCT TO BE EXPORTED			
7. Trade denomination:			
8. Description in accordance with the Combined Nomenclature:		9. CN code:	
10. Quantity, in appropriate units, expressed in figures:	11. Quantity, in appropriate units, expressed in words:	12. Tolerance:	
13. Special particulars:			
14. Special conditions:			
15. Date of issue and licence number: Date _____ LICENCE NUMBER: _____ CLASS: _____ REG. NO: _____ Issuing agency's signature and stamp		16. Term of validity extended until: Date _____ inclusive For the total quantity of _____ In Zagreb, on _____ Issuing agency's signature and stamp	

Table to monitor the utilisation of the export licence

Indicate the quantity available in box 1 of column 18 and the quantity attributed in box 2 of column 18			
17. Total quantity indicated in the licence:		20. Customs document based on which the attribution was made (form and No)	21. Signature of the customs officer and stamp of the customs office making attribution
18. Quantity in figures	19. Quantity in words		
1			
2			
1			
2			
1			
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2			

ANNEX VII

Application for release of the security referred to in Article 13, paragraph 2

To be filled in by the Paying Agency for Agriculture, Fisheries and Rural Development:

Application No:

The original licence attached to the application:

YES ☐

NO ☐

To be filled in by the importer/exporter:

APPLICATION FOR RELEASE OF SECURITY

Full name and address of the importer/exporter:

Contact details:

Telefax:

Telephone:

E-mail:

A Import licence

☐

B Export licence

☐

The importer/exporter requests that the security be released taking account of the level of fulfilment of the obligations under the original

Licence No: _____ **(attached) and accompanying customs declarations No:**

_____.

Date :

Place:

Stamp and signature of the importer/exporter:

ANNEX VIII

Application for registration in the Records of beneficiaries of trade measures referred to in Article 7

To be filled in by the Paying Agency for Agriculture, Fisheries and Rural Development:

REGISTRATION IN THE RECORDS OF BENEFICIARIES OF TRADE MEASURES

No: _____

Name of legal/natural person)

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Legal person ☐

Natural person ☐

Customs number:

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PIN:

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Unique Farm Identification Number (only for family farms)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

County:

--

Municipality /City:

--

Address:

--

Postal code:

--

Transaction account number

								-									
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Telephone No:

Telefax No:

Contact persons /e-mail:

_____ / _____
_____ / _____

For legal persons, sample imprint of the official stamp:

Signature of the legal person :

To be filled in by the Paying Agency for Agriculture, Fisheries and Rural Development:

Registered by: _____
Signature: _____

Received on: _____ (date)

Approved by: _____

Registered on: _____ (date)

Signature: _____