Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector (Recast)

COMMISSION REGULATION (EC) No 382/2008

of 21 April 2008

on rules of application for import and export licences in the beef and veal sector

(Recast)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal[(1)], and in particular Article 29(2), Article 33(12) and Article 41 thereof,

Whereas:

(1) Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80[(2)] has been substantially amended several times[(3)]. Since further amendments are to be made, it should be recast in the interests of clarity.

(2) Regulation (EC) No 1254/1999 makes all imports into the Community of the products listed in Article 1(1)(a) of that Regulation subject to presentation of an import licence. Experience has shown the need for close monitoring of the trend of trade in all products of the beef and veal sector of particular importance for the balance of this particularly sensitive market. Accordingly to improve market management import licences should also be required for products of CN codes 1602 50 31 to 1602 50 80 and 1602 90 69.

(3) It is necessary to monitor imports into the Community of young male animals, in particular calves. Issuing of import licences for those animals should be made conditional on the indication of their country of provenance.

(4) Under Article 6(4) of Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat[(4)], the original of the veterinary certificate must accompany bovine animals until they reach the border inspection post.

(5) There are order numbers in the Integrated Tariff of the European Communities (TARIC) that enable identification of the import tariff quotas, the products involved and in certain cases their origin. The Member States should be required to put those numbers on the import licences or extract(s) therefrom and to use them in their notifications to the Commission.

(6) The competent national authority issuing the import licence does not always know the country of origin of the quantities imported under tariff quotas opened for several countries or of the quantities imported subject to CCT duties. Identification of the country of origin in the case of tariff quotas or in the case of non-preferential imports should be made a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products[(5)], and entry of the country of origin for the quotas in question and for non-preferential imports in column 31 of the import licence or extract thereof should therefore be required.

(7) Regulation (EC) No 1254/1999 requires presentation of an export licence with advance fixing of the refund in the case of any export operation for which an export refund is claimed. Specific rules of application for that arrangement should be determined, covering in particular submission of applications and the information to be given on applications and licences. The provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products[(6)], should accordingly be supplemented.

(8) Article 33(11) of Regulation (EC) No 1254/1999 provides for the export volume obligations arising from the agreements concluded in accordance with Article 300 of the Treaty to be respected on the basis of export licences. Precise rules should therefore be laid down on lodging of applications, issuing of licences and the length of validity of these licences.

(9) Further, notification of decisions on export licence applications should be made only after a reflection period enabling the Commission to assess the quantities applied for and the relevant expenditure and if appropriate take particular action on the applications in question. In the interests of applicants they should be able to withdraw applications if an acceptance percentage applying to these has been set.

(10) In the case of applications for quantities not exceeding 25 tonnes immediate issuing of the licence, if the operator so requests, should be permitted. To prevent circumvention of the standard provisions the period of validity of such licences should be restricted.

(11) To permit very precise management of quantities exported the tolerance rules set in Regulation (EC) No 1291/2000 should not apply.

(12) It is necessary to incorporate in this Regulation the special export provisions of Commission Regulation (EC) No 1643/2006 of 7 November 2006 laying down detailed rules for the application of granting of assistance for the export of beef and veal products which may benefit from a special import treatment in a third country[(7)], and Commission Regulation (EC) No 2051/96 of 25 October 1996 laying down certain detailed rules for granting of assistance for the export of beef and veal which may benefit from a special import treatment in Canada and amending Regulation (EC) No 1445/95[(8)].

(13) To be able to run these import and export licence arrangements properly, the Commission needs precise information on licence applications made and the use of

those issued. Administrative efficiency dictates that communications from Member States to the Commission be made in a single prescribed form.

(14) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE

Article 1

This Regulation sets rules of application for import and export licences in the beef and veal sector.

CHAPTER II

IMPORT LICENCES

[F1]Article 2

. . . . . .

Textual Amendments

F1 Deleted by Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (Text with EEA relevance).

[F2]Article 3

. . . . . .

Textual Amendments

F2 Deleted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

[F2]Article 4

. . . . . .

Textual Amendments

F2 Deleted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

Article 5

F1 1 . . . . . .

F1 2 . . . . . .

[F3 3 In the case of imports under an import tariff quota the following provisions shall apply:

a no application for a licence or certificate shall be accepted unless a security of 5 euros per head of live animals and 12 euros per 100 kilograms net weight for other product has been lodged with the competent body not later than 1 p.m. on the day the application is lodged;

b licences shall be valid from the actual day of issue within the meaning of Article 22(2) of Regulation (EC) No 376/2008 until the end of the third month following that day;

c the body issuing the import licence shall indicate the order number for the quota in the Integrated Tariff of the European Communities (TARIC) in box 20 of the licence or extracts thereof.**]**

Textual Amendments

F1 Deleted by Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (Text with EEA relevance).

F3 Substituted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

***[**F4 Article 6*

F1 1 . . . . . .

F1 2 . . . . . .

3 Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Commission Regulation (EC) No 1301/2006[9].**]**

Textual Amendments

F1 Deleted by Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (Text with EEA relevance).

F4 Substituted by Commission Implementing Regulation (EU) No 1212/2012 of 17 December 2012 amending Regulations (EC) No 2535/2001, (EC) No 917/2004, (EC) No 382/2008, (EC) No 748/2008, (EC) No 810/2008 and (EC) No 610/2009 as regards the notification obligations within the common organisation of agricultural markets.

F1 Article 7

. . . . . .

Textual Amendments

F1 Deleted by Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (Text with EEA relevance).

F1 Article 8

. . . . . .

Textual Amendments

F1 Deleted by Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (Text with EEA relevance).