COMMISSION REGULATION (EC) No 711/2004

of 16 April 2004

laying down transitional measures as regards import licence applications pursuant to Regulation (EC) No 780/2003 opening and providing for the administration of a tariff subquota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Whereas:

(1) Commission Regulation (EC) No 780/2003 [1] provided for the administration of a tariff subquota for 34 450 tonnes of certain frozen meat of bovine animals, with the order number 09.4003, for the period from 1 July 2003 to 30 June 2004 (subquota II), divided into two half-year periods.

(2) In order to ensure access for operators from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (new Member States) to benefit from this subquota as from 1 May 2004, the quantities available for the subquota period running from 1 January to 30 June 2004 were divided into two tranches on a *pro rata temporis* basis by Commission Regulation (EC) No 2341/2003 [2]. Licence applications may be lodged during the period 5 to 8 January 2004 and 3 to 7 May 2004.

(3) Articles 8 to 11 of Part III of Regulation (EC) No 780/2003 lay down specific provisions for the approval of applicants for import licences as regards subquota II. In order to ensure access for operators from the new Member States to import licences as from the date of accession of those countries to the European Union, transitional measures should be adopted.

(4) Operators of the new Member States should be allowed to apply for import licences under subquota II in the period 3 May to 7 May 2004 without prior approval. They should prove that they are genuinely involved in importing or exporting beef from or to third countries. Proof of that involvement calls for evidence to be presented of recent import or export of some significance. As regards the requirement on the proof on trade performance, the applicants in the new Member States should be allowed to consider not only trade with the Community but trade with all third countries.

(5) To ensure the proper functioning of the system and due to the short period of time available for the verification of applicants, provisions concerning *expost* audit controls to be undertaken by the authorities of the new Member States on the operators applying for import licences in the new Member States should be adopted.

(6) Where there are obvious reasons to suspect that fictitious operators have applied for import licences, new Member States should proceed to a more detailed examination of the applications.

(7) Penalties should be determined where fictitious operators of the new Member States have applied for import licences or the licences were granted on the basis of forged or fraudulent documentation. These penalties should be applicable also to operators of the Community as constituted on 30 April 2004 where they are related to fictitious operators of the new Member States or are involved in the presentation of forged or fraudulent documentation by these operators.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 11 of Regulation (EC) No 780/2003, operators established in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter new Member States) may apply for import licences with regard to subquota II in the period 3 May to 7 May 2004 without prior approval by the competent authorities of the Member State in which they are established.

[1] OJ L 114, 8.5.2003, p. 8.
[2] OJ L 346, 31.12.2003, p. 33. Regulation amended by Regulation (EC) No 385/2004 (OJ L 64, 2.3.2004, p. 24).