COMMISSION REGULATION (EC) No 664/2004

of 7 April 2004

laying down transitional measures as regards import licences for milk and milk products pursuant to Regulation (EC) No 2535/2001, 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) Chapter I, Section 2, of Title 2 of Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas [1] lays down specific provisions on the approval of applicants for import licences. 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 import licences as from the date of accession of those countries to the European Union, transitional measures should be adopted.

(2) For the period 1 May to 30 June 2004, operators from the new Member States should be allowed to apply for import licences under the tariff quotas as referred to in the Annexes to Regulation (EC) No 2535/2001 without prior approval. They should prove their status and regular activity as traders. As regards the requirement on the proof of 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. They should have the opportunity to choose as a reference year for the trade performance 2002 instead of 2003 if they can prove that they were not able to import or export the required quantities of milk products during 2003 as a result of exceptional circumstances. The new Member States authorities should by 15 May 2004 transmit a list to the Commission including all eligible operators. In order to enable each applicant to be identified more easily, and to facilitate the transfer of licences, the data to be forwarded for each operator should be specified. Moreover, eligible operators of the new Member States should be allowed to purchase import licences.

(3) For the period 1 July 2004 to 30 June 2005 operators from the new Member States should be approved provided they submit a request before 1 June including the necessary documents and information, or provided they have been included in the list of eligible operators to be transmitted to the Commission by 15 May 2004.

(4) It is therefore necessary to provide for certain derogations from Regulation (EC) No 2535/2001.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Chapter I, Section 2 of Title 2 of Regulation (EC) No 2535/2001, 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 for the quotas covering the period 1 May to 30 June 2004 without prior approval of the competent authorities of the Member State in which they are established.

2. By way of derogation from Article 11 of Regulation (EC) No 2535/2001, operators established in the new Member States may apply for import licences for the quotas referred to in paragraph 1 only in the Member State where they are established.

[1] OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 50/2004 (OJ L 7, 13.1.2004, p. 9).