COMMISSION REGULATION (EC) No 543/2004

of 24 March 2004

amending Regulation (EC) No 1520/2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amounts of such refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [1], and in particular Article 8(3) thereof,

Whereas:

(1) Articles 5(2) and 7(2) of Commission Regulation (EC) No 1520/2000 [2] provide a system for advance fixing of the rate of refund applicable to goods exported during the validity period of a refund certificate. Where the system of advance fixing is applied, the rate of refund in force on the day on which the application for advance fixing is lodged applies to goods exported at a later date during the validity period of the refund certificate.

(2) However, as the rates of refund for milk, sugar, cereals and rice are liable to be fixed or modified on Thursdays, there would be a risk of applications for advance fixing for those products being lodged for speculative reasons if such applications lodged on a Thursday were deemed to have been submitted on that day. In order to reduce that risk it should therefore be provided that where an application for advance fixing is lodged on a Thursday, the application is deemed to have been submitted on the following working day.

(3) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products [3] provides that no refund is to be granted on products that are not of sound and fair marketable quality on the day of acceptance of the export declaration. In order to ensure that this rule is uniformly applied it should be stipulated in Regulation (EC) No 1520/2000 that for a refund to be granted on the products that are indicated in Article 1 of Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products [4], or Article 1 of Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products [5], and appear in Annex B to Regulation (EC) No 1520/2000, they must be prepared in accordance with the requirements of those directives and carry the required health mark.

(4) As some operators may, in practice, require time to make the arrangements necessary to ensure that the packaging on their goods bear the requisite health mark, this requirement should not apply before 15 April 2004.

(5) Therefore, Regulation (EC) 1520/2000 should be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1520/2000 is amended as follows:

1. In Article 5(2), the second subparagraph is replaced by the following:

'Where the system of advance fixing of the rate of the refund is applied, the rate in force on the day on which the application for advance fixing is lodged shall apply to goods exported at a later date during the period of validity of the refund certificate in accordance with the provisions of Article 9(2). However, applications for advanced fixing lodged on a Thursday shall be deemed to have been submitted on the following working day.'

[1] OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).
[2] OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 307/2004 (OJ L 52, 21.2.2004, p. 35).
[3] OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 2010/2003 (OJ L 297, 15.11.2003, p. 13).
[4] OJ L 268, 14.9.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).
[5] OJ L 212, 22.7.1989, p. 87. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).