Commission Regulation (EC) No 322/2004 of 23 February 2004 amending Regulation (EC) No 1291/2000 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products

COMMISSION REGULATION (EC) No 322/2004

of 23 February 2004

amending Regulation (EC) No 1291/2000 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals[(1)], and in particular Articles 9(2), 12(4) and 13(11) thereof, and the corresponding articles of the other regulations on the common organisation of markets in agricultural products,

Whereas:

(1) Article 1 of Commission Regulation (EC) No 1291/2000[(2)] establishes its scope by listing the regulations providing for certificates or licences to which it will apply. Council Regulation (EC) No 670/2003 of 8 April 2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin[(3)] provides for import and export licences for ethyl alcohol of agricultural origin. It should therefore be clarified that Regulation (EC) No 1291/2000 also applies to the licences introduced by Regulation (EC) No 670/2003.

(2) The current version of Article 1 of Regulation (EC) No 1291/2000 contains references to regulations repealed and replaced by other ones. For the sake of clarity, Article 1 of Regulation (EC) No 1291/2000 should therefore be updated.

(3) The *de minimis* amounts laid down in Article 15(3) and the fourth subparagraph of Article 35(2) of Regulation (EC) No 1291/2000 for lodging and confiscating the licence security have been set at EUR 60. In view of the administrative costs involved in lodging or confiscating a security, these amounts should be increased.

(4) Article 45 of Regulation (EC) No 1291/2000 stipulates that where the re-importation of products under the returned-goods system is followed by the export of equivalent products falling within the same subheading of the combined nomenclature, the security on the licence or certificate used to export the products is released at the request of the parties concerned if certain conditions are met. One of these conditions is the requirement of the operator to export the equivalent products from a customs office in the Member State of re-importation and designated by that Member State. That creates additional costs for operators where the equivalent products to be exported are in a

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Member State other than the Member State of re-importation. This requirement should therefore be abolished.

(5) Annex III to Regulation (EC) No 1291/2000, which fixes the maximum quantities of agricultural products for which no import or export licence or advance-fixing certificate need be submitted pursuant to the fourth indent of Article 5(1) of that Regulation, should be updated.

(6) Commission Regulation (EC) No 2336/2003 of 30 December 2003 introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol[4] of agricultural origin requires an import licence to be presented from 27 January 2004 for the import of ethyl alcohol products of agricultural origin. Provision must therefore be made to fix from that date the maximum quantities of the products concerned for which no licence is required in accordance with the fourth indent of Article 5(1) of Regulation (EC) No 1291/2000.

(7) Regulation (EC) No 1291/2000 should be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinions of all Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1291/2000 is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

Subject to certain exceptions laid down in Community rules specific to certain products, this Regulation lays down common rules for implementing the system of import and export licences and advance-fixing certificates (hereinafter referred to as "licences" and "certificates") established by or provided for in:

— Article 2 of Council Regulation No 136/66/EEC[5] (oils and fats),
— Article 8 of Council Regulation (EEC) No 234/68[6] (live plants and cut flowers),
— Article 4 of Council Regulation (EEC) No 2358/71[7] (seeds),
— Article 8 of Council Regulation (EEC) No 2759/75[8] (pigmeat),
— Article 3 of Council Regulation (EEC) No 2771/75[9] (eggs),
— Article 3 of Council Regulation (EEC) No 2777/75[10] (poultrymeat),
— Article 2 of Council Regulation (EEC) No 2783/75[11] (ovalbumin and lactalbumin),
— Article 9 of Regulation (EEC) No 1766/92 (cereals),
— Article 17 of Council Regulation (EEC) No 404/93[12] (bananas),
— Article 9 of Council Regulation (EC) No 3072/95[13] (rice),
— Article 31 of Council Regulation (EC) No 2200/96[14] (fruit and vegetables),
— Article 11 of Council Regulation (EC) No 2201/96[15] (processed fruit and vegetable products),
— Article 29 of Council Regulation (EC) No 1254/1999[16] (beef and veal),

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— Article 26 of Council Regulation (EC) No 1255/1999[17] (milk and milk products),
— Article 59 of Council Regulation (EC) No 1493/1999[18] (wine),
— Article 6 of Commission Regulation (EC) No 1520/2000[19] (agricultural products exported in the form of goods not covered by Annex I to the Treaty),
— Article 22 of Council Regulation (EC) No 1260/2001[20] (sugar, isoglucose and inulin syrup),
— Article 13 of Council Regulation (EC) No 2529/2001[21] (sheepmeat and goatmeat),
— Article 4 of Council Regulation (EC) No 670/2003[22] (alcohol),

2. In Article 15(3), ‘EUR 60’ is replaced by ‘EUR 100’.

3. In Article 35(2), second subparagraph, the term ‘EUR 60’ is replaced by ‘EUR 100’.

4. The second indent in Article 45(2)(a) is deleted.

5. The following subparagraph is added to the second indent of Article 45(2)(b): ‘The exporter must provide to the satisfaction of the customs office of export all necessary information on the product's characteristics and destination.’

6. Annex III is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

Article 1(3) shall apply to licences or certificates whose term of validity has not expired on the date of entry into force of this Regulation.

Article 1(4) and (5) shall apply to exports of equivalent products the customs formalities for which have been accepted from the date of entry into force of this Regulation.

As regards point N of Annex III (Alcohol), Article 1(6) shall apply from 27 January 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission