COMMISSION REGULATION (EC) No 2082/2003

of 27 November 2003

laying down transitory measures arising from the adoption of autonomous and transitional measures concerning the export of certain processed agricultural products to Malta

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], as last amended by Regulation (EC) No 2580/2000 [2], and in particular Article 8(3) thereof,

Whereas:

(1) The Community has recently concluded a trade agreement for processed agricultural products with Malta in preparation for its accession to the Community. This agreement provides for concessions involving, on the Community side, the abolition of export refunds on certain processed agricultural products.

(2) Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta [3] provides on an autonomous basis for the abolition of refunds on processed agricultural products not listed in Annex I to the Treaty when exported to Malta, from 1 November 2003.

(3) In return for the abolition of export refunds as set out in Regulation (EC) No 1890/2003, the Maltese authorities have undertaken to grant reciprocal duty free import to goods imported into their territory if the goods concerned are accompanied by a copy of the export declaration containing a special mention indicating that they are not eligible for payment of export refunds. The full rate of duty applies in the absence of such documentation.

(4) With the entry into force of Regulation (EC) No 1890/2003, goods for which operators have applied for refund certificates in accordance with Commission Regulation (EC) No 1520/2000 of 13 July 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 amount of such refunds [4], as last amended by Regulation (EC) No 740/2003 [5], will no longer be eligible for refund when they are exported to Malta.

(5) Reduction of refund certificates and pro rata release of the corresponding security should be allowed where operators can demonstrate, to the satisfaction of the national competent authority, that their claims for refunds have been affected by the entry into force of Regulation (EC) no 1890/2003. When assessing requests for reduction of the amount of the refund certificate and proportional release of the relevant security, the national competent authority should, in cases of doubt, have regard in particular to the documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89 of 21 December 1989 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and repealing Directive 77/435/EEC [6], as last amended by Regulation (EC) No 2154/2002 [7], without prejudice to the application of the other provisions of that Regulation.

(6) For administrative reasons it is appropriate to provide that requests for reduction of the amount of the refund certificate and release of the security are to be made within a short period and that the amounts for which reductions have been accepted are to be notified to the Commission in time for their inclusion in the determination of the amount for which refund certificates for use from 1 February 2004 shall be issued, pursuant to Regulation (EC) No 1520/2000.

(7) 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,

[1] OJ L 318, 20.12.1993, p. 18.
[2] OJ L 298, 25.11.2000, p. 5.
[3] OJ L 278, 29.10.2003, p. 1.
[4] OJ L 177, 15.7.2000, p. 1.
[5] OJ L 106, 29.4.2003, p. 12.
[6] OJ L 388, 30.12.1989, p. 18.
[7] OJ L 328, 5.12.2002, p. 4.