Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice

COMMISSION REGULATION (EC) No 1342/2003

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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)], as last amended by Regulation (EC) No 1104/2003[(2)], and in particular Article 9(2) and Article 13(11) thereof,

Having regard to Council Regulation (EC) 3072/95 of 22 December 1995 on the common organisation of the market in rice[(3)], as last amended by Commission Regulation (EC) No 411/2002[(4)], and in particular Article 9(2) and Article 13 thereof,

Whereas:

(1) Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice[(5)] has been substantially amended several times[(6)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) In view of the practices specific to trade in cereals and rice, provision should be made for rules further to or derogating from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products[(7)], as last amended by Regulation (EC) No 325/2003[(8)].

(3) In the case of invitations to tender for the export of intervention stocks, licences should specify the quantities and destinations for which they are issued and provision should be made for the special particulars to be shown on export licences, in particular in the case of invitations to tender for export refunds, of exports of cereal-based compound feedingstuffs and of advance fixing of export taxes.

(4) The terms of validity of import and export licences for the various products should be fixed in accordance with market requirements and the need for sound management. In view of competition on the world market, a specially lengthy term of validity should be granted for malt exports, expiring, however, on 30 September in the case of licences issued prior to 1 July so that export commitments are not entered into for the new marketing year before the beginning of the barley harvest.

(5) In view of the risk of licences being issued for excessively high quantities, provision should be made for a period for reflection of three days to elapse before export licences are actually issued for any cereals and most processed cereal products, other than exports, non-commercial exports made with a view to providing Community or national food aid, and certain supplies by humanitarian agencies.

(6) The Commission's decision not to grant an application for an export certificate at the end of the three-day reflection period may in some cases, however, disrupt the continuity of supplies of products in respect of which regular supplies are necessary. Operators so requesting should be given the opportunity to obtain an export licence without refund, on the condition that special conditions of use are attached to such licences.

(7) Certain provisions of Article 49 of Regulation (EC) No 1291/2000 concerning applications for export licences for certain products in connection with invitations to tender organised in importing third countries should be made more restrictive and thus more in keeping with commercial practice in the cereals trade.

(8) In view of the competition on the world market for cereals and rice, provision should be made for export licences to be granted for the main products, including durum wheat, with a special term of validity and for relatively large minimum quantities, with more advantageous minimum quantities for exports to the African, Caribbean and Pacific (ACP) States. The licences should be granted subject to certain additional conditions concerning, in particular, presentation of the delivery contract to the competent agency within a specified time.

(9) The securities to be lodged for import and export licences should be fixed at different levels for the various product groups according to the possible variations in the refund or export tax during the term of validity of the licences, preferential treatment being granted in respect of deliveries to ACP States.

(10) The applicable export refunds should be specified in cases where the terms of validity of licences are extended as a result of *force majeure* pursuant to Article 41 of Regulation (EC) No 1291/2000.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

[F1 Article 1

1 This Regulation lays down specific detailed rules for the application of the system of import and export licences and advance fixing certificates implemented by Commission Regulation (EC) No 376/2008[9] for the products listed in Parts I and II of Annex I to Council Regulation (EC) No 1234/2007[10].

2 Regulation (EC) No 376/2008 and Commission Regulations (EC) No 1301/2006[11] and (EC) No 1454/2007[12] shall apply, save as otherwise provided in this Regulation.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

Article 2

1 Where applications for export licences are submitted in connection with invitations to tender issued pursuant to Article 7 of Commission Regulation (EEC) No 2131/93[13], the licences shall be issued only for the quantities for which the applicants have obtained contracts.

The export licences shall be valid for no more than the quantity indicated in section 17. The figure '0' shall be entered in section 19.

2 Applications for export licences as provided for in Article 8(2) of Regulation (EEC) No 2131/93 shall show the relevant destination in section 7. The holders of the licences shall be obliged to export the products in question to that destination.

All countries for which the same rate of export refund or tax applies shall be considered as one destination.

[*F2* *Article 3*

1 Where export refunds are fixed by tender, the rate of refund appearing in statements of award of contracts shall be entered in letters and figures in section 22 of the licences. This rate shall be expressed in Euro and shall be preceded by one of the entries shown in Annex VII to this Regulation.

2 Where export taxes are fixed by tender, the rate of tax appearing in statements of award of contracts shall be entered in letters and figures in section 22 of the licences. This rate shall be expressed in Euro and shall be preceded by one of the entries shown in Annex VIII to this Regulation.**]**

Textual Amendments

F2 Substituted by Commission Regulation (EC) No 1996/2006 of 22 December 2006 adapting several Regulations concerning the cereals market by reason of the accession of Bulgaria and Romania to the European Union.

Article 4

1 Notwithstanding Article 14 of Regulation (EC) No 1291/2000, for products falling within CN codes 1101 00 15, 1102 20, 1103 11 10 and 1103 13, applications for export licences may indicate products falling within two contiguous 12-digit subdivisions of the abovementioned subheadings.

The following product categories within the meaning of Article 14 of Regulation (EEC) No 1291/2000 shall apply:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1342/2003. (See end of Document for details)*

category 1:	1108 11 00 9200, 1108 11 00 9300
category 2:	1108 12 00 9200, 1108 12 00 9300
category 3:	1108 13 00 9200, 1108 13 00 9300
category 4:	1108 19 10 9200, 1108 19 10 9300
category 5:	1702 30 51 9000, 1702 30 91 9000, 1702 90 50 9100
category 6:	1702 30 59 9000, 1702 30 99 9000, 1702 40 90 9000, 1702 90 50 9900, 2106 90 55 9000[F3.]
[F4category 7:	1006 20 11 9000, 1006 20 13 9000, 1006 20 15 9000, 1006 20 92 9000, 1006 20 94 9000, 1006 20 96 9000,
category 8:	1006 30 21 9000, 1006 30 23 9000, 1006 30 25 9000, 1006 30 42 9000, 1006 30 44 9000, 1006 30 46 9000
category 9:	1006 30 61 9100, 1006 30 63 9100, 1006 30 65 9100, 1006 30 92 9100, 1006 30 94 9100, 1006 30 96 9100
category 10:	1006 30 61 9900, 1006 30 63 9900, 1006 30 65 9900, 1006 30 92 9900, 1006 30 94 9900, 1006 30 96 9900.]

The 12-digit subdivisions shown in applications shall appear on the export licences.

2 Notwithstanding Article 14 of Regulation (EC) No 1291/2000, for products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products, export licence applications shall show:

a in section 15, the description of the product and its 12-digit code; in the case of products falling within two or more adjacent subdivisions the exporter may show the 12-digit refund nomenclature, in which case the following shall be indicated in section 15: preparations used for animal feed covered by Regulation (EC) No 1517/95;

b in section 16, the reference ‘2309’;

c in sections 17 and 18, the quantity of compound feedingstuffs which must be exported;

d in section 20, the content in cereal products to be incorporated in the compound feedingstuff if this is known, a distinction being made between maize and other cereals; otherwise, if use is made of the provision referred to in point (a) of annotating section 15 with a reference specifying two or more subdivisions, the bracket showing the quantities of maize and other cereals incorporated.

The details included on applications shall be shown on the export licences.

Textual Amendments

F3 Deleted by Commission Regulation (EC) No 1092/2004 of 10 June 2004 amending Regulation (EC) No 1342/2003 as regards the determination of categories of rice within the meaning of Regulation (EC) No 1291/2000.

F4 Inserted by Commission Regulation (EC) No 1092/2004 of 10 June 2004 amending Regulation (EC) No 1342/2003 as regards the determination of categories of rice within the meaning of Regulation (EC) No 1291/2000.

[F2 Article 5

For the purposes of the second paragraph of Article 15 of the Commission Regulation (EC) No 1501/95[14] and of Article 16(10) of Regulation (EC) No 3072/95, section 22 of export licenses shall show one of the entries shown in Annex IX to this Regulation.**]**

Textual Amendments

F2 Substituted by Commission Regulation (EC) No 1996/2006 of 22 December 2006 adapting several Regulations concerning the cereals market by reason of the accession of Bulgaria and Romania to the European Union.

[F1 Article 6

1 The period of validity of the import and export licence shall be as follows:

[F5(a)**]** **F5** . . . . . .

b save as otherwise provided, for products imported or exported under tariff quotas administered by other methods than a method based on the chronological order of the lodging of applications in accordance with articles 308a, 308b and 308c of Commission Regulation (EC) No 2454/93[15] (first come first served principle): from the actual day of issue of the licence, in accordance with Article 22(2) of Regulation (EC) No 376/2008, until the end of the second month following the month of that day;

c for products exported for which a refund has been fixed and for products for which, on the day of submission of the licence application, an export tax has been fixed: from the day of issue of the licence, in accordance with Article 22(1) of Regulation (EC) No 376/2008, until the end of the fourth month following the month of that day.

[F62 Notwithstanding paragraph 1, the validity of export licences for products listed in Part II(A) of Annex II to Regulation (EC) No 376/2008 shall expire on the 60th day following their date of issue, as defined in Article 22(1) of the above-mentioned Regulation, where no refund has been fixed, whether or not in advance, or where these products are exported without a refund, in accordance with Article 8(3) hereof.**]**

3 By way of derogation from paragraph 1, the validity of export licences for which a refund has been fixed for products falling within CN codes 1702 30, 1702 40, 1702 90 and 2106 90, shall expire not later than:

a 30 June for applications submitted until 31 May of each marketing year;

b 30 September for applications submitted from 1 June of a marketing year until 31 August of the following marketing year;

c 30 days from the day of issue of the licence for applications submitted from 1 September to 30 September of the same marketing year.

4 By way of derogation from paragraph 1, at the request of the operator, the validity of export licences for which a refund has been fixed for products falling within CN codes 1107 10 19, 1107 10 99 and 1107 20 00 shall expire not later than:

a 30 September of the current calendar year, for licences issued from 1 January to 30 April;