This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

►**B**

COMMISSION REGULATION (EC) No 977/2003

of 6 June 2003

opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2003 to 30 June 2004)

(OJ L 141, 7.6.2003, p. 5)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 1361/2003 of 31 July 2003	L 194	38	1.8.2003

▼B

COMMISSION REGULATION (EC) No 977/2003

of 6 June 2003

opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2003 to 30 June 2004)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal [1], as last amended by Regulation (EC) No 806/2003 [2], and in particular Article 32(1) thereof,

Whereas:

(1) The WTO schedule CXL requires the Community to open an annual import tariff quota for 169 000 head of young male bovine animals for fattening. Implementing rules should be laid down for the period 1 July 2003 to 30 June 2004.

(2) There should be a guarantee in particular of equal and continuing access to the said quota for all interested traders within the Community. However, pursuant to Article 32(3) of Regulation (EC) No 1254/1999, the method of administration may give due weight to the supply requirements on the Community market.

(3) The requirements of certain Member States which have a shortfall of bovine animals for fattening may therefore be taken into account. As those requirements are particularly evident in Italy and Greece, priority should be given to satisfying demand in those two Member States.

(4) For the allocation of the tariff quota methods which have been applied in the past to this quota should be applied again. Consequently, in Italy and Greece the method referred to in the third indent of Article 32(2) should be applied while the method referred to in the second indent of that paragraph shall be used for applications in other Member States.

(5) Importers who can show that they have been involved in trade with live animals with third countries should be able to apply for import rights. Proof of that involvement calls for evidence to be presented of recent import or export of some significance.

(6) Checks of criteria for participation in the quota allocation call for applications to be submitted in the Member State where the trader is entered in the value added tax (VAT) register. Italy and Greece are an exception to this rule: traders entered in the VAT register of another Member State may submit their applications in these two countries.

(7) In order to prevent speculation:

— importers no longer involved in trade in live bovine animals at 1 January 2003 should be denied access to the quota,

— a security should be fixed for import rights,

— licences should not be transferable,

— import licences should be issued to traders solely for the quantities for which they have been allocated import rights.

(8) In order to provide for more equal access to the quota while ensuring a commercially viable number of animal per application, each application should respect a maximum and a minimum number of heads.

---

[1] OJ L 160, 26.6.1999, p. 21.
[2] OJ L 122, 16.5.2003, p. 1.

▼B

(9) To oblige traders to apply for import licences for all import rights allocated, it should be established that this obligation is a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ([1]), as last amended by Regulation (EC) No 1932/1999 ([2]).

(10) With a view to using up quota quantities completely, a closing date should be set for the submission of import licence applications and provision should be made for a further allocation of quantities not covered by licence applications submitted by that date. In the light of experience it should also be laid down that this final allocation is open only to importers who have applied for import licences for the total quantity to which they are entitled.

(11) A proper management of the quota requires the use of import licences. To that end, rules should be laid down in particular on the way applications are to be submitted and the information to be shown in applications and licences, where applicable by waiving or supplementing certain provisions of 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 certain agricultural products ([3]), as last amended by Regulation (EC) No 325/2003 ([4]), and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ([5]), as last amended by Regulation (EC) No 852/2003 ([6]).

(12) A proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.

(13) With a view of ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 shall not apply.

(14) The application of this tariff quota requires effective checks on the specific destination of the imported animals. The animals should therefore be fattened in the Member State which has issued the import licence.

(15) A security must be lodged to ensure that the animals are fattened for at least 120 days in designated production units. The amount of the security should cover the difference between the common customs tariff (CCT) duty and the reduced duty applicable on the date of release for free circulation of the animals in question.

(16) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota for 169 000 young male bovine animals covered by CN codes 0102 90 05, 0102 90 29 or 0102 90 49 and intended for

([1]) OJ L 205, 3.8.1985, p. 5.
([2]) OJ L 240, 10.9.1999, p. 11.
([3]) OJ L 152, 24.6.2000, p. 1.
([4]) OJ L 47, 21.2.2003, p. 21.
([5]) OJ L 143, 27.6.1995, p. 35.
([6]) OJ L 123, 17.5.2003, p. 9.

▼B

fattening in the Community is hereby opened for the period 1 July 2003 to 30 June 2004.

The serial number of the quota shall be 09.4005.

2. The customs import duty applicable under the tariff quota referred to in paragraph 1 shall be 16 % *ad valorem* plus EUR 582 per tonne net.

That rate of duty shall apply on condition that the imported animals are fattened for at least 120 days in the Member State which has issued the import licence.

Article 2

1. Import rights for the quantity referred to in Article 1(1) shall be allocated to the Member States as follows:

(a) Italy	107 650 head;
(b) Greece:	16 470 head;
(c) other Member States:	44 880 head.

2. Within each of the quantities referred to in paragraph 1(a) and (b), import rights relating to:

— 50 % of the quantity shall be allocated upon application directly by the Member State concerned to importers who furnish proof of having imported animals under the Regulations referred to in Annex I. All quantities presented as reference quantity shall constitute the import rights applied for,

— 50 % of the quantity shall be allocated upon application directly by the Member State concerned to operators who furnish proof that, in the period 1 January 2002 to 31 December 2002, they have exported to or imported from third countries at least 75 live animals covered by CN code 0102 90, excluding imports under Regulations referred to in Annex I.

3. Applicants must be entered in a national value added tax (VAT) register.

Applications for import rights shall be presented:

— in Italy for the quantities referred to in paragraph 1(a),

— in Greece for the quantities referred to in paragraph 1(b),

— in the Member States of registration for the quantities referred to in paragraph 1(c).

4. The quantities referred to in paragraph 1(c) shall be allocated upon application to operators who furnish proof that in the period from 1 January 2002 to 31 December 2002 they have exported to or imported from third countries at least 75 live animals covered by CN code 0102 90.

5. The quantities referred to in the first and second indent of paragraph 2 and in paragraph 4 shall be allocated to eligible operators in proportion to the quantities respectively applied for.

6. Proof of import and/or export shall be provided solely by means of customs documents of release for free circulation.

Member States may accept copies of those documents duly certified by the competent authorities.

Article 3

1. Operators who are no longer engaged in trade in live bovine animals on 1 January 2003 shall not qualify under the arrangements provided for in this Regulation.

2. For the purpose of access to the quantity referred to in the first indent of Article 2(2) a company formed by the merger of companies

▼B

each having rights to apply pursuant to that indent shall enjoy the same rights as the companies from which they were formed.

Article 4

1. Where, under any one category referred to respectively in the first indent of Article 2(2), the second indent of Article 2(2) and Article 2(4) an applicant submits more than one application, all such applications shall be rejected.

2. For the purposes of Article 2(2) and (4), applications accompanied by the necessary proofs must reach the competent authorities not later than 13.00, Brussels time, on 13 June 2003.

3. Each application under the second indent of Article 2(2) and under Article 2(4) shall relate to a minimum of 50 head and a maximum of 10 % of the available number of head.

4. As regards applications under Article 2(2), after verification of the documents presented, Italy and Greece shall forward to the Commission by 2 July 2003 at the latest a list of applicants and quantities applied for using the forms set out in Annex II for applications under the first indent of Article 2(2) and in Annex III for applications under the second indent of Article 2(2).

Where the quantities applied for under any of the two indents of Article 2(2) exceed the quantities available the Member State concerned shall apply a reduction coefficient to the quantities applied for.

5. As regards applications under Article 2(4), after verification of the documents presented, Member States shall forward to the Commission by 2 July 2003 at the latest a list of applicants and quantities applied for using the form set out in Annex III.

The Commission shall decide as soon as possible to what extent applications under Article 2(4) may be accepted. Where the quantities applied for exceed the quantities available, the Commission shall fix a reduction coefficient to be applied to the quantities applied for.

6. Where in application of the coefficient referred to in paragraphs 4 and 5 the allocation under the second indent of Article 2(2) and under Article 2(4) would result in less than 50 head being allocated per application, the allocation shall be made by the Member States concerned by drawing lots for batches of 50 head for those applications. Where the remainder is fewer than 50 head, that number shall constitute a single batch.

Article 5

1. A security for import rights is fixed at EUR 3 per head. It must be lodged with the competent authority together with the application for import rights.

2. Import licence applications must be submitted for the import rights allocated. This obligation is a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. Where the allocations for Italy and Greece referred to in Article 2(2) and that made by the Commission under Article 4(5) result in import right applications exceeding the rights allocated, the security lodged shall be released immediately for that overrun.

Article 6

1. Any import of animals for which import rights have been allocated shall be subject to presentation of an import licence.

2. Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, save as otherwise provided in this Regulation.