COMMISSION REGULATION (EC) No 456/2003

of 12 March 2003

laying down special rules on the prefinancing of export refunds for certain beef and veal products placed under a customs-warehousing or free-zone procedure

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 Commission Regulation (EC) No 2345/2001 [2], and in particular Article 33(12) thereof,

Whereas:

(1) Chapter 3 of Title II 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], as last amended by Regulation (EC) No 253/2002 [4], lays down the rules for advance payment of the refund for products and goods placed under a customs-warehousing or free-zone procedure.

(2) Taking account of the conditions for the production of certain cuts of boned beef and veal and for placing them in storage, thus making them eligible under the arrangements for the advance payment of the refund, and also of the way in which those products are exported, the control provisions laid down in Article 27 of Regulation (EC) No 800/1999 should be supplemented with specific provisions. Those additional provisions concern, in particular, the creation of a computerised database by those operators who wish to participate in these arrangements, approved by the customs authorities responsible for control and to which the latter must have direct access.

(3) A derogation should be made for some beef and veal products from the maximum period for which products may remain under a customs-warehousing or free-zone procedure provided for in Article 29(5) of Regulation (EC) No 800/1999. In order for these arrangements to function, in view of the special conditions prevailing in the beef and veal sector, that period should be four months.

(4) In order to make operations more transparent and checks quicker and more effective, the number of operations to be subject to either phase of the procedure should be restricted.

(5) In order to ensure the smooth operation of these arrangements, the control criteria and frequency and the consequences to be drawn where a discrepancy is detected between the actual stocks and the database should be laid down. In addition, a derogation should be made from Article 26(7) of Regulation (EC) No 800/1999.

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to Regulation (EC) No 800/1999, for products falling within codes 0201 30 00 9100 and 0201 30 00 9120 of the agricultural product nomenclature for export refunds introduced by Commission Regulation (EEC) No 3846/87 [5] placed under a customs-warehousing or free-zone procedure, the prefinancing of export refunds shall be subject to the rules set out in this Regulation.

Article 2

1. Eligibility for prefinancing of the refund for the products referred to in Article 1 under the storage scheme shall be conditional on the issue of written authorisation by the customs authority responsible for the management and control of the scheme.

2. The authorisation referred to in paragraph 1 shall be issued only to operators giving a written undertaking to maintain a computerised database of products to be placed under the prefinancing arrangements (hereinafter called 'the database'). Where the products are stored in several places, authorisation may be granted for a database for each warehouse.

Where all or part of the goods are stored by a third party acting on behalf of the operator, the database may be maintained by that third party on the responsibility of the operator, who shall be answerable for its accuracy.

The competent customs authorities shall make prior checks to ensure that the database, to which they must have direct access without any need for prior notification, has been set up and is operational. The authorisation referred to in paragraph 1 shall lay down the procedure for accessing the database.

[1] OJ L 160, 26.6.1999, p. 21.
[2] OJ L 315, 1.12.2001, p. 29.
[3] OJ L 102, 17.4.1999, p. 11.
[4] OJ L 183, 12.7.2002, p. 12.
[5] OJ L 366, 24.12.1987, p. 1.