COMMISSION REGULATION (EC) No 444/2003

of 11 March 2003

amending Council Regulation (EEC) No 565/80 and Commission Regulations (EC) No 800/1999 and (EC) No 2090/2002 as regards the advance payment of export refunds in respect of 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]), as last amended by Regulation (EC) No 1666/2000 ([2]), and in particular Articles 13 and 21 thereof, and the corresponding provisions of the other regulations on the common organisation of markets in agricultural products,

Whereas:

(1) It has been noted that the exporters' stock accounts used to monitor basic products placed under the prefinancing arrangements and intended for export in the form of processed products and which are based on standard rates of yields, do not necessarily reflect the real situation of existing stocks and do not allow adequate checks on the requirements to which these products are subject under Community rules. Article 4(3) of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ([3]), as amended by Regulation (EEC) No 2026/83 ([4]), should therefore be amended so that the standard rates of yields are no longer applied to prefinancing.

(2) Experience shows that the rules do not adequately specify how the physical checks on products placed under the prefinancing arrangements should be applied. Differences have also been found between Member States in the way the physical checks are conducted. In order to achieve uniform application of the rules in this area, a minimum compulsory rate of physical checks on products placed under the prefinancing arrangements should be introduced, to be carried out when the payment declaration is accepted; it should be specified also that these checks must be carried out in accordance with the system laid down in Council Regulation (EEC) No 386/90 ([5]), as amended by Regulation (EC) No 163/94 ([6]), and Commission Regulation (EC) No 2090/2002 ([7]).

(3) It has been found that exporters use the prefinancing arrangements above all to extend indirectly the period of validity of export licences. 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 ([8]), as last amended by Regulation (EC) No 1253/2002 ([9]), should therefore be further amended as regards the period during which basic products may remain under customs control with a view to processing and the period during which products may remain under a customs-warehousing or free-zone procedure.

(4) Furthermore, to ensure sound market management, the quantities of products placed under the prefinancing arrangements should be known fairly rapidly.

(5) Following the amendment of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ([10]), as last amended by Regulation (EC) No 444/2002 ([11]), certain references to the articles of that Regulation contained in Regulation (EC) No 800/1999 should be amended.

(6) Regulations (EC) No 800/1999 and (EC) No 2090/2002 should be amended accordingly.

(7) The Management Committees concerned have not delivered opinions within the time limits set by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4(3) of Regulation (EEC) No 565/80 is hereby replaced by the following:

'3. As regards control procedures and the rate of yield, the basic products shall be subject to the same rules as apply in respect of inward processing to products of the same nature, with the exception of the rules on the standard rates of yield.

([1]) OJ L 181, 1.7.1992, p. 21.
([2]) OJ L 193, 29.7.2000, p. 1.
([3]) OJ L 62, 7.3.1980, p. 5.
([4]) OJ L 199, 22.7.1983, p. 12.
([5]) OJ L 42, 16.2.1990, p. 6.
([6]) OJ L 325, 17.12.1999, p. 12.
([7]) OJ L 322, 27.11.2002, p. 4.
([8]) OJ L 102, 17.4.1999, p. 11.
([9]) OJ L 183, 12.7.2002, p. 12.
([10]) OJ L 253, 11.10.1993, p. 1.
([11]) OJ L 68, 12.3.2002, p. 11.