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COMMISSION REGULATION (EC) No 1323/2002

of 22 July 2002

derogating from Regulation (EC) No 800/1999 as regards the export of cereals products to third countries other than Hungary

(OJ L 194, 23.7.2002, p. 24)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 1801/2002 of 10 October 2002	L 274	19	11.10.2002

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COMMISSION REGULATION (EC) No 1323/2002

of 22 July 2002

derogating from Regulation (EC) No 800/1999 as regards the export of cereals products to third countries other than Hungary

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 Article 13 thereof,

Whereas:

(1) Article 3 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 1253/2002 [4], states that entitlement to the refund is acquired on importation into a specific third country when a differentiated refund applies for that third country. Articles 14, 15 and 16 of the Regulation lay down the conditions for the payment of the differentiated refund, in particular the documents to be supplied as proof of the goods' arrival at destination.

(2) In the case of a differentiated refund, Article 18(1) and (2) of Regulation (EC) No 800/1999 states that part of the refund, calculated using the lowest refund rate, is paid on application by the exporter once proof is furnished that the product has left the customs territory of the Community.

(3) A trade agreement has recently been concluded between the European Commission and Hungary, introducing concessions in the form of Community tariffs for certain agricultural products and complete liberalisation of trade in other agricultural products. In the cereals sector the abolition of refunds for most of the products listed in Article 1(1) of Regulation (EEC) No 1766/92 is one of the concessions introduced.

(4) The Hungarian authorities have undertaken to grant the preferential duty to cereal products imported into Hungary only if the product concerned is accompanied by documents certifying that it has not benefited from an export refund. The full rate of duty applies in the absence of such documents. As the full rate of duty is higher than the amount of the refund currently granted for exports to other third countries, there is no risk of a diversion of trade.

(5) Account should therefore be taken of these arrangements when applying the above provisions of Regulation (EC) No 800/1999 in order to avoid imposing unnecessary costs on exporters in their commercial trade with third countries. To this end, no account should be taken of the fact that no refund has been fixed for the particular destination in question when determining the lowest rate of refund.

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

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[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 102, 17.4.1999, p. 11.
[4] OJ L 183, 12.7.2002, p. 12.