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►B **COMMISSION ►C1 REGULATION (EC) No 995/2002 ◄**

of 11 June 2002

opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2002 to 30 June 2003)

(OJ L 152, 12.6.2002, p. 3)

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opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2002 to 30 June 2003)

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 32(1) thereof,

Whereas:

(1) The WTO schedule CXL requires the Community to open an annual import tariff quota of 50 700 tonnes of frozen beef intended for processing. Implementing rules should be laid down for the quota year 2002 to 2003 starting 1 July 2002.

(2) The import of frozen beef under the tariff quota shall qualify for the total suspension of the specific rate of customs duty where the meat is intended for the manufacture of preserved food, which does not contain characteristic components other than beef and jelly. Where the meat is intended for other processed products containing beef, the import shall qualify for a 55 % suspension of the autonomous specific rate of customs duty. The breakdown of the tariff quota into each of the arrangements referred to above should be made taking into account the experience gained in respect of similar imports in the past.

(3) So as to avoid speculation, access to the quota should be allowed only to active processors carrying out processing in a processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC [3], as last amended by Directive 97/76/EC [4].

(4) Imports into the Community under the present tariff quota are subject to presentation of an import licence. Licences may be issued following allocations of import rights on the basis of applications from eligible processors. Subject to the provisions of this Regulation, the 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 agricultural products [5], as amended by Regulation (EC) No 2299/2001 [6], and 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 [7], as last amended by Regulation (EC) No 2492/2001 [8], shall apply to import licences issued under this Regulation.

(5) In order to prevent speculation, import licences should be issued to processors solely for the quantities for which they have been allocated import rights. Moreover, for the same reason, security should be lodged together with the application for import rights. The application for import licences corresponding to the allocated rights should be 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

[1] OJ L 160, 26.6.1999, p. 21.
[2] OJ L 315, 1.12.2001, p. 29.
[3] OJ L 26, 31.1.1977, p. 85.
[4] OJ L 10, 16.1.1998, p. 25.
[5] OJ L 152, 24.6.2000, p. 1.
[6] OJ L 308, 27.11.2001, p. 19.
[7] OJ L 143, 27.6.1995, p. 35.
[8] OJ L 337, 20.12.2001, p. 18.

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of the system of securities for agricultural products [1], as last amended by Regulation (EC) No 1932/1999 [2].

(6) 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 application submitted by that date. In the light of the experience obtained, that allocation should be limited to processors who have converted all their import rights initially allocated into import licences.

(7) The application of the present tariff quota requires strict surveillance of imports and effective checks as to their use and destination. The processing should therefore be authorised only in the establishment referred to in box 20 of the import licence.

(8) A security shall be lodged in order to ensure that the imported meat is used according to the tariff quota specifications. The amount of security should be fixed taking into account the difference between the customs duties applicable within and outside the quota.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. An import tariff quota of 50 700 tonnes, bone-in equivalent of frozen beef falling within CN code 0202 20 30, 0202 30 10, 0202 30 50, 0202 30 90 or 0206 29 91 and intended for processing in the Community is hereby opened for the period 1 July 2002 to 30 June 2003.

2. The overall quantity referred to in paragraph 1 shall be divided into two quantities:

(a) 40 000 tonnes of frozen beef intended for the manufacture of preserved food as defined in Article 7(a);

(b) 10 700 tonnes of frozen beef intended for the manufacture of products as defined in Article 7(b).

3. The quota shall bear the following serial Nos:

— 09.4057 for the quantity referred to in paragraph 2(a),

— 09.4058 for the quantity referred to in paragraph 2(b).

4. The customs import duties to apply on frozen beef under the present tariff quota are those referred to in order No 13 of Annex 7 to Part Three of Commission Regulation (EC) No 2031/2001 of 6 August 2001 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff [3].

Article 2

1. An application for import rights is valid only if it is lodged by, or on behalf of a natural or legal person who, at least once during the 12 months prior to the entry into force of this Regulation, has been active in production of processed products containing beef. Furthermore, the application shall be lodged by, or on behalf of a processing establishment approved pursuant to Article 8 of Directive 77/99/EEC. For each quantity referred to in Article 1(2) only one application for import rights which shall not exceed 10 % of each quantity available may be accepted in respect of each approved processing establishment.

[1] OJ L 205, 3.8.1985, p. 5.
[2] OJ L 240, 10.9.1999, p. 11.
[3] OJ L 279, 23.10.2001, p. 1.

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Applications for import rights may be presented only in the Member State in which the processor is registered for VAT purposes.

2. A security of EUR 6 per 100 kg shall be lodged together with the application for import rights.

3. Applicants no longer active in the meat processing industry on 1 January 2002 shall not qualify under the arrangements provided for in this Regulation.

4. Documentary evidence, to the satisfaction of the competent authority, of compliance with the conditions of the preceding paragraphs shall be lodged together with the application.

Article 3

1. Each application for import rights for production of A-products or B-products shall be expressed in bone-in equivalence and shall not exceed the available quantity under each of the two categories.

2. Each application referring to either A-products or B-products shall reach the competent authority by 21 June 2002.

3. Member States shall forward to the Commission by 28 June 2002 a list of applicants and quantities applied for under each of the two categories together with the approval numbers of the processing establishments concerned.

All communications, including nil returns, shall be sent by fax using the forms in Annexes I and II.

4. The Commission shall decide as soon as possible to what extent applications may be accepted, where necessary as a percentage of the quantity applied for.

Article 4

1. Any import of frozen beef for which import rights have been allocated pursuant to Article 3 shall be subject to presentation of an import licence.

2. As to the security referred to in Article 2(2) the application for import licences corresponding to the allocated import rights shall be a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

Where in application of Article 3(4) the Commission fixes a reduction coefficient the security lodged shall be released in respect of the import rights applied for which exceed the allocated import rights.

3. Within his allocated import rights a processor may apply for import licences until 21 February 2003 at the latest.

4. Licence applications may be lodged solely:

— in the Member State in which the application for import rights has been lodged, and

— by processors or on behalf of processors to whom import rights have been allocated. Import rights allocated to processors entitle them to import licences for quantities equivalent to the rights allocated.

For the purpose of this paragraph 100 kilograms of bone-in beef equals 77 kilograms of boneless beef.

5. A security shall be lodged with the competent authority at the time of importation ensuring that the processor having been allocated import rights processes the entire quantity of meat imported into the required finished products in his establishment specified in the licence application, within three months following the day of importation.

The amounts of the security are fixed in Annex III.

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Article 5

1. On the licence application and the licence itself shall be entered:

(a) in box 8, the country of origin;

(b) in box 16, one of the eligible CN codes;

(c) in box 20, at least one of the following endorsements:

— Certificado válido en … (Estado miembro expedidor)/carne destinada a la transformación … [productos A] [productos B] (táchese lo que no proceda) en … (designación exacta y número de registro del establecimiento en el que vaya a procederse a la transformación)/Reglamento (CE) nº ►C1 995/2002 ◄

— Licens gyldig i … (udstedende medlemsstat)/Kød bestemt til forarbejdning til (A-produkter) (B-produkter) (det ikke gældende overstreges) i … (nøjagtig betegnelse for den virksomhed, hvor forarbejdningen sker)/forordning (EF) nr. ►C1 995/2002 ◄

— In … (ausstellender Mitgliedstaat) gültige Lizenz/Fleisch für die Verarbeitung zu [A-Erzeugnissen] [B-Erzeugnissen] (Unzutreffendes bitte streichen) in … (genaue Bezeichnung des Betriebs, in dem die Verarbeitung erfolgen soll)/Verordnung (EG) Nr. ►C1 995/2002 ◄

— Η άδεια ισχύει … (κράτος μέλος έκδοσης)/Κρέας που προορίζεται για μεταποίηση … [προϊόντα Α] [προϊόντα Β] (διαγράφεται η περιττή ένδειξη) … (ακριβής περιγραφή και αριθμός έγκρισης της εγκατάστασης όπου πρόκειται να πραγματοποιηθεί η μεταποίηση)/Κανονισμός (ΕΚ) αριθ. ►C1 995/2002 ◄

— Licence valid in … (issuing Member State)/Meat intended for processing … [A-products] [B-products] (delete as appropriate) at … (exact designation and approval No of the establishment where the processing is to take place)/Regulation (EC) No ►C1 995/2002 ◄

— Certificat valable … (État membre émetteur)/viande destinée à la transformation de … [produits A] [produits B] (rayer la mention inutile) dans … (désignation exacte et numéro d'agrément de l'établissement dans lequel la transformation doit avoir lieu)/règlement (CE) nº ►C1 995/2002 ◄

— Titolo valido in … (Stato membro di rilascio)/Carni destinate alla trasformazione … [prodotti A] [prodotti B] (depennare la voce inutile) presso … (esatta designazione e numero di riconoscimento dello stabilimento nel quale è prevista la trasformazione)/Regolamento (CE) n. ►C1 995/2002 ◄

— Certificaat geldig in … (lidstaat van afgifte)/Vlees bestemd voor verwerking tot [A-producten] [B-producten] (doorhalen wat niet van toepassing is) in … (nauwkeurige aanduiding en toelatingsnummer van het bedrijf waar de verwerking zal plaatsvinden)/Verordening (EG) nr. ►C1 995/2002 ◄

— Certificado válido em … (Estado-Membro emissor)/carne destinada à transformação … [produtos A] [produtos B] (riscar o que não interessa) em … (designação exacta e número de aprovação do estabelecimento em que a transformação será efectuada)/Regulamento (CE) n.º ►C1 995/2002 ◄

— Todistus on voimassa … (myöntäjäjäsenvaltio)/Liha on tarkoitettu [A-luokan tuotteet] [B-luokan tuotteet] (tarpeeton poistettava) jalostukseen …:ssa (tarkka ilmoitus laitoksesta, jossa jalostus suoritetaan, hyväksyntänumero mukaan lukien)/Asetus (EY) N:o ►C1 995/2002 ◄

— Licensen är giltig i … (utfärdande medlemsstat)/Kött avsett för bearbetning … [A-produkter] [B-produkter] (stryk det som inte gäller) vid … (exakt angivelse av och godkännandenummer för anläggningen där bearbetningen skall ske)/Förordning (EG) nr ►C1 995/2002 ◄.

2. Without prejudice to the provisions of this Regulation, Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply.