Commission Regulation (EC) No 84/2009 of 27 January 2009 amending Regulation (EC) No 1342/2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice

COMMISSION REGULATION (EC) No 84/2009

of 27 January 2009

amending Regulation (EC) No 1342/2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular Article 161(3) in conjunction with Article 4 thereof,

Whereas:

(1) Article 8 of Commission Regulation (EC) No 1342/2003[(2)] establishes the time frames for issuing export licences. It stipulates, in this respect, that licences for exported products for which a refund has been fixed will normally be issued on the third working day following that on which the application is submitted, even where the refund is zero. However, that time frame can be too long where products need to be exported immediately. In order to simplify their administrative formalities, operators who find themselves in this situation should therefore be allowed, on request, to obtain an export licence without delay, that licence being issued to them on the day on which the application is submitted.

(2) However, reducing the time frame for issuing the licence should not have the result of giving the operators concerned an advantage over other operators, particularly where export tax should be fixed during the three days following the submission of the application. To this end, steps should be taken to ensure that, in such cases, entitlement to a refund is not conferred by issuing the export licence on the day on which the application is submitted and that, where tax should be fixed before the export declaration is accepted, that tax will apply to the products concerned.

(3) In this context, the term of validity of such licences and the securities to be lodged should also be specified.

(4) Regulation (EC) No 1342/2003 should be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Changes to legislation: Commission Regulation (EC) No 84/2009 is up to date with all changes known to be in force on or before 02 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 1

Regulation (EC) No 1342/2003 is amended as follows:

1. Article 6(2) is replaced by the following:

2. Notwithstanding paragraph 1, the validity of export licences for products listed in Part II(A) of Annex II to Regulation (EC) No 376/2008 shall expire on the 60th day following their date of issue, as defined in Article 22(1) of the above-mentioned Regulation, where no refund has been fixed, whether or not in advance, or where these products are exported without a refund, in accordance with Article 8(3) hereof.;

2. in Article 8, the following paragraph 3 is added:

3. Notwithstanding paragraph 1, export licences for products for which a refund has been fixed shall be issued, at the operator's request, on the day on which the application is submitted, provided that the application specifies that the licence is issued without a refund and that, where an export tax is applicable upon acceptance of the export declaration, that tax applies to the products concerned. In such cases, box 20 of the application and the export licence issued must contain one of the entries shown in Annex Ia.;

3. in Article 12(c), the following point (iii) is added:

(iii) EUR 3 per tonne for products to which Article 8(3) applies.;

4. the text in the Annex to this Regulation is inserted after Annex I as Annex Ia.

Article 2

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 January 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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ANNEX

ANNEX Ia

ENTRIES REFERRED TO IN ARTICLE 8(3)

— in Bulgarian	:	износ без възстановяване — приложими експортни такси — Регламент (ЕО) № 1342/2003, член 8, параграф 3
— in Spanish	:	Exportación sin restitución — Gravámenes por exportación aplicables — Reglamento (CE) nº 1342/2003, artículo 8, apartado 3
— in Czech	:	Vývoz bez náhrady – platné vývozní poplatky – Nařízení (ES) č. 1342/2003, čl. 8 odst. 3
— in Danish	:	Eksport uden restitution — Eksportafgifter gældende — Forordning (EF) nr. 1342/2003, artikel 8, stk. 3
— in German	:	Ausfuhr ohne Erstattung — Ausfuhrabgaben finden Anwendung — Verordnung (EG) Nr. 1342/2003, Artikel 8 Absatz 3
— in Estonian	:	Toetuseta eksport – kohaldatakse ekspordimakse – määruse (EÜ) nr 1342/2003 artikli 8 lõige 3
— in Greek	:	Εξαγωγή χωρίς επιστροφή — Επιβαλλόμενοι φόροι κατά την εξαγωγή — Κανονισμός (ΕΚ) αριθ. 1342/2003 άρθρο 8 παράγραφος 3
— in English	:	Export without refund — Export taxes applicable — Regulation (EC) No 1342/2003, Article 8(3)
— in French	:	Exportation sans restitution — Taxes à l'exportation applicables — Règlement (CE) nº 1342/2003, article 8, paragraphe 3
— in Irish	:	Onnmhairiú gan aisíoc – cánacha onnmhairiúcháin infheidhme – Rialachán (CE) Uimh. 1342/2003, Airteagal 8, mír 3
— in Italian	:	Esportazione senza restituzione — Tasse all'esportazione applicabili — Regolamento (CE) n. 1342/2003, articolo 8, paragrafo 3
— in Latvian	:	Eksports bez kompensācijas – Piemērojamie izvedmuitas nodokļi – Regulas (EK) Nr. 1342/2003 8. panta 3. punkts
— in Lithuanian	:	Eksportas be grąžinamosios išmokos – Eksportui taikytini mokesčiai – Reglamento (EB) Nr. 1342/2003 8 straipsnio 3 dalis
— in Hungarian	:	Visszatérítés nélküli kivitel – Kiviteli vám alkalmazandó – Az 1342/2003/EK rendelet 8. cikkének (3) bekezdése
— in Maltese	:	Esportazzjoni bla rifużjoni — Taxxi tal-esportazzjoni applikabbli — L-Artikolu 8(3) tar-Regolament (KE) Nru 1342/2003
— in Dutch	:	Uitvoer zonder restitutie — Uitvoerbelasting van toepassing — Verordening (EG) nr. 1342/2003, artikel 8, lid 3
— in Polish	:	Wywóz bez refundacji – Stosowane podatki wywozowe – art. 8 ust. 3 rozporządzenia (WE) nr 1342/2003
— in Portuguese	:	Exportação sem restituição — Imposições de exportação aplicáveis — Regulamento (CE) n.º 1342/2003, artigo 8.º, n.º 3
— in Romanian	:	Export fără restituire – Taxe la export aplicabile – Regulamentul (CE) nr. 1342/2003, articolul 8 alineatul (3)
— in Slovak	:	Vývoz bez náhrady – Platné vývozné poplatky – Nariadenie (ES) č. 1342/2003 článok 8 ods. 3
— in Slovenian	:	Izvoz brez nadomestila – Veljavne izvozne takse – Uredba (ES) št. 1342/2003, člen 8(3)
— in Swedish	:	Export utan bidrag – Exportavgifter tillämpliga – Förordning (EG) nr 1342/2003, artikel 8.3
— in Finnish	:	Vienti ilman vientitukea – Sovellettavat vientiverot – Asetuksen (EY) N:o 1342/2003 8 artiklan 3 kohta