COMMISSION REGULATION (EEC) No 519/91

of 1 March 1991

determining the extent to which applications in the beef and veal sector for the issue of import licences lodged pursuant to Regulation (EEC) No 3885/90 may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3838/90 of 20 December 1990 opening and providing for the administration of a Community tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91 (1991) [1], and in particular Article 4 thereof,

Having regard to Commission Regulation (EEC) No 3885/90 of 27 December 1990 laying down detailed rules for the application of the import arrangements provided for in Council Regulation (EEC) No 3838/90 for frozen mat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 [2], as amended by Regulation (EEC) No 202/91 [3], and in particular Article 6 (1) thereof,

Whereas Commission Regulation (EEC) No 3885/90 provides in particular for the quantities reserved for traditional importers to be allocated in proportion to their imports in 1988, 1989 and 1990; whereas in the other cases the quantities applied for in accordance with Article 6 (2) of Regulation (EEC) No 3885/90 exceed the quantities available under Article 1 (2) of that Regulation; whereas, therefore, the quantities applied for should be reduced on a proportional basis;

Whereas under the terms of Article 1 (4) of Regulation (EEC) No 3885/90 the quota referred to in the first paragraph of the said Article is allocated in proportion to imports in 1988, 1989 and 1990; whereas, in the event that two or more traders claim to have imported the same reference quantity, it is necessary to ensure that the said quantity is only counted once; whereas, to this end, the importers concerned should be required to lodge a guarantee covering the full rate of the levy applicable to imports of the products in question; whereas, moreover, the levy should be increased by a fixed percentage so as to take account, in the light of experience, of fluctuations in the levy; whereas the guarantee should only be released once the national authorities have definitively recognized that the trader concerned was actually the importer;

Whereas 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. Every application for an import licence lodged in accordance with Regulation (EEC) No 3885/90 shall be granted to the following extent:

(a) 291,104 kg per tonne imported in 1988, 1989 and 1990 for importers as defined in Article 1 (1) of Regulation (EEC) No 3885/90;

(b) 14 722 kg per application in the case of importers as defined in Article 1 (2) of Regulation (EEC) No 3885/90.

2. Member States shall issue the import licences as from 11 March 1991.

Article 2

1. Where it becomes apparent that two or more importers within the meaning of Article 1 (1) of Regulation (EEC) No 3885/90 are invoking the same reference quantity within the meaning of paragraph 4 of the said Article, import licences in relation to this reference quantity may only be issued once the importers concerned have lodged a guarantee of an amount equivalent to the basic import levy applicable for the meat in question at the moment of the delivery of the licence, plus 10 %.

2. The guarantee shall be lodged when the import licences referred to in the second subparagraph of Article 6 (1) of Regulation (EEC) No 3885/90 are issued.

It shall be released once the trader who lodged it has been definitively identified as the actual importer of the reference quantity in question.

Article 3

This Regulation shall enter into force on 4 March 1991.

[1] OJ No L 367, 29. 12. 1990, p. 3.
[2] OJ No L 367, 29. 12. 1990, p. 136.
[3] OJ No L 23, 29. 1. 1991, p. 18.

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

Done at Brussels, 1 March 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission