COMMISSION REGULATION (EC) No 1182/95

of 24 May 1995

laying down certain transitional measures concerning the implementation of the Uruguay Round Agreement on Agriculture in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations (1), and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal (2), as last amended by Regulation (EC) No 424/95 (3), and in particular Article 15 thereof,

Whereas, in order to ensure that a distinction is made between quantities exported before and quantities exported after the date of entry into force of the Uruguay Round Agreement on Agriculture, Article 1 of Commission Regulation (EC) No 1521/94 (4) lays down that the period of validity of licences issued under the current arrangements is limited to the day preceding the entry into force of the said Agreement for the product concerned; whereas that provision could lead to an interruption of export flows when the Uruguay Round Agreement on Agriculture enters into force; whereas, to avoid such a disruption of trade, transitional measures should be adopted to permit the use of export licences issued before the date of entry into force of the Uruguay Round Agreement on Agriculture after that date, except in special cases;

Whereas the Council has generally subjected the granting of any refund to the submission of an export licece with the refund fixed in advance on the basis of the destination; whereas, where the destination is changed, the refund applicable to the actual destination is paid up to the amount applicable to the destination specified in advance; whereas, in order to prevent the systematic and improper specification of those destinations with the highest refunds, a penalty should be introduced where a change is made to a destination with a lower rate of refund than that applicable to the destination originally specified;

Whereas, in order to ensure precise administration of the quantities to be exported, licences should be issued after a period of consideration and the information to be notified to the Commission and the method to be used for that notification should be specified; whereas derogation should be made from the rules regarding tolerance;

Whereas quantities exported as international food aid within the meaning of Article 10 (4) of the Uruguay Round Agreement on Agriculture should be identified;

Whereas deliveries in the Community for the purpose of victualling, for international organizations and for armed forces, and exports of small quantities are of a highly specific nature and of minor economic significance; whereas, for those reasons, provision has been made for a simplified arrangement for paying export refunds the aim of which is to facilitate the export operation and to avoid an unnecessary administrative burden on the economic operators and national authorities; whereas, for that reason, the simplified arrangement for the payment of export refunds for the abovementioned deliveries should be retained without making compulsory the submission of an export licence with advance fixing of the refund;

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

This Regulation lays down, for the products referred to in point (a) of Article 1 (1) of Regulation (EEC) No 805/68, as well as for products covered by CN codes 0102 10, 1602 50 31 to 1602 50 80 and 1602 90 69, the detailed transitional rules for the issue of export licences with advance fixing of the refund before the entry into force of the arrangements laid down in the Uruguay Round Agreement on Agriculture (hereinafter referred to as 'the Agreement').

The licences shall be entered in the accounts for the first year of the period of implementation of the Agreement.

Article 2

1. Applications may be made for export licences with advance fixing of the refund for export operations carried out from 1 July 1995.

(1) OJ No L 349, 31. 12. 1994, p. 105.
(2) OJ No L 148, 28. 6. 1968, p. 24.
(3) OJ No L 45, 1. 3. 1995, p. 2.
(4) OJ No L 162, 30. 6. 1994, p. 47.

2. The following shall be entered on the licence applications and the licences:

— the 11-figure product code of the agricultural products nomenclature for export refunds in box 16,

— the country of destination in box 7.

Article 3

Export licences shall be issued on the fifth working day following submission of the application provided that no special measures are adopted in the meantime.

Article 4

1. By way of derogation from Regulation (EC) No 1521/94, licences issued before 1 July 1995 may not be used before that date.

However:

licences issued before 1 July 1995 may be used prior to that date for the purpose of placing goods under one of the procedures provided for in Articles 4 and 5 of Council Regulation (EEC) No 565/80 [1]; in such cases the export declaration referred to in Article 30 of Commission Regulation (EEC) No 3665/87 [2] must not be lodged before 1 July 1995.

Box 22 of the licences shall contain one of the following indications, underlined:

— Certificado GATT

utilizable a partir del 1 de julio de 1995, excepto en caso de aplicación de alguno de los regímenes establecidos por el Reglamento (CEE) nº 565/80

— GATT-licens

Kan anvendes fra den 1. juli 1995, medmindre produktet undergives en af ordningerne i forordning (EØF) nr. 565/80

— GATT-Lizenz

gültig ab 1. Juli 1995 außer bei Anwendung einer der Regelungen gemäß Verordnung (EWG) Nr. 565/80

— Πιστοποιητικό της GATT

το οποίο μπορεί να χρησιμοποιηθεί μετά την 1η Ιουλίου 1995, εκτός της περιπτώσεως υπαγωγής σε ένα από τα καθεστώτα του κανονισμού (ΕΟΚ) αριθ. 565/80

— GATT licence

valid from 1 July 1995, except where the goods are placed under one of the procedures provided for in Regulation (EEC) No 565/80

— Certificat GATT

utilisable à partir du 1er juillet 1995, sauf en cas de mise sous l'un des régimes du règlement (CEE) nº 565/80

— Titolo GATT

utilizzabile a partire dal 1º luglio 1995, salvo assoggettamento ad uno dei regimi di cui al regolamento (CEE) n. 565/80

— GATT-certificaat

op of na 1 juli 1995 te gebruiken, behalve bij toepassing van een van de regelingen van Verordening (EEG) nr. 565/80

— Certificado GATT

utilizável a partir de 1 de Julho de 1995, excepto em caso de colocação sob um dos regimes do Regulamento (CEE) nº 565/80

— GATT-licens

giltigt från och med den 1 juli 1995, utom i de fall då produkten omfattas av något av förfarandena i förordning (EEG) nr 565/80

— GATT-todistus

voimassa 1 päivästä heinäkuuta 1995, paitsi sovellettaessa jotain asetuksen (ETY) N:o 565/80 järjestelyistä

2. The period of validity of the licences referred to in Article 2 (1) shall run from the date of their effective issue within the meaning of Article 21 (1) of Commission Regulation (EEC) No 3719/88 [3].

Article 5

1. No refund shall be paid for the additional quantity exported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88.

One of the following indications shall be entered in box 22, 'Special conditions', of the licence:

— Restitución válida por ..... (cantidad por la que se expida el certificado)

— Restitution gyldig for ..... (den mængde, som licensen er udstedt for)

— Erstattung anwendbar für ..... (Menge, für die die Lizenz erteilt wurde)

— Επιστροφή που ισχύει για ..... (ποσότητα για την οποία εκδόθηκε το πιστοποιητικό)

— Refund valid for ..... (quantity for which the licence is issued)

— Restitution valable pour ..... (quantité pour laquelle le certificat est délivré)

— Restituzione valida per ..... (quantitativo per cui è rilasciato il titolo)

— Restitutie geldig voor ..... (hoeveelheid waarvoor het certificaat wordt afgegeven)

— Restituição válida para ..... (quantidade em relação à qual é emitido o certificado)

— Bidrag giltigt för ..... (den kvantitet som licensen är utfärdad för)

— Tuki on voimassa ..... (määrä, jolle todistus myönnetään)

[1] OJ No L 62, 7. 3. 1980, p. 5.
[2] OJ No L 351, 14. 12. 1987, p. 1.
[3] OJ No L 331, 2. 12. 1988, p. 1.

2. Where the licence is returned to the issuing body during the first two-thirds of its period of validity, the security forfeit pursuant to Article 33 (2) of Regulation (EEC) No 3719/88 shall be reduced by 40 %.

For the purpose of applying the first subparagraph, a part of a day shall be counted as a whole day.

3. With regard to proof of use of the licence, the time limit of six months laid down in Article 33 (3) (a) and (b) of Regulation (EEC) No 3719/88 shall be replaced by a time limit of two months.

With regard to the proof referred to in point (b) (i) and (ii) of Article 30 (1) of that Regulation, the time limit of six months shall remain unaltered.

Article 6

1. Where the goods are exported to a destination other than that indicated in box 7 of the licence issued :

(a) if the rate of refund applicable for the actual destination is equal to or higher than the rate of refund for the destination indicated in box 7, the rate of refund for the destination indicated in box 7 shall apply;

(b) if the rate of refund applicable for the actual destination is lower than the rate of refund for the destination indicated in box 7, the refund to be paid shall be that applicable to the actual destination, reduced, except in the event of *force majeure*, by 20 % of the difference between the refund applicable for the destination indicated in box 7 and that applicable for the actual destination.

The rates of refund to be used shall be those applicable on the day of submission of the licence application.

2. Where paragraph 1 and Article 11 of Regulation (EEC) No 3665/87 both apply to a single operation, the amount resulting from paragraph 1 shall be reduced by the penalty referred to in Article 11 of Regulation (EEC) No 3665/87.

Article 7

Box 20 of licence applications and licences for food aid operations within the meaning of Article 10 (4) of the Agreement shall contain one of the following indications :

— Certificado GATT — Ayuda alimentaria

— GATT-licens — Fødevarehjælp

— GATT-Lizenz — Nahrungsmittelhilfe

— Πιστοποιητικό της GATT — Επισιτιστική βοήθεια

— GATT licence — food aid

— Certificat GATT — Aide alimentaire

— Titolo GATT — Aiuto alimentare

— GATT-certificaat — Voedselhulp

— Certificado GATT — Ajuda alimentar

— GATT-licens — Livsmedelsbistånd

— GATT-todistus — Elintarvikeapu

These licences may or may not include advance fixing of the refund. The provisions of Articles 1 to 6 shall not apply to such licences.

Article 8

1. Member States shall notify the Commission :

(a) on Monday and Thursday of every week, not later than 12.00 noon :

(i) — of licence applications with advance fixing of the refund or of the absence of licence applications,

— of licence applications provided for in Article 44 of Regulation (EEC) No 3719/88,

submitted up to the last working day preceding notification ;

(ii) of the quantities for which licences have been issued against the applications provided for in Article 44 of Regulation (EEC) No 3719/88 ;

(b) on the 15th day of every month for the preceding month :

(i) of the licences issued referred to in Article 7 ;

(ii) of the quantities for which licences have been issued and not used up entirely ;

(iii) of the quantities for each 11-figure product code and the refunds granted without a licence with advance fixing of the refund during the previous month for the destinations referred to in Articles 3a, 34, 38, 42, 43 and 44 (1) of Regulation (EEC) No 3665/87, broken down for each of the Articles.

2. The notification of the applications referred to in point (a) (i) of paragraph 1 and the licences issued referred to in point (a) (ii) of paragraph 1 must ;

— specify the quantity for each 11-figure product code of the agricultural products nomenclature for export refunds,

— give a breakdown by destination of the quantity for each code.

The notification referred to in point (b) (i) of paragraph 1 must specify the quantities referred to in the first indent.

The notification referred to in point (b) (ii) of paragraph 1 must specify the quantities referred to in the first indent and the total amount of the refund for each code.

Article 9

This Regulation shall be without prejudice to the provisions of Commission Regulation (EEC) No 2377/80 (1).

Article 10

This Regulation shall not apply to:

— export licences with advance fixing of the refund for export operations to be carried out before the date of application of the Agreement,

— the deliveries referred to in Articles 3a, 34, 38, 42, 43 and 44 (1) of Regulation (EEC) No 3665/87 for which the refund has not been fixed in advance; however, point (b) (iii) of Article 8 (1) of this Regulation shall remain applicable.

Article 11

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

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ No L 241, 13. 9. 1980, p. 5.