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COMMISSION REGULATION (EC) No 1429/95

of 23 June 1995

on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars

(OJ L 141, 24.6.1995, p. 28)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 341/96 of 26 February 1996	L 48	8	27.2.1996
►**M2**	Commission Regulation (EC) No 1007/97 of 4 June 1997	L 145	16	5.6.1997
►**M3**	Commission Regulation (EC) No 1962/2001 of 8 October 2001	L 268	19	9.10.2001
►**M4**	Commission Regulation (EC) No 1176/2002 of 28 June 2002	L 170	69	29.6.2002
►**M5**	Commission Regulation (EC) No 498/2004 of 17 March 2004	L 80	20	18.3.2004

Corrected by:

►**C1** Corrigendum, OJ L 80, 30.3.1996, p. 72 (341/96)

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COMMISSION REGULATION (EC) No 1429/95

of 23 June 1995

on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ([1]), as last amended by Regulation (EC) No 1032/95 ([2]), and in particular Articles 13 (8), 14 (5) and 14a (7) thereof,

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 ([3]), and in particular Article 3 thereof,

Whereas Article 13 (4) of Regulation (EEC) No 426/86 imposes an export licence requirement for the granting of refunds;

Whereas Commission Regulation (EEC) No 3719/88 ([4]), as last amended by Regulation (EC) No 1199/95 ([5]), sets detailed rules for application of the system of import and export licences and advance fixing certificates for agricultural products;

Whereas Commission Regulation (EEC) No 3846/87 ([6]), as last amended by Regulation (EC) No 836/95 ([7]), establishes an agricultural product nomenclature for export refunds;

Whereas Commission Regulation (EEC) No 3665/87 ([8]), as last amended by Regulation (EC) No 331/95 ([9]), lays down common detailed rules for the application of the system of export refunds on agricultural products; whereas these detailed rules must be supplemented by specific rules relating to products processed from fruit and vegetables;

Whereas, pursuant to Article 13 (1) of Regulation (EEC) No 426/86, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas the Commission must fix the refund rates and maximum quantities eligible for refunds; whereas these amounts and quantities must be fixed per period of allocation of export licences; whereas they may be revised on the basis of economic circumstances;

Whereas, to ensure that quantities for export can be very precisely managed, export licences should require refunds to be fixed in advance; whereas time should be allowed for consideration before licences are issued and details should be provided concerning the data to be notified to the Commission and the form this notification should take;

Whereas the Member States should designate the authorities responsible for issuing the licences;

Whereas the issue of licences should also be subject to the lodging of a security and to the presentation of a declaration that the products have been obtained from fruit and vegetables harvested in the Community;

([1]) OJ No L 49, 27. 2. 1986, p. 1.
([2]) OJ No L 105, 9. 5. 1995, p. 3.
([3]) OJ No L 349, 31. 12. 1994, p. 105.
([4]) OJ No L 331, 2. 12. 1988, p. 1.
([5]) OJ No L 119, 30. 5. 1995, p. 4.
([6]) OJ No L 366, 24. 12. 1987, p. 1.
([7]) OJ No L 88, 20. 4. 1995, p. 1.
([8]) OJ No L 351, 14. 12. 1987, p. 1.
([9]) OJ No L 38, 18. 2. 1995, p. 1.

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Whereas, within the tolerance limits, the exported quantity in respect of which refunds may be paid may not exceed the quantity applied for in the licence application;

Whereas the Member States should regularly forward certain information on licence applications to the Commission;

Whereas the Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund rates referred to in Article 13 (3) of Regulation (EEC) No 426/86 for products on which export refunds are granted in the sector of products processed from fruit and vegetables shall be set at the same time as the quantities for which licences with advance fixing of the refund may be issued.

2. The rates and quantities referred to in paragraph 1 shall be fixed for each licence allocation period.

3. Where necessary, the quantities referred to in paragraph 1 may be revised on the basis of trends in Community production and the outlook for exports.

Article 2

Member States shall designate the agency or agencies responsible for issuing the export licences referred to in Article 13 (4) of Regulation (EEC) No 426/86 and shall inform the Commission thereof.

Article 3

1. Exporters shall apply for licences with advance fixing of the refund to the competent authorities of the Member States with a view to the grant of a refund at the rate in force on the date of submission of the application.

Licence applications shall be accompanied by:

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— the lodging of a security of EUR 20 per tonne net weight, up to the limit of the refund rate,

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— a declaration that the products to be exported have been obtained from fruit or vegetables harvested in the Community.

2. Licence applications and licences shall carry in box 16 the eleven-figure product code of the agricultural product nomenclature for export refunds given in Regulation (EEC) No 3846/87.

▼M2

However, more than one code may appear simultaneously in licence applications and licences provided the codes are those of products in the same category and the rate of refund is the same.

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Category, within the meaning of the second paragraph of Article 13a of Regulation (EEC) No 3719/88, shall mean the following classes of products:

— dried grapes falling within CN code 0806 20,

— cherries provisionally preserved falling within CN code 0812 10,

— tomatoes prepared or preserved otherwise than by vinegar or acetic acid falling within CN code 2002 10,

— fruit preserved by sugar falling within CN code 2006,

— nuts other than groundnuts, prepared, falling within CN code 2008 19,

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— orange juice falling within CN codes 2009 11 and 2009 19, with a sugar content of 10º Brix or more, but less than 22º Brix,

— orange juice falling within CN codes 2009 11 and 2009 19, with a sugar content of 22º Brix or more, but less than 33º Brix,

— orange juice falling within CN codes 2009 11 and 2009 19, with a sugar content of 33º Brix or more, but less than 44º Brix,

— orange juice falling within CN codes 2009 11 and 2009 19, with a sugar content of 44º Brix or more, but less than 55º Brix,

— orange juice falling within CN codes 2009 11 and 2009 19, with a sugar content of 55º Brix or more.

▼M5

3. One of the following entries shall be made in box 22 of the licence:

— Restitución válida para … (cantidad por la que se haya expedido el certificado) como máximo

— Náhrada platná pro nejvýše … (množtví, na které byla licence udělena)

— Restitutionen omfatter højst … (den mængde, licensen er udstedt for)

— Erstattung gültig für höchstens … (Menge, für die die Lizenz erteilt wurde)

— Επιστροφή που ισχύει για … (ποσότητα για την οποία εκδίδεται το πιστοποιητικό) κατ' ανώτατο όριο

— Refund valid for not more than … (quantity for which licence issued)

— Toetus kehtib maksimaalselt … (kogus, mille jaoks litsents on välja antud) toote kohta

— Restitution valable pour … (quantité pour laquelle le certificat est délivré) au maximum

— A visszatérítés az alábbi maximális mennyiségre érvényes: … (az a mennyiség, amelyre az engedélyt kiállítják)

— Restituzione valida al massimo per … (quantitativo per il quale è rilasciato il titolo)

— Grąžinamoji išmoka taikoma ne daugiau nei … (kiekis, kuriam išduota licencija)

— Kompensācija attiecas uz ne vairāk kā … (daudzums, par ko izsniegta atļauja)

— Rifużjoni valida għal mhux aktar minn … (kwantità li għaliha ġiet maħruġa l-liċenzja)

— Restitutie voor ten hoogste … (hoeveelheid waarvoor het certificaat is afgegeven)

— Pozwolenie ważne dla nie więcej niż … (ilość, dla której wydano pozwolenie)

— Restituição válida para … (quantidade em relação à qual é emitido o certificado), no máximo

— Náhrada platná pre maximálne … (množstvo, pre ktoré je povolenie vydané)

— Nadomestilo, veljavno za največ … (količina, za katero je bilo izdano dovoljenje)

— Vientituki voimassa enintään … (määrä, jolle todistus on annettu) osalta

— Bidrag som gäller för högst … (kvantitet för vilken licensen skall utfärdas).

▼M1

4. For each day on which applications are submitted, on operator may not submit licence applications in respect of a product for a quantity exceeding that laid down for that product during the allocation period concerned.

Where the quantity laid down is increased during the allocation period, subsequent applications may not be in respect of a quantity exceeding the difference between the quantity laid down before the increase and the quantity laid down after the increase.

▼M1

Member States shall reject all applications not complying with the above provisions on the day of their submission.

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Article 4

1. The Commission shall check, for each application lodgment day in turn, whether the total quantities applied for pursuant to Article 3 in each product category as referred to in Article 3 (2) exceed the quantity referred to in Article 1,

— ►M2 less the quantities for which licences with advance fixing of the refund have been issued or are in the process of being issued ◄ during the current issuing period, not including the licences issued for food aid as provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations,

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— plus any quantities covered by applications withdrawn under paragraph 4 of this Article,

— plus any quantities for which licences have been issued but not used,

— plus any quantities not used within the framework of the tolerance provided for in Article 8 (5) of Regulation (EEC) No 3719/88.

If they do the Commission shall set a reduction percentage or decide to reject the applications.

2. Export licences shall be issued on the fifth working day following the day on which the application was lodged, provided that no specific measures as referred to in paragraph 1 have been taken in the interval.

3. Licences shall be valid for five months from the ►M2 date of their issue within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88 ◄.

4. Where a percentage reduction is fixed in accordance with paragraph 1, licence applications may be withdrawn within 10 working days of the date of publication of the percentage reduction. Such withdrawal shall entail release of the security. The security shall also be released where applications are refused.

▼M2

Where a licence has been issued before the application is withdrawn it must be returned for cancellation to the responsible agency referred to in Article 2 at the same time as the notification of withdrawal of the licence application.

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5. Quantities exported within the tolerance provided for in Article 8 (4) of Regulation (EEC) No 3719/88 shall not be eligible for payment of a refund.

▼M2

▼M3

Article 6

1. Member States shall notify the Commission, for each product category, of:

(a) the total quantities for which licences have been applied for, except for those relating to applications rejected under Article 3(4);

(b) the total quantities for which licences have been withdrawn under Article 4(4);

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(c) the total quantities for which licences have been issued but not used;

(d) the total quantities not used within the tolerance laid down in Article 8(5) of Commission Regulation (EC) No 1291/2000 ([1]).

Where there are no quantities to be communicated, the notification shall contain the word 'nil'.

2. The notifications shall:

(a) include, where appropriate, the words 'GATT food aid' if they relate to a refund granted in connection with food aid as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations;

(b) be sent to the Commission by e-mail, using the form the Commission has supplied to the Member States for this purpose.

3. (a) The notifications shall be made no later than 12.00 (Brussels time) on Mondays and Thursdays of each week, in the case of applications lodged each working day from the day of the preceding notification to the day preceding the notification in question and also in the case of the information that the Member States have received in the same period on quantities withdrawn and not used. Where the Monday or Thursday falls on a public holiday at the Commission, the latter may temporarily change the notification day.

(b) Where the day of notification referred to in point (a) is a national public holiday, the Member State concerned shall send the notification by 15.00 at the latest (Brussels time) on the working day immediately preceding the national holiday.

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Article 7

Grant of a refund under Article 14a (2) of Regulation (EEC) No 426/86 shall preclude the grant of a refund under Article 14a (4) of Regulation (EEC) No 426/86 and vice versa.

▼M4

Article 7a

1. Where the differentiation of the refund is the result solely of a refund not having been fixed for Estonia, and notwithstanding Article 16 of Commission Regulation (EC) No 800/1999 ([2]), proof that customs import formalities have been completed shall not be required for payment of the refund for products falling within CN codes 2008 and 2009.

2. The fact that a refund has not been fixed for the export of products falling within CN codes 2008 and 2009 to Estonia shall not be taken into account in determining the lowest rate of refund within the meaning of Article 18(2) of Regulation (EC) No 800/1999.

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Article 8

This Regulation shall enter into force on 26 June 1995.

However, Article 6 shall apply from 29 June 1995.

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

▼M3

([1]) OJ L 152, 24.6.2000, p. 1.
([2]) OJ L 102, 17.4.1999, p. 11.