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COMMISSION REGULATION (EC) No 2190/96

of 14 November 1996

on detailed rules for implementing ►M5 Council Regulation (EC) No 2200/96 ◄ as regards export refunds on fruit and vegetables

(OJ L 292, 15.11.1996, p. 12)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 26/97 of 9 January 1997	L 6	9	10.1.1997
►**M2**	Commission Regulation (EC) No 324/97 of 21 February 1997	L 52	10	22.2.1997
►**M3**	Commission Regulation (EC) No 610/97 of 7 April 1997	L 93	16	8.4.1997
►**M4**	Commission Regulation (EC) No 213/98 of 28 January 1998	L 22	8	29.1.1998
►**M5**	Commission Regulation (EC) No 1287/98 of 22 June 1998	L 178	11	23.6.1998
►**M6**	Commission Regulation (EC) No 1303/1999 of 21 June 1999	L 155	29	22.6.1999

Corrected by:

►**C1** Corrigendum, OJ L 82, 22.3.1997, p. 63 (2190/96)

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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COMMISSION REGULATION (EC) No 2190/96

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on detailed rules for implementing ►M5 Council Regulation (EC) No 2200/96 ◄ as regards export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables [1], as last amended by Commission Regulation (EC) No 1363/95 [2], and in particular Article 26 (11) 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], as amended by Regulation (EC) No 1193/96 [4], and in particular Article 4 thereof,

Whereas various aspects of Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables [5], as last amended by Regulation (EC) No 2702/95 [6], should be amended in order to improve the system of export refunds on fruit and vegetables, and to ensure its transparency; whereas, in the interests of clarity and rationalization, it is appropriate to use the new amendments as an opportunity to recast the text and repeal the aforesaid Regulation (EC) No 1488/95;

Whereas Article 26 (6) of Regulation (EEC) No 1035/72 requires the presentation of an export licence for the grant of any refund;

Whereas Commission Regulation (EEC) No 3719/88 [7], as last amended by Regulation (EC) No 2137/95 [8], sets out detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products;

Whereas Commission Regulation (EEC) No 3846/87 [9], as last amended by Regulation (EC) No 2123/96 [10], establishes an agricultural product nomenclature for export refunds;

Whereas Commission Regulation (EEC) No 3665/87 [11], as last amended by Regulation (EC) No 1384/95 [12], 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 fruit and vegetables;

Whereas, pursuant to Article 26 (1) of Regulation (EEC) No 1035/72, 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 is required to fix the refund rates and the maximum quantities eligible for refunds; whereas those amounts and quantities must be fixed per period of allocation of export licences; whereas they may be revised in the light of economic circumstances;

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[1] OJ No L 118, 20. 5. 1972, p. 1.
[2] OJ No L 132, 16. 6. 1995, p. 8.
[3] OJ No L 349, 31. 12. 1994, p. 105.
[4] OJ No L 161, 29. 6. 1996, p. 1.
[5] OJ No L 145, 29. 6. 1995, p. 68.
[6] OJ No L 280, 23. 11. 1995, p. 30.
[7] OJ No L 331, 2. 12. 1988, p. 1.
[8] OJ No L 214, 8. 9. 1995, p. 21.
[9] OJ No L 366, 24. 12. 1987, p. 1.
[10] OJ No L 284, 6. 11. 1996, p. 2.
[11] OJ No L 351, 14. 12. 1987, p. 1.
[12] OJ No L 134, 20. 6. 1995, p. 14.

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Whereas, to ensure that quantities for export are administered in a proper manner, time should be allowed for consideration before licences are issued;

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

Whereas, in the interests of a proper implementation of the scheme, provision should be made for a variety of systems for the grant of refunds;

Whereas the issue of licences with advance fixing of the refund should be subject also to the lodging of a security;

Whereas, to ensure the smooth operation of the system and to exclude speculators, licences should be non-transferable;

Whereas Article 26 (4) of Regulation (EEC) No 1035/72 provides, *inter alia*, for refunds to be fixed in accordance with the economic aspect of proposed exports; whereas, to that end, provision should be made for new arrangements for the issue of licences with advance fixing of the refund; whereas, before such licences are issued, the Commission should gather information by asking exporters to indicate the minimum rate they require in order to be able to export; whereas the Commission can use this information to make an informed decision on economically viable refund rates;

Whereas, since Article 26 (7) of Regulation (EEC) No 1035/72 stipulates that the rate of refund is that applicable on the date of application for the licence where the refund is fixed in advance, provision should be made for a procedure whereby licence applications must be submitted during a period fixed in advance for that purpose on the basis of an indicative refund rate, after which the Commission will fix, on the basis of the information transmitted by the Member States, an actual date for licence applications and a definitive refund rate applicable on that day;

Whereas the Commission must be entitled to reject all applications for special licences with advance fixing of the refund where necessary;

Whereas the meaning of the date of issue of licences should be defined by reference to Regulation (EEC) No 3719/88;

Whereas, in order to maintain the flexibility which is characteristic of exports of fruit and vegetables, being perishable products, provision should be made for certain transactions to be eligible for a refund without advance fixing provided that a licence application is submitted *a posteriori*;

Whereas, in order not to discriminate between Community exporters when licences are being issued without advance fixing of the refund, account should be taken of the date on which the export declaration is accepted rather than the date of application for the licence;

Whereas, in order to prevent significant overruns of indicative quantities in the case of licences without advance fixing of the refund, the Commission should be able to reject licence applications relating to a date subsequent to a given export date;

Whereas the destination or group of destinations should be made compulsory;

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

Whereas steps should be taken to ensure that exported products on which refunds are granted meet the relevant common quality standards and any national rules on the quality of fruit and vegetables exported to third countries;

Whereas, in the case of supplies for ships and aircraft treated as exports from the Community and thus qualifying for export refunds, systematic checking of each consignment would impose an administrative burden disproportionate to the small quantities of fruit and vegetables normally

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involved; whereas the checking of such deliveries should be dispensed with therefore in certain conditions;

Whereas, in line with Article 4 (3) of Commission Regulation (EEC) No 2251/92 of 29 July 1992 on quality inspection of fresh fruit and vegetables [1], as last amended by Regulation (EEC) No 3184/94 [2], the above derogation will be acceptable only for quantities of 500 kilograms of a product or less;

Whereas an exported quantity conferring entitlement to a refund may not, subject to the tolerance limits, exceed the quantity applied for in the licence application;

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

HAS ADOPTED THIS REGULATION:

Article 1

Arrangements for the grant of refunds

1. The export refunds referred to in ►M5 Article 35 of Regulation (EC) No 2200/96 ◄ shall be granted on the basis of export licences which may be issued under three systems:

— the standard system with advance fixing of the refund, hereinafter called 'system A1',

— the special system with advance fixing of the refund, hereinafter called 'system A2',

— the system without advance fixing of the refund, hereinafter called 'system B'.

2. The rates of refund for systems A1 and A2 shall be set by the Commission in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72, as shall the quantities for which licences may be issued and the terms of validity of those licences. However, the rates and quantities set in the case of system A2 shall have a purely indicative value.

The rates and quantities shall be set for each licence application period.

3. In the case of system B, the Commission, acting in accordance with the procedure under ►M5 Article 46 of Regulation (EC) No 2200/96 ◄, shall set the indicative quantities and refund rates.

The rates and quantities shall be set for each export period.

4. The quantities referred to in paragraphs 2 and 3 and the terms of validity of the licences referred to in paragraph 2 may, in exceptional circumstances, be adjusted by the Commission in the light of Community production and the prospects for exports.

Article 2

Special provisions for system A1

1. Exporters shall apply to the competent authorities in the Member States for a licence under system A1 in order to obtain a refund at the rate applicable on the date of the licence application.

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2. Member States shall send the Commission, in accordance with the model set out in Annex I, not later than 12 o'clock midday (Brussels time) on Monday and Thursday of each week, information concerning, for each application date and for each product category, the quantities for which application for a licence has been made during the preceding

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[1] OJ No L 219, 4. 8. 1992, p. 9.
[2] OJ No L 332, 22. 12. 1994, p. 28.

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days, other than those covered by applications rejected pursuant to Article 4 (3), or, as appropriate, the absence of applications.

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

— ►M3 less the quantities for which A1 licences have been issued or are in the process of being issued ◄ during the current issuing period, not including 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,

— plus any quantities covered by applications withdrawn under paragraph 5 of this Article,

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

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

If they do the Commission shall determine for what percentage of the quantities licences may be issued or shall reject the applications.

4. Export licences shall be issued on the fifth working day following the day on which the application is submitted, provided that neither of the measures referred to in the second subparagraph of paragraph 3 has been taken in the meantime.

5. In the event of a percentage being set pursuant to the second subparagraph of paragraph 3, applications may be withdrawn within 10 working days of the date of publication of that percentage. Withdrawal shall give rise to the release of the security. The security shall be released also where applications are rejected.

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In the case of licences issued before withdrawal of an application, the licence shall be returned for cancellation to the competent agency referred to in Article 6 (1) at the same time as notification is given of withdrawal of the application concerned.

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Article 3

Special provisions for system A2

1. Exporters shall apply for a licence under system A2 to the competent authorities in the Member States during the application periods referred to in Article 1 (2) with a view to obtaining a definitive refund rate and a specific quantity of products, valid on the actual date of application.

For the purposes of this Regulation, 'actual date of application' means the date on which the applications referred to in the first subparagraph are deemed to have been submitted.

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2. Licence applications shall carry in box 20 at least one of the following entries, in which the minimum rate of refund sought by the applicant in order to be able to export shall be expressed by a whole number of ecus per net tonne:

— Solicitud condicionada a la fijación, por parte de la Comisión, de un tipo de restitución superior o igual a … *(tipo mínimo solicitado por el solicitante del certificado)* ecus/tonelada neta, en la fecha efectiva de la solicitud

— Ansøgning under den forudsætning, at Kommissionen fastsætter en restitutionssats på mindst … (den minimumssats, licensansøgeren ansøger om) ECU/t netto på den faktiske ansøgningsdato

— Antrag vorbehaltlich eines von der Kommission am tatsächlichen Tag der Antragstellung festgesetzten Erstattungssatzes von mindestens … ECU/Tonne Eigengewicht (vom Antragsteller beantragter Satz)

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— Αίτηση με την επιφύλαξη του καθορισμού από την Επιτροπή ύψους επιστροφής ανώτερου ή ίσου προς … (ελάχιστο ύψος που ζητά ο υποβάλλων αίτηση πιστοποιητικού) ECU/τόνο καθαρού βάρους κατά την πραγματική ημερομηνία της αίτησης

— Application subject to the fixing by the Commission of a refund rate of not less than ECU …/tonne net *(minimum rate sought by the applicant)* on the actual date of application

— Demande sous réserve de la fixation par la Commission d'un taux de restitution supérieur ou égal à … (taux minimal demandé par le demandeur de certificat) écus/tonne net à la date effective de la demande

— Domanda condizionata alla fissazione, da parte della Commissione, di un tasso di restituzione superiore o pari a … (tasso minimo chiesto dal richiedente del titolo) ECU/t netta alla data effettiva della domanda

— Aanvraag onder voorbehoud dat de Commissie op de daadwerkelijke aanvraagdatum een restitutie vaststelt ►C1 die niet lager is dan ... ecu/ton (door de ◄ certificaataanvrager gevraagde minimumrestitutievoet)

— Pedido sob reserva da fixação pela Comissão de uma taxa de restituição superior ou igual a … (taxa mínima pedida pelo requerente de certificado) ecus/tonelada líquida na data efectiva de pedido

— Hakemus, jonka edellytyksenä on, että komissio vahvistaa tuen määrän, joka on vähintään … (todistuksen hakijan pyytämä vähimmäismäärä) ecua tonnilta nettopainoa hakemuksen tosiasiallisena päivämääränä

— Ansökan med förbehåll för att kommissionen fastställer ett bidragsbelopp på minst … (minimibidragssats som den licenssökande begärt) ecu/ton nettovikt vid det faktiska datumet för ansökan.

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Licence applicants may not apply for a minimum rate higher than the indicative rate plus 50 %.

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3. Member States shall notify to the Commission, in accordance with the model set out in Annex II, not later than 12 o'clock midday (Brussels time) on the ►M5 second working day ◄ following the licence application period, information concerning, for each product category, the quantities in respect of which application for a licence has been made, excluding those covered by applications rejected pursuant to Article 4 (3), or, as appropriate, the absence of applications. These quantities shall be broken down by:

— destination or groups of destinations,

— minimum rate sought by the applicant in ascending order.

4. At the end of each licence application period, the Commission shall fix:

— the actual date of application as referred to in paragraph 1 of this Article,

— the definitive refund rates applicable on that date,

— the percentages for the issue of licences deemed to have been applied for on the actual date of application,

or shall reject the applications where necessary.

5. Applications as referred to in paragraph 2 that are subject to a rate higher than the corresponding definitive rate fixed by the Commission shall be considered void.

6. Export licences shall be issued by the Member States on the third working day after the actual date of application.

7. The security shall be released in the case of applications that are regarded as void pursuant to paragrah 5 or those rejected in accordance with paragraph 4.

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Article 4

Provisions common to systems A1 and A2

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1. Article 20 (3) of Regulation (EEC) No 3665/87 shall apply to the A1 and A2 licences referred to in Article 1 (1) (a) and (b). The destinations or groups of destinations shall be entered in box 7 of the licence application and licence.

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2. Box 22 of licence applications and licences shall contain at least one of the following entries:

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

— 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)

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

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

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

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

— Tuki on voimassa enintään (määrä, jolle todistus on myönnetty)

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

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2a. Licence applications shall be accompanied by the lodging of a security which shall be ECU 10 per tonne net or the refund rate, whichever is the lesser. To apply this provision, the refund rate to be taken into consideration for the A2 system shall be the indicative refund rate.

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3. For each period in which applications are submitted and for each type of licence, the total quantity of a product for which licence applications are submitted by an exporter for a destination or group of destinations may not exceed half that set for that product and destination or group of destinations during the application period concerned.

Where that quantity is increased during an application period, the quantity in respect of which further applications are submitted may not be greater than half the increase.

Member States shall automatically reject all applications not complying with the first and second subparagraphs.

4. The Member States shall send the Commission, in accordance with the model set out in Annex III, not later than 12 o'clock midday (Brussels time) on Thursday of each week, information concerning, for each product category:

— any quantities for which licence applications have been withdrawn,

— any quantities for which licences have been issued but not used and any quantities not used within the tolerance provided for in Article 8 (5) of Regulation (EEC) No 3719/88,

— as appropriate, the absence of such quantities,

— the refund rate applied to the quantities referred to in the first and second indents.

The information notified shall concern the last week but two.

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5. Licences shall be valid from their date of issue within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88.

However, in the case of export licences for apples intended for ►M4 Hong Kong SAR ◄, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, ►M6 Mexico, Costa Rica and Japan ◄, the period of validity shall commence:

— on 15 July of the current year for licences issued between the date corresponding to 15 July less the period of validity and 14 July,

— on the day of issue for licences issued from 15 July to the end of February of the following year.

The period of validity shall end at the end of February for licences issued between the date corresponding to 1 March less the period of validity and the end of February.

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Where the date on which the period of validity begins is not the same as the date of issue within the meaning of the first subparagraph, it shall be indicated as follows in box 22 of the licence:

— Certificado válido a partir del (fecha de comienzo del período de validez)

— Licensen er gyldig fra (gyldighedsperiodens begyndelse)

— Lizenz gültig ab (Beginn der Gültigkeitsdauer)

— Πιστοποιητικό ισχύον από (ημερομηνία έναρξης ισχύος)

— Licence valid from (date of commencement of validity)

— Certificat valable à partir du (date de début de validité)

— Titolo válido dal (data di decorrenza della validità)

— Certificaat geldig vanaf (datum van begin van de geldigheidsduur)

— Certificado válido a partir de (data de início da validade)

— Todistus voimassa (voimassaolon alkamispäivä) alkaen

— Licens giltig från (datum för giltighetstidens början).

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The licences referred to in the second subparagraph shall not be issued during the period 1 March to the date corresponding to 15 July less the period of validity. The destination given on licences which are valid during part of the period from 1 March to 14 July for the export of apples to other destinations may not be changed to one of the destinations listed in the second subparagraph.

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5a. The refund rate applicable shall be indicated as follows in box 22 of the licence:

— Certificado con fijación anticipada de la restitución a un tipo de … ecus/t

— Licens med forudfastsættelse af restitutionen til … ECU/ton

— Lizenz mit Vorausfestsetzung der Erstattung zum Satz von … ECU/t

— Πιστοποιητικό με προκαθορισμό της επιστροφής με ποσοστό … Ecu/τόνο

— Licence with refund fixed in advance at ECU …/t

— Certificat avec fixation à l'avance de la restitution au taux de … écus/t

— Titolo con fissazione anticipata della restituzione al tasso di … ecu/t

— Certificaat met vaststelling vooraf van de restitutie op … ECU/ton

— Certificado com prefixação da restituição à taxa de … ecus/t

— Todistus, jonka vientitueksi on vahvistettu ennalta … ecua/tonni

— Licens med förutfastställelse av bidraget på ett belopp av … ecu/ton.

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6. 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.

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Article 5

Special provisions for system B

1. Notwithstanding the first paragraph of Article 2a of Regulation (EEC) No 3665/87, exporters may apply for a licence under system B as referred to in Article 1 (3) from the competent authorities of the Member States at the latest ►M4 on the second working day ◄ following the date of acceptance of the export declaration for the products with a view to obtaining a refund at the valid rate for the export period in question.

Licence applications shall be deemed to have been submitted on the date of acceptance of the export declaration for the products. ►M4 ——————— ◄

Nonetheless, in the case of export licences for apples intended for ►M4 Hong Kong SAR ◄, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, ►M6 Mexico, Costa Rica and Japan ◄, such applications shall be admissible during the period from 15 July to the end of the following February only.

2. Licence applications must be accompanied by a copy of the export declaration for the products. The declaration must contain at least one of the following entries:

— Exportación para la que se presentará una solicitud *a posteriori* de certificado de exportación sin fijación anticipada de la restitución (sistema B)

— Udførsel, for hvilken der efterfølgende ansøges om eksportlicens uden forudfastsættelse af restitutionen (system B)

— Ausfuhr, für die nachträglich eine Ausfuhrlizenz ohne Vorausfestsetzung der Erstattung beantragt wird (System B)

— Εξαγωγή για την οποία θα υποβληυεί αίτηση εκ των υστέρων για την έκδοση πιστοποιητικού εξαγωγής χωρίς προκαθορισμό της επιστροφής (σύστημα Β)

— Export to be the subject of an *a posteriori* application for an export licence without advance fixing of the refund (system B)

— Exportation qui fera l'objet d'une demande *a posteriori* de certificat d'exportation sans fixation à l'avance de la restitution (système B)

— esportazione che sarà oggetto di una domanda a posteriori di titolo di esportazione senza fissazione anticipata della restituzione (sistema B)

— Uitvoer waarvoor achteraf een uitvoercertificaat zonder vaststelling vooraf van de restitutie (B-stelsel) zal worden aangevraagd

— Exportação que será objecto de um pedido *a posteriori* de certificado de exportação sem prefixação da restituição (sistema B)

— Vienti, josta jätetään jälkikäteen todistushakemus, johon ei sisälly tuen ennakkovahvistutsta (B-menettely)

— Export som kräver en ansökan i efterhand om exportlicens utan förutfastställelse av bidraget (system B).

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2a. The provisions of the first subparagraph of Article 20 (3) of Regulation (EEC) No 3665/87 shall apply to B licences. The destinations or groups of destinations shall be indicated in box 7 of licence applications and licences.

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3. Licence applications and licences shall carry in box 22 at least one of the following entries:

— Solicitud de certificado de exportación sin fijación anticipada de la restitución con arreglo al artículo 5 del Reglamento (CE) nº 2190/96

— Ansøgning om eksportlicens uden forudfastsættelse af restitutionen, jf. artikel 5 i forordning (EF) nr. 2190/96

— Antrag auf Erteilung einer Ausfuhrlizenz ohne Vorausfestsetzung der Erstattung gemäß Artikel 5 der Verordnung (EG) Nr. 2190/96

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— Αίτηση για έκδοση πιστοποιητικού εξαγωγής χωρίς προκαθορισμό της επιστροφής σύμφωνα με το άρθρο 5 του κανονισμού (ΕΚ) αριθ. 2190/96

— Application for export licence without advance fixing of the refund in accordance with Article 5 of Regulation (EC) No 2190/96

— Demande de certificat d'exportation sans fixation à l'avance de la restitution conformément à l'article 5 du règlement (CE) nº 2190/96

— Domanda di titolo di esportazione senza fissazione anticipata della restituzione, ai sensi dell'articolo 5 del regolamento (CE) n. 2190/96

— Aanvraag om een uitvoercertificaat zonder vaststelling vooraf van de restitutie overeenkomstig artikel 5 van Verordening (EG) nr. 2190/96

— Pedido de certificado de exportação sem prefixação da restituição, nos termos do artigo 5.º do Regulamento (CE) n.º 2190/96

— Asetuksen (EY) N:o 2190/96 5 artiklan mukainen vientitodistushakemus ilman tuen ennakkovahvistusta

— Ansökan om exportlicens utan förutfastställelse av bidraget enligt artikel 5 i förordning (EG) nr 2190/96.

4. The Member States shall send the Commission, in accordance with the model set out in Annex IV, not later than 12 o'clock midday (Brussels time) ►M4 on Monday and on Thursday of each week ◄, information giving, for each application date within the meaning of paragraph 1 and for each product category:

— the quantities for which licence applications have been submitted, or stating, if appropriate, the absence of applications,

— any quantities for which licence applications have been withdrawn,

— any quantities unused.

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The information shall cover eligible applications received by the Member States between the day before notification and the preceding notification.

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This information shall not include quantities for which licence applications are rejected pursuant to paragraph 5 of this Article.

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5. If the ►M2 quantities applied for in respect of a destination or group of destinations ◄ exceed or threaten to exceed the indicative quantity set for the current export period, the Commission may set a date from which licence applications will be rejected if the relevant product declaration was accepted after that date during the current export period.

6. After each export period, the Commission shall check, on the basis of the information available to it, ►M2 for each product and each destination or group of destinations ◄, whether the quantities applied for not including those for food aid as provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations exceed the indicative quantities set, and shall fix the final dates of refund.

If they do, the Commission may reduce the rate of refund for those transactions.

Furthermore, in order to comply with the annual limits arising under agreements concluded in accordance with Article 228 of the Treaty, the Commission may determine for what percentage of the quantities applied for licences may be issued.

7. Export licences shall be issued on the fourteenth working day after the end of the export period, for that period. Box 22 of the licences shall contain at least one of the following entries, along with the refund rate, fixed in accordance with the first subparagraph of paragraph 6, and the quantity, reduced if necessary by the percentage referred to in the third subparagraph of paragraph 6:

— Certificado de exportación sin fijación anticipada de la restitución por una cantidad de … kilogramos de los productos que se indican en la casilla 16, a un tipo de … ecus/tonelada

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— Eksportlicens uden forudfastsættelse af restitutionen for en mængde på … kg produkter, anført i rubrik 16, til en sats på … ECU/ton

— Ausfuhrlizenz ohne Vorausfestsetzung der Erstattung für eine Menge von … kg der in Feld 16 genannten Erzeugnisse zum Satz von … ECU/Tonne

— Πιστοποιητικό εξαγωγής χωρίς προκαθορισμό της επιστροφής για ποσότητα … χιλιογράμμων των προϊόντων που αναγράφονται στη θέση 16 ύψους … Ecu/τόνο

— Export licence without advance fixing of the refund for … kilograms of products as listed in ox 16, at a rate of ECU …/tonne

— Certificat d'exportation sans fixation à l'avance de la restitution pour une quantité de … kilogrammes de produits figurant à la case 16, au taux de … écus/tonne

— Titolo di esportazione senza fissazione anticipata della restituzione per un quantitativo di … kg dei prodotti indicati nella casella 16, al tasso di … ECU/t

— Uitvoercertificaat zonder vaststelling vooraf van de restitutie voor … kg van de in vak 16 genoemde produkten; de restitutie bedraagt … ecu/ton

— Certificado de exportação sem prefixação da restituição para uma quantidade de … quilogramas de produtos indicados na casa 16, à taxa de … ecus/tonelada.

— Vientitodistus, johon ei liity vientituen ennakkovahvistusta, … kilogramman määrälle kohdassa 16 mainittuja tuotteita, tuen määrä … ecua/tonni

— Exportlicens utan förutfastställelse av bidraget för en kvantitet av … kilo av de produkter som anges i fält 16, till ett belopp av … ecu/ton.

However, if the refund rate or percentage as referred to in paragraph 6 above is zero, the applications shall be rejected.

8. Article 22 of Regulation (EEC) No 3719/88 shall not apply to the licences referred to in paragraphs 1 to 7.

These licences shall be submitted direct to the body responsible for payment of the export refund which shall enter the quantity and stamp the licence.

Article 6

General provisions

1. Member States shall designate the agency or agencies responsible for issuing the export licences and shall inform the Commission thereof.

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

However, more than one code may appear at the same time in a licence application and a licence provided the codes are those of products in the same category and the refund rate applicable is the same.

▼M5

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

— tomatoes falling within CN code 0702 00 00,

— shelled almonds falling within CN code 0802 12,

— hazelnuts falling within CN codes 0802 21 and 0802 22,

— walnuts in shell falling within CN code 0802 31,

— oranges falling within CN code 0805 10,

— clementines falling within CN code 0805 20 10,

— monreales and satsumas falling within CN code 0805 20 30,

— mandarins and wilkings falling within CN code 0805 20 50,

— tangerines falling within CN code 0805 20 70,

— other similar citrus hybrids falling within CN code 0805 20 90,

— lemons falling within CN code 0805 30 10,

▼M5

— limes falling within CN code 0805 30 90,

— table grapes falling within CN code 0806 10 10,

— apples falling within CN code 0808 10,

— peaches and nectarines falling within CN code 0809 30.

▼B

3. In the Member States' notification of information to the Commission using the forms set out in the Annexes to this Regulation the quantities shall be broken down according to whether or not they fall within the scope of the food aid provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Where the day fixed for the notification of information is a national holiday, the Member State concerned shall make the notification on the working day preceding that national holiday.

Notification shall be made by fax or by any other electronic messaging device.

4. Licences shall not be transferable.

5. In addition to the conditions laid down in Regulation (EEC) No 3665/87, payment of the refund shall be subject to the presentation:

— in the case of products for which a common quality standard has been set, of an inspection certificate as provided for in Article 4 (4) of Regulation (EEC) No 2251/92,

— in the case of products for which a common quality standard has not been set, and provided national requirements regarding the quality of fruit and vegetables exported to third countries apply, of a document issued by the inspection authorities in the Member States certifying that at the time of inspection the products met the said requirements.

However, for the supplies of fruit and vegetables referred to in Article 34 (1) (a) of Regulation (EEC) No 3665/87, provided the quantities do not exceed 500 kilograms for each class of product, the submission of

— the inspection certificate referred to in Article 4 (4) of Regulation (EEC) No 2251/92,

or

— the document issued pursuant to the second indent of the first subparagraph,

shall not be required for payment of the refund for the operations for which the procedure referred to in Article 38 of Regulation (EEC) No 3665/87 or Council Regulation (EEC) No 565/80 [1] is not applied.

Article 7

Repeal

Commission Regulation (EC) No 1488/95 is hereby repealed. However, Article 4 of that Regulation shall continue to apply to licences with advance fixing as referred to in Article 3 thereof that are applied for before 18 November 1996 and Articles 5 and 6 shall continue to apply to licences without advance fixing as referred to in Article 5 thereof that are applied for in respect of consignments for which the export declaration is accepted before 25 November 1996.

References to the repealed Regulation shall be construed as references to this Regulation and shall be correlated in accordance with the table set out in Annex V.

Article 8

Entry into force

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

[1] OJ No L 62, 7. 3. 1980, p. 5.

▼B

Systems A1 and A2 shall apply from 18 November 1996 to A1 and A2 licences applied for from that date and system B shall apply from 25 November 1996 to B licences applied for in respect of consignments for which the export declaration is accepted after 24 November 1996.

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

▼M1

ANNEX I

Form for the forwarding of information established pursuant to Article 2 (2) of Regulation (EC) No 2190/96

A1 licences

Member State:

Date of lodging of applications:

Product (name of product)	Destinations or groups of destinations	Quantities applied for	
		Food aid (GATT) (kg)	Other (kg)

▼B

ANNEX II

Form for notification of information as provided for in Article 3 (3) of Regulation (EC) No 2190/96

A2 LICENCES

Member State:

Application period: from ..... to .....

Product (Product name)	Destinations or groups of destinations	Food aid (GATT)		Other	
		Minimum rates required (ECU/net tonne)	Quantities applied for (kilograms)	Minimum rates required (ECU/net tonne)	Quantities applied for (kilograms)

▼B

ANNEX III

Form for notification of information as provided for in Article 4 (4) of Regulation (EC) No 2190/96

A1 AND A2 LICENCES

Member State:

Date:

Product (Product name)	Applications withdrawn		Licences and quantities not used		Refund rate (ECU/net tonne)
	Food aid (GATT) (kilograms)	Other (kilograms)	Food aid (GATT) (kilograms)	Other (kilograms)	

▼M1

ANNEX IV

Form for the forwarding of information established pursuant to Article 5 (4) of Regulation (EC) No 2190/96

B licences

Member State:

Date of application for licences (1):

Product (name of product)	Destinations or groups of destinations	Licence applications		Applications withdrawn		Quantities not utilized	
		Food aid (GATT) (kg)	Other (kg)	Food aid (GATT) (kg)	Other (kg)	Food aid (GATT) (kg)	Other (kg)

(1) Within the meaning of the second subparagraph of Article 5 (1).

▼B

ANNEX V

CORRELATION TABLE			
Regulation (EC) No 1488/95		This Regulation	
Article	Paragraph	Article	Paragraph(s)
1	1	1	2 and 3
1	2		
1	3	1	4
2		6	1
3	1	2	1
3	2	6	2
3	3	4	2
3	4	4	3
4	1	2	3
4	2	2	4
4	3	4	5
4	4	2	5
4	5	4	6
5	1	5	1
5	2	5	1 and 2
5	4	5	3
5	5	5	7
5	6	5	8
6		5	6
7			
8		2	2
		5	4
		4	4
		6	3
9		6	5
10			