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COMMISSION REGULATION (EC) No 1247/1999

of 16 June 1999

laying down detailed rules for the application of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in certain third countries

(OJ L 150, 17.6.1999, p. 18)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 1174/2000 of 31 May 2000	L 131	30	1.6.2000
►**M2**	Commission Regulation (EC) No 2857/2000 of 27 December 2000	L 332	55	28.12.2000
►**M3**	Commission Regulation (EC) No 1096/2001 of 5 June 2001	L 150	33	6.6.2001
►**M4**	Commission Regulation (EC) No 1634/2002 of 13 September 2002	L 247	7	14.9.2002

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COMMISSION REGULATION (EC) No 1247/1999

of 16 June 1999

laying down detailed rules for the application of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations [1], as last amended by Regulation (EC) No 2435/98 [2], and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations [3], and in particular Article 5 thereof,

(1) Whereas Regulations (EC) No 3066/95 and (EC) No 1926/96 provide for the opening of a tariff quota for 153 000 live bovine animals each year, weighing from 80 to 300 kilograms and originating in Hungary, Poland, the Czech Republic, Slovakia, Romania, Bulgaria, Estonia, Latvia and Lithuania and qualifying for an 80 % reduction in customs duties; whereas it is necessary to adopt detailed rules of application, on a multiannual basis, for 12-month periods beginning on 1 July, hereinafter called the 'year of import'; whereas, to that end, the annual arrangements provided for in the past for that quota should be applied;

(2) Whereas, with a view to preventing speculation, the quantity available should be made accessible to traders able to show that they are genuinely engaged in trade of a significant scale with third countries; whereas, in consideration of this and in order to ensure efficient management, the traders concerned should be required to have exported and/or imported a minimum of 50 animals during the 12 months preceding the year of import in question; whereas a consignment of 50 animals in principle constitutes a normal load; whereas experience has shown that the sale or purchase of a single consignment is a minimum requirement for a transaction to be considered real and viable;

(3) Whereas, if such criteria are to be checked, applications must be presented in the Member State where the importer is entered in a VAT register;

(4) Whereas, to ensure orderly importation, the issue of licences should be staggered over the year of import;

(5) Whereas it should be stipulated that import rights are to be allocated after a reflection period and where necessary with a fixed percentage reduction applied;

(6) Whereas the arrangements should be managed using import licences; whereas, to this end, rules should be laid down on the submission of applications and the information to be given on

[1] OJ L 328, 30.12.1995, p. 31.
[2] OJ L 303, 13.11.1998, p. 1.
[3] OJ L 254, 8.10.1996, p. 1.

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applications and licences, where necessary by addition of certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [1], as last amended by Regulation (EC) No 1127/1999 [2], and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 [3], as last amended by Regulation (EC) No 2648/98 [4];

(7) 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. 153 000 live bovine animals falling within CN code 0102 90 21, 0102 90 29, 0102 90 41 or 0102 90 49 and originating in the third countries listed in Annex II may be imported each year under this Regulation, on a multiannual basis for periods from 1 July to 30 June of the following year (hereinafter called the 'year of import').

This tariff quota shall have the serial number 09.4537.

▼M4

2. For the quantity referred to in paragraph 1, the rate of customs duty shall be reduced by:

— 80 % for animals originating in the Czech Republic, Slovakia, Bulgaria, Romania, Estonia, Latvia and Lithuania,

— 90 % for animals originating in Poland and Hungary.

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Article 2

▼M3

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications, that they have imported and/or exported at least 75 animals covered by CN code 0102 90 during the 12 months prior to the year of import concerned; applicants must be entered in a national VAT register.

However, for the year of import from 1 July 2001 to 30 June 2002, the reference period referred to in the first subparagraph shall run from 1 July 1999 to 30 June 2000.

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2. Proof of import and export shall be furnished exclusively by means of the customs document of release for free circulation or the export document, duly endorsed by the customs authorities.

The Member States may accept copies of the documents referred to above, duly certified by the issuing authority, where applicants can prove to the satisfaction of the competent authority that it is impossible for them to obtain the originals.

Article 3

1. Applications for import rights may be presented only in the Member State in which the applicant is registered for VAT purposes.

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[1] OJ L 331, 2.12.1988, p. 1.
[2] OJ L 135, 29.5.1999, p. 48.
[3] OJ L 143, 27.6.1995, p. 35.
[4] OJ L 335, 10.12.1998, p. 39.

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2. Applications for import rights:

— must cover at least 50 animals,

and

— may not cover more than 10 % of the quantity available.

Where applications exceed this quantity, the excess shall be disregarded.

3. Applications for import rights may be lodged only until 30 June before the year of import concerned.

4. Applicants may lodge no more than one application each. Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

5. After verification of the documents presented, Member States shall forward to the Commission, by the 10th working day following the end of the period for the submission of applications at the latest, the list of applicants and quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax using the model form in Annex I hereto in cases where applications have actually been submitted.

Article 4

1. The Commission shall decide as soon as possible what percentage of quantities, covered by applications may be imported.

2. If the quantities covered by applications as referred to in Article 3 exceed those available, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

Where the application of the reduction provided for in the first subparagraph gives a figure of less than 50 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 50 head each. Where the remainder is less than 50 head, a single import right shall be awarded for that quantity.

▼M3

Article 4a

1. The security relating to the import rights shall be EUR 3 per head. It must be deposited with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. If the decision on allocation by the Commission under Article 4 results in application of a reduction percentage, the security provided shall be released for the import rights applied for in excess of the rights allocated.

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Article 5

1. The quantities awarded shall be imported subject to presentation of one or more import licences.

▼M1

2. Licence applications may be lodged solely:

— in the Member State in which the application for import rights has been lodged, and

— by traders to whom import rights have been allocated. Import rights allocated to traders entitle them to import licences for quantities equivalent to the rights allocated.

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3. Licence applications and licences shall show the following:

(a) in box 8, one or more of the countries listed in Annex II; licences shall carry with them an obligation to import from one or more of the countries indicated;

(b) in box 16, one of the following groups of Combined Nomenclature subheadings within the same indent:

— 0102 90 21; 0102 90 29,

— 0102 90 41; 0102 90 49;

(c) in box 20, the serial number 09.4537 and at least one of the following:

— Reglamento (CE) nº 1247/1999

— Forordning (EF) nr. 1247/1999

— Verordnung (EG) Nr. 1247/1999

— Κανονισμός (ΕΚ) αριθ. 1247/1999

— Regulation (EC) No 1247/1999

— Règlement (CE) nº 1247/1999

— Regolamento (CE) n. 1247/1999

— Verordening (EG) nr. 1247/1999

— Regulamento (CE) nº 1247/1999

— Asetus (EY) N:o 1247/1999

— Förordning (EG) nr 1247/1999.

▼M1

4. Licences may be issued until 31 December of the year of import up to a maximum of 50 % of the allocated import rights. Import licences for the remaining import rights may be issued from 1 January to the year of import.

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5. Import licences issued in accordance with this Regulation shall be valid for 90 days from their date of issue within the meaning of Article 21(2) of Regulation (EEC) No 3719/88. However, licences shall not be valid after 30 June of the year of import.

6. Licences issued shall be valid throughout the Community.

7. Article 8(4) of Regulation (EEC) No 3719/88 shall not apply. To that end, the figure '0' (zero) shall be entered in box 19 of licences.

▼M3

8. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued under this Regulation shall not be transferable and shall confer the right to use the tariff quota only if made out in the name entered on the declaration of release for free circulation accompanying them.

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Article 6

Imported animals shall qualify for the duties referred to in Article 1 on presentation of either an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Europe Agreements with the central European associate countries and Protocol 3 annexed to the Europe Agreements with the Baltic countries or a declaration drawn up by the exporter in accordance with those Protocols.

Article 7

Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 8

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

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

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ANNEX I

EC Fax: (32 2) 296 60 27

Application of Regulation (EC) No 1247/1999

Serial No 09.4537

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — BEEF AND VEAL SECTOR

IMPORT RIGHTS APPLICATION

Date: ..... Period: .....

Member State: .....

Number of applicant (1)	Applicant (name and address)	Quantity
	Total	

Member State: ..... Fax No: .....

Tel. No: .....

(1) Continuous numbering

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ANNEX II

List of third countries

Hungary
Poland
Czech Republic
Slovakia
Romania
Bulgaria
Lithuania
Latvia
Estonia