

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 424/95⁽²⁾, and in particular Articles 9, 13 and 25 thereof,

Whereas the first subparagraph of Article 15 (1) of Regulation (EEC) No 805/68 makes all imports into the Community of the products listed in Article 1 (1) (a) of that Regulation subject to presentation of an import licence; whereas experience has shown the need for close monitoring of the trend of trade in all products of the sector of particular importance for the balance of this particularly sensitive market; whereas accordingly to improve market management import licences should also be required for products of CN codes 1602 50 31 to 1602 50 80 and 1602 90 69;

Whereas it is necessary to monitor imports into the Community of young male animals, in particular calves; whereas issuing of import licences for these animals should be made conditional on indication of their country of provenance;

Whereas Article 13 of Regulation (EEC) No 805/68 requires, from 1 July 1995, presentation of an export licence with advance fixing of the refund in the case of any export operation for which an export refund is claimed; whereas specific rules of application for this arrangement should be determined for the sector, covering in particular submission of applications and the information to be given on applications and licences; whereas the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, as last amended by Regulation (EC) No 1199/95⁽⁴⁾, should accordingly be supplemented;

Whereas Article 13 (11) of Regulation (EEC) No 805/68 provides for the export volume obligations arising from the agreements concluded in the Uruguay Round of multilateral trade negotiations to be respected on the basis of export licences; whereas precise rules should therefore be laid down on lodging of applications and issuing of licences;

Whereas, further, notification of decisions on export licence applications should be made only after a reflection period enabling the Commission to assess the quantities applied for and the relevant expenditure and if appropriate take particular action on the applications in question; whereas in the interests of applicants they should be able to withdraw applications if an acceptance percentage applying to these has been set;

Whereas in the case of applications for quantities not exceeding 22 tonnes immediate issuing of the licence, if the operator so requests, should be permitted; whereas to prevent circumvention of the standard provisions the period of validity of such licences should be restricted;

Whereas to permit very precise management of quantities exported the tolerance rules set in Regulation (EEC) No 3719/88 should not apply;

Whereas it is necessary to incorporate in the present Regulation the special export provisions of Commission Regulation (EEC) No 2973/79⁽⁵⁾, as last amended by Regulation (EEC) No 3434/87⁽⁶⁾;

Whereas to be able to run these import and export licence arrangements properly the Commission needs precise information on licence applications made and the use of those issued; whereas administrative efficiency dictates that communications from Member States to the Commission be made in a single prescribed form;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 119, 30. 5. 1995, p. 4.

⁽⁵⁾ OJ No L 336, 29. 12. 1979, p. 44.

⁽⁶⁾ OJ No L 327, 18. 11. 1987, p. 7.

HAS ADOPTED THIS REGULATION :

Notification shall be made in the form indicated in Annex II, using the codes indicated.

TITLE I

Scope

Article 1

This Regulation sets rules of application for import and export licences in the beef and veal sector.

TITLE II

Import licences

Article 2

1. All importation into the Community of the products listed at (a) in Article 1 (1) of Regulation (EEC) No 805/68 or of CN codes 1602 50 31 to 1602 50 80 and 1602 90 69 shall be subject to presentation of an import licence.

2. For products of CN codes 0102 90 05 to 0102 90 29 the licence application and the licence must show in box 7 the country of provenance. The licence shall carry with it an obligation to import from that country.

Article 3

Licences shall be valid 90 days from their date of issue as defined in Article 21 (1) of Regulation (EEC) No 3719/88.

Article 4

The security against import licences shall be

- ECU 3 per head for live animals,
- ECU 2 per 100 kilograms net weight for other products.

Article 5

Without prejudice to more specific provisions, licence applications shall be made for products of :

- a single combined nomenclature subheading,
- or
- one of the groups of combined nomenclature subheadings listed in Annex I.

The information shown on the application shall be carried over to the licence.

Article 6

Before the fifth day of each month Member States shall notify to the Commission, by telex or fax, the quantities of products for which licences were issued in the previous month.

TITLE III

Export licences

Article 7

All exportation of products listed at (a) in Article 1 (1) of Regulation (EEC) No 805/68 or of CN codes 0102 10, 1602 50 31 to 1602 50 80 or 1602 90 69 shall, for an export refund to be claimed, require the issuing of an export licence with advance fixing of the refund.

Article 8

1. Licences shall, Article 21 (2) of Regulation (EEC) No 3719/88 applying, be valid from their actual date of issue until the end of the fifth month following.

2. The validity of licences for products of CN code 0102 10 issued under the procedure indicated in Article 44 of Regulation (EEC) No 3719/88 shall however expire at the end of the 12th month following the actual date of issue, Article 21 (2) of Regulation (EEC) No 3719/88 applying.

3. By way of derogation from Article 44 (5) of Regulation (EEC) No 3719/88 the 21-day time limit is replaced by 90 days.

4. Licence applications and licences shall show in box 15 the product description, in box 16 the 11-figure code of the agricultural product export refund nomenclature and in box 7 the country of destination.

5. The product categories indicated in the second paragraph of Article 13a of Regulation (EEC) No 3719/88 are listed in Annex III.

Article 9

The security against licences shall be :

- (a) ECU 50 per head for live animals ;
- (b) ECU 17 per 100 kilograms net weight for other products.

Article 10

1. Export licences as indicated in Article 7 shall be issued on the fifth working day following that on which the application was lodged provided that no specific

action as indicated in paragraph 2 has been taken by the Commission in the meantime. This time lag shall not, however, apply to exportation covered by Article 14a of Regulation (EEC) No 3719/88.

2. If licence applications relate to quantities and/or expenditure that exceed or risk exceeding the normal disposable quantities given the limits indicated in Article 13 (11) of Regulation (EEC) No 805/68 and/or the expenditure assignable thereto during the period in question the Commission may:

- set an acceptance percentage for the quantities applied for,
- reject applications for which licences have not yet been granted,
- suspend lodging of licence applications for a maximum period of five working days, extendable by the procedure specified in Article 27 of Regulation (EEC) No 805/68. Licence applications made during the suspension period shall be invalid.

Action may be differentiated by category.

3. If the quantities applied for are refused or reduced the security shall be immediately released for all quantities for which the application has not been accepted.

4. By way of derogation from paragraph 1, if an acceptance percentage of less than 90 % is set licences shall be issued no later than the 11th working day following publication of that percentage in the *Official Journal of the European Communities*. Applicants may within 10 working days following publication:

- either withdraw the application, in which case the security shall be released immediately, or
- request immediate issue of the licence, in which case the competent authority shall immediately issue it but at the earliest on the fifth working day following that on which the application was lodged.

5. By way of derogation from paragraph 1 licence applications for a quantity not exceeding 22 tonnes of products of CN code 0201 or 0202 shall not, at the applicant's request, be subject to the five-day time lag. In this case the validity of the licence issued shall, Article 8 notwithstanding, be restricted to five working days from the actual day of issue, Article 21 (2) of Regulation (EEC) No 3719/88 applying, and applications and licences shall carry the following entry in box 20:

- Certificado válido durante cinco días hábiles y no utilizable para la aplicación del artículo 5 del Reglamento (CEE) n° 565/80.
- Licens, der er gyldig i fem arbejdsdage, og som ikke kan benyttes til at anvende artikel 5 i forordning (EØF) nr. 565/80.
- Fünf Werkstage gültige und für die Anwendung von Artikel 5 der Verordnung (EWG) Nr. 565/80 nicht verwendbare Lizenz.

— Πιστοποιητικό που ισχύει για πέντε εργάσιμες ημέρες και δεν χρησιμοποιείται για την εφαρμογή του άρθρου 5 του κανονισμού (ΕΟΚ) αριθ. 565/80.

— Licence valid for five working days and not useable for application of Article 5 of Regulation (EEC) No 565/80.

— Certificat valable 5 jours ouvrables et non utilisable pour l'application de l'article 5 du règlement (CEE) n° 565/80.

— Titolo valido cinque giorni lavorativi e non utilizzabile ai fini dell'applicazione dell'articolo 5 del regolamento (CEE) n. 565/80.

— Certificaat met een geldigheidsduur van vijf werkdagen en niet te gebruiken voor de toepassing van artikel 5 van Verordening (EEG) nr. 565/80.

— Certificado de exportação válido durante cinco dias úteis, não utilizável para a aplicação do artigo 5º do Regulamento (CEE) n° 565/80.

— Todistus on voimassa viisi arkipäivää eikä sitä voi käyttää sovellettaessa asetuksen (ETY) N:o 565/80 5 artiklaa.

— Licensen är giltig fem arbetsdagar men gäller inte vid tillämpning av artikel 5 i förordning (EEG) nr 565/80.

The Commission may if necessary suspend application of this paragraph.

Article 11

1. Article 8 (4) of Regulation (EEC) No 3719/88 notwithstanding, quantities exported may not exceed those indicated on the licence. The entry '0' shall be made in box 19 of the licence.

2. Article 20 (3) (b) second indent of Regulation (EEC) No 3665/87 shall not apply to special export refunds granted on boned meat pursuant to Regulation (EEC) No 1964/82⁽¹⁾ if the products are or have been placed under the procedure specified in Article 5 of Council Regulation (EEC) No 565/80⁽²⁾.

Article 12

1. This Article shall apply to exports made pursuant to Regulation (EEC) No 2973/79.

2. Licence applications for the products indicated in Article 1 of Regulation (EEC) No 2973/79 may be lodged only in Member States meeting the health conditions required by the importing country.

⁽¹⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽²⁾ OJ No L 62, 7. 3. 1980, p. 5.

3. Licence applications and licences shall carry the entry 'USA' in box 7. Licences shall carry an obligation to export from the Member State of issue to that destination.
4. Article 8 (4) of Regulation (EEC) No 3719/88 notwithstanding, the quantities exported may not exceed those shown on the licence. Licences shall carry the entry '0' in box 19.
5. Licences shall carry one of the following entries in box 22:
- Vacuno fresco, refrigerado o congelado. — Acuerdo entre la CE y los EE UU.
Válido solamente en (Estado miembro de expedición).
La cantidad exportada no debe superar kilos (cantidad en cifras y letras).
 - Fersk, kølet eller frosset oksekød — Aftale mellem EF og USA.
Kun gyldig i (udstedende medlemsstat).
Mængden, der skal udføres, må ikke overstige (mængde i tal og bogstaver) kg.
 - Frisches, gekühltes oder gefrorenes Rindfleisch — Abkommen zwischen der EG und den USA.
Nur gültig in (Mitgliedstaat der Lizenzerteilung).
Ausfuhrmenge darf nicht über kg (Menge in Ziffern und Buchstabe) liegen.
 - Νωπό, διατηρημένο με απλή ψύξη ή κατεψυγμένο βόειο κρέας — Συμφωνία μεταξύ της ΕΚ και των ΗΠΑ.
Ισχύει μόνο σε (κράτος μέλος έκδοσης).
Η ποσότητα προς εξαγωγή δεν πρέπει να υπερβαίνει χιλιόγραμμα (η ποσότητα αναφέρεται αριθμητικώς και ολογράφως).
 - Fresh, chilled or frozen beef — Agreement between EC and USA.
Valid only in (Member State of issue).
Quantity to be exported may not exceed kg (in figures and letters).
 - Viande fraîche, réfrigérée ou congelée — Accord entre la CE et les USA.
Uniquement valable en (État membre de délivrance).
La quantité à exporter ne peut excéder kg (quantité en chiffres et en lettres).
 - Carni bovine fresche, refrigerate o congelate — Accordo tra CE e USA.
Valido soltanto in (Stato membro emittente).
La quantità da esportare non può essere superiore a kg (in cifre e in lettere).
 - Vers, gekoeld of bevroren rundvlees — Overeenkomst tussen de EG en de Verenigde Staten van Amerika.
Alleen geldig in (Lid-Staat die het certificaat afgeeft).
- Uitgevoerde hoeveelheid mag niet meer dan kg zijn (hoeveelheid in cijfers en letters).
- Carne de bovino fresca, refrigerada ou congelada — Acordo entre a CE e os EUA.
Válido apenas em (Estado-membro de emissão).
A quantidade a exportar não pode ser superior a kg (quantidade em algarismos e por extenso).
 - Tuoretta, jäähdytettyä tai jäädytettyä lihaa — Euroopan yhteisön ja Yhdysvaltojen välinen sopimus.
Voimassa ainoastaan (jäsenvaltio, jossa todistus on annettu).
Vietävä määrä ei saa ylittää kilogrammaa (määrä numeroin ja kirjaimin).
 - Färskt, kylt eller fryst nötkött — Avtal mellan EG och USA.
Enbart giltigt i (utfärdande medlemsstat).
Den utförda kvantiteten får inte överstiga kg.
6. Licence applications may be lodged only in the first 10 days of each quarter.
7. On the third working day following the closing date for lodging of applications Member States shall send the Commission a list of applicants and of product quantities applied for.
8. The Commission shall decide to what extent licence applications can be accepted. If the quantities for which licences have been applied for exceed those available it shall set a single acceptance percentage applying to quantities requested. If the overall quantity covered by all applications is less than that available it shall determine the balance to be carried over to the quantity available for the following quarter.
9. Licences shall be issued on the 21st day of each quarter.
10. Article 8 (1) notwithstanding, licences shall be valid 90 days from the actual day of issue, Article 21 (2) of Regulation (EEC) No 3719/88 applying, but not beyond 31 December of the year of issue.
11. Should the quantities applied for be reduced pursuant to paragraph 8 the security shall be immediately released for all quantities not granted.
12. Over and above the requirements specified in Article 30 (1) (b) of Regulation (EEC) No 3719/88, release of security against export licences shall be conditional on presentation of proof of arrival at destination, Article 33 (4) of that Regulation applying.

Article 13

1. Member States shall notify to the Commission:
- on Monday and Thursday of each week by 12.00 at the latest of:
 - (a) 1.1. licence applications with advance fixing of the refund as indicated in Article 10 (1) or the fact that no applications have been made;

- 1.2. licence applications pursuant to Article 44 of Regulation (EEC) No 3719/88 or the fact that no applications have been made lodged up to the last working day preceding that day;
- (b) 1.1. the quantities for which licences have been issued pursuant to Article 10 (5) or the fact that none have been issued;
- 1.2. the quantities for which licences have been issued in response to applications pursuant to Article 44 of Regulation (EEC) No 3719/88, with date of lodgment of application and country of destination up to the last working day preceding that day;
- (c) the quantities for which export licence applications have been withdrawn pursuant to Article 10 (4),
- before the 15th of each month for the previous month;
- (d) licence applications covered by Article 14a of Regulation (EEC) No 3719/88;
- (e) the unused balances of the quantities for which licences have been issued.
2. Notifications pursuant to paragraph 1 must specify:
- the quantity by weight for each of the categories indicated in Article 8 (5),

— the quantity breakdown by destination for each category.

The notification indicated in paragraph 1 (e) must specify the refund amount involved for each category.

3. All notifications indicated in paragraph 1, including nil notifications, shall be made in the form shown in Annex IV.

TITLE IV

Final provisions

Article 14

Regulation (EEC) No 2377/80 is hereby repealed. It shall however remain applicable to licences issued under its provisions before 1 July 1995.

Article 15

This Regulation shall enter into force on 1 July 1995.

It shall be applicable to export licences with advance fixing of the refund applied for from 1 July 1995 onwards.

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

Done at Brussels, 26 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***List indicated in Article 5**

- 0102 90 05
 - 0102 90 21 and 0102 90 29
 - 0102 90 41 to 0102 90 79
 - 0201 10 00 and 0201 20 20
 - 0201 20 30
 - 0201 20 50
 - 0201 20 90
 - 0201 30 and 0206 10 95
 - 0202 10 and 0202 20 10
 - 0202 20 30
 - 0202 20 50
 - 0202 20 90
 - 0202 30 10
 - 0202 30 50
 - 0202 30 90 and 0206 29 91
 - 0210 20 10
 - 0210 20 90 and 0210 90 41
 - 0210 90 90
 - 1602 50 10 and 1602 90 61
 - 1602 50 31, 1602 50 39, 1602 50 80 and 1602 90 69
-

ANNEX II

IMPORT LICENCE NOTIFICATIONS

(codes shown must be used)

Member State :

Application of Article 6 of Regulation (EC) No 1445/95

Product quantities (in tonnes) for which import licences issued

From : To :

CN code	Code
(No of head)	
0102 90 05 ⁽¹⁾	200
0102 90 21 and 0102 90 29 ⁽¹⁾	300
0102 90 41 to 0102 90 79	310
0201 10 00 and 0201 20 20	311
0201 20 30	312
0201 20 50	313
0201 20 90	314
0201 30 and 0206 10 95	315
0202 10 and 0202 20 10	316
0202 20 30	317
0202 20 50	318
0202 20 90	319
0202 30 10, 0202 30 50, 0202 30 90 and 0206 29 91	320
0210 20 10	321
0210 20 90, 0210 90 41 and 0210 90 90	322
1602 50 10 and 1602 90 61	323
1602 50 31 to 1602 50 80 and 1602 90 69	324

⁽¹⁾ Broken down by provenance.

ANNEX III

List indicated in Article 8 (5)

Category	Product code
1	0102 10 10 120, 0102 10 30 120 and 0102 10 90 120
2	0102 10 10 130 and 0102 10 30 130
3	0102 90 41 100, 0101 90 71 000 and 0102 90 79 000
4	0102 90 51 000 to 0102 90 69 000
5	0201 10 00 110, 0201 20 30 110, 0201 20 50 130
6	0201 10 00 120, 0201 20 30 120, 0201 20 50 140 and 0201 20 90 700
7	0201 10 00 130 and 0201 20 20 110
8	0201 10 00 140 and 0201 20 20 120
9	0201 20 50 110
10	0201 20 50 120
11	0201 30 00 050
12	0201 30 00 100
13	0201 30 00 150
14	0201 30 00 190
15	0202 10 00 100, 0202 20 30 000, 0202 20 50 900 and 0202 20 90 100
16	0202 10 00 900 and 0202 20 10 000
17	0202 20 50 100
18	0202 30 90 100
19	0202 30 90 400
20	0202 30 90 500
21	0202 30 90 900
22	0206 10 95 000 and 0206 29 91 000
23	0210 20 90 100
24	0210 20 90 300 and 0210 20 90 500
25	1602 50 10 120
26	1602 50 10 140
27	1602 50 10 160
28	1602 50 10 170 and 1602 50 10 190
29	1602 50 10 240
30	1602 50 10 260
31	1602 50 10 280
32	1602 50 31 125 and 1602 50 39 125
33	1602 50 31 135 and 1602 50 39 135
34	1602 50 31 195 and 1602 50 39 195
35	1602 50 31 325 and 1602 50 39 325
36	1602 50 31 335 and 1602 50 39 335
37	1602 50 31 395 and 1602 50 39 395
38	1602 50 39 425 and 1602 50 39 525
39	1602 50 39 435 and 1602 50 39 535
40	1602 50 39 495, 1602 50 39 505, 1602 50 39 595 and 1602 50 39 615
41	1602 50 39 625
42	1602 50 39 705 and 1602 50 80 705
43	1602 50 39 805 and 1602 50 80 805
44	1602 50 39 905 and 1602 50 80 905
45	1602 50 80 135
46	1602 50 80 195
47	1602 50 80 335
48	1602 50 80 395
49	1602 50 80 435 and 1602 50 80 535
50	1602 50 80 495 and 1602 50 80 595
51	1602 50 80 505 and 1602 50 80 615
52	1602 50 80 515 and 1602 50 80 625

ANNEX IV

Application of Regulation (EC) No 1445/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — Beef/veal sector

Export licence notifications — beef/veal

Sender :

Date :

Member State :

Contact official :

Phone :

Fax :

Addressee : DG VI/D/2 ; Fax : (32 2) 296 60 27

*Part A — Monday/Thursday notifications**Period from to*

1. Article 13 (1) (a), point 1.1

Category	Quantity requested	Destination (*)

2. Article 13 (1) (a) point 1.2

Category	Quantity requested	Destination (*)

3. Article 13 (1) (b) point 1.1

Category	Quantity issued	Destination (*)

4. Article 13 (1) (b) point 1.2

Category	Quantity issued	Date application lodged	Destination (*)

5. Article 13 (1) (c)

Category	Quantity withdrawn	Destination (*)

(*) Use the destination codes in the Annex to Regulation (EC) No 3478/93 (OJ No L 317, 18. 12. 1993, p. 32). If no code corresponding to the destination is given spell it in full.

Part B — Monthly notifications

1. Article 13 (1) (d)

Category	Quantity requested	Destination (!)

2. Article 13 (1) (e)

Category	Unused quantity	Destination (!)	Refund amount

(!) Use the destination codes in the Annex to Regulation (EC) No 3478/93 (OJ No L 317, 18. 12. 1993, p. 32). If no code corresponding to the destination is given spell it in full.