

**COMMISSION REGULATION (EEC) No 3771/92**  
of 22 December 1992

**laying down detailed rules for the application of the import arrangements provided for in Council Regulation (EEC) No 3392/92 for frozen beef covered by CN code 0202 and products covered by CN code 0206 29 91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3392/92 of 23 November 1992 opening and providing for the administration of a Community tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 21 (1993) (1), and in particular Article 4 thereof,

Whereas Regulation (EEC) No 3392/92 lays down the method for administering the Community tariff quota for frozen beef covered by CN code 0202 and for products covered by CN code 0206 29 91 and splits that quota into two parts, one of 42 400 tonnes apportioned between traditional importers and the other of 10 600 tonnes apportioned between the operators who have been engaged in trade in beef with third countries;

Whereas, in order to ensure a smooth switchover from arrangements based on national administration to Community-administered arrangements while bearing in mind the special aspects of trade in the products in question, provision should be made for the allocation on a proportional basis of the first part to traditional importers who can prove that they imported products under the quota in 1990, 1991 and 1992; whereas, however, on submission of applications from interested parties and subject to their acceptance by the Commission up to a certain limit, importers who can demonstrate the genuine nature of their business and who apply for quantities of some significance should be granted access to the second part; whereas verification of the latter criterion requires that applications from a particular operator are to be submitted in one and the same Member State; whereas operators no longer engaged in trade in beef and veal at 1 January 1993 should be barred access to the quota in order to prevent speculation;

Whereas Commission Regulation (EEC) No 3719/88 (2), as last amended by Regulation (EEC) No 2101/92 (3), lays down common 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 2377/80 (4), as last amended by Regulation (EEC) No 815/91 (5), lays down special detailed rules for applying the system of import licences for beef and veal;

Whereas provision should be made for the Member States to forward information on the import arrangements in question;

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. The quantity referred to in Article 2 (a) of Regulation (EEC) No 3392/92 (42 400 tonnes) shall be reserved for operators who can furnish proof of having imported frozen meat covered by CN code 0202 and products covered by CN code 0206 29 91 under the quotas referred to in Council Regulations (EEC) Nos 3889/89 (6), 3838/90 (7) and 3667/91 (8) during the last three years.

2. The quantity referred to in Article 2 (b) of Regulation (EEC) No 3392/92 (10 600 tonnes) shall be reserved for operators who can furnish proof of having:

- imported at least 50 tonnes in 1991 and 50 tonnes in 1992 of beef not subject to the quota referred to in Regulations (EEC) No 3838/90 and 3667/91, or
- exported at least 110 tonnes in 1991 and 110 tonnes in 1992 of beef to third countries.

For the purposes of this paragraph:

- 'beef' means products covered by CN codes 0201, 0202 and 0206 29 91,
- the minimum reference quantities shall be expressed in terms of product weight.

(1) OJ No L 346, 27. 11. 1992, p. 3.

(2) OJ No L 331, 2. 12. 1988, p. 1.

(3) OJ No L 210, 25. 7. 1992, p. 18.

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

(5) OJ No L 83, 3. 4. 1991, p. 6.

(6) OJ No L 378, 27. 12. 1989, p. 16.

(7) OJ No L 367, 29. 12. 1990, p. 3.

(8) OJ No L 350, 19. 12. 1991, p. 34.

3. The 42 400 tonnes shall be allocated between the various operators in proportion to their imports during the reference years proof of which shall be provided in accordance with paragraph 5.

4. The 10 600 tonnes shall be allocated in proportion to the quantities applied for by eligible operators.

5. Proof of import and export shall be furnished solely by means of customs documents of release for free circulation and export documents.

#### Article 2

1. Operators as referred to in Article 1 (1) who are no longer engaged in trade in beef and veal on 1 January 1993 shall not qualify under the arrangements provided for in this Regulation.

2. Companies arising from mergers each of which has rights under Article 1 (1) shall enjoy the same rights as the companies from which they are formed.

#### Article 3

1. For the purposes of Article 1 (1), operators shall submit applications to participate together with the proof referred to in Article 1 (5) to the competent authorities by 18 January 1993 at the latest. After verification of documents submitted, by 5 February 1993 at the latest the Member States shall forward to the Commission a list of operators complying with the conditions for acceptance and containing in particular their names and addresses and the quantities of meat imported under the quota in question during each reference year.

2. For the purposes of Article 1 (2), applications to participate from operators may be submitted together with the proof referred to in Article 1 (5) up to 18 January 1993.

Applications lodged by one and the same party shall relate to an overall quantity of no more than 50 tonnes of frozen meat in product weight.

After verification of documents presented, by 5 February 1993 at the latest the Member States shall forward to the Commission a list of applicants and quantities applied for.

#### Article 4

Applications as referred to in Article 3 shall be admissible only where the applicant declares in writing that he has not submitted and undertakes not to submit any application under the same special arrangements in any Member State other than that in which the application in question is submitted; where an applicant submits applications in respect of the same special arrangements in two or more Member States, none of those applications shall be admissible.

All applications from one and the same applicant shall be regarded as a single application.

#### Article 5

1. The Commission shall decide as soon as possible to what extent applications may be accepted.

2. Where the quantities covered by applications to participate as referred to in Article 3 (2) exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

If the quantities reduced in accordance with the first subparagraph turn out to be less than five tonnes per application, batches of five tonnes shall be allocated by drawing lots.

#### Article 6

1. Imports of quantities allocated shall be subject to presentation of import licences.

2. Following decisions on allocation by the Commission, import licences shall be issued as soon as possible on application and in the names of the operators who have obtained rights to import.

3. Licence applications may be lodged solely in the Member State where the application to participate has been submitted.

4. Licence applications and licences shall be completed by:

(a) one of the following, in section 20:

- carne de vacuno congelada (Reglamento (CEE) n° 3771/92)
- frosset oksekød (forordning (EØF) nr. 3771/92)
- gefrorenes Rindfleisch (Verordnung (EWG) Nr. 3771/92)
- κατεψυγμένο βόειο κρέας (κανονισμός (ΕΟΚ) αριθ. 3771/92)
- frozen meat of bovine animals (Regulation (EEC) No 3771/92)
- viande bovine congelée (règlement (CEE) n° 3771/92)
- carni bovine congelate (regolamento (CEE) n. 3771/92)
- bevroren rundvlees (Verordening (EEG) nr. 3771/92)
- carne de bovino congelada (Reglamento (CEE) n° 3771/92);

(b) the country of origin in section 8;

(c) one of the following in section 24:

- exacción reguladora suspendida para ... kg (cantidad para la que se haya extendido el certificado)
- suspension af importafgift for ... kg (den mængde, licensen er udstedt for)
- Aussetzung der Abschöpfung für ... kg (Menge, für die die Lizenz erteilt wurde)

- αναστέλλεται η εισφορά για ... kg (ποσότητα για την οποία χορηγήθηκε το πιστοποιητικό)
  - Levy suspended for ... kg (quantity for which the licence was issued)
  - prélèvement suspendu pour ... kg (quantité pour laquelle le certificat a été délivré)
  - prelievo sospeso per ... kg (quantitative per il quale è stato rilasciato il certificato)
  - heffing geschorst voor ... kg (hoeveelheid waarvoor het certificaat is afgegeven)
  - direito nivelador suspenso para ... kg (quantidade para a qual foi emitido o certificado);
- (d) One of the following groups of subheadings of the combined nomenclature in Section 16:
- 0202 10 00, 0202 20
  - 0202 30, 0206 29 91.
5. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the levy fixed in accordance with Article 12 of Regulation (EEC) No 805/68 and the Common Customs Tariff duty of 20 % shall be charged on all quantities exceeding those indicated in import licences.

#### Article 7

For the purpose of applying the arrangements provided for in Regulation (EEC) No 3667/91, imports shall be subject to the conditions laid down in Article 17 (2) (f) of Council Directive 72/462/EEC<sup>(1)</sup>.

#### Article 8

1. Regulations (EEC) Nos 2377/80 and 3719/88 shall apply.
2. However, notwithstanding Articles 3 and 6 of Regulation (EEC) No 2377/80, securities for import licences shall amount to ECU 10 per 100 kg net weight and the term of validity of licences shall expire on 31 December 1993.
3. Securities as referred to in paragraph 2 shall be lodged when the import licences are issued.

#### Article 9

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 22 December 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.