

Commission Regulation (EC) No 1488/2001 of 19 July 2001 laying down rules for the application of Council Regulation (EC) No 3448/93 as regards the placement of certain quantities of certain basic products listed in Annex I to the Treaty establishing the European Community under the inward processing arrangements without prior examination of the economic conditions

COMMISSION REGULATION (EC) No 1488/2001

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2580/2000⁽²⁾, and in particular the third subparagraph of Article 11(1) thereof,

Whereas:

- (1) Under Regulation (EC) No 3448/93, certain quantities of certain basic products within the meaning of Article 11 of the said Regulation may be placed under the inward processing arrangements without prior examination of the economic conditions set out in Article 117(c) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, as last amended by European Parliament and Council Regulation (EC) No 2700/2000⁽⁴⁾. The arrangements must be adopted for implementing this possibility and for checking and planning the quantities of such products.
- (2) The procedure enabling the said quantities to be determined using a balance should therefore be laid down. This procedure should also be made transparent by providing for the said balance to be submitted for examination to the Group of Experts on horizontal questions concerning trade in processed agricultural products not listed in Annex I, and the quantities should be published in good time.
- (3) For the purposes of granting such quantities, a specific certificate must be provided for in order to obtain the appropriate customs authorisation.
- (4) In so far as the procedure in question must make it possible to ensure that the Community processing industry has access to agricultural raw materials under competitive conditions and as such a guarantee cannot be provided by the export refund system because of the ceilings set in agreements concluded pursuant to Article 300 of

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1488/2001, Introductory Text. (See end of Document for details)

the Treaty, this procedure must be aimed at operators whose needs for refunds are not being met, either in whole or in part.

- (5) The rules for applying for, granting, using and discharging these certificates, together with their technical characteristics, should be defined so that the relevant procedure is flexible and permits prudent management. It should therefore follow, to a large extent, the procedure already in place for certain agricultural certificates, which is set out in Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁵⁾.
- (6) In so far as the Commission takes account of all companies that process agricultural products, all the goods not covered by Annex I must be taken into consideration as a whole. The procedure described above must therefore provide for production under the inward processing arrangements in two stages, each carried out by a different company.
- (7) It must be laid down that these certificates can be delivered in three tranches. In addition, the emergency issue of one or more tranches should be provided for to deal with any unexpected events, particularly those of the market, and the rights relating to these certificates should be transferable.
- (8) In order to make it possible to check and plan the quantities of the basic products concerned, communication of statistics on the use of the certificates must be provided for.
- (9) The Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty did not deliver an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 318, 20.12.1993, p. 18.
- (2) OJ L 298, 25.11.2000, p. 5.
- (3) OJ L 302, 19.10.1992, p. 1.
- (4) OJ L 311, 12.12.2000, p. 1.
- (5) OJ L 152, 24.6.2000, p. 1.

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