

Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (Codified version) (repealed)

CHAPTER III

GENERAL PROVISIONS

SECTION 6

Force majeure

Article 41

1 Where, following a case of *force majeure*, an operator has applied for the period of validity of a licence involving advance fixing of the export levy or export refund to be extended and the competent body has not yet taken a decision on such application, the operator may apply to the body for a second licence. The second licence shall be issued on the terms applying at the time of application except that:

- a it shall be issued for no more than the unused quantity on the first licence for which extension has been applied for;
- b Section 20 thereof shall contain one of the entries listed in Annex III, Part F.

2 Where the competent body decides to extend the period of validity of the first licence:

- a the quantity for which the second licence was used shall be entered on the first licence provided that:
 - (i) the operator who is entitled to use the first licence has so used the second licence, and
 - (ii) such use has taken place during the extended period of validity;
- b the security for the second licence relating to quantity referred to in point (a) shall be released;
- c where applicable, the body which issued the licences shall inform the competent body of the Member State where the second licence was used so that the amount collected or paid out can be corrected.

3 Where the competent body concludes that there was no case of *force majeure* or where it decides, under Article 40, that the first licence should be cancelled, then the rights and obligations arising from the second licence shall stand.