

Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector (Recast)

CHAPTER III

EXPORT LICENCES

Article 12

1 Applications for export licences with advance fixing of the refund as referred to in Article 10(1), (2) and (3) may be lodged with the competent authorities from Monday to Friday each week.

Export licences shall be issued on the Wednesday following the week in which the application is lodged, provided that none of the particular measures referred to in paragraphs 2 or 3 of this Article have since been taken by the Commission.

However, licences applied for within the framework of Article 16 of Regulation (EC) No 1291/2000 shall be issued immediately.

By way of derogation from the second subparagraph of this paragraph, the Commission may, in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999, set a day other than Wednesday for the issuing of export licences when it is not possible to respect this day.

2 Where the issue of export licences would or might result in the available budgetary amounts being exceeded or in the maximum quantities which may be exported with a refund being exhausted during the period concerned, in view of the limits referred to in Article 33(11) of Regulation (EC) No 1254/1999, or would not allow exports to continue during the remainder of the period, the Commission may:

- a set an acceptance percentage for the quantities applied for;
- b reject applications for which licences have not yet been granted;
- c suspend lodging of licence applications for a maximum period of five working days, extendable by the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999.

In the circumstances referred to in point (c) of the first subparagraph, licence applications made during the suspension period shall be invalid.

The measures provided for in the first subparagraph may be implemented or modulated by category of product and by destination or group of destinations.

3 The measures provided for in paragraph 2 may also be adopted where export licence applications relate to quantities which exceed or might exceed the normal disposable quantities for one destination or group of destinations and issuing the licences requested would entail a risk of speculation, distortion of competition between operators, or disturbance of the trade concerned or the Community market.

4 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.

5 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

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percentage in the *Official Journal of the European Union*. Applicants may within 10 working days following publication:

- a either withdraw the application, in which case the security shall be released immediately; or
- b 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.

6 Notwithstanding paragraph 1, licences in respect of applications for a quantity not exceeding 25 tonnes of products falling within CN codes 0201 and 0202 shall be issued immediately. In such cases, notwithstanding Article 10 of this Regulation, the term of validity of the licences shall be limited to five working days from their actual day of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000, and box 20 of licence applications and licences shall indicate at least one of the entries listed in Annex VII, Part A, to this Regulation.

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