

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 9*

Without prejudice to Article 5(1) of Regulation (EC) No 1291/2000, all exports of beef and veal products for which an export refund is claimed shall require presentation of an export licence with advance fixing of the refund, in accordance with the provisions of Articles 10 to 16 of this Regulation.

*Article 10*

1 The period of validity of licences for exports of products for which a refund is claimed and which are subject to the issuing of an export licence with advance fixing of the refund, calculated from the date of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000, shall be:

- a five months plus the current month for products falling within [F<sup>1</sup>CN codes 0102 21, 0102 31 00 and 0102 90 20] and 75 days for products falling within [F<sup>1</sup>CN codes 0102 29, 0102 39 10, 0102 90 91 and ex 1602];
- b 60 days for other products.

2 The validity of licences for exports of beef and veal issued under the procedure laid down in Article 49 of Regulation (EC) No 1291/2000 shall expire at the end of the:

- a fifth month, from the month of issue within the meaning of Article 23(2) of that Regulation, for products falling within [F<sup>1</sup>CN codes 0102 21, 0102 31 00 and 0102 90 20];
- b fourth month, from the month of issue within the meaning of Article 23(2) of that Regulation, for other products.

3 By derogation from Article 49(5) of Regulation (EC) No 1291/2000, the time limit of 21 days for products falling within [F<sup>1</sup>CN codes 0102 21, 0102 31 00 and 0102 90 20] is replaced by 90 days.

4 Licence applications and licences shall contain in box 15 the product description, in box 16 the 12-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 14 of Regulation (EC) No 1291/2000 are listed in Annex VI to this Regulation.

**Textual Amendments**

- F1** Substituted by Commission Implementing Regulation (EU) No 1379/2011 of 20 December 2011 amending Regulations (EC) No 382/2008, (EU) No 1178/2010 and (EU) No 90/2011 as regards the CN codes and the product codes of the agricultural product nomenclature for export refunds in the beef and veal, egg and poultrymeat sectors.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 382/2008, CHAPTER III. (See end of Document for details)*

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### Article 11

The security for licences with advance fixing of the refund shall be:

- (a) EUR 26 per head for live animals;
- (b) EUR 15 per 100 kg for products falling within code 0201 30 00 9100 of the agricultural product export refund nomenclature;
- (c) EUR 9 per 100 kg net weight for other products.

### 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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**Changes to legislation:** There are currently no known outstanding effects for the  
Commission Regulation (EC) No 382/2008, CHAPTER III. (See end of Document for details)

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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.

#### *Article 13*

1 Quantities exported within the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 shall not confer entitlement to payment of a refund where exportation takes place under a licence as referred to in Article 10(1), (2) and (3) of this Regulation and the licence contains the following entry in box 22:

Refund valid for ... tonnes (quantity for which licence is issued).

2 The second indent of Article 18(3)(b) of Commission Regulation (EC) No 800/1999<sup>(1)</sup> shall not apply to special export refunds granted to products falling within CN codes 0201 30 00 9100 and 0201 30 00 9120 of the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87<sup>(2)</sup> where these products have been placed under the customs warehousing procedure in accordance with Article 4 of Commission Regulation (EC) No 1741/2006<sup>(3)</sup>.

#### *Article 14*

1 This Article shall apply to exports made pursuant to Regulation (EC) No 1643/2006.

2 Licence applications for the products indicated in Article 1 of Regulation (EC) No 1643/2006 may be lodged only in Member States meeting the health conditions required by the importing country.

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 (EC) No 1291/2000 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 in box 22 one of the entries listed in Part B of Annex VII.

[<sup>F26</sup> Member States shall notify the Commission of:

- a by 6 p.m. (Brussels time) on each working day, the total quantity of products for which applications have been lodged;
- b no later than the end of the month following the month in which the applications were lodged, a list of applicants.]

7 If the quantities in respect of which licences have been applied for exceed those available, the Commission shall set a single acceptance percentage for the quantities requested.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 382/2008, CHAPTER III. (See end of Document for details)

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8 Licences shall be issued on the 10th working day following the date on which the application was lodged. No licences shall be issued for applications which have not been transmitted to the Commission.

9 Article 10(1), (2) and (3) of this Regulation notwithstanding, licences shall be valid 90 days from the actual day of issue, Article 23(2) of Regulation (EC) No 1291/2000 applying, but not beyond 31 December of the year of issue.

10 Should the quantities applied for be reduced pursuant to paragraph 7 the security shall be immediately released for all quantities not granted.

11 Over and above the requirements specified in Article 32(1)(b) of Regulation (EC) No 1291/2000, release of security against export licences shall be conditional on presentation of proof of arrival at destination, Article 35(5) of that Regulation applying.

#### Textual Amendments

**F2** Substituted by [Commission Regulation \(EU\) No 173/2011 of 23 February 2011 amending Regulations \(EC\) No 2095/2005, \(EC\) No 1557/2006, \(EC\) No 1741/2006, \(EC\) No 1850/2006, \(EC\) No 1359/2007, \(EC\) No 382/2008, \(EC\) No 436/2009, \(EC\) No 612/2009, \(EC\) No 1122/2009, \(EC\) No 1187/2009 and \(EU\) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets and the direct support schemes for farmers.](#)

#### Article 15

1 This Article shall apply to exports to Canada pursuant to Regulation (EC) No 2051/96.

2 Licence applications for the products indicated in Article 1 of Regulation (EC) No 2051/96 may be lodged only in Member States meeting the health conditions required by the Canadian authorities.

3 Licence applications and licences shall carry the entry 'Canada' 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 (EC) No 1291/2000 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 in box 22 one of the entries listed in Part C of Annex VII.

[<sup>F26</sup> Member States shall notify the Commission of:

- a by 6 p.m. (Brussels time) on each working day, the total quantity of products for which applications have been lodged;
- b no later than the end of the month following the month in which the applications were lodged, a list of applicants.]

7 If the quantities for which licences have been applied for exceed those available the Commission shall set a single acceptance percentage applying to quantities requested.

8 Licences shall be issued on the 10th working day following the date on which the application is lodged. No licences shall be issued for applications which have not been transmitted to the Commission.

9 Article 10(1), (2) and (3) of this Regulation notwithstanding, licences shall be valid 90 days from the actual day of issue, Article 23(2) of Regulation (EC) No 1291/2000 applying, but not beyond 31 December of the year of issue.

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10 Should the quantities applied for be reduced pursuant to paragraph 7 the security shall be immediately released for all quantities not granted.

11 Over and above the requirements specified in Article 32(1)(b) of Regulation (EC) No 1291/2000, release of security against export licences shall be conditional on presentation of proof of arrival at destination, Article 35(5) of that Regulation applying.

#### Textual Amendments

**F2** Substituted by Commission Regulation (EU) No 173/2011 of 23 February 2011 amending Regulations (EC) No 2095/2005, (EC) No 1557/2006, (EC) No 1741/2006, (EC) No 1850/2006, (EC) No 1359/2007, (EC) No 382/2008, (EC) No 436/2009, (EC) No 612/2009, (EC) No 1122/2009, (EC) No 1187/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets and the direct support schemes for farmers.

#### *[<sup>F2</sup>Article 16*

- 1 Member States shall notify the Commission of the following:
  - a by Friday each week:
    - (i) applications for licences with advance fixing of the refund lodged in accordance with Article 10(1) or the fact that no applications were lodged from Monday to Friday that week;
    - (ii) applications for licences lodged in accordance with the procedure laid down in Article 47 of Regulation (EC) No 376/2008 or the fact that no applications were lodged from Monday to Friday that week;
    - (iii) the quantities for which licences have been issued pursuant to Article 12(6) of this Regulation or the fact that no licences were issued from Monday to Friday that week;
    - (iv) the quantities for which licences have been issued in respect of applications lodged in accordance with the procedure laid down in Article 47 of Regulation (EC) No 376/2008, indicating the date on which the application was lodged and the country of destination, from Monday to Friday that week;
    - (v) the quantities for which export licence applications have been withdrawn pursuant to Article 12(5) of this Regulation, during that week, indicating the date on which the application was lodged;
  - b by the 14th day of each month for the previous month:
    - (i) applications for licences as referred to in Article 15 of Regulation (EC) No 376/2008;
    - (ii) the quantities for which licences have been issued pursuant to Article 10(1) of this Regulation and pursuant to Article 47 of Regulation (EC) No 376/2008 and not used.
- 2 The notifications referred to in paragraph 1 shall specify:
  - a the quantity by weight of product or the number of heads for each category referred to in Article 10(5);
  - b the quantity breakdown by destination for each category.]

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 382/2008, CHAPTER III. (See end of Document for details)

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**Textual Amendments**

- F2** Substituted by Commission Regulation (EU) No 173/2011 of 23 February 2011 amending Regulations (EC) No 2095/2005, (EC) No 1557/2006, (EC) No 1741/2006, (EC) No 1850/2006, (EC) No 1359/2007, (EC) No 382/2008, (EC) No 436/2009, (EC) No 612/2009, (EC) No 1122/2009, (EC) No 1187/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets and the direct support schemes for farmers.

*f<sup>3</sup> Article 16a*

The notifications referred to in this Regulation with the exception of Article 6(3) shall be made in accordance with Commission Regulation (EC) No 792/2009<sup>(4)</sup>.]

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**Textual Amendments**

- F3** Substituted by Commission Implementing Regulation (EU) No 1212/2012 of 17 December 2012 amending Regulations (EC) No 2535/2001, (EC) No 917/2004, (EC) No 382/2008, (EC) No 748/2008, (EC) No 810/2008 and (EC) No 610/2009 as regards the notification obligations within the common organisation of agricultural markets.

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- (1) OJ L 102, 17.4.1999, p. 11.
- (2) OJ L 366, 24.12.1987, p. 1.
- (3) OJ L 329, 25.11.2006, p. 7.
- (4) [<sup>F3</sup>OJ L 228, 1.9.2009, p. 3.]

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#### **Textual Amendments**

- F3** Substituted by Commission Implementing Regulation (EU) No 1212/2012 of 17 December 2012 amending Regulations (EC) No 2535/2001, (EC) No 917/2004, (EC) No 382/2008, (EC) No 748/2008, (EC) No 810/2008 and (EC) No 610/2009 as regards the notification obligations within the common organisation of agricultural markets.

**Changes to legislation:**

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