

Commission Regulation (EC) No 412/2008 of 8 May 2008 opening and providing for the administration of an import tariff quota for frozen beef intended for processing

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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 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽¹⁾, and in particular Article 32(1) thereof,

Whereas:

- (1) The WTO schedule CXL requires the Community to open an annual import tariff quota of 50 700 tonnes of frozen beef intended for processing. Moreover, as a result of the negotiations which led to the Agreement in the form of an Exchange of Letters between the European Community and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union⁽²⁾, approved by Council Decision 2006/106/EC⁽³⁾, the Community undertook to incorporate in its schedule for all Member States an increase of 4 003 tonnes of that import tariff quota as of 1 July 2006.
- (2) Implementing rules should be laid down for the opening and administration of this quota every year for the period from 1 July to 30 June of the following year.
- (3) The import of frozen beef under the tariff quota is subject to customs import duties and to the conditions laid down under order number 12 of Annex 7 to Part three of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁴⁾.
- (4) Imports into the Community under the tariff quota are subject to presentation of an import licence in accordance with the first subparagraph of Article 29(1) of Regulation (EC) No 1254/1999. The provisions of 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⁾ and of 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⁽⁶⁾ should apply to import licences issued under this Regulation, without prejudice to additional conditions laid down in this Regulation.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 412/2008, Introductory Text. (See end of Document for details)

- (5) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences⁽⁷⁾ lays down in particular detailed provisions on applications for import rights, the status of applicants and the issue of import licences. The provisions of Regulation (EC) No 1301/2006 should apply to imports licences issued pursuant to this Regulation, without prejudice to additional conditions laid down in this Regulation.
- (6) It is appropriate to manage this import tariff quota by attributing import rights as a first step and issuing import licences as a second, as provided for in Article 6(3) of Regulation (EC) No 1301/2006. In this way, operators that have obtained import rights should be able to decide, during the course of the quota period, the moment when they wish to apply for import licences, in view of their actual trade flows. It should be possible to issue licences following allocations of import rights on the basis of applications from eligible processors. In any case, the Regulation (EC) No 1301/2006 limits the period of validity of licences to the last day of the import tariff quota period.
- (7) So as to avoid speculation, access to the quota should be allowed only to active processors carrying out processing in a processing establishment approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽⁸⁾.
- (8) In order to prevent speculation, import licences should be issued to processors solely for the quantities for which they have been allocated import rights. Moreover, for the same reason, security should be lodged together with the application for import rights. The application for import licences corresponding to the allocated rights should be a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽⁹⁾.
- (9) The application of the tariff quota requires strict surveillance of imports and effective checks as to their use and destination. The processing should therefore be authorised only in the establishment referred to in the import licence.
- (10) A security should be lodged in order to ensure that the imported meat is used according to the tariff quota specifications. The amount of that security should be fixed taking into account the difference between the customs duties applicable within and outside the quota.
- (11) 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:

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 412/2008, Introductory Text. (See end of Document for details)

- (1) [OJ L 160, 26.6.1999, p. 21](#). Regulation as last amended by Commission Regulation (EC) No 98/2008 ([OJ L 29, 2.2.2008, p. 5](#)). Regulation (EC) No 1254/1999 will be replaced by Regulation (EC) No 1234/2007 ([OJ L 299, 16.11.2007, p. 1](#)) as from 1 July 2008.
- (2) [OJ L 47, 17.2.2006, p. 54](#).
- (3) [OJ L 47, 17.2.2006, p. 52](#).
- (4) [OJ L 256, 7.9.1987, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 1352/2007 ([OJ L 303, 21.11.2007, p. 3](#)).
- (5) [OJ L 152, 24.6.2000, p. 1](#). Regulation as last amended by Regulation (EC) No 1423/2007 ([OJ L 317, 5.12.2007, p. 36](#)).
- (6) [OJ L 115, 29.4.2008, p. 10](#).
- (7) [OJ L 238, 1.9.2006, p. 13](#). Regulation as amended by Regulation (EC) No 289/2007 ([OJ L 78, 17.3.2007, p. 17](#)).
- (8) [OJ L 139, 30.4.2004, p. 55](#). Regulation as amended by Regulation (EC) No 1243/2007 ([OJ L 281, 25.10.2007, p. 8](#)).
- (9) [OJ L 205, 3.8.1985, p. 5](#). Regulation as last amended by Regulation (EC) No 1913/2006 ([OJ L 365, 21.12.2006, p. 52](#)).

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