12.7.72 Official Journal of the European Communities No L 156/5

REGULATION (EEC) No 1465/72 OF THE COUNCIL

of 10 July 1972

opening, allocating and providing for the administration of the Community tariff quota of 5000 head of bulls, cows and heifers, other than those intended for slaughter, of certain mountain breeds falling within subheading No ex 01.02 A II (b) 2 of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the proposal from the Commission;

Whereas, for bulls, cows and heifers of certain mountain breeds, other than those intended for slaughter, falling within subheading No ex 01.02 A II (b) 2 of the Common Customs Tariff, the European Economic Community has undertaken within the framework of the latest multilateral GATT negotiations to open an annual Community tariff quota of 5000 head at a duty of 4%; whereas eligibility for this quota is subject to submission of the following documents:

— bulls: pedigree;

— cows: pedigree or certificate of registration in the herdbook certifying purity of breed;

Whereas the tariff concessions granted within the framework of those negotiations are operative and whereas therefore the Community tariff quota in question should be opened for the period from 1 July 1972 to 30 June 1973;

Whereas it is in particular necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the rate laid down for that quota to all imports of the animals in question into all Member States until the quota is used up; whereas, having regard to the principles defined above, the Community nature of the quota can be respected by allocating the Community tariff quota among Member States; whereas possibilities for the use of such mountain breeds are however limited by special factors, both geographical and zootechnical; whereas Germany, France and Italy are the only Member States which have regions suitable for breeding this kind of cattle; whereas, however, in view of such special factors, the Community nature of the tariff quota in question should be preserved by making provision for requirements which may arise in other Member States; whereas, in exceptional cases, the system provided for in Article 3 of this Regulation enables factors to be taken into account; whereas, in order to reflect as closely as possible the actual trend of the market in question, the initial allocation among the three aforementioned Member States must be made in proportion to the requirements of each one, calculated in accordance with statistical data concerning imports from third countries during a representative reference period and in accordance with economic prospects for the quota year in question.

Whereas, however, it has not been possible until now to standardize the rules applicable in the various Member States as regards supervision of imports of animals intended for slaughter, for breeding or for income; whereas, moreover, animals of these specific breeds are not specified in the statistical nomenclatures of the Member States; whereas, in such circumstances, the statistical data furnished by Member States in this field cannot be considered to be sufficiently accurate and representative to be used as a basis for the allocation in question; whereas only Italy, which as recently as 1967 was entitled to a national tariff quota of 3000 head of these animals at a duty of 2·4%, was able to record imports of 6254 head from third countries during that year; whereas the extent to which the Community tariff quotas open until now for those animals have been used, and the estimates made by the aforementioned three Member States, enable the requirements of each of them as regards imports from third countries for the quota period envisaged to be assessed as follows:

Germany	250 head,
France	120 head,
Italy	4630 head;

Whereas, in order to take into account the possible trend of imports of the aforementioned animals into Member States, the quota amount of 5000 head should be divided into two instalments, the first instalment being allocated among Germany, France and Italy, the second forming a reserve intended ultimately to cover the requirements of those Member States when their initial quota share is used up and requirements which may arise in other Member States; whereas, in order to ensure a certain degree of security for importers in the three aforementioned Member States, the first instalment of the Community quota should be determined at a comparatively high level which under the present circumstances may be about 80% of the quota amount;

Whereas the initial quota shares of those Member States may be used up fairly rapidly; whereas, in order to take this fact into account and avoid any break in continuity, it is important that any Member State having used up almost the whole of its initial quota share should draw an additional quota share from the reserve; whereas this must be done by each Member State as and when each of its additional quota shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional quota shares must be available for use until the end of the quota period; whereas such method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas if, at a specified date within the quota period, a considerable balance remains in favour of one or other of the Member States, it is essential that that State should return a considerable part of such balance to the reserve in order that part of the Community quota should not remain unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measures concerning the administration of the shares allocated to that Economic Union may be carried out by one of its Members;

Whereas, since the tariff quotas in question are valid until 30 June 1973, the system provided for could be amended to take account of the accession of new Member States;

HAS ADOPTED THIS REGULATION:

Article 1

During the period from 1 July 1972 to 30 June 1973, the Common Customs Tariff duty on bulls, cows and heifers, other than those intended for slaughter, of the mottled Simmental breed and the Schwyz and Fribourg breeds, falling within subheading No ex 01.02 A II (b) 2 of the Common Customs Tariff, shall be fixed at 4% within the framework of a Community tariff quota of 5000 head.

Article 2

1. A first instalment of 4100 head of that Community tariff quota shall be allocated among certain Member States; the quota shares, which, subject to Article 6, shall be available for use from 1 July 1972 to 30 June 1973, shall, for those Member States, be the quantities shown below:

Germany	200 head,
France	100 head,
Italy	3800 head.

2. The second instalment, of 900 head, shall form the reserve.

Article 3

If a need arises in the Benelux Economic Union for cattle referred to in Article 1 the latter, represented by one of its Members, shall draw an adequate share from the reserve, in so far as the reserve permits.

The Members of that Economic Union shall take the necessary steps to notify importers of this possibility.

Article 4

1. If 90% or more of the initial quota share of one of the Member States referred to in Article 2 (1), as it is determined therein, or of that quota share less the portion returned to the reserve, where Article 6 has been applied, has been used up, that Member State shall immediately, by notifying the Commission, draw a second quota share, in so far as the reserve permits, equal to 15% of its initial quota share, rounded up if necessary to the next higher unit.

2. If, after the initial quota share is used up, 90% or more of the second quota share drawn by one of these Member States is used, that Member State shall, in accordance with paragraph 1, immediately draw a third quota share equal to 7·5% of its initial quota share, rounded up if necessary to the next higher unit.

3. If, after the second quota share is used up, 90% or more of the third quota share drawn by one of these Member States is used, that Member State shall, in accordance with paragraph 1, draw a fourth quota share equal to the third.

The same method shall be applied in the same way until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, each of the Member States may draw quota shares lower than those fixed in those paragraphs if there are reasons for considering that such quota shares may not be used up. They shall inform the Commission of the grounds on which they have applied the provisions of this paragraph.

Article 5

Additional quota shares drawn in pursuance of Article 4 shall be available for use until 30 June 1973.

Article 6

If, by 5 April 1973, a Member State has not used up its initial quota share as fixed by Article 2 (1) or as resulting from the application of Article 3, it shall, not later than 25 April 1973, return to the reserve the unused portion of its share in excess of 20% of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity may not be used.

The Member States shall, not later than 25 April 1973, notify the Commission of the total imports of the animals in question effected up to 5 April 1973 inclusive and charged against the Community quota and where appropriate, the portion of its initial quota share that it returns to the reserve.

Article 7

The Commission shall keep account of the amounts of the quota shares opened by Member States in accordance with Articles 2, 3 and 4 and shall inform each of them of the extent to which the reserve has been used as soon as it receives the notifications.

The Commission shall, not later than 1 May 1973, notify Member States of the amount in the reserve after the return of quota shares pursuant to Article 6.

The Commission shall ensure that the drawing which uses up the reserve is limited to the balance available and, for this purpose, shall specify the amount thereof to the Member State which makes the final drawing.

Article 8

1. The Member States referred to in Articles 2 and 3 shall lay down, with regard to their quota shares, the conditions for access to the tariff quota in question and shall administer their quota shares in accordance with their own administrative provisions. They shall ensure free access to the quota shares which have been allocated to them for importers established on their territory.

2. The said Member States shall take all measures necessary to ensure that when additional quota shares are drawn pursuant to Article 3 or 4 it is possible for charges to be made without interruption against their accumulated shares of the Community tariff quota.

3. The extent to which the quota shares of Member States have been used up shall be recorded on the basis of imports of the animals in question under cover of declarations that they have been entered into consumption.

Article 9

Member States shall inform the Commission at regular intervals of imports from third countries actually charged against their quota shares.

Article 10

Member States and the Commission shall cooperate closely to see that the provisions of this Regulation are observed.

Article 11

The above provisions may be amended to take account of the situation resulting from the accession of new Member States.

Article 12

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1972.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 July 1972.

For the Council

The President

N. SCHMELZER