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(Acts whose publication is obligatory)

REGULATION (EEC) No 1944/73 OF THE COUNCIL

of 16 July 1973

on the opening, allocation and administration of the Community tariff quota of 30 000 head of heifers and cows other than those intended for slaughter, of certain mountain breeds, falling within subheading 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, and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas, for heifers and cows, other than those intended for slaughter of certain mountain breeds falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff, the European Economic Community has undertaken within the framework of the GATT multilateral negotiations to open an annual Community tariff quota of 20 000 head at a duty of 6 %; whereas eligibility for such quota is subject to conditions to be determined by the competent authorities of the Member State of destination; whereas, in an exchange of letters with Austria dated 21 July 1972, the Community has undertaken unilaterally to increase the size of the tariff quota from 20 000 to 30 000 head and to lower the quota duty from 6 % to 4 %;

Whereas, under Article 60 of the Act [1] concerning the Conditions of Accession and the Adjustments to the Treaties, the new Member States are obliged to apply the Regulations of the common agricultural policy from 1 February 1973 onwards; whereas, therefore, any requirements which may arise in these Member States during the quota period under consideration should be taken into account in the Community tariff quota in question; whereas the abovementioned tariff quota for the period from 1 July 1973 to 30 June 1974 should therefore be opened at a duty of 4 % for the Community as originally constituted and at a duty corresponding to the provisions of the abovementioned Act for the new Member States; whereas, on a temporary basis, different systems should be laid down for the Member States of the Community as originally constituted on the one hand and the new Member States on the other;

Whereas, as regards in particular the Member States of the Community as originally constituted:

— 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 quota duties, to all imports of the animals in question until the quota is exhausted; whereas, having regard to the principles defined above, the Community nature of the quota can be respected by allocating the Community tariff quota among the said 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 4 of this Regulation enables all such 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 afore-

[1] OJ No L 73, 27. 3. 1972, p. 14.

mentioned 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 with economic prospects for the quota period in question ;

— it has not, however, 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, 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 the extent to which Community tariff quotas for those animals open until now have been exhausted, 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	10 000 head
France	3 900 head
Italy	6 100 head,

— in order to take into account the possible trend of imports of the aforementioned animals into the said Member States, the quota amount of 30 000 head should be divided into two parts, the first being allocated among Germany, France and Italy, the second forming a reserve intended subsequently to cover the requirements of those Member States when their initial quota share is exhausted and requirements which may arise within other Member States ; whereas, in order to ensure a certain degree of security for importers in the three aforementioned Member States, the first part of the Community quota should be determined at a comparatively high level which under the present circumstances may be 60 % of the quota amount ;

— 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 that Member State having used up almost the whole of its initial share should draw an additional quota share from the reserve ; whereas this must be done by each of these Member States 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 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 ;

— if, at a specified date within the quota period, a considerable balance of the initial quota share 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 ;

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

Whereas, as regards in particular the new Member States :

— the Community nature of the tariff quota in question should be preserved by making provision for any requirements which may arise in these Member States during the quota period ; whereas to this end these Member States should be afforded the possibility of making adequate drawings from the reserve, the latter being increased accordingly ;

— the quota duties should be fixed by the new Member States in accordance with the abovementioned Act, and in particular with Articles 39, 59 and 60 thereof ;

— it is necessary to ensure equal and continuous access for all importers to the quota and uninterrupted application of the quota duties to all imports of the animals in question until the quota is exhausted ;

HAS ADOPTED THIS REGULATION :

Article 1

1. During the period from 1 July 1973 to 30 June 1974, a Community tariff quota of 30 000 head shall be opened within the European Economic Community in respect of the imports from third countries of cows and heifers, other than those intended for slaughter, of the grey, brown, yellow and mottled Simmental breed and Pinzgau breed, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff.

2. This quota shall be divided into two parts, the first, comprising 18 000 head, being allocated among certain Member States in accordance with Article 3, the second, comprising 12 000 head, constituting the reserve.

3. The said quota shall be administered in accordance with the following Articles.

Provisions concerning the Member States of the Community as originally constituted

Article 2

Within the framework of the quota referred to in Article 1 (1), the Common Customs Tariff duty for the animals referred to in the said paragraph shall be suspended at 4 %.

Article 3

The first part of 18 000 head shall be allocated among the Member States listed below. The quota shares shall apply from 1 July 1973 to 30 June 1974, subject to Article 7, and shall be as follows :

Germany	9 000 head
France	3 500 head
Italy	5 500 head.

Article 4

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

Article 5

1. If 90 % or more of the initial quota share of one of the Member States referred to in Article 3, or of that quota share less the amount returned to the reserve, where Article 7 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 off upwards, if necessary, to the next unit.

2. If, after the initial quota share has been exhausted, 90 % or more of the second quota share drawn by one of these Member States has been used up, 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 off upwards, if necessary, to the next unit.

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

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

4. By way of derogation from paragraphs 1, 2 and 3, each of these Member States may draw quota shares lower than those fixed in these paragraphs if there are reasons to consider that such quota shares might not be exhausted. They shall inform the Commission of the grounds which led them to apply this paragraph.

Article 6

The additional quota shares drawn in pursuance of Article 5 shall apply until 30 June 1974.

Article 7

If, by 5 April 1974, a Member State has not exhausted its initial quota share as fixed in Article 3 or as resulting from the application of Article 4, it shall, not later than 25 April 1974, return to the reserve the unused proportion of this quota share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used up.

The Member States shall, not later than 25 April 1974, notify the Commission of the total imports of the animals in question effected up to 5 April 1974 inclusive and charged against the tariff quota and, where appropriate, the proportion of their initial quota share they return to the reserve.

Article 8

The Commission shall keep accounts on the amounts of the quota shares opened by Member States in accordance with Articles 3, 4 and 5 and shall inform each of them of the extent to which the reserve has been exhausted as soon as it receives the notifications.

The Commission shall, not later than 1 May 1974, notify Member States of the amount in the reserve after the return of quota shares pursuant to Article 7.

The Commission shall ensure that any drawing which exhausts the reserve is limited to the balance available and, to this end, shall specify the amount thereof to the Member State making the last drawing.

Article 9

The Member States shall take all measures necessary to ensure that when additional quota shares are drawn pursuant to Article 4 or 5 it is possible for charges to be made without interruption against their accumulated shares of the Community quota.

Provisions concerning the new Member States

Article 10

1. If requirements arise in the new Member States for the cattle referred to in Article 1 (1) and falling within subheading ex 01.02 A II b) 2 of the tariffs of the new Member States, the latter shall draw an adequate quota share from the reserve, in so far as this reserve permits.

2. Within the framework of the quota shares thus drawn from the reserve, the new Member States shall apply a quota duty corresponding to the provisions laid down for that purpose in the Act concerning the Conditions of Accession and the Adjustments to the Treaties.

Provisions concerning all Member States

Article 11

1. With regard to their quota shares, Member States shall lay down the conditions for access to the tariff quota in question and shall manage their quota shares in accordance with their own administrative provisions. They shall ensure free access to the quota shares allocated to them for importers established in their territory.

2. The extent to which the quota shares of the Member States have been used up shall be recorded on the basis of imports from third countries submitted for customs clearance under cover of declarations that they have been made available for consumption.

Article 12

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

Article 13

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

Article 14

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 1973 onwards.

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

Done at Brussels, 16 July 1973.

For the Council

The President

Ib FREDERIKSEN