REGULATION EEC) No 218/73 OF THE COMMISSION

of 29 January 1973

on the calculation of the import price and the special import price for calves and adult bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 805/68 (1) of 27 June 1968 on the common organizationof the market in beef and veal, as last amended by the Act (2) annexed to the Treaty (3) concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 10 (6) and Article 25 thereof ;

Whereas, pursuant to Article 10 (1) of Regulation (EEC) No 805/68, import prices are calculated for both calves and adult bovine animals on the basis of free-at-Community-frontier prices by reference to the purchasing possibilities which are most representative as regards quality and quantity and the trend of the market in these products ; whereas this import price is used to calculate the levy ;

Whereas Article 10 (2) of Regulation (EEC) No 805/68 provides that if live animals or fresh and chilled meat are exported from one or more third countries at abnormally low prices a special import price shall be calculated for calves and adult bovine animals imported from these third countries ; whereas this special import price is used to calculate a special levy ;

Whereas offer prices can be regarded as abnormally low if they differ by a fixed percentage from the import price ; whereas, to avoid disturbances on the Community market, the lowest price should be used for the purpose of calculating the special import price ;

Whereas certain categories of live animals or cuts of fresh or chilled meat represent a very small proportion of total trade ; whereas offer prices for these categories and cuts should therefore be disregarded ;

Whereas, when the import price or the special import price is being calculated, all free-at-Community-frontier offers from third countries must be taken into consideration ; whereas if information known to the Commission indicates that certain offers do not correspond to actual purchasing possibilities, are not representative of the actual trend of prices or do not relate to representative quantities, such offers should be disregarded ;

Whereas offer prices should be adjusted by making allowance for the difference over a reference period between the price of each category and the price recorded for adult bovine animals on the representative Community markets and by applying to the different cuts of beef and veal the relevant coefficients fixed in the Annex to Commission Regulation (EEC) No 1025/68 (4) of 22 July 1968 fixing the coefficients for calculating the levy on beef and veal other than frozen, as last amended by Regulation (EEC) No 1987/71 (5) ;

Whereas account must also be taken, for adult bovine animals, of imports of each category in relation to imports of all categories and, for meat, of imports of each cut in relation to imports of all cuts ; whereas the relative importance of imports of cattle for slaughter and of fresh and chilled meat over a reference period should also be taken into consideration ; whereas, however, if the offer price for one or more categories of cuts cannot be established, the last available price must be used ;

Whereas, to avoid too frequent alteration of the levy, a certain margin should be allowed within which variations in the factors entering into the calculation of the import price do not entail an alteration in that price ;

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.

(4) OJ No L 174, 23. 7. 1968, p. 9.
(5) OJ No L 209, 15. 9. 1971, p. 28.

Whereas 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 :

Article 1

1. The import price referred to in Article 10 (1) of Regulation (EEC) No 805/68 shall be calculated on the basis of all representative free-at-Community-frontier prices for each of the categories and cuts specified in Article 2.

2. The special import price referred to in Article 10 (2) of Regulation (EEC) No 805/68 shall be calculated only if the free-at-Community-frontier price for the categories and cuts specified in Article 2 give a price which is considerably lower than the import price referred to in paragraph 1. The special import price shall be equal to the lowest of these prices.

Article 2

1. Free-at-frontier prices shall be calculated for the following categories of animals :

(a) calves ;

(b) bulls and heifers, cows.

2. Free-at-frontier prices shall be calculated for the following cuts of meat :

(a) 02.01 A II a) 1 aa) 11 : Carcases or half-carcases of calves,

02.01 A II a) 1 aa) 33 : Separated or unseparated hindquarters of calves,

(b) 02.01 A II a) 1 bb) 11 : Carcases, half-carcases and 'compensated' quarters of adult bovine animals,

02.01 A II a) 1 bb) 33 : Hindquarters of adult bobovine animals.

Article 3

1. Free-at-frontier offer prices shall be based *inter alia* on :

(a) prices given in the customs documents accompanying the products imported from third countries ;

(b) other information concerning the export prices operative in these third countries.

2. The following shall be disregarded :

(a) offer prices which do not correspond to actual purchasing possibilities ;

(b) offer prices relating to unrepresentative quantities ;

(c) offer prices which, because of the development of prices in general or from the information available, do not seem to the Commission to be representative of the actual trend of prices in the exporting country.

Article 4

1. The import price for calves shall be equal to the weighted average of the price for the animals specified in Article 2 (1) (a) and of an average price for the meat specified in paragraph 2 (a) of the same Article.

The import price for adult bovine animals shall be equal to the weighted average of an average price for the animals specified in Article 2 (1) (b) and an average price for the meat specified in paragraph 2 (b) of the same Article.

2. The average price for calves shall be calculated by applying to the arithmetic mean of the offer prices for each of the cuts of veal specified in Article 2 (2) (a) the relevant coefficients fixed in the Annex to Regulation (EEC) No 1025/68.

3. The average price for adult bovine animals shall be calculated by applying to :

(a) the arithmetic mean of offer prices for each category of adult bovine animal specified in Article 2 (1) a coefficient expressing the ratio between the price for each of these categories and the price recorded on representative markets pursuant to Article 10 (5) of Regulation (EEC) No 805/68 ;

(b) the arithmetic mean of the offer prices for each of the cuts of beef specified in Article 2 (2) (b) the relevant coefficients fixed in the Annex to Regulation (EEC) No 1025/68.

4. Where no free-at-frontier price can be recorded for one or more of the categories of live animals or cuts of meat, the last available price shall be used for the purpose of calculating the average price referred to in paragraphs 2 and 3 and the import price.

Article 5

If the import price or the special import price differs by less than 0·50 units of account per 100 kilogrammes live weight from the import price previously used for the calculation of the levy, the latter price shall be maintained.

Article 6

The import price shall be calculated on the first and third Thursday of each month and shall be used for the calculation of the levies applicable from the Monday following the day on which it is fixed. However, should circumstances so require, the import price may be fixed on another day of the week.

Article 7

Member States shall inform the Commission by telex each Tuesday, and for the first time on 23 January 1973, of the prices specified in Article 3, by the exporting third country, which came to their knowledge during the preceding week ; in this connection they shall indicate the category of animal or the cut of meat as specified in Article 2, the quantity imported, the week in which the products were imported and, where possible, the quality.

The Commission shall make use of all the information at its disposal.

Article 8

Regulations (EEC) No 1024/68 and (EEC) No 1026/68 are hereby repealed with effect from 31 January 1973.

Article 9

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

It shall apply for the first time to the calculation of the levies applicable from 1 February 1973.

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

Done at Brussels, 29 January 1973.

For the Commission
The President
François-Xavier ORTOLI