REGULATION (EEC) No 3258/74 OF THE COUNCIL

of 19 December 1974

opening, allocating and providing for the administration of a Community tariff quota for frozen beef and veal falling within subheading 02.01 A II a) 2 of the Common Customs Tariff (1975)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas, in the context of the most recent multilateral GATT negotiations, the European Economic Community has undertaken to open, at a duty of 20 %, an annual Community tariff quota of 38 500 metric tons of frozen beef and veal falling within subheading 02.01 A II a) 2 of the Common Customs Tariff, expressed as boned or boneless meat; whereas, therefore, this Community tariff quota should be opened on 1 January 1975, while dividing the quantity concerned into two parts according to the tariff arrangements applicable to each;

Whereas Articles 59 and 60 of the Act (1) annexed to the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed on 22 January 1972, require the new Member States to apply the Regulations of the Common Agricultural Policy from 1 February 1973 and to align their customs tariff duties on those of the Common Customs Tariff in accordance with the timetable provided for in Article 59; whereas, therefore, the new Member States' needs for imports from third countries should be covered in 1975; whereas the quota duties to be applied by the new Member States should conform to the Act of Accession;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently in all Member States to all imports of the product in question until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas to represent as closely as possible the actual development of the market in the product in question the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and from the economic outlook for the tariff in question;

Whereas, since the tariff quota in question is relatively small, it ought to be possible to provide for a system of allocation based on a single apportionment between the Member States, without thereby derogating from its Community nature; whereas it appears best to leave to each Member State the choice of a management system for its share of the quota;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members;

Whereas, if at a given date during the quota period it is found that a balance of a quota share remains in one or other Member State, it will be necessary, where appropriate, to re-allocate the amounts which have not been used up, in order that they might be used up by other Member States,

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community tariff quota for frozen beef and veal falling within subheading 02.01 A II a) 2 of the Common Customs Tariff totalling 38 500 metric tons, expressed as boned or boneless meat, is hereby opened for 1975.

2. For the purpose of charging imports against this quota, 100 kilogrammes of unboned meat shall be taken to be equivalent to 77 kilogrammes of boned or boneless meat.

3. As regards the quotas allocated to the original Member States, the Common Customs Tariff duty applicable shall be 20 %.

4. As regards the quota allocated to the new Member States, the duties shall be those calculated in accordance with the relevant provisions of the Act of Accession.

Article 2

1. The quantity of 38 500 metric tons referred to in Article 1 shall be divided into two parts, one totalling 22 000 metric tons, the other 16 500 metric tons.

2. The two parts referred to in paragraph 1 shall be allocated as follows:

(1) OJ No L 73, 27. 3. 1972, p. 28.

	For the part totalling 22 000 metric tons	For the part totalling 16 500 metric tons
Benelux	2 740 metric tons	2 060 metric tons
Denmark	115 metric tons	85 metric tons
Germany	4 460 metric tons	3 340 metric tons
France	1 710 metric tons	1 280 metric tons
Ireland	1 metric ton	0 metric ton
Italy	5 259 metric tons	3 950 metric tons
United Kingdom	7 715 metric tons	5 785 metric tons
	22 000 metric tons	16 500 metric tons

3. Imports of the product concerned shall be subject to the provisions adopted under Regulation (EEC) No 974/71 [1], as last amended by Regulation (EEC) No 2497/74 [2], as regards the fluctuation of the currencies of certain Member States.

Article 3

1. The Member States shall take all appropriate steps to guarantee to importers established within their territories free access to the quota share allotted to them.

2. The extent to which the shares of the Member States have been used up shall be verified on the basis of imports from third countries as the product is presented for customs clearance under the declaration for consumption.

Article 4

The Member States shall regularly inform the Commission of imports which have been charged against their shares.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

The Commission shall, not later than 1 October 1975, submit to the Council a report on the quantities for which licences have been delivered in each Member State.

The Council, acting by a qualified majority on a proposal from the Commission, shall, where appropriate, re-allocate the amounts which have not been used up.

Article 7

This Regulation shall enter into force on 1 January 1975.

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

Done at Brussels, 19 December 1974.

For the Council

The President

J. P. FOURCADE

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 268, 3. 10. 1974, p. 5.