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(Acts whose publication is obligatory)

REGULATION (EEC) No 1090/75 OF THE COMMISSION

of 23 April 1975

on the issue by way of protective measures of import licences for certain beef and veal products (EXIM)

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 organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74 (2), and in particular Article 21 (2) thereof;

Whereas Commission Regulation (EEC) No 2668/74 (3) of 21 October 1974 suspended the issue of import licences and advance fixing certificates for beef and veal, since beef and veal prices on representative Community markets are considerably lower than the intervention price; whereas the suspension of imports was extended by Commission Regulation (EEC) No 610/75 (4) of 7 March 1975 on protective measures for certain beef and veal products falling within subheading 16.02 B III b) 1 of the Common Customs Tariff, as amended by Regulation (EEC) No 888/75 (5);

Whereas the Commission is keeping a close watch on the market situation for beef and veal; whereas it has accordingly been noted that, as a result of imports, this market continues to be threatened by serious disturbances which are likely to jeopardize the objectives of Article 39 of the Treaty;

Whereas, however, it is evident that the market in beef and veal is tending to stabilize; whereas, in these circumstances, it is necessary to restructure the protective arrangements to allow a certain amount of trade to redevelop, but without creating an imbalance on the Community market;

Whereas, although it is possible to resume issuing import licences, the critical situation on the Community market requires a close watch to be kept on import trends;

Whereas the normal rules governing the issue of import licences must therefore be adjusted; whereas, moreover, detailed rules for the issue of import licences were laid down in Commission Regulation (EEC) No 193/75 (6) of 17 January 1975 and in Commission Regulation (EEC) No 2637/70 (7) of 23 December 1970, as last amended by Regulation (EEC) No 558/75 (8);

Whereas certain products may be imported provided they do not increase the quantities available on the Community market; whereas, therefore, import licences may be issued where an equivalent quantity has first been exported from the Community; whereas, in order to stimulate exports, only exports without refund should qualify for this purpose, the trader remaining free to apply for a refund in respect of any products and quantities for which he has failed to obtain an import licence; whereas, in addition, the absence of refunds must be compensated for by providing for the import levy to be limited to that proposed by the trader in respect of the products to be imported under the licence concerned;

Whereas the export of meat sold by the intervention agencies, carried out under special conditions in accordance with Commission Regulation (EEC) No 2320/74 (9) of 10 September 1974 on the sale at prices fixed at a standard rate in advance of beef and veal held by the intervention agencies and intended for export, as last amended by Regulation (EEC) No 833/75 (10) or in accordance with Commission Regula-

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 195, 18. 7. 1974, p. 14.
(3) OJ No L 285, 22. 10. 1974, p. 22.
(4) OJ No L 63, 8. 3. 1975, p. 37.
(5) OJ No L 85, 5. 4. 1975, p. 27.
(6) OJ No L 25, 31. 1. 1975, p. 10.
(7) OJ No L 283, 29. 12. 1970, p. 15.
(8) OJ No L 59, 5. 3. 1975, p. 16.
(9) OJ No L 248, 11. 9. 1974, p. 8.
(10) OJ No L 79, 28. 3. 1975, p. 46.

tion (EEC) No 616/75 (1) of 10 March 1975 on the sale at standard prices fixed in advance, for exportation, of beef bought in under Regulation (EEC) No 647/74 by the French intervention agency should be excluded ;

Whereas the period of validity of import licences must be fixed so as to take account both of the particular sensitivity of the market and of the geographical position of certain third countries ;

Whereas the current position on the Community market enables import restrictions on certain products falling within subheading 16.02 B III b) 1 of the Common Customs Tariff, which have a specific market, to be abolished entirely ; whereas, on the other hand, other products falling within this subheading may benefit from the import arrangements provided for in this Regulation only if the licensing arrangements provided for in Article 15 of Regulation (EEC) No 805/68 apply to them ;

Whereas detailed rules for the application of export refunds in respect of agricultural products were laid down in Commission Regulation (EEC) No 192/75 (2) of 17 January 1975,

HAS ADOPTED THIS REGULATION :

Article 1

The products referred to in Article 1 (c) of Regulation (EEC) No 805/68, with the exception of those specified in the second paragraph hereof, shall be subject to the arrangements concerning import licences laid down in Article 15 of that Regulation.

No import licence shall be required in respect of the following products falling within subheading 16.02 B III b) 1 :

(a) prepared or preserved beef and veal or beef and veal offal in hermetically sealed containers weighing not more than 5 kg net ;

(b) cooked and frozen beef and veal in hermetically sealed containers weighing not more than 7 kg net.

For the purposes of this Regulation the following shall be regarded as cooked and frozen meat : meat which, prior to freezing, has been subjected to sufficient heat to prevent the growth of *clostridium botulinum* and which has, in addition, the following characteristics :

— no trace of pinkish liquid on the surface of a cross section of meat which, after being completely defrosted, is cut at its thickest point ;

— a pH equal to or greater than 5·5.

(1) OJ No L 64, 11. 3. 1975, p. 11.
(2) OJ No L 25, 31. 1. 1975, p. 1.

Article 2

1. Import licences for the products referred to in Article 1 (a) of Regulation (EEC) No 805/68 and the import licences provided for in Article 1 of this Regulation shall be issued in accordance with the special conditions laid down in this Regulation.

However, import licences for products falling within subheading 01.02 A II shall be issued only in respect of animals for slaughter of a live weight exceeding 300 kg.

In the case of these products section 12 of the licences and applications for licences shall include one of the following endorsements :

— valid for animals for slaughter, of a live weight exceeding 300 kg ;

— valable pour les animaux de boucherie d'un poids vif supérieur à 300 kg ;

— gültig für Schlachtrinder mit einem Lebendgewicht von über 300 kg ;

— gyldig for dyr til slagtning med en levende vægt på over 300 kg ;

— valido per animali destinati alla macellazione di peso vivo superiore a 300 kg ;

— geldig voor slachtrunderen met een levend gewicht van meer dan 300 kg ;

2. To be regarded as an animal for slaughter an animal must meet the requirements laid down in the Council Directive of 12 December 1972 (3) on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries, as last amended by the Council Directive of 15 July 1974 (4).

Article 3

1. Applications for import licences shall be accompanied by a declaration indicating :

(a) the relevant quantities expressed in kilogrammes of beef or veal in carcase ;

(b) the rate of the levy per 100 kg of beef or veal in carcase which the applicant undertakes to pay upon importation ; the rate shall be expressed in the national currency of the Member State in which the application is made.

2. Applications shall be accepted only if they relate to a quantity of 10 metric tons or more expressed as bone-in meat, and are accompanied by proof that products as referred to in Annex I, other than those sold in accordance with Regulation (EEC) No 2320/74 or with Regulation (EEC) No 616/75, have been exported without refund.

(3) OJ No L 302, 31. 12. 1972, p. 28.
(4) OJ No L 202, 24. 7. 1974, p. 36.

Proof of such exportation without refund shall take the form of a certificate issued at the request of the exporter by the agency responsible for paying refunds in the Member State in which customs export formalities have been carried out.

This certificate shall indicate in particular the quantity and nature of the products which have left the geographical territory of the Community in respect of which no refund has been paid.

The exporter shall furnish to the agency referred to above, in the manner prescribed in the case of export refunds, proof that the products have left the geographical territory of the Community, together with the customs documents for the export concerned.

The certificate mentioned above may be issued only in respect of products for which customs export formalities have been completed on or after the date of entry into force of this Regulation. The customs procedure applicable to the abovementioned exports shall be that applicable to products eligible for export refunds.

3. The quantities for which import licences are requested, expressed in kilogrammes of beef or veal in carcase, may not be greater than the quantities exported in accordance with paragraph 2.

4. Products whose exportation must be proved when applications for import licences are submitted, and the quantitative equivalences between such products and beef or veal in carcase are shown in Annex I.

Products may be imported and the quantitative equivalences between such products and beef or veal in carcase are shown in Annex II.

5. The rate of the levy to be applied to imports shall be the figure given in the application multiplied by the coefficient as specified in column 4 of Annex II corresponding to the product for which the import licence is issued.

Article 4

1. Applications for import licences shall be submitted to the competent agencies in the Member States in the course of the first 10 working days of each month, starting in June 1975.

2. Member States shall notify the Commission by telex not later than the second working day following the final date for the submission of applications, of the total quantity for which applications have been submitted under paragraph 1 and of the rate of levy that applicants undertake to pay in the event of their applications being accepted.

3. The Commission shall determine the minimum rate of levy in units of account per 100 kg of beef or veal in carcase.

4. Licences shall be issued in respect of applications containing a rate of levy equal to or greater than the minimum rate fixed by the Commission.

However, the Commission may decide :

(a) not to issue any licences, or

(b) to issue licences only in respect of a percentage of the quantity applied for, this percentage being the same for all applications submitted.

Article 5

1. The products for which import licences shall be issued shall be those mentioned in Annex II.

The quantities of these products and the rate of levy applicable thereto shall be determined in accordance with the provisions of Article 3.

2. The licence shall include :

(a) in section 12, the endorsement 'EXIM',

(b) in section 20, one of the following endorsements :

— rate of levy applicable (in national currency) per 100 kg ;

— taux du prélèvement applicable (en monnaie nationale) par 100 kg ;

— gültiger Abschöpfungssatz (in nationaler Währung) je 100 kg ;

— gyldig afgiftssats (i national valuta) pr. 100 kg ;

— tasso del prelievo applicabile (in moneta nazionale) per 100 kg ;

— toe te passen heffing (in nationale valuta) per 100 kg.

Where the licence relates to the products referred to in Article 1, however, section 20 shall contain no endorsement.

3. Licences shall be issued on the twentieth working day following the first day of the period for submission of applications.

Article 6

1. Subject to the provisions of Article 18 of Regulation (EEC) No 193/75, the security shall be released forthwith in respect of any quantity for which no import licence has been issued.

2. The refund applicable to products whose exportation has been proved on submission of the application for the import licence may, at the request of the trader concerned and in accordance with the provisions of Regulation (EEC) No 192/75, be granted in respect a

quantity of products exported not exceeding a quantity equivalent to that for which that trader failed to obtain an import licence.

Article 7

Import licences issued pursuant to this Regulation shall be valid for :

(a) 90 days in respect of frozen meat originating in and coming from non-European third countries ;

(b) 45 days in respect of products other than those referred to in (a) originating in and coming from non-European third countries ;

(c) 15 days in respect of products originating in and coming from European third countries,

with effect from their actual date of issue.

Article 8

Commission Regulation (EEC) No 1790/74 [1] of 9 July 1974 linking the importation of beef and veal to the sale of meat held by the intervention agencies, and Regulations (EEC) No 2668/74 and (EEC) No 610/75, are hereby repealed, but without prejudice to the provisions of Commission Regulation (EEC) No 819/75 [2] of 25 March 1975 concerning the issue of import licences for beef and veal on production of contracts of sale concluded in accordance with Regulation (EEC) No 1790/74.

Article 9

This Regulation shall enter into force on 1 May 1975.

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

Done at Brussels, 23 April 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) OJ No L 187, 11. 7. 1974, p. 21.
(2) OJ No L 78, 27. 3. 1975, p. 93.

ANNEX I

Products to be exported

CCT heading No	Description	Quantitative equivalences (1) (kg)
01.02	Live animals of the bovine species :	
	A. Domestic species :	
	II. Other :	
	ex b) Other, live, of a weight of not less than 250 kg	50
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen :	
	A. Meat :	
	II. Of bovine animals :	
	a) Of domestic bovine animals :	
	1. Fresh or chilled :	
	aa) Of calves :	
	11. Carcases and half-carcases	100
	22. Separated or unseparated forequarters	100
	33. Separated or unseparated hindquarters	100
	bb) Of adult animals :	
	11. Carcases, half-carcases, 'compensated' quarters	100
	22. Forequarters	100
	33. Hindquarters	100
	2. Frozen :	
	aa) Carcases, half-carcases, or 'compensated' quarters	100
	bb) Forequarters	100
	cc) Hindquarters	100

(1) Quantity of beef and veal, expressed in carcase, which may be imported in relation to 100 kg of products exported.

ANNEX II

Products to be imported

CCT heading No	Description	Quantity equivalent to 100 kg of beef and veal in carcase	Coefficient for converting the levy
1	2	3	4
01.02	Live animals of the bovine species :		
	A. Domestic species :		
	II. Other :		
	b) Other	200	0·53
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen :		
	A. Meat :		
	II. Of bovine animals :		
	a) Of domestic bovine animals :		
	1. Fresh or chilled :		
	aa) Of calves :		
	11. Carcases and half-carcases	100	1·00
	22. Separated or unseparated forequarters	100	0·80
	33. Separated or unseparated hindquarters	100	1·20
	bb) Of adult animals :		
	11. Carcases, half-carcases or 'compensated' quarters	100	1·00
	22. Forequarters	100	0·80
	33. Hindquarters	100	1·20
	cc) Other cuts of beef and veal :		
	11. Unboned (bone-in)	80	1·50
	22. Boned or boneless	60	1·72
	2. Frozen :		
	aa) Carcases, half-carcases or 'compensated' quarters	100	1·00
	bb) Forequarters	100	0·80
	cc) Hindquarters	100	1·20
	dd) Other :		
	11. Unboned (bone-in)	80	1·50
	22. Boned or boneless	60	1·72
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked :		
	C. Other :		
	I. Of domestic bovine animals :		
	a) Meat :		
	1. Unboned (bone-in)	50	1·50
	2. Boned or boneless	50	1·72
16.02 B III b) 1	Other prepared or preserved meat or meat offal containing : bovine meat or offal, excluding meat or offals of swine	50	0·00