REGULATION (EEC) No 1585/75 OF THE COMMISSION

of 24 June 1975

amending for the second time Regulation (EEC) No 1090/75 concerning the 'EXIM' arrangements in respect of beef and veal

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 1090/75 (3) of 23 April 1975 on the issue by way of protective measures of import licences for certain beef and veal products (EXIM), as amended by Regulation (EEC) No 1406/75 (4), makes the import of beef and veal products conditional on the export of products from this sector; whereas it should be expressly made clear that this condition does not apply to imports under a Community tariff quota;

Whereas the EXIM arrangements should be extended to traders providing supplies under Article 3 of Commission Regulation (EEC) No 192/75 (5) of 17 January 1975 laying down detailed rules for the application of export refunds in respect of agricultural products, since such supplies are therein assimilated to exports;

Whereas it is moreover considered desirable to cover the financial loss, incurred by a trader exporting products bought from the intervention agencies at the prices valid for their disposal on the Community market, as fixed by Commission Regulation (EEC) No 2073/74 (6), of 5 August 1974 concerning the sale at prices fixed in advance at a standard rate of beef and veal held by intervention agencies, as last amended by Regulation (EEC) No 1358/75 (7), in the event that he fails to obtain an import licence as applied for; whereas the amount which a trader must sacrifice in order to be entitled to apply for an import licence is not merely the amount of the refund, but also the difference between the price paid to the intervention agency and the price which the trader could have paid had he purchased the meat for export under Commission Regulation (EEC) No 2320/74 (8) 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 1358/75, since sales under that Regulation are excluded from the EXIM arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 May 1975, a paragraph 3 as follows is added to Article 2 of Regulation (EEC) No 1090/75:

'3. With the exception of animals intended for slaughter, this Regulation shall not apply to imports under the Community tariff quotas for bulls, heifers and cows of certain alpine and hill breeds, and for frozen beef and veal.'

Article 2

With effect from 1 May 1975, the following subparagraph is inserted after the fourth subparagraph of Article 3 (2) of Regulation (EEC) No 1090/75:

'For the purposes of this Regulation, supplies as specified in Article 3 of Regulation (EEC) No 192/75 shall be regarded as having left Community territory.'

Article 3

A paragraph 3 as follows is added to Article 6 of Regulation (EEC) No 1090/75:

'3. At the request of a purchaser of meat under Regulation (EEC) No 2073/74; the intervention agency shall, in the case of products listed in the Annex to Regulation (EEC) No 2320/74, indicate on the contract of sale that the purchaser is entitled to the difference between the prices under those two Regulations, provided that the products are exported within the period specified in Article 2 (2) of Regulation (EEC) No 2320/74 and that

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 195, 18. 7. 1974, p. 14.
(3) OJ No L 108, 26. 4. 1975, p. 1.
(4) OJ No L 140, 31. 5. 1975, p. 50.
(5) OJ No L 25, 31. 1. 1975, p. 1.
(6) OJ No L 216, 7. 8. 1974, p. 11.
(7) OJ No L 138, 29. 5. 1975, p. 19.
(8) OJ No L 248, 11. 9. 1974, p. 8.

the purchaser fails to obtain the import licence applied for by him.

The difference in price shall be paid by the intervention agency which sold the meat, on presentation of :

(a) the contract of sale,

(b) proof of exportation as required under paragraph 2,

(c) proof that the purchaser has failed to obtain an import licence as applied for by him under Article 4.

The intervention agency shall indicate on the contract of sale that the difference in price has been paid.'

Article 4

This Regulation shall enter into force on 1 July 1975.

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

Done at Brussels, 24 June 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission