REGULATION (EEC) No 848/75 OF THE COMMISSION

of 1 April 1975

laying down detailed rules for the application of the systems of premiums for producers of 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 464/75 (1) of 27 February 1975 establishing systems of premiums for producers of bovine animals, and in particular Articles 5 (2) and 7 thereof;

Whereas provision must be made to specify the framework within which Member States are to take the measures necessary to ensure that obligations under the premium arrangements introduced by Regulation (EEC) No 464/75 are properly fulfilled;

Whereas Article 1 of Regulation (EEC) No 464/75 specifies that premiums for certain adult bovine animals for slaughter are to be granted in respect of Community origin; whereas the concept of Community origin is defined in Council Regulation (EEC) No 802/68 (2) of 27 June 1968 on the common definition of the concept of the origin of goods; whereas it is advisable also to require that only animals which have been fattened for a sufficient length of time in the Member States which grant those premiums may qualify therefor;

Whereas, in the intra-Community trade, animals for slaughter must be slaughtered in accordance with the provisions of Articles 2 and 6 of Council Directive No 64/432/EEC (3) of 27 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine, as last amended by Directive No 73/150/EEC (4);

Whereas steps must be taken to ensure that it is the producer who receives the premium, particularly where adult bovine animals for slaughter are dispatched from one Member State to another;

Whereas provision should be made for administrative collaboration between Member States to ensure that the premium system is correctly applied in the case of intra-Community trade in animals qualifying for premiums provided for by Article 1 of Regulation (EEC) No 464/75, notably through the use of the control copy provided for by Commission Regulation (EEC) No 2315/69 (5) of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods, as amended by Regulation (EEC) No 595/71 (6); whereas failing submission of the control copy a slaughtering certificate may be accepted as proof;

Whereas it may be established that through no fault of the persons concerned these documents do not in certain cases reach the competent authorities of the Member State granting the premium; whereas it would be unjust in such circumstances to refuse the premium by reason of the absence of proof of slaughter;

Whereas, in order to remedy this situation, provision should be made for proof of dispatch to another Member State to be acceptable also, given that to comply with Articles 2 and 6 of Directive No 64/432/EEC animals must be slaughtered as soon as possible after their arrival in the Member State of destination; whereas however, the premium must not be paid where it appears that the animals concerned have not been slaughtered;

Whereas steps must be taken, notably in the case of intra-Community trade, to ensure that meat from animals in respect of which premiums provided for as above have been granted cannot be bought in by intervention agencies;

Whereas it is necessary to fix the amounts of the premiums referred to in Article 5 (1) and (3) of Regulation (EEC) No 464/75 in such a way as to comply with the provisions of Article 5 (2) thereof;

Whereas the grant of the premium for cow retention referred to in Article 5 of Regulation (EEC) No 464/75 is subject to an undertaking by the producer to retain on his holding for a certain period the animals in respect of which he has requested such premium; whereas it is consequently necessary to lay down provisions for the verification of such undertakings and for the recovery of premiums to which the recipient was not in fact entitled, due provision being however made for cases of *force majeure*;

Whereas the premium referred to in Article 6 of Regulation (EEC) No 464/75 should be granted in respect of all calves born alive in the Member State concerned; whereas it is necessary for that purpose that the premium be paid in two yearly instalments, the presence of the calf on the holding having in each

(1) OJ No L 52, 28. 2. 1975, p. 5.
(2) OJ No L 148, 28. 6. 1968, p. 1.
(3) OJ No 121, 29. 7. 1964, p. 1977/64.
(4) OJ No L 172, 5. 6. 1973, p. 18.
(5) OJ No L 295, 24. 11. 1969, p. 14.
(6) OJ No L 69, 23. 3. 1971, p. 7.

case first been established ; whereas in order to avoid frauds it is also necessary to mark for identification purposes the calves eligible for the premiums ;

Whereas premiums financed by the Guarantee Section of the EAGGF constitute interventions on the internal market within the meaning of Article 3 of Council Regulation (EEC) No 729/70 (1) of 21 April 1970 on the financing of the common agricultural policy, as last amended by Regulation (EEC) No 2788/72 (2) ;

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. Member States shall specify the categories, qualities and minimum weights of the animals which they regard as eligible for the premium provided for in Article 1 of Regulation (EEC) No 464/75. Such minimum weights may not be lower than 330 kg live weight.

2. Member States shall establish equivalences between slaughtered weight and live weight, account being taken of the form in which the carcase is presented.

Article 2

1. Member States shall introduce control arrangements designed to ensure that it is the producer who receives the premium.

These arrangements must be such as to ensure that the producer is identified.

The Member States shall inform the Commission of measures taken to this end.

2. For the purpose of this Regulation, a 'producer' shall be the last owner of the animals before they are slaughtered or before they are first offered for sale for slaughter, provided that he has owned the animals for a period to be specified by each Member State.

Article 3

1. Member States may provide for premiums as referred to in Article 1 to be granted when the animals in question are first offered for sale for slaughter.

Where such provision is made, the Commission shall be informed.

2. In such cases the amount to be paid in respect of the premium provided for in Article 1 (2) of Regulation (EEC) No 464/75 shall be that applicable on the day when the animals in question are first offered for sale for slaughter.

All animals in respect of which premiums have been granted must be slaughtered as soon as possible, in any event within a period not exceeding 28 days from the date on which they are first offered for sale and by 29 February 1976 at the latest. The Member States concerned shall take measures to ensure that such animals :

(a) are permanently marked in such a way as to rule out the possibility of a second premium being granted, and

(b) are slaughtered within the prescribed time limit.

3. The Member States shall take whatever action is necessary to ensure that in appropriate cases an amount equal to the premiums granted can be recovered.

Article 4

Only animals of Community origin or animals which have prior to slaughter been fattened for a period of at least three months in Member States which apply the premiums provided for in Article 1 shall be eligible for such premiums.

Article 5

1. In the case provided for in the first subparagraph of Article 2 (2) of Regulation (EEC) No 464/75, the premiums provided for in the exporting Member State shall be granted only if the animals are slaughtered in accordance with Articles 2 and 6 of the Council Directive of 26 June 1964.

If the animals are fattened for a period of at least three months in another Member State, the premiums provided for in that Member State shall be granted by the latter.

2. In the case provided for in the first subparagraph of paragraph 1 above, proof of slaughter shall be furnished by production of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

In the part of the control copy headed 'Additional Information' sections 101, 103 and 104 shall be completed.

Section 104 shall be completed by deleting as appropriate and entering against the second indent one of the following endorsements :

(1) OJ No L 94, 28. 4. 1970, p. 13.
(2) OJ No L 295, 30. 12. 1972, p. 1.

'Slaughter — pursuant to the first indent of Article 2 (2) of Regulation (EEC) No 464/75';

'Slagtning — anvendelse af artikel 2, stk. 2, første led, forordning (EØF) Nr. 464/75';

'Schlachtung — gemäß Artikel 2 Absatz 2 erster Gedankenstrich der Verordnung (EWG) Nr. 464/75';

'Abattage — application article 2 paragraphe 2 premier tiret règlement (CEE) No 464/75';

'Macellazione — applicazione articolo 2, paragrafo 2, primo trattino, regolamento (CEE) N. 464/75';

'Slachting — Toepassing van artikel 2, lid 2, eerste streepje, van Verordening (EEG) nr. 464/75'.

3. Where, by reason of circumstances beyond the trader's control, the control copy cannot be produced within two months following the date on which customs export formalities are completed, Member States may, by way of derogation from paragraph 2, accept as proof of slaughter the slaughtering certificate issued by the competent authority of the exporting Member State.

4. If it has not proved possible to furnish proof of slaughter in accordance with the preceding paragraphs within three months following the date of completion of customs export formalities, the exporting Member State may grant the premium on receipt of proof that such formalities have been completed before 1 July 1975.

Provided that, if the exporting Member State has good grounds for suspecting that the animals concerned have not been slaughtered in that Member State under the conditions laid down in the first subparagraph of paragraph 1, it may refuse to grant the premium.

The amount of the premium shall in such cases be that valid on the day on which customs export formalities were completed.

Article 6

1. Beef from animals slaughtered in a Member State which applies the premiums introduced by Article 1 of Regulation (EEC) No 464/75 or from animals slaughtered as provided in Article 5 may be bought in by intervention agencies only if proof is furnished that such meat comes from an animal in respect of which no premium has been granted.

To enable such proof to be furnished arrangements consisting in one or other of the following systems shall be adopted;

(a) the placing at the time of slaughter of a mark on meat from animals in respect of which a premium has been granted, or

(b) the issue of certificates declaring that the meat concerned comes from animals in respect of which no premium has been granted.

Each Member State shall forward to the Commission and to the other Member States specimens of the marks used for the above purpose.

2. However, Member States my provide that meat can be bought in without the proof required under the preceding paragraph being furnished. In such case, an amount equal to the sum of the premiums operative on the day of slaughter shall be paid to the competent authorities by the seller when meat from animals eligible for a premium is offered for intervention.

Where such provision is made, the Member States shall inform the Commission.

3. Beef from animals slaughtered in a Member State which applies the system of premiums introduced by Regulation (EEC) No 464/75 but which does not carry out marking as provided in point (a) of the second subparagraph of paragraph 1 may not be bought in by intervention agencies in other Member States.

Article 7

If the United Kingdom grants the premium provided for in Article 1 (2) of Regulation (EEC) No 464/75, Ireland and the United Kingdom shall take all necessary measures to ensure that beef originating in Ireland and intended for consumption in the United Kingdom benefits from financial advantages identical to those resulting from the granting of that premium on beef from animals slaughtered in the United Kingdom.

Article 8

1. The amount to be borne by the EAGGF in respect of the premium for cow retention provided for in Article 5 (1) of Regulation (EEC) No 464/75 shall be 9·941 units of account per cow present on the recipient's holding at the reference date 4 March 1975.

2. The amount of the national supplementary premium provided for in Article 5 (3) of Regulation (EEC) No 464/75 shall be 18·462 units of account per cow present on the recipient's holding at the reference date laid down in paragraph 1.

3. The amount of the premiums referred to in the preceding paragraphs shall be payable in respect of a maximum of 15 cows per holding. The Member States concerned may lay down additional conditions for the granting of such premiums.

Article 9

1. Every recipient of a premium as referred to in Article 8 shall be under an obligation, subject to the maximum laid down in Article 8 (3), to retain on his holding until 15 November 1975 a number of cows at least equal to that in respect of which such premium was granted to him.

2. The provisions of Articles 17 and 18 of Regulation (EEC) No 1821/73 shall apply in respect of premiums as referred to in Article 8.

Article 10

1. The premium referred to in Article 6 of Regulation (EEC) No 464/75 may be granted only if the competent authority is satisfied that the calf was born alive in the Member State concerned.

2. A first instalment of 28 units of account shall be paid at the latest within 60 days following the date on which the application is approved by the competent authority.

3. A second instalment of 28 units of account shall be paid at the latest during the twelfth month following the date on which the application is approved by the competent authority and after verification by this authority that the calf was alive one year after birth.

Article 11

Animals eligible for the premium referred to in Article 10 shall be identified by an indelible mark or any equivalent permanent system of marking.

Article 12

Member States shall inform the Commission of measures taken to implement the present premium arrangements not later than 10 days following the day on which such measures are put into effect.

Article 13

1. Member States which grant the premiums provided for in Article 1 of Regulation (EEC) No 464/75 shall, not later than 15 days after the end of the week to which the information relates, inform the Commission of the number of animals broken down by category as determined pursuant to Article 1 of the present Regulation, in respect of which entitlement to the premium was established during the week in question and also of the amount of the supplementary national premium as provided for in Article 1 (2) of the said Regulation (EEC) No 464/75.

2. The Member States which grant the premiums provided for in Article 4 of Regulation (EEC) No 464/75 shall, not later than a month after the end of the month to which the information relates, inform the Commission of the number of animals in respect of which entitlement to the premium was established during the month in question.

Article 14

The premiums recovered by the Member States in the cases provided for in Articles 3 (3) and 6 (2) shall, to the extent that expenditure in respect thereof has been charged to the Community, be set off against the expenditure to be borne by the Guarantee Section of the EAGGF.

Article 15

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

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

Done at Brussels, 1 April 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission