COMMISSION REGULATION (EEC) No 2901/77

of 22 December 1977

amending Regulations (EEC) No 585/77 and (EEC) No 597/77 especially as regards the total suspension of the levy in the framework of the special import system for frozen 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 of 27 June 1968 on the common organization of the market in beef and veal [1], as last amended by Regulation (EEC) No 425/77 [2], and in particular Articles 14 (4) (c) and 15 (2) thereof,

Whereas Article 14 (3) (b) of Regulation (EEC) No 805/68 provides that the total suspension of the levy on imports of frozen meat may be made conditional on the submission of a purchase contract for frozen meat held by an intervention agency; whereas the implementation of these arrangements, in particular by Commission Regulation (EEC) No 2900/77 of 22 December 1977 laying down detailed rules for the sale of beef held by the intervention agencies to enable the import with total suspension of the levy of frozen beef and veal intended for processing [3], requires the amendment of Commission Regulation (EEC) No 585/77 of 18 March 1977 on the system of import and export licences for beef and veal [4] and Commission Regulation (EEC) No 597/77 of 18 March 1977 laying down detailed rules for the application of special import arrangements for certain types of frozen beef intended for processing [5], both as amended by Regulation (EEC) No 1384/77 [6];

Whereas no time limit is necessary for the issue of licences under the arrangements provided for in Article 14 (3) of Regulation (EEC) No 805/68;

Whereas the definition of the manufacture of processed products within the meaning of Article 1 (1) (b) of Regulation (EEC) No 805/68, set out in Article 1 (6) of Regulation (EEC) No 597/77, does not include as finished products boned, salted, dried or smoked meat, or meat in brine; whereas these products may nevertheless be considered as showing a sufficient degree of processing to satisfy the objectives of the said Article 14;

Whereas the Italian text of Article 2 (1) (c) of Regulation (EEC) No 585/77 may give rise to difficulties of interpretation and should therefore be clarified;

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

There is added to Regulation (EEC) No 585/77 the Annex hereto and the following Article:

'Article 11a

1. In order to qualify for the special import arrangements provided for in Article 14 (3) (b) of Regulation (EEC) 805/68:

(a) all applications for a licence submitted by any one applicant shall be accompanied by the original of a purchase contract for frozen meat held by an intervention agency, drawn up in accordance with Regulation (EEC) No 2900/77 during the quarter in which the application is made, and by proof that the purchase price shown in the contract has been paid; the applicant shall be entered as the buyer in the contract;

(b) the application for a licence and the licence shall refer to products listed in the Annex up to limits determined in accordance therewith;

(c) the application for a licence and the licence shall contain one of the endorsements laid down in Article 9 (1) (b) or 10 (1) (b), in accordance with the endorsement on the purchase contract under Article 7 of Regulation (EEC) No 2900/77;

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[1] OJ No L 148, 28. 6. 1968, p. 24.
[2] OJ No L 61, 5. 3. 1977, p. 1.
[3] See page 6 of this Official Journal.
[4] OJ No L 75, 23. 3. 1977, p. 5.
[5] OJ No L 76, 24. 3. 1977, p. 1.
[6] OJ No L 157, 28. 6. 1977, p. 16.

(d) the licence shall contain one of the endorsements laid down in Article 9 (1) (c).

2. Applications for licences shall be considered only if :

(a) the applicant is a natural or legal person who for at least 12 months has been carrying on business in the meat and livestock sector and is officially registered in a Member State ;

(b) in a case of an application referred to in Article 9, the applicant proves to the satisfaction of the competent authorities of the Member State where the application is lodged that the person responsible for the establishment indicated in the application has agreed to the manufacture on those premises of the preserves in question.

3. The purchase contract referred to in paragraph 1 (a) may be used only in one single Member State to lodge one or more applications for a licence, submitted either simultaneously or consecutively, up to to the limit which may be imported under paragraph 1 (b).

4. By way of derogation from Article 3 of Regulation (EEC) No 193/75, the rights arising from import licences are not transferable.

5. When lodging an application for a licence the applicant shall undertake in writing either to carry out himself, or to have carried out on his responsibility, in the Member State indicated in that undertaking, being the State where the products will be put into free circulation, the following operations, as appropriate :

(a) the processing referred to in Article 14 (1) (a) of Regulation (EEC) No 805/68 ;

(b) the processing referred to in Article 14 (1) (b) thereof.

The applicant shall further undertake in writing either to carry out himself or to have carried out on his responsibility the processing operations referred to under (a) at the establishment mentioned in his application, in accordance with Article 9 (1) (b).

6. The licence shall be issued without delay to the applicant.

7. On issue of the import licence, the quantity of meat for which licences may still be issued on the strength of the purchase contract shall be entered on the original of that contract. When this quantity has been used up, the licensing body shall delete the endorsement made on the original of the contract under Article 7 of Regulation (EEC) No 2900/77.'

Article 2

Regulation (EEC) No 597/77 is hereby amended as follows :

1. Article 1 (6) shall read :

'6. For the purpose of Article 14 (1) (b) of Regulation (EEC) No 805/68, "manufacture" means processing :

— into products other than those referred to in Article 1 (1) (a) thereof and other than those referred to in paragraph 5 hereby, or

— into products falling within subheading 02.06 C I a) 2 of the Common Customs Tariff.'

2. Article 2 shall read :

'*Article 2*

1. Article 14 (3) (b) of Regulation (EEC) No 805/68 may be applied when it is found that the quantities of frozen meat held by the intervention agencies exceed or are likely to exceed 10 000 tonnes.

2. If Article 14 (3) (b) of Regulation (EEC) No 805/68 is applied, application of the measures provided for in Article 14 (3) (a) thereof shall be suspended.

3. Article 1 shall apply in the situation referred to in paragraph 1.'

Article 3

The Italian text of Article 2 (1) (c) of Regulation (EEC) No 585/77 is hereby amended to read as follows :

'(c) trenta giorni per i prodotti che non soddisfano alle condizioni di cui alla lettera a) o b).'

Article 4

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 22 December 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission

ANNEX

'ANNEX

Products and quantities to be imported on presentation of a purchase contract for meat held by an intervention agency

CCT heading No	Description	Quantities in kilograms which may be imported for every kilogram of unboned frozen meat bought from the intervention agencies	Quantities in kilograms which may be imported for every kilogram of unboned frozen meat bought from the intervention agencies
1	2	3	4
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 :		
	(b) Frozen :		
	2. Separated or unseparated forequarters	1·00	1·30
	4. Other :		
	(bb) Boned or boneless :		
	11. Forequarters, whole or cut into a maximum of five pieces, each quarter being in a single block ; "compensated" quarters in two blocks, one of which contains the forequarter, whole or cut into a maximum of five pieces, and the other, the hindquarter, excluding the tenderloin, in one piece	0·77	1·00
	22. Crop, chuck and blade and brisket cuts (e)	0·77	1·00
	33. Other	0·77	1·00

(e) Entry under this subheading is subject to the submission of a certificate issued in accordance with the conditions laid down by the competent authorities of the European Communities.'