COMMISSION REGULATION (EEC) No 585/77

of 18 March 1977

on the system of import and export licences for 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 13 (4) (b), 14 (4) (c), 15 (2), 16 (4), 18 (6) and 25 thereof,

Having regard to Council Regulation (EEC) No 706/76 of 30 March 1976 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (3), as amended by Regulation (EEC) No 328/77 (4), and in particular Article 22 thereof,

Whereas special detailed rules for the application of the system of import licences and advance fixing certificates for beef and veal were laid down by Commission Regulation (EEC) No 2045/75 of 25 July 1975 (5), as amended by Regulation (EEC) No 2220/76 (6);

Whereas these special provisions either supplement or derogate from the provisions of Commission Regulation (EEC) No 193/75 of 17 January 1975 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (7), as last amended by Regulation (EEC) No 3093/76 (8);

Whereas according to the first subparagraph of Article 15 (1) of Regulation (EEC) No 805/68 for all imports into the Community of products for which levies are provided shall be made conditional on the submission of an import licence; whereas experience has shown the need to follow the foreseeable trend of trade in all beef and veal products which are of special importance to the balance of this particularly sensitive market; whereas, therefore, with a view to the more efficient management of the market, import licences should also be required for products falling within subheading 16.02 B III b) 1 bb) of the Common Customs Tariff and export licences for all products covered by import licences;

Whereas the application of the special import arrangements for young male bovine animals for fattening and frozen beef and veal for processing requires strict surveillance of imports and efficient control as to destination; whereas the risk of deflection from destination can be reduced if the import licence is used by the applicant;

Whereas the general arrangements for duty-free importation of beef and veal products originating in and coming from African, Caribbean and Pacific States or overseas countries and territories are laid down in Regulation (EEC) No 706/76; whereas duty-free importation of some of these products is subject to annual quotas; whereas, to enable the quantities imported under these arrangements to be monitored, provision should be made for special mention of the nature and origin of the products on the import licence;

Whereas Commission Regulation (EEC) No 2887/76 of 29 November 1976 (9) provides for the communication of certain information on the operation of the system of import licences and advance fixing certificates in the beef and veal sector; whereas, to enable the Commission to have an overall view of the application of the system of import and export licences in this sector, provision should be made for the communication of further information by the Member States in line with the extension of the licence system;

Whereas these provisions should be incorporated in a consolidated text repealing Regulations (EEC) No 2045/75 and (EEC) No 2887/76;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 61, 5. 3. 1977, p. 1.
(3) OJ No L 85, 31. 3. 1976, p. 2.
(4) OJ No L 46, 18. 2. 1976, p. 1.
(5) OJ No L 213, 11. 8. 1975, p. 21.
(6) OJ No L 250, 14. 9. 1976, p. 6.
(7) OJ No L 25, 31. 1. 1975, p. 10.
(8) OJ No L 348, 18. 12. 1976, p. 19.
(9) OJ No L 331, 30. 11. 1976, p. 24.

HAS ADOPTED THIS REGULATION :

Article 1

A licence shall be required for the import into the Community and export therefrom of any of the products referred to in Article 1 (1) (a) of Regulation (EEC) No 805/68 and of any products falling within subheading 16.02 B III b) 1 bb) of the Common Customs Tariff.

Article 2

1. Import licences shall be valid from their date of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 for :

(a) 90 days for the following products originating in and coming from non-European third countries :
   — frozen meat,
   — products falling within subheading 16.02 B III b) 1 of the Common Customs Tariff ;

(b) 45 days for all products originating in and coming from non-European third countries other than those specified in (a) ;

(c) 30 days for all products not meeting the conditions under (a) or (b).

2. Nevertheless, licences giving entitlement to one of the special import arrangements referred to in Article 13 or 14 of Regulation (EEC) No 805/68 shall be valid for 90 days from their actual date of issue.

3. Import licences with advance fixing of the levy shall be valid for 30 days from their date of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75.

Article 3

1. Export licences shall be valid for 90 days from their date of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75.

2. Export licences with advance fixing of the refund shall be valid from their date of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 until the end of the second month following the month of issue.

Article 4

1. The amount of the security in respect of import licences shall be :

(a) five units of account per head for live animals ;

(b) three units of account per 100 kilograms net for other products.

2. The amount of the security in respect of import licences with advance fixing of the levy shall be eight units of account per 100 kilograms net.

3. The amount of the security in respect of export licences shall be :

(a) five units of account per head for live animals ;

(b) three units of account per 100 kilograms net for other products.

4. The amount of the security in respect of export licences with advance fixing of the refund shall be :

(a) 12 units of account per head for live animals ;

(b) eight units of account per 100 kilograms net for other products.

Article 5

1. Where the refund for a product can be fixed in advance only for certain destinations, Section 13 of the application for a licence with advance fixing of the refund and of the licence itself shall be endorsed with the destination in question.

The licence shall carry with it an obligation to export the goods to this destination.

2. Furthermore, when advance fixing of the refund for some or all destinations is possible only in respect of products covered by part of a subheading of the Common Customs Tariff, Section 12 of the application for the licence and of the licence itself shall give the description of that part of the subheading of the Common Customs Tariff, and the tariff number entered in Section 8 shall be preceded by 'ex'.

The licence shall apply only to the product thus described.

3. Where the description of products according to the nomenclature used for refunds relates to products covered by two subheadings of the Common Customs Tariff, the licence shall be issued for those two subheadings.

Article 6

1. Section 12 of the application for an import licence for the products referred to in Article 2 (1) (a) and (b) and of the licence itself shall contain an asterisk corresponding to the enter in Sections 13 and 14, followed by one of the following endorsements :

'Non-European third countries',
'Ikke-europæiske tredjelande',
'Nichteuropäische Drittländer',
'Pays tiers non européens',
'Paesi terzi non europei',
'Niet-Europese derde landen'.

Every licence so endorsed shall carry with it an obligation to import from such a country.

2. Sections 13 and 14 of the application for an import licence with advance fixing of the levy as referred to in Article 16 (2) of Regulation (EEC) No 805/68 and of the licence itself shall contain :

— either one of the following endorsements :

'Argentine',
'Argentina',
'Argentinien',
'Argentinië',

— or the following endorsement : 'Uruguay'.

The licence shall carry with it an obligation to import from the country in question.

Article 7

1. Applications for import licences in respect of products to be imported duty-free pursuant to Article 2 of Regulation (EEC) No 706/76 and the licence itself shall contain :

(a) in Section 12, one of the following endorsements :

'ACP/OCT product (Regulation (EEC) No 706/76)',
'AVS/OLT-varer (forordning (EØF) nr. 706/76)',
'AKP/ÜLG-Erzeugnis (Verordnung (EWG) Nr. 706/76)',
'Produit ACP/PTOM (règlement (CEE) n° 706/76)',
'Prodotto ACP/PTOM (regolamento (CEE) n. 706/76)',
'ACP/LGO-produkt (Verordening (EEG) nr. 706/76)' ;

(b) in Section 14, the State, country or territory in which the product originated.

2. Every import licence so endorsed shall carry with it an obligation to import under Regulation (EEC) No 706/76 from the State, country or territory entered thereon.

Article 8

In order to qualify for the special import arrangements referred to in Article 13 of Regulation (EEC) No 805/68 :

(a) the application for a licence shall relate to a minimum of 50 animals ;

(b) Section 12 of the application for a licence and of the licence itself shall contain one of the following endorsements :

'Young male bovine animals intended for fattening',
'Ungtyre bestemt til opfedning',
'Männliche, zum Mästen bestimmte Jungrinder',
'Jeunes bovins mâles destinés à l'engraissement',
'Giovani bovini maschi destinati all'ingrasso',
'Jonge mannelijke runderen bestemd voor de mesterij'.

This endorsement shall be followed by :

— either one of the following endorsements :

'weight per head not exceeding 300 kg',
'Stückgewicht höchstens 300 kg',
'højeste vægt pr. dyr 300 kg',
'poids par tête, jusqu'à 300 kg',
'peso per capo, fino a 300 kg',
'gewicht per dier, ten hoogste 300 kg',

— or, where a rate of suspension of the levy is laid down separately for each category of animal specified in Article 13 (4) of Regulation (EEC) No 805/68, one of the following endorsements as appropriate :

'weight per head less than 80 kg' or 'weight per head 80 to less than 220 kg' or 'weight per head 220 to 300 kg',
'Stückgewicht weniger als 80 kg' or 'Stückgewicht 80 bis weniger als 220 kg' or 'Stückgewicht 220 bis 300 kg',
'vægt pr. dyr under 80 kg' or 'vægt pr. dyr 80, men under 220 kg' or 'vægt pr. dyr 220 til 300 kg',
'poids par tête inférieur à 80 kg' or 'poids par tête de 80 à moins de 220 kg' or 'poids par tête de 220 à 300 kg',
'peso per capo inferiore a 80 kg' or 'peso per capo da 80 a meno di 220 kg' or 'peso per capo da 220 a 300 kg',
'gewicht per dier minder dan 80 kg' or 'gewicht per dier 80 tot minder dan 220 kg' or 'gewicht per dier 220 tot en met 300 kg'.

The licence shall apply only to products thus described ;

(c) Section 20 of the licence shall contain one of the following endorsements :

'levy reduced by ... % in respect of ... (quantity in figures and words) animals',
'Aussetzung der Abschöpfung in Höhe von ... v.H. für ... Tiere',
'nedsættelse af importafgiften med ... % for ... dyr',
'prélèvement réduit de ... % pour ... animaux',
'prelievo ridotto del ... % per ... animali',
'heffing verminderd met ... % voor ... dieren'.

The percentage reduction in the levy shall be that valid for the quarter in which the application for a licence is lodged.

Article 9

In order to qualify for the special import arrangements referred to in Article 14 (1) (a) of Regulation (EEC) No 805/68 :

(a) Section 12 of the application for a licence and of the licence itself shall contain one of the following endorsements :

'Meat intended for the manufacture of preserved food — system (a)',
'Kød bestemt til fremstilling af konserves — ordning a)',
'Fleisch zur Herstellung von Konserven bestimmt — Regelung a)',
'Viandes destinées à la fabrication de conserves — régime a)',
'Carni destinate alla fabbricazione di conserve — regime a)',
'Vlees bestemd voor de vervaardiging van conserven — regeling a) ;

(b) Section 20 of the licence shall contain one of the following endorsements :

'Levy suspended in respect of ... (quantity in figures and words) kg',
'Importafgiften suspenderet for ... kg',
'Aussetzung der Abschöpfung für ... kg',
'Prélèvement suspendu pour ... kg',
'Prelievo sospeso per ... kg',
'Heffing geschorst voor ... kg'.

Article 10

In order to qualify for the special import arrangements referred to in Article 14 (1) (b) of Regulation (EEC) No 805/68 :

(a) Section 12 of the application for a licence and of the licence itself shall contain one of the following endorsements :

'Meat intended for processing — system (b)',
'Kød bestemt til forarbejdning — ordning b)',
'Zur Verarbeitung bestimmtes Fleisch — Regelung b)',
'Viandes destinées à la transformation — régime b)',
'Carni destinate alla trasformazione — regime b)',
'Vlees bestemd voor verwerking — regeling b)' ;

(b) Section 20 of the licence shall contain one of the following endorsements :

'Levy reduced by ... % in respect of ... (quantity in figures and words) kg',
'Nedsættelse af importafgiften med ... % for ... kg',
'Aussetzung der Abschöpfung in Höhe von ... v.H. für ... kg',
'Prélèvement réduit de ... % pour ... kg',
'Prelievo ridotto del ... % per ... kg',
'Heffing verminderd met ... % voor ... kg'.

The percentage reduction in the levy shall be that valid for the quarter in which the application for a licence is lodged.

Article 11

1. Applications for licences under Articles 8 to 10 may be lodged only during the first 10 days of each quarter.

Applications shall be considered only where the special arrangements are applicable on the day designated for the actual issue of the licence.

2. On the 11th day of each quarter, Member States shall before 4 p.m. communicate to the Commission by telex the total quantity covered by applications as referred to in paragraph 1, specifying the import system concerned and, where necessary, the category of live weight.

If the day referred to in the preceding subparagraph is not a working day in a Member State, the communication shall be made before 4 p.m. on the first working day thereafter.

3. Licences shall be issued on the 21st day of each quarter. However, if that day is not a working day in the Member State where the application was lodged, licences shall be issued on the first working day thereafter.

4. Licences may be issued to cover a percentage only of the quantity applied for.

5. The security shall be released forthwith for the quantity for which the application was not granted.

6. When the total quantity for which applications were lodged during the period referred to in paragraph 1 is less than the quantity laid down for each quarter, it may be decided that further applications for licences may be lodged during one or more periods within the quarter in question. In that case new dates shall be fixed for the communication referred to in paragraph 2 and for the issue of licences.

7. By way of derogation from Article 3 of Regulation (EEC) No 193/75, the rights arising from the import licences referred to in Articles 8 to 10 are not transferable.

8. When lodging applications for licences under Articles 8 to 10 the applicant shall undertake in writing to carry out himself or have carried out under his responsibility, the following operations, depending on the case :

(a) the fattening referred to in Article 13 of Regulation (EEC) No 805/68 ;
(b) the processing referred to in Article 14 (1) (a) thereof ;
(c) the processing referred to in Article 14 (1) (b) thereof.

Article 12

1. On the 1st, 11th and 21st day of each month Member States shall communicate to the Commission, by product, the quantities in respect of which, during the 10 days preceding the date of the communication, they issued :

(a) import licences, separately for each of the categories specified in Article 2 (1) (a), (b) and (c) ;

(b) import licences, separately for each State, country or territory of origin as referred to in Article 7 (1) (b) ;

(c) import licences with advance fixing of the levy, separately for each country of origin referred to in Article 6 (2) ;

(d) export licences with advance fixing of the refund, specifying the destination of the products where Article 5 (1) applies ;

(e) other export licences.

Article 13

1. Regulations (EEC) No 2045/75 and (EEC) No 2887/76 are hereby repealed.

2. Any reference to the Regulations repealed under paragraph 1 shall be construed as references to this Regulation.

Article 14

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 18 March 1977.

For the Commission

Finn GUNDELACH

Vice-President