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COMMISSION REGULATION (EEC) No 1633/84

of 8 June 1984

laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80

(OJ L 154, 9.6.1984, p. 27)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EEC) No 3451/85 of 6 December 1985	L 328	23	7.12.1985
►**M2**	Commission Regulation (EEC) No 9/86 of 3 January 1986	L 2	14	4.1.1986
►**M3**	Commission Regulation (EEC) No 1860/86 of 16 June 1986	L 161	25	17.6.1986
►**M4**	Commission Regulation (EEC) No 3939/87 of 21 December 1987	L 373	1	31.12.1987
►**M5**	Commission Regulation (EEC) No 1075/89 of 26 April 1989	L 114	13	27.4.1989
►**M6**	Commission Regulation (EEC) No 1922/92 of 13 July 1992	L 195	10	14.7.1992

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laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ([1]), as last amended by Regulation (EEC) No 871/84 ([2]), and in particular Article 9 (4) thereof,

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ([3]), as last amended by Regulation (EEC) No 855/84 ([4]), and in particular Article 4 (3) thereof,

Whereas Article 9 of Regulation (EEC) No 1837/80 makes provision, in the case of the United Kingdom only, for the possible granting, in region 5, of a variable slaughter premium for sheep; whereas detailed rules for its implementation should be laid down;

Whereas it should be stipulated that only animals born or reared in region 5, where the premium is granted, should qualify;

Whereas it is necessary to enable the United Kingdom to grant the premium when animals are first placed on the market with a view to their slaughter; whereas, in this case, measures should be taken to ensure that animals or the meat therefrom cannot qualify more than once for the premium;

Whereas Article 9 (2) of Regulation (EEC) No 1837/80 lays down that the amount of the premium is to be equal to the difference between the seasonalized guide level and the recorded market price in this region;

Whereas Article 9 (3) of Regulation (EEC) No 1837/80 lays down that, in the event of payment of the premium in region 5, an amount equivalent to that premium is to be charged for the products referred to in Article 1 (a) and (c) of the said Regulation when those products leave that region; whereas the detailed rules for calculating this amount must be laid down; whereas the said amount can be ascertained only after the products have so left; whereas it is accordingly necessary to require provision of a security for the said amount;

Whereas, in order to prevent, in so far as live animals and meat are concerned, disturbances in trade which may result from the implementation of the arrangements for the premium, a maximum period should be fixed, commencing at the time the animals are first placed on the market, on the expiry of which the live animals for which the premium has been granted must be slaughtered or consigned to a location outside region 5; whereas, in addition, with a view to combating fraud, provision should be made, in order to facilitate checks in slaughterhouses, for the marking of all carcases of sheep slaughtered in the region in question;

Whereas, pursuant to Article 4 (2) of Council Regulation (EEC) No 1134/68 ([5]), the sums stated are to be paid on the basis of the conversion rate which obtained at the time when the transaction or part transaction was carried out; whereas Article 6 of the same Regulation stipulates that the time when a transaction is carried out is to be considered as being the date on which occurs the event, as defined by Community rules or, in the absence of and pending the adoption of

([1]) OJ No L 183, 16. 7. 1980, p. 1.
([2]) OJ No L 90, 1. 4. 1984, p. 35.
([3]) OJ No L 132, 21. 5. 1983, p. 33.
([4]) OJ No L 90, 1. 4. 1984, p. 1.
([5]) OJ No L 118, 1. 8. 1968, p. 1.

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such rules, by the rules of the Member State concerned, in which the amount involved in the transaction becomes due and payable; whereas, however, by virtue of Article 4 (3) of Regulation (EEC) No 1223/83, the said provisions may be derogated from;

Whereas this Regulation intended to replace Commission Regulation (EEC) No 2661/80 ([1]); whereas it is therefore necessary to repeal that Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

Article 1

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1. The premium referred to in Article 9 of Regulation (EEC) No 1837/80 shall be granted only in respect of sheep which:

(a) correspond to the quality standards laid down in the Annex;

(b) attain an estimated carcase weight of not less than 8 kilograms; furthermore, the premium shall be granted in respect of a maximum of ►M5 21 kilograms ◄ carcase weight only; and

(c) originate in region 5 where the premium is granted or have been raised in that region for at least two months.

2. The following shall not qualify for the premium:

(a) rams or carcases of rams or other male sheep or their carcases having the characteristics of that of a ram;

(b) ewes or their carcases.

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3. The United Kingdom may lay down that the premium shall be granted when the animal is first placed on the market with a view to slaughter. It shall inform the Commission of any use made of this provision.

4. Animals for which the premium has been granted in accordance with paragraph 3 shall, within 21 days of the date on which they were first placed on the market with a view to their slaughter:

— be slaughtered in region 5,

— be consigned to a location outside that region.

The competent authorities shall adopt measures for:

— supervision of the animals between certification and slaughter,

— marking all carcases of sheep slaughtered in region 5 so that the place of slaughter can be identified.

5. Where animals for which the premium has been granted in accordance with paragraph 3 and which have been consigned to a location outside region 5 must be placed in quarantine in order to comply with the health regulations of the country or region of importation, the date of consignment for the purposes of paragraph 4 shall be the date on which they are placed in quarantine with a view to their consignment.

Article 2

1. The United Kingdom shall take the necessary measures to ensure that sheep carcases and, where the provisions of Article 1 (3) are applied, animals in respect of which the premium has been granted,

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([1]) OJ No L 276, 20. 10. 1980, p. 19.

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are indelibly marked as such in order to ensure that they cannot again qualify for the premium.

2. The United Kingdom shall take the measures necessary to ensure that animals and fresh or chilled sheep carcases brought onto the territory of region 5 are identified as such.

Article 3

1. For region 5, the level of the premium shall be fixed each week by the Commission in respect of the week commencing 21 days before the week of fixing.

2. For the purpose of calulating the level of the premium, the market price shall be that recorded in accordance with the provisions of Article 3 (2) (b) of Regulation (EEC) No 2657/80.

Article 4

▼M6

1. For the United Kingdom, the amount of the clawback to be charged on departure of the products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 from region 1, in accordance with Article 24 (5) of that Regulation, shall be equal to the amount of the premiums fixed in accordance with Article 3 (1) and actually granted for the same products subject to the said clawback.

At the request of the operator the amount of the clawback shall be fixed equal to the average amount of the premium fixed for the week of departure of the products and the three previous weeks.

Operators shall indicate within 28 days of notification by the competent United Kingdom authorities on which of the abovementioned options they intend to proceed. The option chosen shall apply to all clawback for which the operator is liable.

In the case of the first option chosen, the operator shall, at the same time, provide satisfactory to the competent United Kingdom authorities, of the amount of premium actually granted for the products subject to the said clawback. The period for providing proof may be extended by those authorities by a further 60 days.

In the case of the second option chosen, the competent United Kingdom authorities shall notify the operators of the amount of clawback calculated in accordance with the second subparagraph.

'In case of failure to indicate the chosen option within 28 days or failure to provide, in the case of the first option chosen, the said proof within a further period of 60 days the security shall be forfeited in full.

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2. On departure of the products referred to in Article 1 (a) and (c) of ►M6 Regulation (EEC) No 3013/89 ◄ from the territory of ►M6 region 1 ◄, a security shall be lodged. The security shall be fixed by the United Kingdom at a level which covers the amount due-pursuant to paragraph 1; it shall not be less than the forecast amount of the premium for the week preceding that during which departure takes place. The said security shall be released as soon as the amount referred to in paragraph 1 has been paid.

▼M6

Pending determination and payment of the amount due pursuant to paragraph 1, the competent United Kingdom authorities may retain any securities already lodged. Such securities may be forfeited in the circumstances already lodged. Such securities may be forfeited in the circumstances described in the sixth subparagraph of paragraph 1.

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3. The amounts referred to in paragraphs 1 and 2 shall be fixed for fresh or chilled sheep carcases. The amounts applicable to the other products referred to in Article 1 (a) of Regulation (EEC) No 1837/80 shall be determined by employing the coefficients referred to in Articles 12 (3) and 13 (3) of Regulation (EEC) No 1837/80.

▼M4

For the products referred to in Article 1 (c) of Regulation (EEC) No 1837/80, the amounts applicable shall be determined by employing the coefficients referred to in Article 12 (3) of the said Regulation and applicable to meats listed in Annex I under subheadings 0210 90 11 and 0210 90 19 of the combined nomenclature.

For the products referred to in Article 1 (c) of the said Regulation, the space for the description of the goods and the export declaration should contain an indication as to whether the products are bone in or boneless.

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4. For carcases of animals other than those which may qualify for the premium, the amounts referred to in paragraphs 1 and 2 shall be determined using the following coefficients:

— lambs attaining a carcase weight less than or equal to 14 kg: 0,10;

— animals referred to in Article 1 (2) (a): 0,5;

— animals referred to in Article 1 (2) (b): 0,5;

— other animals: 0,5.

These coefficients shall be applied without prejudice to the coefficients referred to in paragraph 3.

5. The Commission shall review these coefficients referred to in Article 4, first indent, forthwith if there is any disturbance in intra-Community trade.

Furthermore, the Commission shall review these coefficients every six months in the light of the development of trade between region 5 and the other regions of the Community and the trend in prices. It shall take any decision to adjust these coefficients in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 1837/80.

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Article 5

1. The United Kingdom shall take all necessary steps to ensure compliance with the provisions of this Regulation.

2. The United Kingdom shall, where necessary, take the necessary steps to ensure recovery of an amount equal to the premium which has been paid.

3. The competent authorities in the United Kingdom shall take all the necessary steps to ensure that implementation of the arrangements for the variable premium does not result in irregular movements of products and does not cause any deflection of trade between-that Member State's two regions.

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In particular, the competent authorities of the United Kingdom:

— shall make it compulsory for the operators concerned to inform the departments empowered to this effect of the quantities and description of the products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which are to be dispatched from region 5, where the premium is granted, to another region, either directly or via another region or a third country,

▼M2

— shall introduce an administrative procedure entailing systematic inspection from the carcase stage on, involving in particular the individual marking of carcases and, where appropriate, of the cuts therefore, so as to prevent the amounts referred to in Article 4 (4) from being charged in respect of products obtained from animals having qualified for the premium, mixtures of products obtained from animals which have and animals which have not qualified for the premium or any other product subject to a higher amount.

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Article 6

1. The United Kingdom shall inform the Commission, within 10 days of the date on which they are adopted, of the measures taken to implement the variable premium arrangements. ►M1 Notification of the measures taken in application of the second indent of the second subparagraph of Article 5 (3) shall be sent to the Commission forthwith. ◄

2. The United Kingdom shall communicate the following to the Commission, not later than Thursday each week:

(a) the forecast amount of the premium for the current week, taking account of the market price pattern recorded in accordance with the provisions of Article 2 of Regulation (EEC) No 2657/80;

(b) the provisional amount of the premium for the week preceding the current week;

(c) the actual amount of the premium for the week commencing 21 days before that during which the communication is made and the number of animals in respect of which entitlement to the premium arose during the said week.

The United Kingdom shall also communicate to the Commission, as soon as possible and on a weekly basis, the breakdown by category of the animals in respect of which entitlement to the premium has arisen, together with their total estimated carcase weight.

Article 7

The following shall be declared as deductions from EAGGF expenditure:

— the amounts charged by the United Kingdom pursuant to Article 4 (1),

— the amounts recovered by the United Kingdom in the circumstances referred to in Article 5 (2) to the extent that expenditure corresponding to the said amounts was charged against Community funds.

Article 8

1. The conversion rate to be applied to the premium referred to in Article 1 shall be the representative rate in force on the day the animal which is to qualify for the premium is slaughtered or, where the provisions of Article 1 (3) are applied, the day the animal is first placed on the market with a view to slaughter.

2. The conversion rate to be applied to the amounts to be charged pursuant to Article 4 (1) shall be that in force on the day the customs formalities on departure from the United Kingdom or, where applicable, the administrative formalities relating the movement from region 5 granted to the other region, are completed.

Article 9

Regulation (EEC) No 2661/80 is hereby repealed.

Article 10

This Regulation shall enter into force on 11 June 1984.

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

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ANNEX

Quality standard

To qualify for the premium, a carcase must be reasonably well-fleshed throughout. The loins must be well-developed, the legs and shoulders moderately well-fleshed, but the forequarters may be relatively heavy. The flesh should be firm. As a minimum the fat cover should be light. An over-fat carcase will be rejected. A live animal must be such as to produce a carcase of at least these standards.