

Official Journal

of the European Communities

Volume 17 No L 194

17 July 1974

English Edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ Regulation (EEC) No 1844/74 of the Council of 15 July 1974 on the opening, allocation and administration of the Community tariff quota of 30 000 head of heifers and cows other than those intended for slaughter, of certain mountain breeds, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff 1
- ★ Regulation (EEC) No 1845/74 of the Council of 15 July 1974 on the opening, allocation and administration of the Community tariff quota of 5 000 head of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff 5
- ★ Regulation (EEC) No 1846/74 of the Council of 16 July 1974 temporarily suspending the issue of import licences and advance-fixing certificates for beef and veal 8

I

(Acts whose publication is obligatory)

REGULATION (EEC) No 1844/74 OF THE COUNCIL

of 15 July 1974

on the opening, allocation and administration of the Community tariff quota of 30 000 head of heifers and cows other than those intended for slaughter, of certain mountain breeds, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas, at the last GATT multilateral negotiations the European Economic Community undertook to open an annual Community tariff quota of 20 000 head at a duty of 6 % for heifers and cows other than those intended for slaughter of certain mountain breeds falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff; whereas eligibility for such quota is subject to conditions to be determined by the competent authorities of the Member State of destination; whereas, in an exchange of letters with Austria of 21 July 1972, the Community has undertaken unilaterally to increase the size of the tariff quota from 20 000 to 30 000 head and to lower the quota duty from 6 to 4 %;

Whereas, under Article 60 of the Act⁽¹⁾ concerning the conditions of accession and the adjustments to the Treaties, the new Member States are obliged to apply the regulations of the common agricultural policy from 1 February 1973 onwards; whereas, therefore, any requirements which may arise in these Member States during the quota period under consideration should be taken into account in the Community tariff quota in question; whereas the abovementioned tariff quota for the period from 1 July 1974 to 30 June 1975 should therefore be opened at a duty of 4 % for the Community as originally constituted and at a duty corresponding to the provisions of the abovementioned Act for the new Member States;

Whereas it is in particular necessary to ensure equal and continuous access for all Community importers to

the abovementioned quota, and the uninterrupted application of the quota duties, to all imports of the animals in question until the quota is exhausted; whereas, having regard to the principles defined above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas possibilities for the use of such mountain breeds are, however, limited by special factors, both geographical and zootechnical; whereas the Benelux countries and Denmark do not have regions suitable for breeding this kind of cattle; whereas, however in view of such special factors, the Community nature of the tariff quota in question should be preserved by making provision for requirements which may arise in these Member States; whereas, in exceptional cases, the system provided for in Article 4 of this Regulation enables all such factors to be taken into account; whereas, in order to reflect as closely as possible the actual trend of the market in question, the initial allocation must be made in proportion to the requirements of each of the Member States concerned, calculated in accordance with statistical data concerning imports from third countries during a representative reference period and with economic prospects for the quota period in question;

Whereas, since the animals in question belong to certain specific breeds which are not specified as such in the statistical nomenclatures of the Member States, no data on imports provided by the Member States could be considered to be sufficiently accurate and representative to be used as a basis for the allocation in question; whereas the extent to which Community tariff quotas for those animals in the Community as originally constituted have been exhausted, and the estimates made by certain Member States enable the requirements of each of them as regards imports from third countries for the quota period envisaged to be assessed as follows:

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 14.

Germany	10 000 head
France	3 900 head
Italy	6 100 head

whereas, in the absence of more precise information the needs of the United Kingdom and Ireland may not be assessed at the present time;

Whereas, in order to take into account the possible trend of imports of the aforementioned animals into the said Member States, the quota amount of 30 000 head should be divided into two parts, the first being allocated among certain Member States, the second forming a reserve intended subsequently to cover the requirements of those Member States when their initial shares are exhausted and requirements which may arise within other Member States; whereas in order to ensure a certain degree of security for importers in the aforementioned Member States, the first part of the Community quota should be determined at a comparatively high level which under the present circumstances may be approximately 60 % of the quota amount;

Whereas, the initial shares of those Member States may be used up fairly rapidly; whereas, in order to take this fact into account and avoid any break in continuity, it is important that that Member State having used up almost the whole of its initial share should draw an additional share from the reserve; whereas this must be done by each of these Member States as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available until the end of the quota period; whereas such method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas, if, at a specified date within the quota period, a considerable balance of the initial share of one or other of the Member States is left over, it is essential that that State should return a considerable part of such balance to the reserve in order that part of the Community tariff quota should not remain unused in one Member State while it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that Economic Union may be carried out by one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 July 1974 to 30 June 1975, a Community tariff quota of 30 000 head shall

be opened within the European Economic Community in respect of the imports from third countries of cows and heifers, other than those intended for slaughter, of the grey, brown, yellow and mottled Simmental breed and Pinzgau breed, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff.

2. For the purposes of this Regulation, the above-mentioned cows and heifers shall be considered not intended for slaughter if they are not slaughtered within four months following the date of their importation.

Derogations may, however, be granted in the event of an act of God (disease, accident) duly attested by a local authority certificate setting out the reasons for the slaughter.

3. The said quota shall be administered in accordance with the following Articles.

Article 2

1. Within the framework of the quota referred to in Article 1 (1), the Common Customs Tariff duty for the animals referred to in the said paragraph shall be suspended at 4 %.

2. The new Member States shall, within the said tariff quota, apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 3

1. A first part of 17 500 head shall be allocated among the Member States listed below. The shares shall apply from 1 July 1974 to 30 June 1975, subject to Article 7, and shall be as follows:

Germany	8 800 head
France	3 400 head
Italy	5 300 head

2. The second part of 12 500 head shall be held as a Community reserve.

Article 4

If requirements arise in countries of the Benelux Economic Union, in Denmark, Ireland or the United Kingdom for cattle referred to in Article 1 (1), these Member States shall draw an adequate share from the reserve, in so far as the reserve permits.

Article 5

1. If 90 % or more of the initial quota share of one of the Member States referred to in Article 3, or of that share less the amount returned to the reserve, where Article 7 has been applied, has been used up, that Member State shall immediately, by notifying the Commission, draw a second share, in so far as the

reserve permits, equal to 15 % of its initial share, rounded off upwards, if necessary, to the next unit.

2. If, after the initial share has been exhausted, 90 % or more of the second share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, immediately draw a third share equal to 7.5 % of its initial share, rounded off upwards, if necessary, to the next unit.

3. If, after the second share has been exhausted, 90 % or more of the third share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, draw a fourth share equal to the third.

The same method shall be applied until the reserve is exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, each of these Member States may draw shares lower than those fixed in these paragraphs if there are reasons to consider that such shares might not be exhausted. They shall inform the Commission of the grounds which led them to apply this paragraph.

Article 6

The additional shares drawn in pursuance of Article 5 shall apply until 30 June 1975.

Article 7

If, by 5 April 1975, a Member State has not exhausted its initial share as fixed in Article 3 or as resulting from the application of Article 4, it shall, not later than 25 April 1975, return to the reserve the unused proportion of this share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used up.

The Member States shall, not later than 25 April 1975, notify the Commission of the total imports of the animals in question effected up to 5 April 1975 inclusive and counted against the tariff quota and, where appropriate, the proportion of their initial share that they return to the reserve.

Article 8

The Commission shall keep accounts of the amounts of the shares opened by Member States in accordance with Articles 3, 4 and 5 and shall inform each of them of the extent to which the reserve has been exhausted as soon as it receives the notifications.

The Commission shall, not later than 1 May 1975, notify Member States of the amount in the reserve after the return of shares pursuant to Article 7.

The Commission shall ensure that any drawing which exhausts the reserve is limited to the balance available and, to this end, shall specify the amount thereof to the Member State making the last drawing.

Article 9

Member States shall take all measures necessary to ensure that when additional shares are drawn pursuant to Article 4 or 5 it is possible for imports to be counted without interruption against their accumulated shares of the Community quota.

Article 10

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1 (1) and (2).

2. They shall ensure free access to the shares allocated to them for importers established in their territory.

3. Member States shall count the animals in question against their shares as the animals are submitted for customs clearance under cover of declarations that they have been made available for consumption.

4. The extent to which the shares of the Member States have been used up shall be recorded on the basis of imports counted as specified in paragraph 3.

Article 11

Member States shall inform the Commission at regular intervals of imports actually charged against their shares.

Article 12

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

Article 13

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

It shall apply from 1 July 1974 onwards.

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

Done at Brussels, 15 July 1974.

For the Council

The President

Christian BONNET

REGULATION (EEC) No 1845/74 OF THE COUNCIL

of 15 July 1974

on the opening, allocation and administration of the Community tariff quota of 5 000 head of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas, at the last GATT multilateral negotiations, the European Economic Community undertook to open an annual Community tariff quota of 5 000 head at a duty of 4 % for bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff; whereas eligibility for such quota is subject to submission of the following documents:

- bulls: pedigree certificate;
- female animals: pedigree certificate or certificate of registration in the herdbook, certifying purity of breed;

Whereas, under Article 60 of the Act⁽¹⁾ concerning the conditions of accession and the adjustments to the Treaties, the new Member States are obliged to apply the regulations of the common agricultural policy from 1 February 1973 onwards; whereas any requirements which may arise in these Member States during the quota period under consideration should, therefore, be taken into account in the Community tariff quota in question; whereas the abovementioned tariff quota for the period from 1 July 1974 to 30 June 1975 should, therefore, be opened at a duty of 4 % for the Community as originally constituted and at a duty corresponding to the provisions of the abovementioned Act for the new Member States;

Whereas, it is in particular necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties to all imports of the animals in question until the quota is exhausted; whereas, having regard to the principles defined above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas possibilities for the use of such mountain breeds are, however, limited

by special factors, both geographical and zootechnical; whereas Benelux countries and Denmark do not have regions suitable for breeding this kind of cattle; whereas, however, in view of such special factors, the Community nature of the tariff quota in question should be preserved by making provision for requirements which may arise in these Member States; whereas, in exceptional cases, the system provided for in Article 4 of this Regulation enables all such factors to be taken into account; whereas, in order to reflect as closely as possible the actual trend of the market in question, the initial allocation must be made in proportion to the requirements of each of the Member States concerned, calculated in accordance with statistical data concerning imports from third countries during a representative reference period and with economic prospects for the quota period in question;

Whereas, since the animals in question belong to certain specific breeds which are not specified as such in the statistical nomenclatures of the Member States, no data on imports provided by the Member States could be considered to be sufficiently accurate and representative to be used as a basis for the allocation in question; whereas the extent to which Community tariff quotas for those animals, in the Community as originally constituted, have been exhausted, and the estimates made by certain Member States, enable the requirements of each of them as regards imports from third countries for the quota period envisaged to be assessed as follows:

Germany	250 head
France	120 head
Italy	4 630 head

whereas, in the absence of more precise information, the needs of the United Kingdom may not be assessed at the present time; whereas the needs of Ireland may however be assessed at 25 head;

Whereas, in order to take into account the possible trend of imports of the aforementioned animals into the said Member States, the quota amount of 5 000 head should be divided into two parts, the first part being allocated among certain Member States, the second forming a reserve intended subsequently to cover the requirements of these Member States when their initial shares are exhausted and requirements which may arise within other Member States; whereas

(¹) OJ No L 73, 27. 3. 1972, p. 14.

in order to ensure a certain degree of security for importers in the aforementioned Member States, the first part of the Community quota should be determined at a comparatively high level which under the present circumstances may be about 70 % of the quota amount;

Whereas, the initial shares of those Member States may be used up fairly rapidly; whereas, in order to take this fact into account and avoid any break in continuity, it is important that that Member State having used up almost the whole of its initial share should draw an additional share from the reserve; whereas this must be done by each of these Member States as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available until the end of the quota period; whereas such method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas, if, at a specified date within the quota period, a considerable balance of the initial share of one or other of the Member States is left over, it is essential that that State should return a considerable part of such balance to the reserve in order that part of the Community quota should not remain unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that Economic Union may be carried out by one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 July 1974 to 30 June 1975, a Community tariff quota of 5 000 head shall be opened within the European Economic Community in respect of the imports from third countries of bulls, cows and heifers, other than those intended for slaughter, of the mottled Simmental breed and the Schwyz and Fribourg breeds, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff.

2. Eligibility for this tariff quota shall be subject to the submission:

- in the case of bulls: of a pedigree certificate;
- in the case of female animals: of a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed.

3. The said quota shall be administered in accordance with the following Articles.

Article 2

1. Within the framework of the quota referred to in Article 1 (1), the Common Customs Tariff duty for the animals referred to in the said paragraph shall be suspended at 4 %.

2. The new Member States shall within the said tariff quotas apply duties calculated in accordance with the relevant provisions of the Act of Accession.

Article 3

1. A first part of 3 425 head shall be allocated among the Member States listed below. The shares shall apply from 1 July 1974 to 30 June 1975, subject to Article 7, and shall be as follows:

Germany	150 head
France	100 head
Ireland	25 head
Italy	3 150 head

2. The second part of 1 575 head shall be held as a Community reserve.

Article 4

If requirements arise in countries of the Benelux Economic Union, in Denmark or the United Kingdom, for cattle referred to in Article 1 (1), these Member States shall draw an adequate share from the reserve, in so far as the reserve permits.

Article 5

1. If 90 % or more of the initial share of one of the Member States referred to in Article 3, or of that share less the amount returned to the reserve, where Article 7 has been applied, has been used up, that Member State shall immediately, by notifying the Commission, draw a second share, in so far as the reserve permits, equal to 15 % of its initial share, rounded off upwards, if necessary, to the next unit.

2. If, after the initial share has been exhausted, 90 % or more of the second share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, immediately draw a third share equal to 7.5 % of its initial share, rounded off upwards, if necessary, to the next unit.

3. If, after the second share has been exhausted, 90 % or more of the third share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, draw a fourth share equal to the third.

The same method shall be applied until the reserve is exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, each of these Member States may draw shares lower than those fixed in these paragraphs if there are

reasons to consider that such shares might not be exhausted. They shall inform the Commission of the grounds which led them to apply this paragraph.

Article 6

Additional shares drawn in pursuance of Article 5 shall apply until 30 June 1975.

Article 7

If, by 5 April 1975, a Member State has not exhausted its initial share as fixed in Article 3 or as resulting from the application of Article 4, it shall, not later than 25 April 1975, return to the reserve the unused proportion of the share in excess of 20 % of the initial amount. It may return a larger quantity if there are reasons to consider that such quantity might not be used up.

The Member States shall, not later than 25 April 1975, notify the Commission of the total imports of the animals in question effected up to 5 April 1975 inclusive and charged against the tariff quota and, where appropriate, the proportion of their initial quota share they return to the reserve.

Article 8

The Commission shall keep accounts of the amounts of the shares opened by Member States in accordance with Articles 3, 4 and 5 and shall inform each of them of the extent to which the reserve has been exhausted as soon as it receives the notifications.

The Commission shall, not later than 1 May 1975, notify Member States of the amount in the reserve after the return of shares pursuant to Article 7.

The Commission shall ensure that any drawing which exhausts the reserve is limited to the balance available and, to this end, shall specify the amount thereof to the Member State making the last drawing.

Article 9

The Member States shall take all measures necessary to ensure that when additional shares are drawn

pursuant to Article 4 or 5 it is possible for imports to be counted without interruption against their accumulated shares of the Community quota.

Article 10

1. Member States shall take all measures necessary to ensure that the access to the tariff quota in question is restricted to cattle as specified in Article 1 (1) and (2).
2. They shall ensure free access to the shares allocated to them for importers established in their territory.
3. Member States shall count the animals in question against their shares as the animals are submitted for customs clearance under cover of declarations that they have been made available for consumption.
4. The extent to which the shares of the Member States have been used up shall be recorded on the basis of imports counted as specified in paragraph 3.

Article 11

Member States shall inform the Commission at regular intervals of imports actually charged against their shares.

Article 12

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

Article 13

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

It shall apply from 1 July 1974 onwards.

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

Done at Brussels, 15 July 1974.

For the Council

The President

Christian BONNET

**REGULATION (EEC) No 1846/74 OF THE COUNCIL
of 16 July 1974**

temporarily suspending the issue of import licences and advance-fixing certificates for beef and veal

THE COUNCIL 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 187/73 ⁽²⁾, and in particular Article 21 (3) thereof;

Whereas the prices of beef and veal on representative Community markets are at present lower than the intervention price; whereas the intervention machinery does not permit this situation to be remedied at short notice;

Whereas Regulation (EEC) No 1790/74 ⁽³⁾ provided for the linking of the importation of beef and veal to the sale of frozen beef and veal held by the intervention agencies;

Whereas one Member State, finding this measure inadequate, has requested the Commission, pursuant to Article 21 of Regulation (EEC) No 805/68, temporarily to suspend the issue of import licences and advance-fixing certificates for the products referred to under (a) in Article 1 of that Regulation; whereas the Commission has refused that request;

Whereas the Member State concerned has, pursuant to Article 21 (3) of Regulation (EEC) No 805/68, referred the measure taken by the Commission to the Council; whereas the Council, having undertaken a detailed examination of the situation on the beef and veal market, has established that that market is threatened by serious disturbances, a result of imports, which are likely to jeopardize the objectives of Article 39 of the Treaty;

Whereas, in these circumstances, the issue of import licences and advance-fixing certificates must be temporarily suspended for beef and veal,

HAS ADOPTED THIS REGULATION:

Article 1

The issue of import licences and advance-fixing certificates for the products referred to under (a) in Article 1 of Regulation (EEC) No 805/68 shall be suspended.

Article 2

This Regulation shall not apply to imports to be charged against:

- the Community tariff quota for frozen beef and veal falling within subheading 02.01 A II a) 2 of the Common Customs Tariff, totalling 34 000 metric tons in boned meat ⁽⁴⁾;
- the Community tariff quota of 30 000 head of heifers and cows, other than those intended for slaughter, of certain mountain breeds, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff ⁽⁵⁾;
- the Community tariff quota of 5 000 head of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff ⁽⁶⁾.

Article 3

The application of Regulation (EEC) No 1790/74 shall be suspended save as regards contracts for the sale of frozen beef and veal by an intervention agency contracted before the entry into force of this Regulation.

Article 4

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

It shall apply until 31 October 1974.

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

Done at Brussels, 16 July 1974.

For the Council

The President

Christian BONNET

* ⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 25, 30. 1. 1973, p. 23.

⁽³⁾ OJ No L 187, 11. 7. 1974, p. 21.

⁽⁴⁾ OJ No L 25, 30. 1. 1973, p. 21.

⁽⁵⁾ See page 1 of this Official Journal.

⁽⁶⁾ See page 5 of this Official Journal.