

REGULATION (EEC) No 2163/74 OF THE COMMISSION
of 14 August 1974

laying down detailed rules for the application of the system of premiums for the orderly marketing of certain adult bovine animals for slaughter

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⁽¹⁾ of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74⁽²⁾, and in particular Articles 22a (3) and 25 thereof;

Having regard to Council Regulation (EEC) No 1967/74⁽³⁾ of 23 July 1974 introducing a system of premiums for the orderly marketing of certain adult bovine animals for slaughter, and in particular Article 4 (2) thereof;

Whereas Member States have wide discretion as to the extent to which they implement the premium system introduced by Regulation (EEC) No 1967/74; whereas the framework within which Member States are to take the measures necessary to ensure that obligations under the premium are properly fulfilled must be specified;

Whereas Article 1 of Regulation (EEC) No 1967/74 specifies that the premium for certain adult bovine animals for slaughter is granted to animals of Community origin; whereas the concept of Community origin is defined in Council Regulation (EEC) No 802/68⁽⁴⁾ of 27 June 1968 on the common definition of the concept of the origin of goods; whereas adult bovine animals which have been fattened for a sufficient length of time in the Community should also be deemed to be of Community origin;

Whereas, in 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⁽⁵⁾ of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine, as last amended by Directive No 73/150/EEC⁽⁶⁾;

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 intra-Community trade in animals qualifying for a premium, notably through the use of the control copy provided for by Commission Regulation (EEC) No 2315/69⁽⁷⁾ 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⁽⁸⁾;

Whereas steps must be taken, notably in intra-Community trade, to ensure that meat from animals in respect of which a premium has been granted is not bought in by intervention agencies;

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 lower weight limits of the animals which they regard as eligible for the premium for the orderly marketing of certain adult bovine animals. These weight limits 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 which exercise the option provided for by Article 1 of Regulation (EEC) No 1967/74 shall introduce control systems to ensure that it is the producer who receives the premium.

The systems chosen must be such as to ensure that the producer is identified.

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 195, 18. 7. 1974, p. 14.

⁽³⁾ OJ No L 206, 27. 7. 1974, p. 1.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽⁶⁾ OJ No L 172, 5. 6. 1973, p. 18.

⁽⁷⁾ OJ No L 295, 24. 11. 1969, p. 14.

⁽⁸⁾ OJ No L 69, 23. 3. 1971, p. 7.

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 the premium to be granted from the date on which the animals are first offered for sale for slaughter.

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

2. In such case the premium to be paid shall be the premium operative when the animals are first offered for sale for slaughter.

All animals in respect of which a premium has been granted must be slaughtered within 15 days of the date on which they are first offered for sale and by 28 February 1975 at the latest. The Member States concerned shall take measures to ensure that such animals :

- (a) are permanently marked to rule out the possibility of a second premium being granted, and
- (b) are slaughtered within the prescribed time limit.

The Member States shall take whatever action is necessary to ensure that, should need arise, an amount equal to the premium granted can be recovered.

Article 4

Only animals of Community origin or animals which have prior to slaughter been fattened in the Community for a period of at least three months shall be eligible for a premium.

Article 5

1. In the case provided for in the first subparagraph of Article 2 (3) of Regulation (EEC) No 1967/74, the premium shall be paid by the exporting Member State 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 premium shall be paid by that Member State.

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.

Sections 101, 103 and 104, which appear in the control copy under the heading Additional Information, shall be completed.

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

— slaughter — pursuant to the first indent of Article 2 (3) of Regulation (EEC) No 1967/74 ;

— slagtning — anvendelse af artikel 2, stk. 3, første led, forordning (EØF) nr. 1967/74 ;

— Schlachtung — gemäß Artikel 2 Absatz 3 erster Gedankenstrich der Verordnung (EWG) Nr. 1967/74 ;

— abattage — application article 2 paragraphe 3 premier tiret règlement (CEE) n° 1967/74 ;

— macellazione — applicazione articolo 2, paragrafo 3, primo trattino, regolamento (CEE) n. 1967/74 ;

— Slachting — Toepassing van artikel 2, lid 3, eerste streepje, van Verordening nr. 1967/74 ;

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 presentation of the slaughtering certificate issued by the competent authority of the exporting Member State.

Article 6

1. Beef and veal from animals slaughtered in a Member State which applies the premium system introduced by Regulation (EEC) No 1967/74 or from animals slaughtered as provided for in Article 5 shall 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.

The proof shall be established by placing at the time of slaughter a mark on meat coming from animals in respect of which a premium has been granted.

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

2. However, Member States may 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 premium 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.

Article 7

1. The amount of the premium may be reduced, as provided for, only if market prices show a clear upward trend.

2. Application of the premium system may be suspended, as provided for, only if the condition specified in paragraph 1 is satisfied over a sufficiently representative period.

Article 8

1. Member States which exercise an option provided for in Article 1 of Regulation (EEC) No 1967/74 shall inform the Commission of measures taken to implement the premium system not later than 10 days following the day on which such measures are put into effect.

2. The Member States referred to in paragraph 1 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 in respect of which

entitlement to the premium was established during the week in question, broken down by category as determined pursuant to Article 1.

Article 9

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

It shall apply, except for Article 5, from 5 August 1974.

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

Done at Brussels, 14 August 1974.

For the Commission

The President

François-Xavier ORTOLI
