COMMISSION REGULATION (EEC) No 76/76

of 16 January 1976

setting up a system linking imports of beef and veal products effected by way of protective measures with the sale of beef held by intervention agencies

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 1855/74 (2), and in particular Articles 7 (3) and 21 (2) thereof,

Whereas a system for the issue by way of protective measures of import licences for certain beef and veal products was introduced by Commission Regulation (EEC) No 1090/75 of 23 April 1975 (3), as last amended by Regulation (EEC) No 3241/75 (4);

Whereas a careful watch over the state of the market in beef and veal has shown that the conditions prevailing in Community markets which caused the application of the protective measures still exist; whereas however the market in beef and veal appears more stable and this requires the protection system to be reformed to allow some restoration of the flow of trade without however running any risk of increasing imbalance on the Community market;

Whereas, although import licences may be issued, the critical state of the Community market requires a close watch to be kept on the way imports develop; whereas therefore certain special provisions should be adopted with regard to the normal rules on the issue of import licences, for which the detailed rules are laid down in Commission Regulations (EEC) No 193/75 of 17 January 1975 (5) and (EEC) No 2045/75 of 25 July 1975 (6);

Whereas, when relaxing the protective measures, particular account should be taken of the existence of large stocks of unboned frozen beef held by the intervention agencies and whereas entitlement to the import licences should therefore be reserved for purchasers of this meat;

Whereas, to ensure the smooth working of the linked-sales operations, entitlement to import licences should be granted only to operators who have purchased the unboned frozen beef from intervention agencies by a tendering procedure which will enable a better price to be obtained for the products put on sale; whereas the terms of the selling price must be such as largely to determine the level of the imports in respect of which a partial suspension of the levy may, in consequence be provided; whereas such suspension is more important in the case of frozen meat intended for processing;

Whereas the system of tenders was established by Commission Regulation (EEC) No 216/69 of 4 February 1969 on detailed rules of application for the disposal of frozen beef and veal bought in by intervention agencies (7); whereas, in order to regulate sales of intervention meat and hence the imports to which such sales give entitlement, provision should be made for monthly individual invitations to tender; whereas the present market situation and the requirements of the system set up should also be taken with account by making certain special conditions and exceptions to the detailed rules contained in Regulation (EEC) No 216/69;

Whereas, furthermore, the entitlement granted in respect of meat for processing requires an especially close watch over those who effect the imports and also checks to ensure that the stipulated use is made of the imported products;

Whereas the detailed rules for the application of the linked-sales system must be established so as to avoid, as fas as possible, any danger of manipulation and any discrimination between trades in the Community; whereas, in order to avoid this, it should be laid down that only the successful tenderer for the intervention meat may submit an application for an import licence and furthermore that the rights arising from such licence may not be transferred;

Whereas the period of validity of the import licences should be fixed to take account of the geographical location of those third countries which supply beef and veal;

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 195, 18. 7. 1974, p. 14.
(3) OJ No L 108, 26. 4. 1975, p. 1.
(4) OJ No L 321, 12. 12. 1975, p. 17.
(5) OJ No L 25, 31. 1. 1975, p. 10.
(6) OJ No L 213, 11. 8. 1975, p. 21.
(7) OJ No L 28, 5. 2. 1969, p. 10.

Whereas the reasons still exist which caused certain products falling within subheading 16.02 B III b) 1 of the Common Customs Tariff to be placed under the system of import licences and therefore under protective measures; whereas these measures should therefore be maintained in force;

Whereas the obligations of the linked-sales system should not include imports effected either under the Community tariff quotas or pursuant to Council Regulation (EEC) No 3328/75 of 18 December 1975 renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States [1];

Whereas furthermore the special opportunities still exist to effect the imports permitted by Commission Regulation (EEC) No 2476/75 of 29 September 1975 concerning the issue while protective measures are in force of import licences for a further 30 000 calves and young bovine animals for fattening [2] and by Commission Regulation (EEC) No 3248/75 of 11 December 1975 concerning the issue while protective measures are in force of import licences for certain young bovine animals of highland breeds for fattening [3];

Whereas the repeal of the 'EXIM' system set up by Regulation (EEC) No 1090/75 requires certain transitional measures to enable operators who have not obtained import licences under the last tendering procedure to submit applications for licences provided that they have effected the required export in good time; whereas, furthermore, it is understood that the rights acquired under the 'EXIM' system are not affected by its repeal;

Whereas the Management Committee for Beef and Veal has not delivered an opinion on Title II of this Regulation within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

TITLE I

Protective measures

Article 1

1. The products listed in Article 1 (c) of Regulation (EEC) No 805/68, with the exception of those referred to in paragraph 2 thereof, shall be subject to the system of import licences laid down in Article 15 thereof.

2. No import licence shall be required in respect of the following products falling within subheading 16.02 B III b) 1 of the Common Customs Tariff:

(a) prepared or preserved beef and veal or beef and veal offal put up in hermetically sealed containers weighing not more than 5 kg net, other than meat or offal which is minced, chopped or in one piece and seasoned (e.g. with pepper and salt);

(b) cooked and frozen beef and veal put up in hermetically sealed containers weighing not more than 7 kg net.

For the purposes of this Regulation the following shall be regarded as cooked and frozen meat: meat which, prior to freezing, has been subjected to sufficient heat to prevent the growth of clostridium botulinium and which has, in addition, the following characteristics:

— no trace of pinkish liquid on the surface of a cross section of meat which, after being completely defrosted, is out at its thickest point;

— a pH of 5·5 or over.

Article 2

1. The issue of import licences for the products listed in Article 1 (a) of Regulation (EEC) No 805/68, with the exception of live animals not exceeding a live weight of 300 kg and live animals not for slaughter, and the issue of import licences for the products listed in Article 1 (1) of this Regulation shall be subject to the conditions laid down in this Regulation and in particular to the purchase, in accordance with Title II, of unboned frozen beef held by the intervention agencies.

2. In the case of products falling under tariff subheading 01.02 A II, import licences shall be issued only for animals for slaughter exceeding a live weight of 300 kg.

For the purposes of this Regulation the following shall be regarded as animals for slaughter: animals meeting the criteria laid down in the Council Directive of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries [4], as last amended by the Council Directive of 15 July 1974 [5].

In the case of these products, Section 12 of the application for a licence and of the licence shall contain one of the following endorsements:

— 'valable pour les animaux de boucherie d'un poids supérieur à 300 kilogrammes',

— 'gültig für Schlachtrinder mit einem Lebendgewicht von über 300 Kilogramm',

— 'valido per animali destinati alla macellazione di peso vivo superiore a 300 kg',

— 'gyldig for dyr til slagtning med en levende vægt på over 300 kg',

[1] OJ No L 329, 23. 12. 1975, p. 4.
[2] OJ No L 253, 30. 9. 1975, p. 28.
[3] OJ No L 322, 13. 12. 1975, p. 17.
[4] OJ No L 302, 31. 12. 1972, p. 28.
[5] OJ No L 202, 24. 7. 1974, p. 36.

— 'geldig voor slachtrunderen met een levend gewicht van meer dan 300 kilogram',

— 'valid for animals for slaughter, of a live weight exceeding 300 kg'.

3. However, this Regulation shall not apply to imports under the Community tariff quotas for bulls, heifers and cows, other than those for slaughter, of certain highland and mountain breeds, or to imports effected pursuant to Regulations (EEC) No 2476/75, (EEC) No 3248/75 and (EEC) No 3328/75 or such provisions on the same subjects as may be adopted replacing those Regulations.

Article 3

1. The application for a licence shall relate to the products listed in the Annex and shall be in respect of an amount not exceeding the quantities determined in accordance with the said Annex.

2. The application for the licence shall be accompanied by the original of the contract of purchase referred to in Title II and by proof of payment of the purchase price indicated in that contract.

3. A contract of purchase may be used for the purpose of submitting, simultaneously or consecutively, two or more applications for licences for an amount not exceeding the quantity which may be imported in accordance with paragraph 1.

4. The application for a licence may be submitted only by the purchaser whose name appears on the contract of purchase.

Such application shall only be valid if submitted within sixty days following the date of the conclusion of the contract of purchase.

Article 4

1. Section 12 of the application for a licence and of the licence shall contain one of the following endorsements :

— 'Jumelage' ;

— 'Koblingstransaktioner' ;

— 'Kopplung' ;

— 'Linked sale' ;

— 'Abbinamento' ;

— 'Koppeling'.

2. Section 20 of the licence shall contain the rate of levy applicable pursuant to Article 6 (1) of this Regulation, shown by one of the endorsements set out in the first subparagraph of Article 6 (2) of Regulation (EEC) No 2045/75 together with the number of this Regulation.

3. None of the endorsements referred to in paragraph 2 shall appear in Section 20 when the licence relates to the products referred to in Article 1 (1).

Article 5

1. When import licences applied for in accordance with Article 3 are issued, one of the endorsements set out in Article 4 (1) shall be entered on the original of the contract of purchase. Such endorsement shall be supplemented by an indication of the quantity of meat in respect of which the contract was used for the issue of licences.

2. The import licences issued pursuant to this Regulation shall be valid for :

(a) 90 days in respect of frozen meat originating in and coming from non-European third countries ;

(b) 45 days in respect of products other than those referred to in (a) originating in and coming from non-European third countries ;

(c) 30 days in respect of products other than those referred to in (a) and (b).

3. By way of derogation from Article 3 of Regulation (EEC) No 193/75, the rights arising from import licences issued pursuant to this Regulation shall not be transferable.

Article 6

1. The levies fixed in accordance with Articles 10 to 13 of Regulation (EEC) No 805/68 shall be reduced by :

(a) 95 % in respect of the frozen meat referred to in Article 14 (1) of Regulation (EEC) No 805/68 and intended for processing under the conditions laid down in Article 7 ;

(b) 60 % in respect of the other products listed in Article 1 (a) of Regulation (EEC) No 805/68.

2. In respect of the quantities imported pursuant to Article 2 (4) of Regulation (EEC) No 193/75, the levies fixed in accordance with Articles 10 to 13 of Regulation (EEC) No 805/68 shall be levied in full.

Article 7

1. Frozen meat intended for processing shall benefit from the reduced rate of levy referred to in Article 6 (1) (a) only if it is subject, in the Member State where it is put into free circulation, to a system of customs or administrative control which ensures such processing.

For the purposes of this Article, the Belgo-Luxembourg Economic Union shall be considered to be a single Member State.

2. The entitlement described in paragraph 1 shall be conditional upon :

(a) a written declaration by the importer, made at the time the meat is put into free circulation, that the meat is intended for processing in the Member State where the meat is put into free circulation ;

(b) the lodging by the importer, at the time the meat is put into free circulation, of a security of an amount equal to 50 % of the total levy to guarantee such processing. Such security may be lodged in cash or in the form of a guarantee given by a credit institution meeting the criteria laid down by the Member State where the meat is put into free circulation.

3. Save in case of *force majeure*, the security for processing shall be released only in respect of those quantities for which proof is provided within the period of six months following the month in which the meat is put into free circulation that the imported frozen meat has been processed in the territory of the Member State where the meat was put into free circulation.

The security for processing shall be released immediately.

The competent agency shall inform the Commission of each case of *force majeure* and of any action taken in respect thereof.

4. For the purposes of this Regulation, processing shall mean the manufacture of products falling within Common Customs Tariff heading Nos 16.01 and 16.02 excluding meat and offal which is minced, chopped or in one piece and seasoned (e.g. with pepper and salt) as well as the manufacture of salted and dried products falling within Common Customs Tariff subheading 02.06 C I a) 2.

TITLE II

Sale of meat held by intervention agencies

Article 8

1. The sale of unboned beef held by intervention agencies shall be carried out by means of invitations to tender.

Regulation (EEC) No 216/69 and in particular Articles 6 to 14 shall be applicable, subject to the provisions of this Regulation.

2. A general notice of invitation to tender shall be published at the latest on the day of publication of the first of the individual invitations to tender referred to in paragraph 3.

3. Under the overall tendering arrangements the intervention agencies shall issue monthly individual invitations to tender.

Each notice of individual invitation to tender shall specify the date before which the meat offered for sale was bought in by the intervention agencies.

The time limit for the submission of tenders shall expire on the third Monday of each month at 12 noon. However, in the first instance, this time limit shall expire on 30 January 1976 at 12 noon.

4. Every tender shall state whether the tenderer intends to import frozen meat for processing.

5. The tenders shall be expressed in units of account.

6. Publication in the *Official Journal of the European Communities* of notices of invitation to tender shall take place at least seven days before the expiry of the time limit for the submission of tenders.

Article 9

1. The minimum selling prices shall be fixed for the products in question having regard to the tenders received and to the need to offset the advantage arising from the suspension of the levy pursuant to Article 6 (1).

The minimum price may be fixed at a different level for tenders with a view to the importation of frozen meat for processing.

2. Where the tenderer has in accordance with Article 8 (4) stated his intention to import, the purchase contract shall entitle him to the issue of import licences only in respect of meat for processing.

3. The purchase contract shall be endorsed to the effect that it gives entitlement to the issue of import licences. This endorsement shall, in the case referred to in paragraph 2, include the phrase 'meat for processing'.

Article 10

Where, for reasons of *force majeure*, the tenderer is unable to comply with the time limit set for taking delivery, the intervention agency shall take such action as it considers necessary having regard to the circumstances invoked.

The intervention agency shall inform the Commission of each case of *force majeure* and of any action taken in respect thereof.

TITLE III

Transitional and final measures

Article 11

1. For each exportation without refund of the products referred to in Article 3 (1) of Regulation (EEC) No 1090/75 which left the geographical territory of the Community before the 16 December 1975 and did not give rise to the issue of an import licence under that Regulation, an application for an import licence may be submitted in accordance with Articles 3 and 4 of that Regulation and subject to the following special conditions :

(a) the rate of levy applicable per 100 kg of beef or veal in carcase which the applicant shall undertake to pay at the time of importation shall be 50·320 units of account ;

(b) applications for import licences may be lodged with the competent organizations of Member States until 2 February 1976 at 12 noon ;

(c) Member States shall notify the Commission by telex at the latest by 5 February 1976 at 12 noon of the total quantity covered by licence applications ;

(d) the Commission may decide that licences shall be issued for only a percentage of the quantity applied for, such percentage to be the same for all the applications submitted.

2. Import licences shall be issued in accordance with Articles 4a and 5 of Regulation (EEC) No 1090/75. However, the first of the two licences shall be issued on 12 February 1976.

Articles 6 and 7 of Regulation (EEC) No 1090/75 shall be applicable.

3. Subject to the provisions of this Article, Regulation (EEC) No 1090/75 is repealed.

Article 12

This Regulation shall enter into force on 19 January 1976.

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

Done at Brussels, 16 January 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Products to be imported

CCT heading No	Description	Quantity in kg which may be imported for each kg of frozen bone-in meat bought from intervention agencies
1	2	3
01.02	Live animals of the bovine species:	
	A. Domestic species:	
	II. Other:	
	b) Other	2·00
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:	
	a) Of domestic bovine animals:	
	1. Fresh or chilled:	
	aa) Of calves	1·00
	bb) Of adult animals	1·00
	cc) Other cuts of beef and veal:	
	11. Unboned (bone-in)	0·80
	22. Boned or boneless	0·60
	2. Frozen:	
	aa) Carcases, half-carcases or 'compensated quarters'	1·00
	bb) Forequarters	1·00
	cc) Hindquarters	1·00
	dd) Other :	
	11. Unboned (bone-in)	0·80
	12. Boned or boneless	0·60
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked:	
	C. Other:	
	I. Of domestic bovine animals :	
	a) Meat	0·50
16.02 B III b) 1	Other prepared or preserved meat or meat offal, containing bovine meat or offal, excluding meat or offals of swine	0·50