

REGULATION (EEC) No 888/68 OF THE COUNCIL

of 28 June 1968

laying down general rules on special import terms for certain frozen meats intended for processing

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 805/68¹ of 27 June 1968 on the common organisation of the market in beef and veal, and in particular Article 14 (3) thereof;

Having regard to the proposal from the Commission;

Whereas Article 14 of Regulation (EEC) No 805/68 provides for special terms for imports of certain frozen meats intended for processing; whereas those terms consist of the total suspension of the import levy on such frozen meats, provided that they are intended for the manufacture of preserved meat containing no characteristic components other than beef or veal and jelly, and of the total or partial suspension of the levy on imports of other frozen meats intended for the manufacture of other products; whereas the Council must lay down general rules relating thereto;

Whereas it is necessary to take special measures to ensure that frozen meat imported, with total suspension of the levy, for the manufacture of preserved meat is not deflected to another use; whereas to that end suspension should be made conditional *inter alia* on the importer making a declaration as regards that use and lodging a deposit;

Whereas the special terms provided for in Article 14 (3) (b) (aa) of Regulation (EEC) No 805/68 may only be applied if there is in the Community meat which has been the subject of intervention; whereas these terms should only apply in periods when considerable quantities of such meats are available;

Whereas, to avoid over-complicating the procedure for checking the uses to which meat is put, the pro-

cessing must take place on the territory of the importing Member State;

Whereas, to avoid the formation of stocks exceeding the actual requirements of the processing industry, the issue of licences giving entitlement to the special import terms provided for in Article 14 (3) (b) (bb) of Regulation (EEC) No 805/68 must be limited or suspended when it is found that actual or foreseeable imports on these terms exceed the normal or expected requirements of the industry, having particular regard to the availability within the Community of fresh meat suitable for processing and to the need to ensure that the processing industry is supplied at reasonably constant prices.

HAS ADOPTED THIS REGULATION:

Article 1

1. Entitlement to total suspension of the import levy, provided for in Article 14 (3) (a) of Regulation (EEC) No 805/68, shall be conditional upon
 - (a) a written declaration being made by the importer at the time of importation that the frozen meat is intended for use in the importing Member State for the manufacture of preserved meat of the kinds mentioned at the end of the first subparagraph of Article 14 (2) of Regulation (EEC) No 805/68;
 - (b) a deposit being lodged by the importer, in an amount equal to the levy, guaranteeing such manufacture;
 - (c) a written undertaking being given by the importer, at the time of importation, to pay the additional sum specified in paragraph 5 if the proof specified in paragraph 3 is not furnished in respect of the whole quantity of frozen meat imported.
2. The deposit 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 on whose territory the importation was effected.

¹ OJ No L 148, 28.6.1968, p. 24.

3. Save in case of *force majeure*, the deposit shall not be returned in full or in part unless, within six months following the month of importation, proof is furnished that all or part of the imported frozen meat has been processed on the territory of the importing Member State into preserved meat of the kinds mentioned at the end of the first subparagraph of Article 14 (2) of Regulation (EEC) No 805/68. The amount of the deposit to be returned shall be proportional to the quantity for which proof of processing is furnished.

The deposit shall be returned not later than three months after such proof has been furnished.

4. The proof specified in paragraph 3 shall not be considered as furnished unless the quantities of preserved meat manufactured from frozen meat imported with total suspension of the levy are at least equivalent to the quantity of that meat. Such equivalence shall be established by means of coefficients expressing the meat content of each kind of preserved meat.

5. The additional sum shall be equal to the highest levy applicable to imports of unprocessed frozen meat during the period between the day of importation and the last day on which the proof specified in paragraph 3 may be furnished, less the amount of the deposit which has not been returned.

Article 2

1. The provisions referred to in Article 14 (3) (b) (aa) of Regulation (EEC) No 805/68 shall apply if it is found that the quantities of frozen meat of a quality and cut suitable for industrial use which

have been the subject of intervention exceed or are likely to exceed 10 000 metric tons.

2. The ratio mentioned in Article 14 (3) (b) (aa) of Regulation (EEC) No 805/68 shall be fixed at least every three months, taking particular account of the annual estimate specified in the first subparagraph of Article 14 (2) of that Regulation.

Article 3

1. If the conditions mentioned in Article 2 (1) are not fulfilled, or as soon as disposal of the quantities of meat mentioned in that paragraph is assured, total or partial suspension of the import levy on the terms provided for in Article 14 (3) (b) (bb) of Regulation (EEC) No 805/68 shall apply.

2. The Commission shall review the position periodically; if actual or foreseeable imports qualifying for total or partial suspension of the levy on the terms mentioned in paragraph 1 exceed the estimated requirements of the industry as shown in the quarterly estimate provided for in the final subparagraph of Article 14 (2) of Regulation (EEC) No 805/68, a decision may be taken to limit or suspend the issue of import licences giving entitlement to the special import terms.

Article 4

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall take effect from the date on which the terms provided for in Regulation (EEC) No 805/68 take effect.

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

Done at Luxembourg, 28 June 1968.

For the Council

The President

E. FAURE