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COMMISSION OF THE EUROPEAN COMMUNITIES

COM(73) 1780 final

Brussels, 24 October 1973

PROPOSAL FOR A REGULATION (EEC) OF THE COUNCIL

on the opening, allocation and administration
of a Community tariff quota for frozen beef falling within
subheading No 02.01 A II (a) 2 of the Common Customs Tariff (1974)

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. During the last multilateral GATT negotiations the European Economic Community undertook to open an annual Community tariff quota for 22 000 metric tons of frozen beef falling within subheading No 02.01 A II (a) 2 of the Common Customs Tariff at 20% duty.

Moreover, an Agreement which the Community concluded with Argentina on 8 November 1971 provides that this tariff volume of 22 000 metric tons must, from 1 January 1972, be taken to refer to boneless meat and that the Community will, each year from 1972 onwards, consider whether a supplementary tariff quota can be opened autonomously on the same terms, should the need arise.

Consequently, to meet the Community's obligations, a regulation should be adopted before 1 January 1974 on the opening, allocation and administration of the relevant tariff quota. In this connection, it should be mentioned that, as a result of their accession on 1 January 1973, the new Member States have been obliged, since 1 February 1973, to apply the common policy regulations adopted by the Community as originally constituted to the relevant products as provided in the Accession Treaty.

It is therefore proposed that, as in 1973, a tariff volume of 22 000 metric tons, expressed as boneless meat, should be opened on 1 January 1974 and allocated among the original Member States in the traditional way, while an autonomous supplementary tariff quota should be opened on the same date to cover the new Member States' import requirements, account being taken of the Community declaration annexed to the abovementioned Agreement with Argentina which provides

in particular for an annual review of additional import possibilities. Pending the results of this review, the supplementary volume can be fixed provisionally at 12 000 metric tons. Obviously this volume may be modified if necessary, either before the regulation is actually adopted by the Council or during the period of its operation.

2. Imports of frozen beef (boned) into the Community as originally constituted from third countries developed as follows over the last few years:

	1970		1971		1972	
	in t	in %	in t	in %	in t	in %
Germany	50 705	29.5	45 718	27.6	102 735	36.7
Benelux	36 382	21.2	35 303	21.4	57 565	20.5
France	16 559	9.6	18 437	11.2	45 645	16.3
Italy	68 365	39.7	65 797	39.8	73 962	26.5
	<u>172 011</u>		<u>165 255</u>		<u>279 907</u>	

Consequently, the quota shares of the Member States, calculated on the basis of imports for the years 1970 to 1972 and on forecasts of import requirements for the relevant tariff year, can be fixed approximately at the following percentages:

Germany	31.3
Benelux	21.0
France	12.4
Italy	35.3

As for the allocation of the supplementary tariff volume of 12 000 metric tons between the new Member States, it should be noted that statistics for 1973, and in particular the number of applications for import licences lodged since 1 February 1973, do not yet give adequate grounds for allocating the products in any way other than

that for 1973, namely:

Denmark	200 metric tons
Ireland	100 metric tons
United Kingdom	11 700 metric tons

3. Having compared the probable level of the Community tariff quota for 1974 with import requirements, the Commission believes that it would go against the Community nature of the quota to allocate the initial tariff volume in definitive quota shares to the Member States. Consequently, the proposal annexed hereto provides for the creation of a Community reserve, the volume of which, even if it is only 10% of the total tariff volume, will assist in ensuring equal access for all importers and in avoiding a situation in which customs preference would no longer be applied in one or more Member States while it was still applied in others.

Proposal for a
REGULATION (EEC) No/73 OF THE COUNCIL

on the opening, allocation and administration of a
Community tariff quota for frozen beef falling
within subheading No 02.01 A II (a) 2 of the
Common Customs Tariff (1974)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas in the course of the last multilateral GATT negotiations the
European Economic Community undertook to open an annual Community tariff
quota of 22 000 metric tons of frozen beef falling within tariff subheading
No 02.01 A II (a) 2 at 20% duty; whereas the Agreement¹ concluded with
Argentina on 8 November 1971 provides that that quota volume of 22 000
metric tons must be taken to refer to boneless meat;
whereas by Declaration No 1 annexed to the Agreement aforesaid the
Community declared that each year it would consider whether, by
appropriate procedures, supplementary import facilities should be opened
in addition to the tariff quota specified above;

Whereas Articles 59 and 60 of the Act annexed to the Treaty² concerning
the accession of new Member States to the European Economic Community
and to the European Atomic Energy Community, signed on 22 January 1972,
require the new Member States to apply the regulations of the common

¹OJ No L 249, 10 November 1971, p. 18

²OJ No L 73, 27 March 1972.

agricultural policy from 1 February 1973 and to align their customs tariff duties on those of the Common Customs Tariff in the manner provided in the said Article 59; whereas the new Member States' needs for imports from third countries should therefore be covered in 1974; whereas, in view of these considerations and of the Community declaration annexed to the aforesaid Agreement with Argentina, an autonomous supplementary quota, also expressed in boneless meat, should be opened at a provisional level of 12 000 metric tons; whereas the total quota volume therefore amounts to 34 000 metric tons; whereas the quota duties to be applied by the new Member States should conform to the Act aforesaid;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently in all Member States to all imports of the product in question until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas to represent as closely as possible the actual development of the market in the product in question the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and from the economic outlook for the tariff year in question;

percentages of
Whereas/imports of the relevant product from third countries into the Community as originally constituted are the last three years for which statistics are available were as follows:

	<u>1970</u>	<u>1971</u>	<u>1972</u>
Germany	29.5	27.6	36.7
Benelux	21.2	21.4	20.5
France	9.6	11.2	16.3
Italy	39.7	39.8	26.5

Whereas, as regards the new Member States, Denmark and Ireland made no imports of the relevant product from third countries in recent years, of boned meat while the United Kingdom imported 88 051 metric tons in 1971 and 153.437 in 1972; whereas these figures show that calculation of the percentage share of these imports in total imports by the new Member States would be meaningless; whereas provision should be made to cover any import requirements which may arise in Ireland and Denmark during the currency of the quota; whereas to that end a suitable initial quota share should be allocated to them, and the balance of that part of the quota volume which is allocated to the new Member States should form the United Kingdom's quota share;

Whereas, in view of the foregoing and of market forecasts for the relevant product for the quota period, the initial percentage shares of the original Member States in the quota volume may be estimated as follows:

Germany	31.3
Benelux	21.0
France	12.4
Italy	35.3

Whereas, to take account of future trends of imports into the various Member States of the product under consideration, the total quota volume should be divided into two tranches, the first being allocated among the Member States and the second held as a reserve to cover at a later date the requirements of the Member States, should they use up their initial quota shares; whereas to give Member State importers some certainty

the first tranche of the Community quota should be fixed at approximately 90% of the total volume;

Whereas the initial quota shares of Member States may be used up more or less quickly; whereas, therefore, to avoid disruption of supplies any Member State which has almost used up its initial quota share, must draw a supplementary quota share from the reserve; whereas this must be done by each Member State as each one of its supplementary quota shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary quota shares must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the quota volume has been used up and inform the Member States thereof;

Whereas if, at a given date in the quota period, a considerable quantity of the initial quota share is left over in a Member State, it is essential that each state should return a significant proportion to the reserve, to prevent a part of the Community quota from remaining 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 jointly represented by the Benelux Economic Union any measure concerning the administration of the quota shares allocated to that economic union may be carried out by one of its members;

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community tariff quota of 34 000 metric tons of frozen beef falling within subheading No 02.01 A II (a) 2 of the Common Customs Tariff, expressed as boneless meat, is opened for the period from 1 January to 31 December 1974.
2. For purposes of counting imports against this quota, 100 kilogrammes of meat on the bone shall be taken to be equivalent to 77 kilogrammes of boneless meat.
3. The Common Customs Tariff duty applicable to that part of the volume which is allocated to the original Member States shall be 20%.
4. Without prejudice to their option to accelerate alignment of duties under Article 59(4) of the Act of Accession, the new Member States shall apply the duties listed below to tariff quotas; these duties correspond to those applicable to imports from third countries:

Quota duties

- (1) From 1 January 1974 to the end of the 1973/74 marketing year

Denmark

20%

Ireland

£0.02/lb+ 4%

United Kingdom

£0.2488/cwt+ 4%

8%

(2) From the beginning of the 1974/75
marketing year to 31 December 1974

Denmark		20%
Ireland	£0.015/lb +	8%
United Kingdom	£0.1866/cwt +	8%
		11%

Article 2

1. The volume of 34.000 metric tons referred to in Article 1 (1) shall be divided into two tranches. A first tranche of 30 800 metric tons shall be allocated among the Member States; the quota shares for each Member State, which, subject to Article 5, shall be valid until 1 January to 31 December 1974, shall be as follows :

Germany	6 260 metric tons
Benelux	4 200 metric tons
France	2 480 metric tons
Italy	7 060 metric tons
Denmark	180 metric tons
Ireland	90 metric tons
United Kingdom	10 530 metric tons

3. The second tranche of 3 200 metric tons shall constitute a reserve

Article 3

1. If 90% or more of the initial quota share as defined in Article 2(1) of any of the Member States, or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall without delay, by notifying the Commission, draw a second quota share, to the extent that the reserve is sufficient, equal to 10% of its initial quota share.
 2. If, after its initial quota share has been used up, 90% or more of the second quota share drawn by either of the Member States has been used up, that Member State shall without delay, in accordance with the provisions of paragraph 1, draw a third quota share equal to 5% of its initial quota share.
 3. If, after its second quota share has been used up, 90% or more of the third quota share drawn by either of the Member States has been used up, that Member State shall, in accordance with the provisions of paragraph 1, draw up a fourth quota share equal to the third.
- This process shall apply by analogy until the reserve is used up.
4. By way of derogation from paragraphs 1 to 3, the Member States in question may draw quota shares lower than those fixed in those paragraphs if there are grounds for believing that those fixed may not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Supplementary quota shares drawn pursuant to Article 3 shall be valid until 31 December 1974.

Article 5

Either of the Member States specified in Article 2 which on 15 September 1974 has not used up its initial quota share shall return to the reserve not later than 10 October 1974 the unused portion exceeding 20% of the initial amount. It may return a greater portion if there are grounds for believing that it may not be used up.

Member States shall, not later than 10 October 1974, notify to the Commission the total quantities of the product in question imported up to and including 15 September 1974 and counted against the Community quota and any quantities returned to the reserve.

Article 6

The Commission shall keep an account of the quota shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 15 October 1974, inform the Member States of the amount still in reserve after returns have been made pursuant to Article 5.

It shall ensure that the drawing which uses up 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 7

1. Member States shall take all measures necessary to ensure that there is uninterrupted access to their cumulative shares of Community tariff quota when they open additional quota shares drawn pursuant to Article 3.
2. They shall ensure that importers of the product in question established in its territory have free access to the quota shares allocated to it.
3. Member States shall count imports of the product in question both from third countries and from new Member States against their quota share as the product is presented for customs clearance under the declaration for consumption.

Article 8

Member States shall regularly inform the Commission of imports from third countries actually counted against their quota shares.

Article 9

Member States and the Commission shall cooperate closely to ensure that the preceding Articles are observed.

Article 10

This Regulation shall enter into force on 1 January 1974.

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

Done at Brussels,

For the Council

The President