

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 209 final.

Strasbourg, 12 May 1976.

Draft

COUNCIL REGULATION (EEC)

extending the transitional arrangements for the import of New-
Zealand butter into the United-Kingdom

(submitted to the Council by the Commission)

COM(76) 209 final.



EXPLANATORY MEMORANDUM

1. Article 5 (1) of Protocol 18 to the Act of Accession provides for a review of the butter situation in the light of supply and demand developments in the major producing and consuming countries in the world, particularly in the Community and New Zealand, in order to determine appropriate measures to ensure the maintenance of exceptional arrangements in respect of imports of butter from New Zealand after 31.12.1977.

Among the considerations to be taken into account are:

- a) progress towards an effective world arrangement in milk products to which the Community and other major producing and consuming countries would be parties;
 - b) the extent of New Zealand's progress towards diversification of its economy and exports.
2. In its Document (COM (75)437) final of 23 July 1975, the Commission has submitted to the Council a communication concerning special arrangements for imports of butter from New Zealand after 1977, and outlined, on the one hand, are the necessary factors for examining the situation and, on the other hand, the recommendations for the arrangements to apply after 1977.
 3. On the basis of the abovementioned Document, the Council has proceeded to the review in question. In the light of this review and in accordance with Article 5(2) of Protocol 18 the Council should now take its Decision on appropriate measures to ensure the maintenance of the exceptional arrangements after 1977.
 4. This proposal, which follows the communication to the Commission of 23 July 1975 takes into account the declaration issued by the Heads of Government in Dublin on 10 March 1975 and the review that took place within the Council. The provisions indicated are based on Protocol 18 on the one hand and on Council Regulation (EEC) No 226/73 on the other, and in consideration of the necessary changes of the new situation.

Draft

COUNCIL REGULATION (EEC) No /76

of

extending the transitional arrangements for the import of New-Zealand butter
into the United-Kingdom

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession⁽¹⁾, and in particular Article 5(2) of Protocol No 18⁽²⁾, hereinafter called "Protocol", annexed to the Act which is annexed to the said Treaty,

Whereas the said Protocol has provided, as a transitional measure, that the United Kingdom is authorized to import from 1973 until 1977, certain quantities of New-Zealand butter at special conditions; whereas, under Article 5(2) of the Protocol, appropriate measures to ensure the maintenance after 31 December 1977 of the exceptional arrangement in respect of imports of butter from New-Zealand, including the details of such arrangement shall be determined in the light of the review specified in paragraph 1 of the abovementioned Article;

Whereas the European Council, in its meeting in Dublin on 10 March 1975, has already fixed a certain framework for the said measures; whereas, as regards the annual quantities to be fixed within the framework of the special system beyond 1977 and up to 1980, it has been stated that, depending upon future markets development, they could remain close to the quantities delivered in 1974 under Protocol 18 and the quantities envisaged for 1975 by New-Zealand in March 1975; whereas these quantities amounted to 117,350 tons and 125,000 tons;

Whereas, for fixing the CIF price, the observance of which must be guaranteed by New-Zealand, the criteria envisaged by the European Council in Dublin are not limited only to the manufacturing costs in New-Zealand and the transport costs between New-Zealand and the United-Kingdom but also have to take into account the supply and demand developments in the major producing and consuming countries in the world as well as the level and evolution of prices in the Community, including intervention prices;

(1) OJ No L 73, 27. 3.1972, p.
(2) OJ No L 73, 27. 3.1972, p. 173

Whereas the special levies applicable on the importations of butter from New-Zealand into the United-Kingdom are fixed so as to, on the one hand, effectively sell the imported quantities on the United Kingdom market, without, on the other hand, disturbing the disposal of Community butter;

Whereas, the Council, on the basis of a report submitted by the Commission before 31 December 1978, should determine, in accordance with the same procedure as that mentioned in Article 5(2) of Protocol 18, appropriate measures as regards imports of butter from New-Zealand after 1980;

Whereas, so far as needed and in the main, the other rules applicable until 31 December 1977 to the system in question and provided for in Council Regulation (EEC) No 226/73 of 31 January 1973 laying down general rules for import of New-Zealand butter and cheese into the United Kingdom⁽³⁾, as last amended by Regulation (EEC) No 3067/75⁽⁴⁾, shall apply;

HAS ADOPTED THIS REGULATION:

(3) OJ No L 27, 1. 2. 1973, p. 17

(4) OJ No L 307, 27. 11. 1975, p. 4

Article 1

1. The United Kingdom is authorized to import certain quantities of butter from New-Zealand on the following terms and as a transitional measure.
2. The quantities specified in paragraph 1 shall amount to
 - metric tons for 1978,
 - metric tons for 1979,
 - metric tons for 1980.
3. The butter imported into the United Kingdom pursuant to the provisions of this Regulation may not become the subject of intra-Community trade or of re-exportation to third countries.

Article 2

1. The quantities of butter specified in Article 1(2) shall be imported into the United Kingdom at a price, the observance of which must be guaranteed at the CIF stage by New Zealand. That price shall be fixed by the Council, acting by a qualified majority, on a proposal from the Commission.
2. On the basis of a periodical review, the price referred to in paragraph 1 shall be adjusted as necessary having regard to the supply and demand developments in the major producing and consuming countries of the world and also to the level and evolution of prices in the Community - including intervention prices - and in New Zealand taking into account, moreover, the cost developments in New Zealand and trends in freight charges.

Article 3

1. A special levy shall be applied on importation of the quantities of butter specified in Article 1(2).

2. The special levy shall be determined on the basis of the difference between the CIF price referred to in Article 2(1), increased by the amount of costs between the CIF stage and the first sale stage, on the one hand, and by the market price of New Zealand butter in the United Kingdom, on the other hand.
3. The special levy shall be fixed, in order to secure the effective marketing of the annual quantities specified in Article 1(2), at a level permitting the sale of butter at a consistent rate without prejudicing the marketing of Community butter.

Article 4

Only butter for which proof has been given that it is of New-Zealand origin and that the price fixed in Article 2(1) has been observed, may benefit from the special terms set out in Article 1.

Article 5

The special levy charged shall be that ruling on the day of importation in the United Kingdom.

Article 6

The United Kingdom shall communicate all information necessary for the application of this Regulation to the Commission which shall inform the other Member States thereof.

Article 7

The Commission shall submit to the Council before 15 May each year and for the first time before 15 May 1976 a report on the manner in which the provisions of this Regulation have been applied during the preceding year.

Article 8

Detailed rules for the application of this Regulation, and in particular the amount of the special levy, shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 9

The Council, on the basis of a report submitted by the Commission before 31 December 1978, shall determine, in accordance with the same procedure as that mentioned in Article 5(2) of Protocol 18, appropriate measures as regards imports of butter from New-Zealand after 1980;

Article 10

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

It shall apply from 1 January 1978.

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

Done at Brussels,

For the Council

