

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 507 final

Brussels, 4 September 1980

Proposal for a  
COUNCIL REGULATION (EEC)

derogating from certain import rules laid down in Regulation (EEC) No  
1837/80 on a common organization of the market in sheepmeat and goat  
meat

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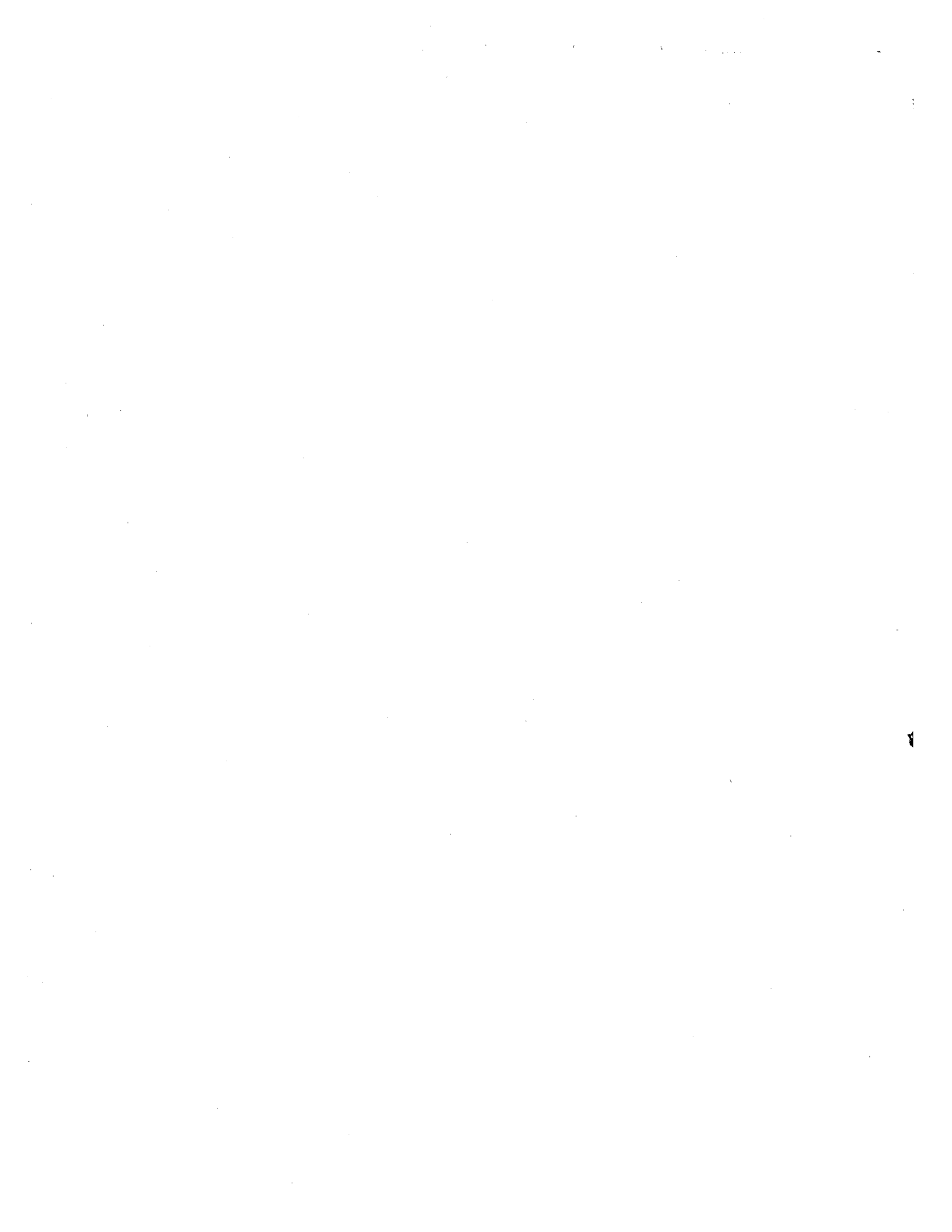
Proposal for a  
COUNCIL REGULATION (EEC)

laying down conditions for the application of protective measures in  
the sheepmeat and goatmeat sector

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(submitted to the Council by the Commission)

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## EXPLANATORY MEMORANDUM

Article 35 of Council Regulation N° 1837/80 lays down that that Regulation shall apply as from the date of application of the Agreements resulting from the negotiating brief given to the Commission by the Council on 20 December 1979.

The discussions with a number of third countries prepared to undertake to monitor their exports of sheepmeat products to the Community must be translated into practice by the signing of voluntary restraint agreements. For the purpose of enabling those Agreements to be implemented, it is necessary to derogate from certain import rules and, in particular, from Article 16 of that Regulation.

In addition, it is necessary to have adopted the rules for applying the protective measures provided for in Article 21 of that Regulation.

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PROPOSAL FOR  
COUNCIL REGULATION (EEC)

derogating from certain import rules laid down in Regulation (EEC)  
No 1837 /80 on a common organization of the market in sheep-  
meat and goat meat

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837 /80 of 27 June 1980  
on a common organization of the market in sheepmeat and goat meat<sup>(1)</sup>, and  
in particular Article 20(2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 16 of Regulation (EEC) No 1837 /80 provides for the introduction  
of a system of import and export licences enabling the development of trade  
patterns to be monitored; whereas the said licences are issued to any  
interested party who makes application for them, provided that a security is  
lodged guaranteeing the undertaking to import during the period of validity  
of the licence;

Whereas certain third countries have undertaken to monitor the volume of their  
exports to the Community and to communicate to the Commission statistics  
relating to such exports; whereas it is appropriate to limit the issue of  
import licences to those quantities which are the subject of the voluntary  
restraint agreements;

Whereas, in the case of such third countries and of products falling within  
subheading 02.01 A IV of the Common Customs Tariff, Article 15 of Regulation  
(EEC) No 1837/80 provides for a limitation of the levy to the amount resulting  
from the voluntary restraint agreements; whereas the said amount should be  
adopted in this Regulation;

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(1) Of No L 183, 16.7.1980, p. 1.

Whereas it is necessary to adopt measures to prevent deflections of trade; whereas, in particular, it should be provided that the issue of the import licence for the products in question shall be subject to the production of an export licence issued by the exporting third country within the framework of an overall quantity fixed for a specified period; whereas such a measure renders superfluous the lodging of a security at the time of the submission of the application for the import licence;

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 16 of Regulation (EEC) No 1837 /80, the issue of the import licences, for the products falling within subheadings 01.04 and 02.01 A IV of the Common Customs Tariff originating in a third country which has undertaken to monitor its exports to the Community, shall be limited, for each calendar year to the overall quantity resulting from the voluntary restraint agreement signed with the Community. Also, issue of the import licence shall be subject to the production of an export licence issued by the government of the exporting third country or under its responsibility.
2. Issue of the import licence in respect of the products referred to in para. 1 shall not be subject to the lodging of a security.
3. In the case of products falling within subheading 02.01 A IV of the C.C.T. the levy shall be limited to the amount resulting from the voluntary restraint agreements, that is, % ad valorem.
4. The detailed rules for the application of this Regulation shall be decided in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 1837/80.

Article 2

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

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

For the Council

The President

PROPOSAL FOR  
COUNCIL REGULATION (EEC)

laying down conditions for the application of protective measures in  
the sheepmeat and goatmeat sector

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on a  
common organization of the market in sheepmeat and goatmeat (1), and in  
particular Article 21(1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 21(1) of Regulation (EEC) No 1837/80 provides the  
possibility of taking appropriate measures if, in the Community, the market in  
one or more of the products referred to in Article 1 is suffering or is likely  
to suffer, on account of imports or exports, serious disturbances liable to  
jeopardize the objectives of Article 39 of the Treaty; whereas such measures  
relate to trade with third countries and whereas the cessation of their  
application is determined by the disappearance of the disturbance or of the  
threat of disturbance;

Whereas it is consequently necessary to specify the main factors which make it  
possible to assess whether, in the Community, the market is seriously  
disturbed or is threatened with so being;

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(1) OJ No L 183, 16.7.1980, p. 1.

Whereas, since recourse to protective measures depends on the influence exerted by trade with third countries on the Community market, it is necessary to assess the situation on that market by taking account both of factors proper to the market itself and of factors relating to the trend of that trade;

Whereas the measures which may be taken pursuant to Article 21 of Regulation (EEC) No 1837/80 should be specified; whereas such measures must be of such a kind as to remedy serious market disturbances and to remove the threat of such disturbances; whereas they must be taken in conformity with the provisions of Article 18 of the aforementioned Regulation and must be tailored to the circumstances in order to prevent their having effects other than those desired;

Whereas it is necessary to restrict the ability of a Member State to have recourse to interim protective measures where the market in that State, following an assessment based on the aforementioned factors, is deemed to satisfy the terms of the said Article; whereas the measures capable of being taken in such a case must be of such a kind as to prevent the market situation from deteriorating further; whereas, however, the interim protective nature of national measures justifies their application only until the entry into force of a Community decision has been taken on this matter;

Whereas it is incumbent upon the Commission to determine the Community protective measures to be taken following a request by a Member State within 24 hours of receipt of such an application; whereas, in order to enable the Commission to assess the market situation with the maximum efficiency, it is necessary to lay down provisions ensuring that the Commission will be informed as soon as possible of the application of interim protective measures by a Member State; whereas it should be stipulated, therefore, that such measures will be notified to the Commission as soon as they have been decided on and that such notification is to be deemed a request within the meaning of Article 21(2) of Regulation (EEC) No 1837/80,



HAS ADOPTED THIS REGULATION :

Article 1

For the purpose of assessing whether, in the Community, the market in one or more of the products referred to in Article 1 of Regulation (EEC) No1837/80 is suffering or is likely to suffer, on account of imports or exports, serious disturbances liable to jeopardize the objectives of Article 39 of the Treaty, account shall be taken in particular of:

- a) the volume of imports or exports, actual or anticipated,
- b) supplies of products on the Community market,
- c) prices ascertained on the Community market or the foreseeable trend of those prices and, in particular, of an excessive upward or downward trend in those prices,
- d) the quantities of products in respect of which intervention measures have been taken or may have to be taken on account of imports.

Article 2

1. The measures which may be taken pursuant to Article 21(2) and (3) of Regulation (EEC) No1837/80 where the situation provided for in paragraph 1 of this Article arises shall be the suspension of imports or exports or the levying of export charges.
2. Such measures may be taken only to the extent and for the period of time strictly necessary. They shall take account of the special situation of products on their way to the Community. They may relate only to products from or for third countries. They may be restricted to certain sources, origins, destinations or uses, qualities or forms of presentation. They may be restricted to imports intended for certain Community regions or to exports from those regions.

Article 3

1. Where a Member State deems, following an assessment based on the factors referred to in Article 1. that the situation referred to in Article 21(1) of Regulation (EEC) No 1837/80 exists on its territory, it may take, on an interim protective basis, the following measures:
  - a) suspending imports or exports;
  - b) requiring the payment of deposits in respect of export charges or the securing of the amount thereof.

The measure referred to under b) shall entail no levying of charges unless it has been so decided pursuant to Article 21(2) or (3) of Regulation (EEC) No 1837/80.

The provisions of Article 2(2) of this Regulation shall apply.

2. The interim protective measures shall be notified to the Commission by telex as soon as they have been decided on. Such notification shall be deemed to be an application within the meaning of Article 21(2) of Regulation (EEC) No 1837/80.

National measures shall apply only until the entry into force of Community measures or, in the event of a negative decision, until such a decision takes effect.

Article 4

This Regulation shall enter into force on

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

For the Council  
The President