

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 32 final

Brussels, 23 February 1977

Proposal for a
COUNCIL REGULATION (EEC)

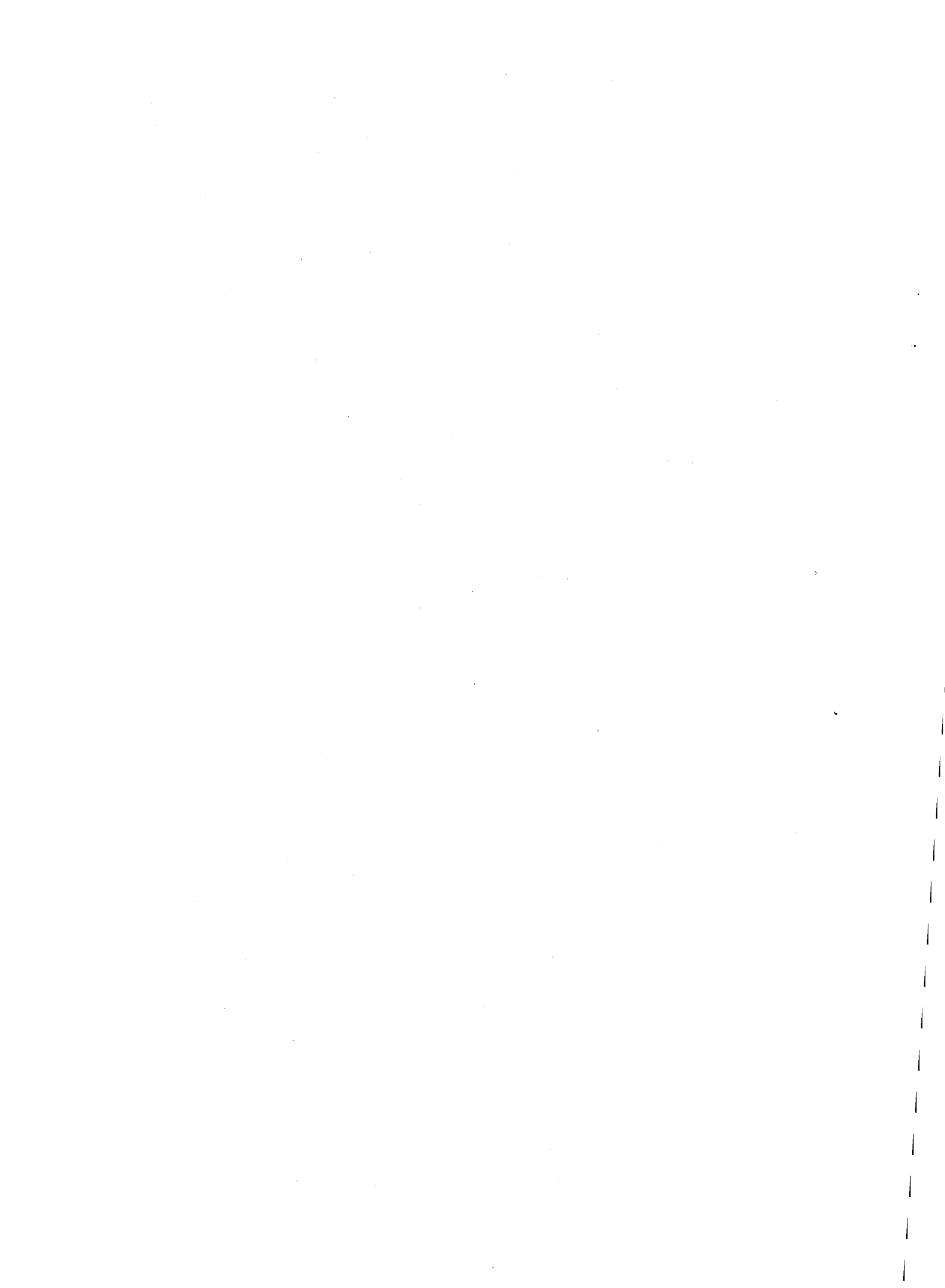
on the opening, allocation and administration of the
Community tariff quota of 30 000 head of heifers and
cows, not intended for slaughter, of certain mountain
breeds falling within subheading ex 01 02 A II(b) 2
of the Common Customs Tariff

Proposal for a
COUNCIL REGULATION (EEC)

on the opening, allocation and administration of the
Community tariff quota of 5 000 head of bulls, cows
and heifers, not intended for slaughter, of certain
Alpine breeds falling within subheading ex 01 02 A II(b) 2
of the Common Customs Tariff

(submitted to the Council by the Commission)

COM(77) 32 final



EXPLANATORY MEMORANDUM

1. At the last multilateral GATT negotiations, the European Economic Community undertook to open certain annual Community quotas including, in the agricultural sector, those set out below :

CCT heading No	Description of goods	Quota volume	Quota duty
ex 01.02 A II b) 2	Cows and heifers, not intended for slaughter, of the following mountain breeds : grey, brown, yellow and mottled Simmental breed and Pinzgau breed (conditions to be determined by the competent authorities of the Member State of destination)	20 000 head	6 %
ex 01.02 A II b) 2	Bulls, cows and heifers, not intended for slaughter, of the following Alpine breeds : mottled Simmental breed and Schwyz and Fribourg breeds. If they are to come within the quota, animals of the breeds in question must satisfy the following requirements : - bulls : pedigree - female animals : pedigree or certificate of registration in the herdbook certifying purity of breed	5 000 head	4 %

2. In response to requests from the Swiss and Austrian authorities, the tariff quotas in question have been open since 1 July 1970 and cover the period from 1 July in each year to 30 June in the following year. These quotas were last opened by Regulations (EEC) Nos 1485/76 and 1486/76 of 21 June 1976 (OJ No L 167 of 26 June 1976) for the period from 1 July 1976 to 30 June 1977.

.../...

3. In an exchange of letters with Austria dated 21 July 1972, the Community undertook to increase, unilaterally, the size of the first tariff quota set out above from 20 000 to 30 000 head and to lower the quota duty from 6 % to 4 %.
4. In order to meet Community obligations, it is therefore necessary to adopt Regulations on the opening, allocation and administration of the Community tariff quotas, for the period from 1 July 1977 to 30 June 1978.

This is the object of the proposals annexed hereto.

5. As regards the allocation of the tariff quotas and, more especially, the fixing of initial shares, it should be noted that, as in the case of previous quota periods, this has been based largely on the estimates presented by the Member States, since specialized, complete statistical data are not available, and has taken into account the necessity of meeting the possible future needs of the new Member States.

The proposal for a Regulation submitted to the Council concerning the first tariff quota of 30 000 head of cattle set out above provides for the fixing of a first part to be allocated among proportionally to their forecast needs among certain Member States among which are the Benelux countries, Germany, France, Ireland, Italy and the United Kingdom.

The remainder constitutes a Community reserve which may be drawn up on not only by the above-mentioned Member States, but also, if necessary,

by Denmark. In order to meet any needs which may arise in the latter Member State, the Community reserve, which is usually fixed at 30 % of the total quota, has been increased to about 37%.

6. The proposed method of administration of the second tariff quota of 5 000 head of cattle set out above differs from that proposed under para. 5 above only inasmuch as the first part constitutes 70 % of the quota and the Community reserve 30 % of the quota, to take account both of the large quantities which can be expected to be drawn against the initial Italian share

forthwith and the need to cover any needs which may arise in the Benelux countries and in Denmark.

7. As regards the tariff duty to be applied, the position is different in the Community as originally constituted and in the new Member States. For the original Member States the duty is to be fixed at 4%.

As for the new Member States, in pursuance of Article 59, the national tariffs of the new Member States are to be aligned on the Common Customs Tariff by annual 20% stages beginning in 1973 - except insofar as paragraph 4 of the above-mentioned article applies - that is, for beef and veal products, around 1 April each year, at the start of each marketing year. The alignment will therefore be totally achieved as from the beginning of April 1977.

8. The interpretation to be given to the phrase "not intended for slaughter" was the subject of an exchange of views during 1974.

It was apparent from those discussions that, in the case of animals whose importation was subject to submission of a breeding certificate (certificate of pedigree or of registration in the herdbook), checking the purpose for which the animals are in fact used would be pointless in view, in particular, of the high price of such animals. Assuming that such a certificate is not required, a period of 4 months from the day of importation would appear the minimum period after which imported animals could be considered not to be intended for slaughter. This solution was adopted by the Council as an experiment for the period from 1 July 1974 to 30 June 1975 and was then adopted once more for the following tariff periods.

Providing no new aspects arise, this solution is proposed for the coming quota period also.

forthwith and the need to cover any needs which may arise in the Benelux countries and in Denmark.

7. As regards the tariff duty to be applied, the position is different in the Community as originally constituted and in the new Member States. For the original Member States the duty is to be fixed at 4%.

As for the new Member States, in pursuance of Article 59, the national tariffs of the new Member States are to be aligned on the Common Customs Tariff by annual 20% stages beginning in 1973 - except insofar as paragraph 4 of the above-mentioned article applies - that is, for beef and veal products, around 1 April each year, at the start of each marketing year. The alignment will therefore be totally achieved as from the beginning of April 1977.

8. The interpretation to be given to the phrase "not intended for slaughter" was the subject of an exchange of views during 1974.

It was apparent from those discussions that, in the case of animals whose importation was subject to submission of a breeding certificate (certificate of pedigree or of registration in the herdbook), checking the purpose for which the animals are in fact used would be pointless in view, in particular, of the high price of such animals. Assuming that such a certificate is not required, a period of 4 months from the day of importation would appear the minimum period after which imported animals could be considered not to be intended for slaughter. This solution was adopted by the Council as an experiment for the period from 1 July 1974 to 30 June 1975 and was then adopted once more for the following tariff periods.

Providing no new aspects arise, this solution is proposed for the coming quota period also.

Proposal for a
REGULATION (EEC) No.../77 OF THE COUNCIL

on the opening, allocation and administration of the Community tariff quota of 30 000 head of heifers and cows other than those intended for slaughter, of certain mountain breeds, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas the European Economic Community undertook within the framework of the GATT to open an annual Community tariff quota of 20 000 head at a duty of 6 % for heifers and cows other than those intended for slaughter of certain mountain breeds falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff; whereas eligibility for such quota is subject to conditions to be determined by the competent authorities of the Member State of destination; whereas, in an exchange of letters with Austria dated 21 July 1972, the Community has undertaken unilaterally to increase the size of the tariff quota from 20 000 to 30 000 head and to lower the quota duty from 6 % to 4 %;

Whereas, under Article 60 of the Act (I) concerning the conditions of accession and the adjustments to the Treaties, the new Member States are obliged to apply the Regulations of the common agricultural policy from 1 February 1973 onwards; whereas, therefore, any requirements which may arise in these Member States during the quota period under consideration should be taken into account in the Community tariff quota in question; whereas the abovementioned tariff quota for the period from 1 July 1977 to 30 June 1978 should therefore be opened at a duty of 4 %;

(1) OJ No L 73, 27. 3. 1972, p. 14.

Whereas, it is in particular necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties to all imports of the animals in question until the quota is exhausted; whereas, having regard to the principles defined above, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas possibilities for the use of such mountain breeds are, however, limited by special factors, both geographical and zootechnical; whereas Denmark does not have regions suitable for breeding this kind of cattle; whereas, however, in view of such special factors, the Community nature of the tariff quota in question should be preserved by making provision for requirements which may arise in this Member State; whereas to this end, this Member State may proceed to draw adequate shares from the Community reserve which has been set up; whereas, in order to reflect as closely as possible the actual trend of the market in question, the initial allocation must be made in proportion to the requirements of each of the Member States concerned, calculated in accordance with statistical data concerning imports from third countries during a representative reference period and with economic prospects for the quota period in question;

Whereas, since the animals in question belong to certain specific breeds which are not specified as such in the statistical nomenclatures of the Member States, no data on imports provided by the Member States could be considered to be sufficiently accurate and representative to be used as a basis for the allocation in question; whereas the extent to which Community tariff quotas for those animals in the Community as originally constituted have been exhausted, and the

estimates made by certain Member States enable the requirements of each of them as regards imports from third countries for the quota period envisaged to be assessed as follows:

Benelux	1 500 head,
Germany	10 000 head,
France	3 900 head,
Italy	6 100 head;

whereas, in the absence of precise information the needs of the United Kingdom and Ireland may be assessed at 300 and 200 head;

Whereas, in order to take into account the possible trend of imports of the aforementioned animals into the said Member States, the quota amount of 30 000 head should be divided into two parts, the first being allocated among certain Member States, the second forming a reserve intended subsequently to cover the requirements of those Member States when their initial shares are exhausted and requirements which may arise within other Member States; whereas in order to ensure a certain degree of security for importers in the aforementioned Member States, the first part of the Community quota should be determined at a comparatively high level which under the present circumstances may be approximately 60 % of the quota amount;

Whereas, the initial shares of those Member States may be used up more or less rapidly; whereas, in order to take this fact into account and avoid any break in continuity, it is important that that Member State having used up almost the whole of its initial share should draw an additional share from the reserve; whereas this must be done by each of these Member States as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available until the end of the quota period; whereas such method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas, if, at a specified date within the quota period, a considerable balance of the initial share of one or other of the Member States is left over, it is essential that that State should return a considerable part of such balance to the reserve in order that part of the Community tariff quota should not remain 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 united in and represented by the Benelux Economic Union, any measure concerning

the administration of the shares allocated to that Economic Union may be carried out by one of its Members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 July 1977 to 30 June 1978 a Community tariff quota of 30 000 head shall be opened within the European Economic Community in respect of the imports from third countries of cows and heifers, other than those intended for slaughter, of the following mountain breeds: grey, brown, yellow and mottled Simmental breed and mottled Pinzgau breed, falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff.

2. For the purposes of this Regulation, the above-mentioned cows and heifers shall be considered not intended for slaughter if they are not slaughtered within four months following the date of their importation.

Derogations may, however, be granted in the event of an act of God (disease, accident) duly attested by a local authority certificate setting out the reasons for the slaughter.

3. The said quota shall be administered in accordance with the following Articles.

Article 2

Within the framework of the quota referred to in Article 1 (1), the Common Customs Tariff duty for the animals referred to in the said paragraph shall be suspended at 4 %.

Article 3

1. A first part of 19 000 head shall be allocated among the Member States listed below. The shares shall apply from 1 July 1977 to 30 June 1978 subject to Article 7, and shall be as follows:

Benelux	1 000 head,
Germany	8 800 head,
France	3 400 head,
Ireland	200 head,
Italy	5 300 head,
United Kingdom	300 head.

2. The second part of 11 000 head shall be held as a Community reserve.

Article 4

If requirements arise in Denmark for cattle referred to in Article 1(1), this Member State shall draw an adequate share from the reserve, in so far as the reserve permits.

Article 5

1. If 90 % or more of the initial quota share of one of the Member States referred to in Article 3, or of that share less the amount returned to the reserve, where Article 7 has been applied, has been used up, that Member State shall immediately, by notifying the Commission, draw a second share, in so far as the reserve permits, equal to 15 % of its initial share, rounded off upwards, if necessary, to the next unit.

2. If, after the initial share has been exhausted, 90 % or more of the second share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, immediately draw a third share equal to 7.5 % of its initial share, rounded off upwards, if necessary, to the next unit.

3. If, after the second share has been exhausted, 90 % or more of the third share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, draw a fourth share equal to the third.

The same method shall be applied until the reserve is exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, each of these Member States may draw shares lower than those fixed in these paragraphs if there are reasons to consider that such shares might not be exhausted. They shall inform the Commission of the grounds which led them to apply this paragraph.

Article 6

The additional shares drawn in pursuance of Article 5 shall apply until 30 June 1978.

Article 7

Member States shall return to the reserve, not later than 25 April 1978, the unused portion of their initial share in excess, on 5 April 1978, of 20% of the initial amount. They may return a larger quantity if there are reasons to consider that such quantity may not be used.

However, amounts for which import certificates have been issued but not used shall not be returned to the reserve.

The Member States shall, not later than 25 April 1978, notify the Commission of the total imports of the animals in question effected up to 5 April 1978 inclusive and charged against the tariff quota, the amounts referred to in the second subparagraph and, where appropriate, the proportion of their initial share that they return to the reserve.

Article 8

The Commission shall keep accounts of the amounts of the shares opened by Member States in accordance with Articles 3, 4 and 5 and shall inform each of them of the extent to which the reserve has been exhausted as soon as it receives the notifications.

The Commission shall, not later than 1 May 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 7.

The Commission shall ensure that any drawing which exhausts 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 9

Member States shall take all measures necessary to ensure that when additional shares are drawn pursuant to Article 4 or 5 it is possible for imports to be counted without interruption against their accumulated shares of the Community quota.

Article 10

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1(1) and (2).

2. They shall ensure free access to the shares allocated to them for importers established in their territory.

3. The extent to which the shares of the Member States have been used up shall be recorded on the basis of imports submitted for customs clearance under cover of declarations that they have been made available for consumption.

Article 11

On request by the Commission, Member States shall inform it of imports actually charged against their shares.

Article 12

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

Article 13

This Regulation shall enter into force on 1 July 1977 •

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

Done at Luxembourg,

For the Council

The President

Proposal for a
REGULATION (EEC) No. .../77 OF THE COUNCIL

on the opening, allocation and administration of the Community tariff quota of 5 000 head of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas, the European Economic Community undertook within the framework of the GATT to open an annual Community tariff quota of 5 000 head at a duty of 4 % for bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds falling within subheading ex 01.02 A II b) 2 of the Common Customs Tariff; whereas eligibility for such quota is subject to submission of the following documents:

- *bulls*: pedigree certificate;
- *female animals*: pedigree certificate or certificate of registration in the herdbook, certifying purity of breed;

Whereas, under Article 60 of the Act (1) concerning the conditions of accession and the adjustments to the Treaties, the new Member States are obliged to apply the Regulations of the common agricultural policy from 1 February 1973 onwards; whereas any requirements which may arise in these Member States during the quota period under consideration should, therefore, be taken into account in the Community tariff quota in question; whereas the abovementioned tariff quota for the period from 1 July 1977 to 30 June 1978, should, therefore, be opened at a duty of 4 %;

Whereas, it is in particular necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties to all imports of the animals in question until the quota is exhausted; whereas, having regard to the principles defined above, the Community nature of the quota can be

respected by allocating the Community tariff quota among the Member States; whereas possibilities for the use of such mountain breeds are, however, limited by special factors, both geographical and zootechnical; whereas Denmark does not have regions suitable for breeding this kind of cattle; whereas, however, in view of such special factors, the Community nature of the tariff quota in question should be preserved by making provision for requirements which may arise in this Member State; whereas to this end, this Member State may proceed to draw adequate shares from the Community reserve which has been set up; whereas, in order to reflect as closely as possible the actual trend of the market in question, the initial allocation must be made in proportion to the requirements of each of the Member States concerned, calculated in accordance with statistical data concerning imports from third countries during a representative reference period and with economic prospects for the quota period in question;

Whereas, since the animals in question belong to certain specific breeds which are not specified as such in the statistical nomenclatures of the Member States, no data on imports provided by the Member States could be considered to be sufficiently accurate and representative to be used as a basis for the allocation in question; whereas the extent to which Community tariff quotas for those animals, in the Community as originally constituted, have been exhausted, and the estimates made by certain Member States, enable the requirements of each of them as regards imports from third countries for the quota period envisaged to be assessed as follows:

Germany	250 head,
France	120 head,
Italy	4 630 head;

whereas, in the absence of precise information, the needs of United Kingdom and Ireland may be assessed at 75 and 25 head respectively;

Whereas, in order to take into account the possible trend of imports of the aforementioned animals into the said Member States, the quota amount of 5 000 head should be divided into two parts, the first part being allocated among certain Member States, the second forming a reserve intended subsequently to

(1) OJ No L 73, 27. 3. 1972, p. 14.

cover the requirements of these Member States when their initial shares are exhausted and requirements which may arise within other Member States; whereas in order to ensure a certain degree of security for importers in the aforementioned Member States, the first part of the Community quota should be determined at a comparatively high level which under the present circumstances may be about 70 % of the quota amount;

Whereas, the initial shares of those Member States may be used up more or less rapidly; whereas, in order to take this fact into account and avoid any break in continuity, it is important that that Member State having used up almost the whole of its initial share should draw an additional share from the reserve; whereas this must be done by each of these Member States as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be available until the end of the quota period; whereas such method of administration calls for close cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which the quota amounts are used and inform Member States thereof;

Whereas, if, at a specified date within the quota period, a considerable balance of the initial share of one or other of the Member States is left over, it is essential that that State should return a considerable part of such balance to the reserve in order that part of the Community quota should not remain 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 united in and represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that Economic Union may be carried out by one of its Members,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period from 1 July 1977 to 30 June 1978, a Community tariff quota of 5 000 head shall be opened within the European Economic Community in respect of the imports from third countries of bulls, cows and heifers, other than those intended for slaughter, of the following mountain breeds: the mottled Simmental breed and the Schwyz and

Fribourg breeds, falling within subheading ex 01.02 A 11 b) 2 of the Common Customs Tariff.

2. Eligibility for this tariff quota shall be subject to the submission:

- in the case of bulls: of a pedigree certificate;
- in the case of female animals: of a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed.

3. The said quota shall be administered in accordance with the following Articles.

Article 2

Within the framework of the quota referred to in Article 1 (1), the Common Customs Tariff duty for the animals referred to in the said paragraph shall be suspended at 4 %.

Article 3

1. A first part of 3 500 head shall be allocated among the Member States listed below. The shares shall apply from 1 July 1977 to 30 June 1978, subject to Article 7, and shall be as follows:

Germany	150 head,
France	100 head,
Ireland	25 head,
Italy	3 150 head,
United Kingdom	75 head.

2. The second part of 1 500 head shall be held as a Community reserve.

Article 4

If requirements arise in countries of the Benelux Economic Union or in Denmark, these Member States shall draw an adequate share from the reserve, in so far as the reserve permits.

Article 5

1. If 90 % or more of the initial share of one of the Member States referred to in Article 3, or of that share less the amount returned to the reserve, where Article 7 has been applied, has been used up, that Member State shall immediately, by notifying the Commission, draw a second share, in so far as the reserve permits, equal to 15 % of its initial share, rounded off upwards, if necessary, to the next unit.

2. If, after the initial share has been exhausted, 90 % or more of the second share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, immediately draw a third share equal to 7.5 % of its initial share, rounded off upwards, if necessary, to the next unit.

3. If, after the second share has been exhausted, 90 % or more of the third share drawn by one of these Member States has been used up, that Member State shall, in accordance with paragraph 1, draw a fourth share to the third.

The same method shall be applied until the reserve is exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, each of these Member States may draw shares lower than those fixed in these paragraphs if there are reasons to consider that such shares might not be exhausted. They shall inform the Commission of the grounds which led them to apply this paragraph.

Article 6

Additional shares drawn in pursuance of Article 5 shall apply until 30 June 1978.

Article 7

Member States shall return to the reserve, not later than 25 April 1978, the unused portion of their initial share in excess, on 5 April 1978, of 20 % of the initial amount. They may return a larger quantity if there are reasons to consider that such quantity may not be used. However, amounts for which import certificates have been issued but not used shall not be returned to the reserve.

The Member States shall, not later than 25 April 1978, notify the Commission of the total imports of the animals in question effected up to 5 April 1978 inclusive and charged against the tariff quota, the amounts referred to in the second subparagraph and, where appropriate, the proportion of their initial share that they return to the reserve.

Article 8

The Commission shall keep accounts of the amounts of the shares opened by Member States in accordance

with Articles 3, 4 and 5 and shall inform each of them of the extent to which the reserve has been exhausted as soon as it receives the notification.

The Commission shall, not later than 1 May 1978, notify Member States of the amount in the reserve after the return of shares pursuant to Article 7.

The Commission shall ensure that any drawing which exhausts 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 9

The Member States shall take all measures necessary to ensure that when additional shares are drawn pursuant to Article 4 or 5 it is possible for imports to be counted without interruption against their accumulated shares of the Community quota.

Article 10

1. Member States shall take all measures necessary to ensure that the access to the tariff quota in question is restricted to cattle as specified in Article 1 (1) and (2).

2. They shall ensure free access to the shares allocated to them for importers established in their territory.

3. The extent to which the shares of the Member States have been used up shall be recorded on the basis of imports submitted for customs clearance under cover of declarations that they have been made available for consumption.

Article 11

On request by the Commission, Member States shall inform it of imports actually charged against their shares.

Article 12

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

Article 13

This Regulation shall enter into force on 1 July 1977.

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

Done at Luxembourg,

For the Council
The President

1