

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 539 final

Brussels, 3 November 1989

Proposal for a  
COUNCIL REGULATION (EEC)

amending Regulations (EEC) No 1787/89 and 1788/89 opening and providing  
for the administration of Community tariff quotas for animals  
of certain mountain breeds

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. By Regulations (EEC) Nos 1787/89 and 1788/89 of 19 June 1989 (1), the Council opened for the period 1 July 1989 to 30 June 1990 the contractual Community tariff quotas for animals of certain mountain breeds. The Regulations provided, on an experimental and provisional basis, a new system of management designed to put the management on a more Community footing, as required following the judgment of the Court of Justice in Case 51/87.

2. However experience has shown that the bulk of the quantities reserved for other importers has not been assigned, on account of the large number of applicants and the non-issuing of entitlement certificates for quantities less than five head.

To avoid sterilisation of part of the tariff quotas, and in an attempt to improve the management system and use of these quotas, it is important to amend the Regulations in question from 1 January 1990.

The main purposes of these amendments would be:

- to carry over to the second period, starting 1 January 1990, any quantities which have not been assigned during the first period owing to the limitation that entitlement certificates shall be issued for a minimum of five head;
- to reduce the number of applicants by defining the concept of "other importers" as being persons who are professional breeders or professional traders in live animals;
- to limit to a maximum of 50 head the quantities for which each such person may apply;
- to allow entitlement certificates to be issued for <sup>a</sup> limitless number of head of cattle.

Such is the purpose of this proposal.

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(1) OJ No. L 176 of 23.6.1989, pp. 5 and 8.

Proposal for a  
COUNCIL REGULATION (EEC) No. /89

amending Regulations (EEC) Nos 1787/89 and 1788/89 opening and providing for the administration of Community tariff quotas for animals of certain mountain breeds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, by Regulation (EEC) Nos 1787/89 and 1788/89 (1), the Council opened for the period 1 July 1989 to 30 June 1990 the contractual Community tariff quotas for animals of certain mountain breeds, in respect of which the management system had been totally revised to make it conform more closely to the Community character of these quotas; whereas difficulties arose in the application of these regulations in the first months, requiring amendment of the system taken up in those regulations,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1787/89 is replaced by the following text:

"Article 2

1. Each of the instalments referred to in Article 1 (4) shall be further divided into two parts.

The first, 90% of the total, i.e. 19 170 head, shall be reserved for established importers who are able to furnish proof of having imported animals of the breeds specified in the tariff quota in question during the previous three years, or in the case of Spain, during the last two years.

The second, of 10%, i.e. 2 130 head shall be reserved for breeders who undertake, when making application, to raise the imported cattle in their own premises, and for persons duly recognised as conducting business in live animals.

2. The 19 170 head shall be assigned to the various importers pro rata, in proportion to the scale of their previous imports over the three years under consideration, while the 2 130 head shall be assigned to applicants pro rata, in proportion to the entitlement applied for. In the latter case, applications for quantities greater than 50 head shall be automatically reduced to that number. Quantities which have not been assigned during the first period, owing to the limitation to a minimum of 5 head provided in Article 2 (2) last sentence of the afore-mentioned Regulation, which had been in force during the first period, shall be added to the quantities to be assigned in the second period.

3. Any quantities of one of the parts referred to in paragraph 1 not applied for and assigned within a given period shall be automatically transferred to the other part."

(1) OJ No L 176 of 23.6.1989, pp 5 and 8.

## Article 2

Article 2 of Regulation (EEC) No 1788/89 is replaced by the following text:

### "Article 2

1. Each of the instalments referred to in Article 1 (4) shall be further divided into two parts.

The first, 90% of the total, i.e. 2 250 head, shall be reserved for established importers who are able to furnish proof of having imported animals of the breeds specified in the tariff quota in question during the previous three years, or in the case of Spain, during the last two years.

The second, of 10%, i.e. 250 head, shall be reserved for breeders who undertake, when making application, to raise the imported cattle in their own premises, and for persons duly recognised as conducting business in live animals.

2. The 2 250 head shall be assigned to the various importers pro rata, in proportion to the scale of their previous imports over the three years under consideration, while the 250 head shall be assigned to applicants pro rata, in proportion to the entitlement applied for. In the latter case, applicants for quantities greater than 50 head shall be automatically reduced to that number. Quantities which have not been assigned during the first period, owing to the limitation to a minimum of 5 head provided in Article 2 (2) last sentence of the afore-mentioned Regulation, which had been in force during the first period shall be added to the quantities to be assigned in the second period.

3. Any quantities of one of the parts referred to in paragraph 1 not applied for and assigned within a given period shall be automatically transferred to the other part."

### Article 3

This Regulation shall enter into force on 1 January 1990.

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

Done at Bruxelles,

For the Council  
The President

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FICHE FINANCIERE

Date :

1. Ligne budgétaire concernée : Chap. 12 art. 120
2. Base juridique : art. 113 du traité.
3. Intitulé de la mesure tarifaire : Proposition de règlement du Conseil modifiant les règlements (CEE) N<sup>o</sup>s 1787/89 et 1888/89, portant ouverture et mode de gestion de contingents tarifaires communautaires pour des animaux de certaines races de montagne.
4. Objectif : Assurer une meilleure gestion et une utilisation plus importante des contingents.
5. Perte de recettes : sans changement.

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Cette proposition vise la modification de règlements en cours relatifs à des contingents résultant d'engagements contractuels de la Communauté. L'impact découlant de ces concessions a été pris en considération lors de la prise de décision d'adoption de ces contingents et il n'aura pas un caractère sérieux sur la compétitivité et l'emploi dans la Communauté.

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# DOCUMENTS

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