

# COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 03.11.1994

94/0247 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

ON THE COMMON ORGANIZATION OF THE MARKET  
IN BEEF AND VEAL

(consolidated text)

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a consolidation of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. By its decision of 1 April 1987 the Commission instructed its departments to produce a formal consolidated version of legislative instruments no later than after their tenth amendment, but made it clear that this was a minimum requirement, and that in the interests of clarity and of the ready comprehension of Community law, an effort should be made by each department to consolidate the instruments for which it is responsible at more frequent intervals.
3. The proposed consolidated version of Council Regulation (EEC) No 805/68 of 28 June 1968 on the common organization of the market in beef and veal has been drafted in accordance with the fundamental principles agreed by Council, Parliament and the Commission in 1974; it aims at legislative consolidation <sup>(1)</sup>: the existing regulations would be replaced by one, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself.

4. It should be noted that Regulation (EEC) No 805/68, like all the old basic regulations in agriculture, provides that:

- general implementing rules are adopted by the Council on a proposal from the Commission (second-generation Council regulations);
- detailed rules are adopted by the Commission by the Management Committee procedure;

except where prices are concerned, since following CAP reform general implementing rules are no longer required to be adopted by the Council.

Regulations on the common organization of markets enacted since 1992 no longer provide for general implementing rules to be laid down by the Council, but the Legal Service and the Directorate-General for Agriculture are keen that the consolidation should go through quickly and accordingly suggest a pragmatic approach to this point; the consolidation proposal makes no changes to provisions empowering the Council to adopt such rules.

But, when future amendments are proposed outside the consolidation exercise, the Commission should make proposals concerning the second-generation Council regulations already in force for beef and veal.

5. This consolidation proposal was drawn up on the basis of a preliminary consolidation, in all the official languages, of Regulation (EEC) No 805/68 and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of data-processing system referred to in the conclusions of the European Council meeting at Edinburgh. The old numbering of the Articles has been retained in the margin for ease of reference, the new numbering being entered above the Articles; an Annex III, part A to the codified Regulation provides a concordance table relating the old system of numbering to the new.

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<sup>(1)</sup> Annex III, part B of this proposal.

**PROPOSAL FOR A  
COUNCIL REGULATION (EC) No**  
of  
**on the common organisation of the market in beef and veal**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament <sup>(1)</sup>;

- |    |  |    |                      |
|----|--|----|----------------------|
| 1) | Whereas the basic provisions concerning the organization of the market in beef and veal have been substantially amended on a number of occasions since the adoption of Council Regulation (EEC) No 805/68 <sup>(2)</sup> ; whereas, by reason of their number, complexity and dispersal among various issues of the <i>Official Journal of the European Communities</i> , the relevant texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas the said Regulation should therefore be consolidated; | 1. |                      |
| 2) | Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organisation of agricultural markets which may take various forms depending on the product;   | 1. | 805/68               |
| 3) | Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty; whereas, in the beef and veal sector, in order to stabilise markets and to ensure a fair standard of living for the agricultural community concerned, provision should be made for intervention measures and measures to facilitate the adjustment of supply to market requirements, while sustaining the producers' revenues;  | 4. | 805/68<br>(adapted)  |
| 4) | Whereas, in order to redress the situation of agriculture in general, measures were applied both in the farming sectors supplying raw materials for beef and veal production and in the beef and veal sector itself; whereas, as a result of these measures, the intervention price for beef is reduced;   | 2. | 2066/92<br>(adapted) |

<sup>(1)</sup> OJ No C

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 24; Regulation as last amended by Regulation (EC) No 1884/94 (OJ No L 197, 30. 7. 1994, p. 27).

5) Whereas, given the consequences for producers, substantial compensation should be granted in the form of premiums, subject to a limit on the number of eligible male animals to that corresponding to an economically viable holding; whereas, given the variety of stockfarming enterprises, provision should be made for a special premium for beef producers and a premium for maintaining suckler cow herds;	3.	2066/92 (adapted)
6) Whereas the granting of the premiums should not be reflected in an increase in overall production; whereas, to that end, the number of animals eligible for premiums should be limited by applying regional and individual ceilings respectively to be determined in accordance with historical references; whereas most of the Member States do not have the information necessary regarding the special premium arrangements to establish the individual reference ceilings for each producer; whereas, furthermore, such detailed assessments would pose a variety of administrative problems; whereas the Member States should therefore be given the choice between establishing individual or regional ceilings;	4.	2066/92 (adapted)
7) Whereas slaughtering too great a number of animals during the slaughtering season could disturb the market and result in excessive buying-in for intervention; whereas to encourage the putting up for slaughter of castrated male bovine animals outside the annual 'off grass' period, an additional premium should be granted, subject to certain conditions, to the special premium for animals slaughtered out of season during the first four months of the year;	5.	2066/92 (adapted)
8) Whereas _____ eligibility for the suckler-cow premium was restricted at first, in the case of holdings with a dairy herd and a suckler herd, to small producers with an individual reference quantity of 60 000 kilograms of milk or less; whereas small or medium-sized producers with a reference quantity of more than 60 000 kilograms who keep suckler cows but are not eligible for the premium would have faced price reductions from 1993; whereas the said reference quantity for milk production has therefore been increased;	3.	125/93 (adapted)
9) Whereas, in order to enable such small producers to develop their holdings, the restriction of the premium to ten animals has been abolished;	4.	125/93 (adapted)

<p>10) Whereas additional premium rights have been created and distributed between Member States to enable the producers concerned, via the national reserves, to set up an individual ceiling or to increase their number of premium rights on the basis of the number of suckler cows on their holding during a given period; whereas _____ the total number of additional rights has been determined, in particular on the basis of the most recent statistical data available on beef and veal production and of applications for suckler cow premiums, account being taken, however, of certain particular situations;</p>	<p>5. +</p>	<p>125/93 (adapted)</p>
<p>11) Whereas, in the framework of beef and veal production, protection of the environment has become an important element to be taken into consideration; whereas, therefore, Member States should be afforded the possibility of restricting or removing payments under the premium schemes for suckler cows and male bovine animals if the producer concerned has not fully complied with the environmental rules set out by Member States, subject to respecting the principle of proportionality;</p>	<p>7.</p>	<p>125/93</p>
<p>12) Whereas, as regards the suckler cow premium, it is appropriate to provide for individual reference ceilings; whereas some increases in production become necessary because of changes in stock or production capacity of the recipients; whereas it is therefore advisable to provide for the possibility of transferring rights acquired in respect of individual ceilings to other producers, under certain conditions, either together with the holding or without retaining the link between premium rights and land farmed;</p>	<p>6.</p>	<p>2066/92 (adapted)</p>
<p>13) Whereas new producers and existing producers whose individual ceilings do not correspond, for various reasons, to normal movement in suckler cow herds must not be excluded from right to premium; whereas provision should be made to this effect to set up a national reserve, initially by means of a flat-rate levy on the individual ceilings of all producers and subsequently to be funded and administered in accordance with Community criteria; whereas, for the same reason, it is appropriate to make the transfer of the right to premium without transfer of the holding subject to rules whereby part of such transferred rights may be withdrawn without compensatory payment and to allocate the rights withdrawn to that national reserve;</p>	<p>7.</p>	<p>2066/92</p>
<p>14) Whereas, in order to support producers in the less-favoured areas, provision should be made to set up an additional reserve to be distributed exclusively between such producers;</p>	<p>8.</p>	<p>2066/92</p>

15)	Where it is opportune to establish a link between sensitive zones or localities and the production of suckler cows so as to ensure the maintenance of this production especially in areas where there is no other alternative;	9.	2066/92
16)	Whereas, given the rising trend towards intensification of beef and veal production, premiums for stockfarming should be determined with due regard for the various possibilities of use of the forage capacity of each holding in relation to the numbers and species of animals held; whereas, to encourage extensive production, the grant of such premiums should be subject to compliance with a maximum stocking density on the holding, and an additional amount should be granted to producers who do not exceed a minimum stocking rate; whereas, however, the situation of small producers should be taken into consideration;	10.	2066/92
17)	Whereas one of the market destabilizing factors is the availability for rearing of a large number of male calves of dairy breeds; whereas in view of the different production structures in the Member States, the latter should be allowed to choose between paying a processing premium for such calves and introducing a new intervention scheme for lightweight carcasses of male animals;	11.	2066/92 (adapted)
18)	Whereas the amounts of the special premiums and suckler cow premiums should be adapted progressively in several stages; whereas, in order to achieve the desired economic target, the premiums must be granted within a certain time limit;	12.	2066/92
19)	Whereas agriculture in the territories of the new German Länder is still in an unusual situation compared to the rest of the Community; whereas it is subject to an ongoing and deep process of restructuring by which the size and management of many holdings will change as well as their productive structure; whereas these particular circumstances should be taken into consideration by providing for specific measures on a transitional basis; whereas special regional ceilings should be provided for the special premium and suckler cow premium arrangements and whereas Germany should be authorized to establish the operating details of such measures; whereas the definition of suckler cow _____	13.	2066/92 (adapted)
	excludes from the scheme producers whose suckler herds do not belong to beef breeds; whereas, in order to cushion transition to this scheme, provision should be made for a transitional derogation from this definition for producers in the new _____ Länder; whereas the Council will take a decision on the integration of the territory of the new _____ Länder into the Community scheme on the basis of a Commission report;	+	
		8.	125/93 (adapted)
		+	
		13.	2066/92

20)	Whereas, in order to maintain the consistency of Community agricultural legislation, it is appropriate to use existing legislative instruments to lay down conditions concerning extensification of production; whereas Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures <sup>(1)</sup> and Council Directive No 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas <sup>(2)</sup> , can be used for this purpose;	15.	2066/92
21)	Whereas, in order to monitor stockfarming enterprises qualifying for premiums, a system of marking and registration of stock satisfying identical criteria throughout the Community must be introduced;	16.	2066/92
22)	Whereas the intervention measures may take the form of buying-in by intervention agencies; whereas, however, aid should also be provided for private storage since such aid least disturbs the normal marketing of products and can help to reduce the volume of buying-in by intervention agencies; whereas provision should be made for all intervention measures, except those concerning light carcasses of male animals, to be carried out on the basis of the scale laid down in Council Regulation (EEC) No 1208/81 <sup>(3)</sup> ;	4.	805/68 (adapted)
		+	
		1.	2248/88 (adapted)

<sup>(1)</sup> OJ No L 218, 6. 8. 1991, p. 1; as last amended by Commission Regulation (EC) N° 3669/93 (OJ No L 338, 31. 12. 1993, p. 26).

<sup>(2)</sup> OJ No L 128, 19. 5. 1975, p. 1; last amended by Regulation (EEC) No 797/85 (OJ No L 93, 30. 3. 1985, p. 1).

<sup>(3)</sup> OJ No L 123, 7. 5. 1981, p. 3; as amended by Regulation (EEC) No 1026/91 (OJ no L 106, 26. 4. 1991, p. 2).

23)	Whereas, in order to preserve the original function of public buying-in and prevent it from becoming an outlet in itself, its activation must be made dependent on thresholds determined on the basis of market prices both in the Community and in the Member States concerned;	2.	571/89 (adapted)
		+	
	<p>_____ whereas this scheme's application _____ should be subject to an assessment of the need to ensure reasonable support of the market on the basis, in particular, of seasonal changes in production; whereas, for this purpose, a system of buying in by tendering procedures, under which prices and quantities would be determined on the basis of the tenders received, is appropriate; whereas, for beef and veal, prices and production conditions vary widely from one Member State to another; whereas, as a result, a facility may be needed whereby these prices and quantities can be fixed by a Member State or a region of a Member State; whereas to this end provision should be made in particular for fixing prices below which intervention measures may be taken and the conditions under which intervention may take place;</p>	3.	571/89
		+	
		4.	805/68
24)	Whereas, taking into account the buying-in prices to be fixed under this _____ intervention system, and in particular under the safety net, there is a risk that buying-in into intervention will, at least partially, replace the marketing of meat produced on the market place; whereas, in order to remedy this situation, excessive differences recorded between intervention buying-in prices and market prices should be avoided; whereas, to this end, it is appropriate to exclude offers made by way of tender procedure which exceed the market price, increased by a supplementary amount to be determined;	3.	1628/91 (adapted)
25)	Whereas, the intervention mechanism for light carcasses of male animals, provided as an alternative to payment of the processing premium, must also be subject to a system of buying-in by tender;		
26)	Whereas the quantities which may be bought in under the normal arrangements and the arrangements for light carcasses of male animals should be restricted progressively;		
27)	Whereas the creation of a single Community market for beef and veal involves the introduction of a single trading system at the external frontiers of the Community; whereas a trading system including, in addition to import duties, an import levy and export refunds, combined with intervention measures, also serves to stabilize the Community market, in particular by preventing price fluctuations on the world market from affecting prices ruling within the Community;	5.	805/68 (adapted)



28)	Whereas, with a view to the application of the levy system, import prices should be fixed on the basis of quotations recorded on the most representative markets of third countries and special import prices should be fixed where offer prices of third countries, other than those whose markets were taken into account in determining the import price, are considerably lower than the import price; whereas the use of special import prices ensures that the Community market is not disturbed;	6.	805/68
29)	Whereas, moreover, in order to prevent the risk of market disturbance, it is appropriate to provide for the modulation of the levy, in accordance with the relationship existing between market prices in the Community and the guide price;	4.	425/77 (adapted)
30)	Whereas, in order to have more animals for fattening in the Community and to increase the production of meat without increasing the number of cows and, consequently, milk production, it is advisable under certain market conditions to apply a special system to imports from third countries of certain categories of young bovine animals and calves for fattening in the Community;	8.	805/68
31)	Whereas in order to guarantee adequate supplies for the processing industries in the Community, while maintaining a preference for Community-produced meat, provision should be made, in respect of frozen meat intended for processing, for a special import system consisting in the total or partial suspension of the levy; whereas, in order to apply this system in certain cases, an estimate must be made each year of the amount of meat available for and required by the processing industry;	7.	805/68
32)	Whereas, in order to monitor the volume of trade in beef with third countries, a system of import and export licences should be introduced for certain products, including the lodging of a security guaranteeing the execution of the operations for which such licences are applied for;	9.	805/68 (adapted)
33)	Whereas provision for granting a refund on exports to third countries, equal to the difference between prices within the Community and on the world market would serve to safeguard Community participation in international trade in beef and veal;	10.	805/68
34)	Whereas, in addition to the system described above and to the extent necessary for its proper working, provision should be made for regulating or, when the situation on the market so requires, prohibiting the use of 'inward processing arrangements';	11.	805/68
35)	Whereas the establishment of a single market in beef and veal involves the removal, inside the Community, of all obstacles to the free movement of the goods in question;	13.	805/68 (adapted)

36)	Whereas the system of customs duties and levies makes it possible to dispense with all other protective measures at the external frontiers of the Community; whereas, however, the machinery of common prices, customs duties and levies may, in exceptional circumstances, prove defective; whereas, in such cases, so as not to leave the Community market without defence against disturbances which may arise therefrom after the import barriers which existed previously have been removed, the Community should be enabled to take all necessary measures without delay;	12.	805/68
37)	Whereas provision should be made for measures to be taken when a substantial price rise disturbs or threatens to disturb the Community market; whereas the situation on the market demands that such provision be extended to cover the case of a substantial fall in prices;	1.	1855/74 (adapted)
38)	Whereas restrictions on free movement resulting from the application of measures intended to prevent the spread of animal diseases may cause difficulties on the market of one or more Member States; whereas provision should be made for the introduction of exceptional market support measures in order to remedy such situations;	15.	3013/89
39)	Whereas the establishment of a single market based on a common price system would be jeopardised by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to beef and veal;	15.	805/68
40)	Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between Member States and the Commission within a Management Committee;	18.	805/68
41)	Whereas the common organisation of the market in beef and veal must take appropriate account, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty,	17.	805/68
HAS ADOPTED THIS REGULATION:			

1. The common organization of the market in beef and veal shall comprise an internal market and trade with third countries system and cover the following products:

CN code	Description of goods	
a) <u>0102 90 05</u> to <u>0102 90 79</u>	Live animals of the domestic bovine species, other than pure-bred breeding animals	3661/92
0201	Meat of bovine animals, fresh or chilled	
0202	Meat of bovine animals, frozen	
0206 10 95	Thick skirt and thin skirt, fresh or chilled	
0206 29 91	Thick skirt and thin skirt, frozen	
0210 20	Meat of bovine animals, salted, in brine, dried or smoked	
0210 90 41	Thick skirt and thin skirt, salted, in brine, dried or smoked	
0210 90 90	Edible flours and meals of meat or meat offal	
1602 50 10	Other prepared or preserved meat or meat offal of bovine animals, uncooked; mixtures of cooked meat or offal and uncooked meat or offal	
1602 90 61	Other prepared or preserved meat containing bovine meat or offal, uncooked; mixtures of cooked meat or offal and uncooked meat or offal	
b) <u>0102 10</u>	Live bovine pure-bred breeding animals	3661/92
0206 10 91	Edible offal of bovine animals excluding thick skirt and thin skirt, fresh or chilled, other than for the manufacture of pharmaceutical products	
0206 10 99	Edible offal of bovine animals excluding thick skirt and thin skirt, frozen, other than for the manufacture of pharmaceutical products	
0206 21 00	Edible offal of bovine animals excluding thick skirt and thin skirt, frozen, other than for the manufacture of pharmaceutical products	
0206 22 90	Edible offal of bovine animals excluding thick skirt and thin skirt, frozen, other than for the manufacture of pharmaceutical products	
0206 29 99	Edible offal of bovine animals excluding thick skirt and thin skirt, frozen, other than for the manufacture of pharmaceutical products	
0210 90 49	Edible meat offal of bovine animals, salted, in brine, dried or smoked, other than thick skirt or thin skirt	
ex <u>1502 00 90</u>	Fats of bovine animals, raw or rendered, whether or not pressed or solvent-extracted	1096/94

<p>1602 50 31 to 1602 50 80</p>	<p>Other prepared or preserved meat or meat offal, of bovine animals, other than uncooked meat or meat offal and mixtures of cooked meat or offal and uncooked meat or offal</p>	<p>3905/87 3661/92</p>
<p>1602 90 69</p>	<p>Other prepared or preserved meat containing bovine meat or offal, other than uncooked, and mixtures of cooked meat or offal and uncooked meat or offal</p>	
<p>2. For the purposes of this Regulation:</p>		<p>425/77</p>
<p>(a) 'bovine animals' means: live animals of the domestic bovine species other than pure-bred breeding animals falling within CN codes 0102 90 05 to 0102 90 79;</p>		<p>3661/92 – adapted</p>
<p>(b) 'adulte bovine animals' means: bovine animals the live weight of which is more than 300 kilograms.</p>		<p>425/77</p>
<p><b>TITLE I</b> Internal Market</p>		<p>805/68 – adapted</p>
<p><i>Article 2</i></p>		
<p>In order to encourage action by trade and joint trade organisations to facilitate the adjustment of supply to market requirements, the following Community measures may be taken in respect of the products listed in Article 1:</p>		
<p>(a) measures to improve stock breeding; (b) measures to promote better organisation of production, processing and marketing; (c) measures to improve quality; (d) measures to permit the establishment of short- and long-term forecasts on the basis of the means of production used; (e) measures to facilitate the recording of market price trends.</p>		
<p>General rules concerning these measures shall be adopted by the Council, acting by a qualified majority, on a proposal from the Commission and after consulting the European Parliament.</p>		

*Article 3*

425/77 – adapted

1. Each year, a guide price for adult bovine animals shall be fixed for the Community before the start of the marketing year referred to in Article 4.
2. The price shall be fixed with particular reference to:
  - (a) future trends in beef and veal production and consumption;
  - (b) the situation on the market in milk and milk products;
  - (c) past experience.
3. The guide price shall be fixed by the Council, acting by a qualified majority, on a proposal from the Commission and after consulting the European Parliament.

*Article 4*

805/68 – adapted

Save where derogation is decided by the Council, acting by a qualified majority on a proposal from the Commission, the marketing year for all products listed in Article 1 shall begin on the first Monday in April of each year and end on the day preceding that day in the following year.

**Section 1 — Premiums**

2066/92

*Article 5*

Article 4 a

For the purposes of this section:

- 'producer' means an individual farmer, whether a natural or a legal person or group of natural or legal persons, irrespective of the legal status conferred by national law on such a group or its members, whose holding is located in Community territory and who is engaged in rearing bovine animals,
- 'holding' means all the production units managed by the producer and located in the territory of a single Member State,
- 'suckler cow' means:
  - (i) a cow belonging to a meat breed or born of a cross with a meat breed, and belonging to a herd intended for rearing calves for meat production;  
and
  - (ii) an in-calf heifer, meeting the same criteria, which replaces a suckler cow.

1. A producer holding male bovine animals on his holding may qualify, on application, for a special premium. It shall be granted in the form of an annual premium per calendar year per holding within the limits of regional ceilings for not more than 90 animals for each of the age brackets referred to in paragraph 2.

2. The premium shall be granted no more than twice in the life of each male bovine animal:

- the first time at the age of 10 months,
- the second time after it has reached the age of 22 months.

To qualify for the premium, any animal for which an application has been made, must be held for fattening by the producer for a given period.

3. When in a given region the total number of animals for which an application has been made and which satisfy the conditions for granting the special premium exceeds the regional ceiling, the number of eligible animals per producer for the year in question shall be reduced proportionally.

When calculating the total number account shall be taken only of animals in the 10 to 21-month age bracket for which an application has been made.

Within the meaning of this Article, the following definitions shall apply:

(a) 'region': a Member State or region within a Member State at the choice of the Member State concerned;

(b) "regional ceiling": the number of animals entitled to benefit, in a region and per calendar year, from the special premium; the total number of animals included in the regional ceilings of each of the Member States is limited to:

Belgium	293 211
Denmark	324 652
Germany	3 092 667

(including the particular regional ceiling relating to the special premium referred to in Article 15 (1), point (a), applicable for the new *Länder*)

Greece	140 130
Spain	551 552

(including the Canary Islands)

France	1 908 922
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Ireland	1 286 521	1884/94
Italy	824 885	
Luxembourg	19 300	
Netherlands	264 000	
Portugal	154 897	
United Kingdom	1 419 811	

4. Where Member States have the necessary information, they may allocate to all producers individual ceilings within the limits of the Member States' regional ceilings and on the basis of objective criteria.

2066/92

In such cases:

- (a) each producer's right to premium shall be limited to his individual ceiling;
- (b) the proportional reduction shall not apply;
- (c) the Member States shall lay down special management conditions on the basis of the principles laid down in Articles 9 and 10.

5. Member States may decide to grant the premium at the time of slaughter. It shall be granted only in respect of carcasses weighing not less than 200 kg.

The premium shall be paid or passed back to the producers.

The United Kingdom shall be authorized to apply in Northern Ireland a system for granting the special premium which differs from that applied in the remainder of its territory.

6. The amount of the premium per eligible animal shall be:

- ECU 60 for the 1993 calendar year,
- ECU 75 for the 1994 calendar year,
- ECU 90 for the 1995 calendar year and thereafter.

Save in duly justified exceptional cases, payment must be made as soon as the inspections are carried out and not later than 30 June of the year following the calendar year in respect of which the premium is applied for.

7. At the latest from the time of the first premium application, each male bovine animal must be covered by an administrative document until slaughter.

8. Detailed rules for applying this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 41.

*Article 7*

1. Where, in a Member State, the number of castrated male bovine animals slaughtered during the period 1 September to 30 November of the year exceeds 40% of annual slaughterings of castrated male bovine animals producers may qualify, as from the 1993 calendar year, on application, for an additional premium to the special premium granted under Article 6 (deseasonalization premium).

In order to establish whether the 40% has been exceeded, account shall be taken of slaughtering carried out during the second year preceding that of the slaughter of the animal benefiting from the premium.

For the purposes of applying this Article to the United Kingdom, Northern Ireland shall be regarded as a separate entity.

2. The amount of the premium shall be set at ECU 60 per castrated male bovine animal which has already benefited from the special premium and which is slaughtered during the period 1 January to 30 April of the following year.

3. The Commission shall submit to the Council before the end of 1995 a report on the effects of this premium system together with any appropriate proposals.

4. The Commission shall adopt the procedures for implementing this Article in accordance with the procedure laid down in Article 41.

*Article 8*

1. A producer keeping suckler cows on his holding may qualify, on application, for a premium for maintaining suckler cows (suckler cow premium).

2. The producers' right to the premium shall be limited by the application of an individual ceiling. This ceiling shall be equal to the number of animals for which a premium was granted in respect of the reference year, reduced so that the national reserve referred to in Article 10 may be set up. Member States may select 1990, 1991 or 1992 as the reference year. Member States shall inform the Commission by 31 January 1993 of the reference year selected.

3. In the event of natural circumstances resulting in a non-payment or a reduced payment of the premium for the reference year, the number adopted may be that corresponding to the payments made during the nearest reference year.

In the event of non-payment or reduced payment of the premium for the reference year, following the applications of the relevant penalties, the number adopted shall be that recorded at the time of the inspection which gave rise to those penalties.

2066/92

Article 4 c

125/93

125/93

125/93

Article 4 d



4. The right to premium shall apply to producers to whom the premium was granted in respect of the reference year and who also requested the premium for the years up to and including 1992.

2066/92

5. The premium shall be granted to any producer not supplying milk or milk products from his farm for twelve months from the day on which the application is lodged and who keeps for at least six consecutive months from the day on which the application is lodged a number of suckler cows at least equal to the number for which the premium was requested.

125/93

The supply of milk or milk products directly from the holding to the consumer shall not, however, prevent grant of the premium.

2066/92

6. The premium shall also be granted to any producer supplying milk or milk products whose individual reference quantity as referred to in Article 4 of Council Regulation (EEC) No 3950/92<sup>(1)</sup> does not exceed 120 000 kilograms provided that he keeps, for at least six consecutive months from the day on which the application is lodged, a number of suckler cows at least equal to the number for which the premium was requested.

125/93

— adapted

Additional rights to the suckler cow premium shall be added to the national reserves. The total number of these rights shall be distributed between Member States on the basis of the average percentages of beef production and, in particular, valid suckler cow premium claims as set out in the table in Annex II.

The additional rights shall be allocated from the national reserves in the first instance to milk producers who are eligible or whose rights are increased for the first time by virtue of the first subparagraph who comply with the terms of this Regulation and who keep the eligible cows on their holding on 1 January 1993 and retain them there for six months. Any remaining part of this additional quota which is not allocated to such producers may be allocated according to the normal criteria for use of the national reserve. Should the total number of additional rights to be allocated exceed the number of additional rights available by virtue of Annex II, the Member State concerned may reduce, proportionately, all the applications for additional rights or give priority to certain producers, according to objective criteria to be determined.

<sup>(1)</sup> OJ No L 405, 28. 12. 1992, p. 1.

In allocating the amounts to producers for whom the maximum number of eligible cows was previously limited to ten, any quota rights established by such producers under paragraph 2 shall be taken into account. The reduction provided for in paragraph 2 shall apply in the same way to the ceilings laid down or to the increases in the ceiling established in accordance with the third subparagraph.

125/93

— adapted

The fact of whether cows belong to a suckler herd or to a dairy herd shall be checked on the basis of the beneficiary's reference quantity referred to in the first subparagraph and an average milk yield to be fixed in accordance with the procedure laid down in Article 41.

2066/92

7. Per eligible animal, the amount of the premium shall be:

- ECU 70 for the 1993 calendar year,
- ECU 95 for the 1994 calendar year,
- ECU 120 for the 1995 calendar year and thereafter.

Save in duly justified exceptional cases, payment must be made as soon as the inspections are carried out and not later than 30 June of the year following the calendar year in respect of which the premium is applied for.

Member States may grant an additional national premium, up to a maximum of ECU 25 per cow, provided that no discrimination is caused between stockfarmers in the Member State concerned.

In respect of holdings located in a region as referred to in the Annex to Council Regulation (EEC) No 2052/88<sup>(1)</sup> the first ECU 20 per cow of this additional premium shall be financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF).

The fourth subparagraph shall be extended to holdings situated throughout the territory of a Member State if in the Member State concerned the cattle population has a high proportion of suckler cows, representing at least 30% of the total number of cows, and if at least 30% of male bovine animals slaughtered belong to conformation classes S and E. Any overshoot of these percentages shall be established on the basis of the average of the two years preceding that for which the premium is granted.

3611/93

<sup>(1)</sup> OJ No L 185, 15. 7. 1988, p. 9.

8. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 41:

- in particular those allowing the Member States to determine, taking into account the structure of their herds of suckler cows, the reduction referred to in paragraph 2,
- and also those relating to the definition of the concept of suckler cow referred to in Article 5.

#### *Article 9*

#### Article 4 e

1. Where a producer sells or otherwise transfers his holding, he may transfer all his suckler cow premium rights to the person taking over his holding. He may also transfer, in full or in part, his rights to other producers without transferring his holding. In accordance with the procedure laid down in Article 41, the Commission may lay down specific rules relating to the minimum number which may form the subject of a partial transfer.

In the case of transfer without transfer of the holding a part of the transferred rights, which shall not exceed 15%, shall be returned without compensatory payment to the national reserve of the Member State where his holding is situated to be distributed free of charge to newcomers or to other priority producers referred to in Article 10 (2).

2. Member States:

- (a) shall take the necessary measures to prevent premium rights being transferred outside sensitive areas or regions where beef and veal production is particularly important for the local economy;
- (b) may provide either that the transfer of rights without transfer of the holding is carried out directly between producers or that it is carried out through the intermediary of the national reserve.

3. Member States may authorize, before a date to be determined, temporary transfers of part of the premium rights which are not intended to be used by the producer who holds them.

4. Premium rights transferred and/or temporarily transferred to a producer shall be in addition to those which were assigned to him originally with his original ceiling.

5. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 41.

These detailed rules shall concern, in particular, provisions enabling the Member States to resolve problems relating to the transfer of premium rights by producers who are not the owners of the land occupied by their holdings.

1. Each Member State shall set up an initial national reserve equal to at least 1 % and at the most 3 %, of the total number of animals for which a suckler cow premium has been granted under the reference year to producers whose holdings are situated in their territory. To this national reserve shall also be added any premium rights withdrawn pursuant to Article 9 (1).

For Germany the initial national reserve shall be calculated on the basis of the total number of animals for which a suckler cow premium was granted under the reference year to producers whose holdings are situated in the former German Länder. This reserve concerns only those producers.

2. The Member States shall use their national reserves for granting rights, within the limits of those reserves, in particular to the producers referred to below:

- (a) producers who applied for a premium before 1 January 1993 and who have proved to the satisfaction of the competent authority that the application of individual ceilings in accordance with Article 8 (2) would put at risk the viability of their holdings, taking account of the implementation of an investment programme in the beef and veal sector before 1 January 1993;
- (b) producers who have submitted in respect of the reference year a premium application which, as a result of exceptional circumstances, does not correspond to the actual situation as established during the previous years;
- (c) producers who have regularly submitted premium applications without, however, having submitted an application under the reference year;
- (d) producers who submit a premium application for the first time during the year following the reference year or subsequent years;
- (e) producers who have acquired part of the land previously used for cattle breeding by other producers.

3. An additional reserve shall be created equal to 1% of the total of the individual ceilings of the producers in the less-favoured areas of each Member State; this reserve shall be assigned exclusively to producers in those areas in accordance with criteria to be determined by the Member States.

For Germany, the additional reserve shall be equal to 1% of the sum of individual limits applicable to producers whose holdings are situated in the less-favoured zones of the former German Länder. This reserve shall concern only those producers.

4. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 41.

The same procedure shall be used for adopting:

- the measures applicable where, in a Member State, the national reserve is not used,
- the transitional measures required to ease the passage from the pre-existing system to the system laid down in this Regulation, and, in particular, those measures concerning producers who benefited from the suckler cow premium for the first time under the year 1991 or 1992 in cases where one or either of these years directly succeeds the reference year chosen by the Member State concerned.

5. Before 1 July 1996 the Commission shall submit to the Council a report on the application of the system laid down in Article 9 and in this Article, together with any necessary proposals.

#### *Article 11*

#### *Article 4 g*

1. The total number of animals qualifying for the special premium and the suckler cow premium shall be limited by the application of a stocking density on the holding. This stocking density shall be expressed in livestock units (LU) per unit of forage area of the holding used for the animals carried on it. However, a producer shall be exempt from the application of the stocking density if the number of animals held on his holding and to be taken into account for determining the stocking density is not more than 15 LU.

2. The stocking density shall be set at:

- 3,5 LU/ha for the 1993 calendar year,
- 3 LU/ha for the 1994 calendar year,
- 2,5 LU/ha for the 1995 calendar year
- 2 LU/ha from the 1996 calendar year onwards.

3. For determining the stocking density of the holding, account shall be taken of:

- the male bovine animals, suckler cows, sheep and/or goats for which premium applications have been submitted, as well as the dairy cows needed to produce the reference quantity of milk allocated to the producer. The number of animals shall be converted to LU by reference to the conversion table in Annex I to Regulation (EEC) No 2328/91,

— the forage area, meaning the area of the holding available throughout the calendar year for rearing bovine animals and sheep and/or goats. The forage area does not include buildings, woods, ponds, paths or areas used for other crops eligible for Community aid or permanent crops or horticultural crops, or areas qualifying for the same system as that laid down for the producers of certain arable crops, or subject to a national or Community set-aside scheme other than the scheme referred to in point (a) of the third subparagraph of Article 2 (3) of Regulation (EEC) No 2328/91. Forage area includes areas in shared use and areas which are subject to mixed cultivation under rules to be adopted in accordance with the procedure laid down in Article 41.

2066/92

4. Bovine animals for which the special premium or the suckler cow premium is granted must be identified by appropriate marking. Identification data shall be entered in a special register kept by the producer.

5. Member States may apply appropriate environmental measures which correspond to the specific situation of the land used for the production of male bovine animals or suckler cows qualifying for premiums. Member States which avail themselves of this possibility shall decide the penalties which are appropriate and proportional to the seriousness of the ecological consequences of not observing the said measures. These penalties may provide for a reduction or, where appropriate, cancellation of the benefits accruing from the premium schemes. Member States shall inform the Commission of the measures taken to apply this provision.

3611/93

6. The Commission shall adopt detailed rules for applying this Article in accordance with the procedure laid down in Article 41 and in particular those enabling improper application of the stocking density to be prevented.

2066/92

#### *Article 12*

1. Producers receiving the special premium and/or the suckler cow premium may qualify for an additional amount of ECU 30 per premium granted provided that the stocking density for their holdings during the calendar year is less than 1.4 LU per hectare.

2. The Commission shall adopt detailed rules for applying this Article in accordance with the procedure laid down in Article 41.

#### *Article 4 h*

*Article 13*

2066/92

*Article 4 i*

1. Operators may qualify for a processing premium in respect of male dairy-breed calves which are withdrawn from production before exceeding the age of ten days (processing premium).
2. The amount of the premium shall be ECU 100 per calf withdrawn. Save in duly justified exceptional cases, payment must be made within a period not exceeding four months from the date of submission of the application.
3. Each Member State may decide not to apply the processing premium, taking account of its production structure. In that case, it shall participate in the special intervention arrangements for lightweight carcasses provided for in Article 19.
4. In accordance with the procedure laid down in Article 41, the Commission:
  - shall adopt detailed rules for applying this Article, and
  - may amend the amount of the premium or decide to suspend the grant thereof.

*Article 14*

*Article 4 j*

Where an infringement of Article 2 of Council Directive 88/146/EEC<sup>(1)</sup> is established, the animal concerned shall not be eligible for the premiums provided for in this section.

*Article 15*

*Article 4 k*

1. By way of derogation from the provisions of this section, for the territory of the new German Länder:
  - (a) the following special regional ceilings shall be fixed:
    - ~~660 323~~ male bovine animals, for the special premium;
    - 180 000 suckler cows, for the suckler cow premium.These ceilings shall include both the premium rights to be allocated initially and any reserve established for this territory;
  - (b) Germany may authorize the premium rights to be transferred between the two special ceilings, up to 15% of the total of the ceilings;
  - (c) Germany shall determine the conditions under which the special ceilings shall be distributed, and may in particular provide for their regional allocation;

1884/94

<sup>(1)</sup> OJ No L 70, 16. 3. 1988, p. 16.

(d) During the first three years of application of the new suckler-cow premium scheme, Germany may provide that this scheme shall also be granted in respect of cows other than those referred to in the definition of suckler cow given in Article 5, provided that such animals are covered or inseminated by bulls belonging to a beef breed and belong to a herd intended for the production of beef calves.

125/93

2. The Commission may adopt detailed rules for implementing this Article in accordance with the procedure laid down in Article 41.

2066/92

3. Before the end of 1995, the Commission shall submit a report to the Council, accompanied by proposals on the application in the territory of the new German Länder of the rules which apply in the rest of the Community.

The Council shall decide on these proposals by the end of 1996.

*Article 16*

Article 41

The expenditure incurred in granting the premiums provided for in this section shall be considered as intervention measures within the meaning of Article 3 (1) of Regulation (EEC) No 729/70 of the Council. <sup>(1)</sup>

**Section 2 — Intervention**

*Article 17*

2822/72

Article 5

1. Intervention measures taken to prevent or mitigate a substantial fall in prices shall include:

- (a) aid for private storage,
- (b) buying-in by intervention agencies.

2. The intervention measures specified in paragraph 1 may be taken for adult bovine animals and for fresh or chilled meat of such animals presented in the form of carcasses, half-carcasses, compensated quarters, forequarters or hindquarters, classified in accordance with the Community classification scale provided for in Regulation (EEC) No 1208/81.

2248/88 — adapted

3. The Council, acting by a qualified majority on a proposal from the Commission, may amend the list of products referred to in paragraph 2 which may be the subject of intervention measures.

2822/72 — adapted

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 13.



1. Where the conditions laid down in paragraph 2 are met, buying-in by intervention agencies in one or more Member States or in a region of a Member State of one or more categories, qualities or quality groups, to be determined, of fresh or chilled meat falling within CN codes 0201 10 00 and 0201 20 20 to 0201 20 50 originating in the Community may be organized under tender procedures arranged with a view to ensuring reasonable support of the market, having regard to seasonal developments as regards slaughtering.

3661/92

Such purchases may not exceed the following quantities, per year and for the whole Community:

2066/92

- 750 000 tonnes for 1993,
- 650 000 tonnes for 1994,
- 550 000 tonnes for 1995,
- 400 000 tonnes for 1996,
- 350 000 tonnes as from 1997 onwards.

2. For each quality or quality group that may be bought in, the tender procedures may be opened in accordance with the procedure laid down in Article 41 whenever, in a Member State or in a region of a Member State, the following two conditions are both met for a period of two consecutive weeks:

- the average Community grading market price recorded on the basis of the Community scale for the carcasses of adult bovine animals is less than 84% of the intervention price,
- the average market price recorded on the basis of the said scale in the Member State or States or regions of a Member State is less than 80 % of the intervention price.

The intervention price shall be set before the start of each marketing year by the Council, acting by a qualified majority, on a proposal from the Commission and after consulting the European Parliament.

— adapted

3. Tender arrangements for one or more qualities or quality groups shall be suspended in any one of the following two situations:

- where, for two consecutive weeks, the two conditions referred to in paragraph 2 are no longer both met,
- where buying-in is no longer appropriate in view of the criteria set out in paragraph 1.

4. Intervention shall also be opened if, for a period of two consecutive weeks, the average Community market price of young uncastrated male animals less than two years old or castrated male animals, recorded on the basis of the Community grading scale for carcasses of adult bovine animals, falls short of 78% of the intervention price, and if in a Member State or regions of a Member State, the average market price of young uncastrated male animals less than two years old or castrated male animals, recorded on the basis of the Community grading scale for carcasses of adult bovine animals, falls short of 60 % of the intervention price; in this case, buying-in shall take place for the categories concerned in the Member States or regions of a Member State where the price level is below that limit.

For this buying-in, and without prejudice to paragraph 5, all offers shall be accepted.

The quantities bought in pursuant to this paragraph shall not be taken into account for the purposes of applying the buying-in ceilings referred to in paragraph 1.

5. Only offers equal to or less than the average market price recorded in a Member State or a region of a Member State and increased by an amount to be determined on the basis of objective criteria may be accepted under the buying-in systems referred to in paragraphs 1 and 4.

6. For each quality or quality group eligible for intervention, the buying-in prices and the quantities accepted for intervention shall be determined under tender procedures and may, in special circumstances, be fixed by a Member State or a region of a Member State on the basis of recorded average market prices. The tender procedures must ensure equality of access for all persons concerned. They shall be opened on the basis of specifications to be determined taking commercial structures into account, where necessary.

7. Under the procedure provided for in Article 41:

- the categories, qualities or quality groups of products eligible for intervention shall be determined,
- the opening or reopening of tender procedures and their suspension in the case referred to in the second indent of paragraph 3 shall be decided,
- the buying-in prices and the quantities accepted for intervention shall be fixed,
- the amount of the increase referred to in paragraph 5 shall be determined,
- the procedures implementing this Article, and in particular those designed to prevent market prices spiralling downward, shall be adopted,

- any transitional provisions necessary for the implementation of these arrangements shall be adopted.

2066/92

The Commission shall decide on

- opening intervention as referred to in paragraph 4 and suspending it where one or more conditions laid down in that paragraph no longer apply,
- suspending buying-in as referred to in the first indent of paragraph 3.

*Article 19*

Article 6 a

1. The special intervention measures laid down in paragraph 2 may be taken during the period from 1 January 1993 to 31 December 1995. These measures shall apply exclusively in Member States which have not introduced the processing premium referred to in Article 13.
2. By way of derogation from Article 17 (2), buying-in by intervention agencies in one or more Member States or in a region of a Member State of certain kinds of fresh or chilled meat from male bovine animals of 150 to 200 kg carcass weight and originating in the Community may be organized under tendering procedures.
3. The quantities of meat bought-in under the special measures shall be taken into account in applying the buying-in ceilings referred to in Article 18 (1).
4. The Commission shall adopt the detailed rules for implementing this Article in accordance with the procedure laid down in Article 41.

*Article 20*

805/68 – adapted

Article 7

1. Disposal of the products bought in by the intervention agencies in accordance with the provisions of Articles 17, 18 and 19 shall take place in such a way as to avoid any disturbance of the market and to ensure equal access to goods and equal treatment of purchasers.
2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for implementing this Article.
3. Detailed rules for the application of this Article, in particular as regards selling prices, conditions for release from storage and, where appropriate, the processing of products bought in by the intervention agencies, shall be adopted in accordance with the procedure laid down in Article 41.

805/68 – adapted

*Article 21*

– adapted

Article 8

1. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules with regard to private storage aid.
2. Detailed rules shall be adopted in accordance with the procedure laid down in Article 41.

TITLE II

Trade with third countries

425/77

Article 22

Article 9

The Common Customs Tariff rates of duty shall apply to the products listed in Article 1.

In addition, for the products listed in point (a) of Article 1 (1), a levy shall be applicable under the conditions laid down in this Regulation.

Article 23

Article 10

1. The Commission shall each month determine a basic levy on imports of bovine animals and of meat of the types set out in Sections (a), (c) and (d) of Annex I.

The Commission may, if necessary, modify the basic levy in the intervening period.

2. For bovine animals, the levy shall be determined on the basis of the difference between the guide price and the free-at-Community-frontier offer price plus the amount of the customs duty.

The free-at-frontier offer price shall be established by reference to the most representative purchasing possibilities, as regards quality and quantity, recorded over a period to be fixed preceding the determining of the basic levy, for bovine animals and for fresh and chilled meat of the types set out under CN codes 0201 10 00 and 0201 20 20 to 0201 20 50 in Section (a) of Annex I, taking into account *inter alia*:

3661/92 - adapted

- (a) the supply and demand situation;
- (b) world market prices for frozen meat of a category which is competitive with fresh or chilled meat;
- (c) past experience.

3. The Commission may determine a specific basic levy for imports of the products referred to in paragraph 1 originating in and coming from third countries with trading structures and systems of cattle production comparable to those of Community countries, provided that market prices are regularly recorded in such third countries.

425/77

For bovine animals, this levy shall be determined, for all third countries concerned, on the basis of the difference between: on the one hand, the guide price; and, on the other, the average of the prices recorded over the period referred to in paragraph 2 preceding the determining of the basic levy, plus the amount of the customs duty. This average shall be established on the basis of the prices recorded on the most representative markets of each of the countries concerned, less any export subsidies.

4. For meat of the types set out in Sections (a), (c) and (d) of Annex I, the basic levy shall be equal to the basic levy determined for bovine animals, multiplied by a flat-rate coefficient fixed for each of the products in question.

425/77

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41.

#### Article 24

#### Article 11

1. The Commission shall each month determine the basic levy on imports of frozen meat of the types set out in Section (b) of Annex I.

The Commission may, if necessary, modify the basic levy in the intervening period.

2. The levy shall be determined for frozen meat of the types set out under CN codes 0202 10 00 and 0202 20 10 in Section (b) of Annex I, by reference to the difference between:

3905/87 - adapted

(a) the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals; and

425/77

(b) the free-at-Community-frontier offer price for frozen meat, plus the amount of the customs duty and a flat-rate sum representing the specific costs of the import operations.

3. The free-at-Community-frontier offer price for frozen meat shall be established by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a period to be fixed preceding the determining of the basic levy, and taking into account *inter alia*:

(a) foreseeable developments on the market in frozen meat;

(b) the most representative prices on third country markets for fresh or chilled meat of a category which is competitive with frozen meat;

(c) past experience.

4. For frozen meat of the types set out under CN codes 0202 20 30, 0202 20 50, 0202 20 90, 0202 30 and for thick skirt and thin skirt under CN code 0206 29 91 in Section (b) of Annex I, the basic levy shall be equal to the basic levy determined for the product referred to in paragraph 2, multiplied by a flat-rate coefficient fixed for each of the products in question.

3905/87 - adapted

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41.

425/77

*Article 25*

*Article 12*

1. If it is found that the price of adult bovine animals on the representative markets of the Community exceeds the guide price, the levy applicable shall equal the following percentage of the basic levy:

- (a) 75% where the price of adult bovine animals is less than or equal to 102% of the guide price;
- (b) 50% where the price of adult bovine animals is more than 102% and less than or equal to 104% of the guide price;
- (c) 25% where the price of adult bovine animals is more than 104% and less than or equal to 106% of the guide price;
- (d) 0% where the price of adult bovine animals is more than 106% of the guide price.

2. If it is found that the price of adult bovine animals on the representative markets of the Community is equal to or less than the guide price, the levy applicable shall equal the following percentage of the basic levy:

- (a) 100% where the price of adult bovine animals is more than or equal to 98% of the guide price;
- (b) 105% where the price of adult bovine animals is less than 98% and more than or equal to 96% of the guide price;
- (c) 110% where the price of adult bovine animals is less than 96% and more than or equal to 90% of the guide price;
- (d) 114% where the price of adult bovine animals is less than 90% of the guide price.

3. The percentages referred to in paragraphs 1 and 2 may be reviewed, if necessary, by the Council, acting by a qualified majority on a proposal from the Commission.

4. By way of derogation from point (a) of paragraph 1, the levy applicable to frozen meat of the types set out in Section (b) of Annex I may be fixed by the Commission at a percentage which is higher than that indicated in point (a) of paragraph 1 but which does not exceed the basic levy, if the variation in the prices of adult bovine animals on the representative markets of the Community does not exceed a significant amount, to be determined.

5. For the purpose of applying paragraphs 1 and 2, any variation in the price of adult bovine animals on the representative markets of the Community which does not exceed an amount to be determined shall be disregarded.

6. The price of adult bovine animals on the representative markets of the Community shall be derived from the prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of the meat of such animals, after taking into account the size of each of such categories and the relative size of the bovine stock of each Member State.

7. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41.

8. The levies applicable under this Article shall be fixed by the Commission.

*Article 26*

*Article 12 a*

1. A special levy may be fixed for products originating in or coming from one or more third countries if these products are exported at abnormally low prices.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41.

*Article 27*

*Article 13*

1. The levy which was to be applied to young male bovine animals intended for fattening, of a live weight of 300 kilograms or less, may be totally or partially suspended under the conditions laid down in this Article, taking into account the supply situation for the young bovine animals in question and the foreseeable trend of market prices for bovine animals in the Community.

2. Before 1 December each year, the Council, acting by a qualified majority on a proposal from the Commission, shall draw up an estimate of young male bovine animals which may be imported under the arrangements laid down in this Article. This estimate shall take account, on the one hand, of expected Community supplies of young bovine animals intended for fattening and, on the other, of the needs of Community breeders.

If the situation so requires, an additional estimate may be drawn up in accordance with the same procedure.

3. For the young bovine animals referred to in paragraph 1, importation under total or partial suspension of the levy shall be made conditional on production of an import licence issued for a quantity falling within the limits of the quantity laid down each quarter in accordance with point (a) of paragraph 4.

4. The following shall be determined in accordance with the procedure laid down in Article 41:

(a) each quarter, the quantity which may be imported and the rate of suspension of the levy, where necessary separately for each of the following categories:

- animals of a live weight of less than 80 kilograms,

- animals of a live weight of 80 kilograms or more but less than 160 kilograms, 425/77  
3611/93
  - animals of a live weight of 160 kilograms or more; 3611/93
- (b) detailed rules for the application of this Article and, particularly, those concerning checks to ensure that the period prescribed for fattening is respected.

*Article 28*

*Article 14*

1. Frozen meat intended for processing and listed in Section (b) of Annex I under CN codes 0202 20 30, 0202 30 and thick skirt and thin skirt of CN code 0206 29 91 shall qualify, under the conditions laid down in this Article:

3905/87 – adapted

- (a) for the total suspension of the levy on meat intended for the manufacture of preserved food, which does not contain characteristic components other than beef and jelly; 425/77
- (b) for the total or partial suspension of the levy on meat intended for the processing industry for the manufacture of products other than the preserved food preferred to in (a).

2. Before 1 December each year, the Council, acting by a qualified majority on a proposal from the Commission, shall draw up an estimate of meat which may be imported under the arrangements laid down in this Article. This estimate shall take account, on the one hand, of the expected Community supplies of meat of a quality and type of cut suitable for industrial use and, on the other, of industrial needs. This estimate shall mention separately the quantities of meat referred to in points (a) and (b) of paragraph 1.

If the situation so requires, an additional estimate may be drawn up in accordance with the same procedure.

3. For meat of the types referred to in paragraph 1:
- (a) importation under total or partial suspension of the levy shall be made conditional on production of an import licence issued for a quantity falling within the limits laid down each quarter;
  - (b) importation under total suspension of the levy may be made conditional, as far as necessary, on production of a purchase contract for frozen meat held by an intervention agency.
4. The following shall be determined in accordance with the procedure laid down in Article 41:



- (a) each quarter, the quantities of meat of the types referred to in points (a) and (b) of paragraph 1, respectively which may be imported and the rate of suspension of the levy in the case of the meat referred to in point (b) of paragraph 1;
- (b) the relationship between the quantities which may be imported and the quantities covered by the purchase contract referred to in point (b) of paragraph 3;
- (c) detailed rules for the application of this Article and particularly those concerning control of the end use of imported meat.

425/77

*Article 29*

1. Imports into the Community of the products referred to in point (a) of Article 1 (1) shall be made conditional on production of an import licence.

Imports into the Community of the products referred to in point (b) of Article 1 (1) may be made conditional on production of an import licence and exports from the Community of the products referred to in points (a) and (b) of Article 1 (1) may be made conditional on production of an export licence.

Import and export licences shall be issued by Member States to any applicant, irrespective of the place of his establishment in the Community.

The import or export licence shall be valid anywhere within the Community.

Where the levy or the refund is fixed in advance, the advance fixing shall be entered on the licence, which will serve as evidence thereof.

The issue of such licences shall be conditional on the lodging of a security guaranteeing that importation or exportation is effected during the period of validity of the licence. The security shall be forfeited in whole or in part if the operation is not effected, or only partially effected, within that period.

2. The list of products for which licences are required, the period of validity of the licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41. These rules may in particular provide for a time limit to be fixed for the issue of import licences pursuant to the arrangements laid down in Articles 27 and 28.

425/77 - adapted

Article 15

*Article 30*

1. The levy to be charged shall be that applicable on the day of import.
2. The levy applicable on the day of application for the import licence shall apply on importation, if the applicant so requests, when making such application for:

- products falling within CN codes 0201 and 0206 10 95 originating in and coming from non-member countries which, by reason of the length of the sea voyage involved, comply with an agreement concluded with the Community in this matter which provides for adequate safeguards,
- products falling within CN codes 0202 and 0206 29 91 originating in and coming from non-member countries which comply with an agreement concluded with the Community in this matter which provides for adequate safeguards.

3. When the Community market is disturbed or threatened with disturbances as a result of the application of paragraph 2, a decision may be taken, in accordance with the procedure laid down in Article 41, to suspend application of that paragraph for such time as may be strictly necessary.
4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41.

*Article 31*

This Regulation shall be applied with due regard to the obligations under international agreements by which the Community is bound.

*Article 32*

1. To the extent necessary to enable the products listed in Article 1 to be exported on the basis of quotations or prices for those products on the world market, the difference between those quotations or prices and prices within the Community may be covered by an export refund
  2. The refund shall be the same for the whole Community. It may be varied according to end use or destination.
- The refund shall be granted on application.

2916/79

Article 16

3905/87 — adapted

2916/79

425/77

Article 17

Article 18

3. When the refund is being fixed particular account shall be taken of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to non-member countries and the use of third country products brought in under inward processing arrangements.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the granting and advance fixing of export refunds and lay down criteria for fixing the amount of such refunds.

5. Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 41. Where necessary, the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41.

#### *Article 33*

To the extent necessary for the proper working of the common organization of the market in beef and veal, the Council, acting by a qualified majority on a proposal from the Commission, may prohibit, in whole or in part, the use of inward or outward processing arrangements in respect of products listed in Article 1.

#### Article 19

#### *Article 34*

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from application of this Regulation shall be incorporated in the Common Customs Tariff.

2. Unless otherwise provided in this Regulation or otherwise decided by the Council acting by a qualified majority on a proposal from the Commission, the following shall be prohibited in trade with non-member countries:

- the levying of any charge equivalent in its effect to a customs duty,
- the application of any quantitative restriction or measure having equivalent effect.

#### Article 20

#### *Article 35*

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with non-member countries until such disturbance or threat of disturbance has ceased.

#### Article 21

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph and define the cases in which, and the limits within which, Member States may take protective measures.

425/77

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; these shall be communicated to the Member States and shall be applicable immediately. If the Commission receives a request from a Member State, it shall take a decision thereon within 24 hours following receipt of the request.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may, acting by a qualified majority, amend or repeal the measures in question.

**TITLE III**  
**General provisions**

805/68

*Article 36*

1855/74

Article 22a

1. When a substantial rise or fall in prices is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41.

*Article 37*

1261/71

Article 23

In order to take account of the restrictions on free circulation which may result from the application of measures for combating the spread of diseases in animals, exceptional measures of support for the market affected by those restrictions may be taken in accordance with the procedure laid down in Article 41. Those measures may only be taken in so far as, and for as long as, is strictly necessary for the support of that market.

*Article 38*

805/68

Article 24

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in the products listed in Article 1.

*Article 39*

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. The information to be communicated shall be determined in accordance with the procedure laid down in Article 41. Rules for the communication and distribution of such information shall be adopted in accordance with the same procedure.

805/68

Article 25

*Article 40*

1. A Management Committee for Beef and Veal (hereinafter called 'the Committee') shall be established, composed of representatives of Member States and chaired by a representative of the Commission.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 26

*Article 41*

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. An opinion shall be adopted by a qualified majority.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

— adapted

Article 27

*Article 42*

The Committee may consider any other question referred to it by its chairman either on his own initiative or at the request of the representative of a Member State.

Article 28

*Article 43*

Regulation (EEC) No 729/70 and the provisions adopted in implementation thereof shall apply to the products listed in Article 1 from the date on which this Regulation is applicable.

— adapted

Article 30

*Article 44*

The amounts to be paid pursuant to this Regulation shall be paid in full to the beneficiaries.

2066/92

Article 30 a

*Article 45*

This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

*Article 46*

Annex I may be amended by the Council, acting by a qualified majority, on a proposal from the Commission.

*Article 47*

1. Regulation (EEC) No 805/68 is hereby repealed.
2. References to the said Regulation shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex III.

*Article 48*

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.

Done at Brussels,

For the Council  
The President

805/68

Article 31

Article 32

- adapted

CN code	Description of goods
<i>Section (a)</i>	
0201	Meat of bovine animals, fresh or chilled:
0201 10 00	– Carcases and half–carcases
0201 20	– Other cuts, with bone in:
0201 20 20	– – ‘Compensated’ quarters
0201 20 30	– – Unseparated or separated forequarters
0201 20 50	– – Unseparated or separated hindquarters
0201 20 90	– – Other
0201 30	– Boneless
ex 0206 10	Edible offal of bovine animals, fresh or chilled:
	– – Other:
0206 10 95	– – – Thick skirt and thin skirt
<i>Section (b)</i>	
0202	Meat of bovine animals, frozen:
0202 10 00	– Carcases and half–carcases
0202 20	– Other cuts, with bone in:
0202 20 10	– – ‘Compensated’ quarters
0202 20 30	– – Unseparated or separated forequarters
0202 20 50	– – Unseparated or separated hindquarters
0202 20 90	– – Other
0202 30	– Boneless
ex 0206 29	Other edible offal of bovine animals, frozen:
0206 29 91	– – – – Thick skirt and thin skirt
<i>Section (c)</i>	
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal:
0210 20	– Meat of bovine animals:
0210 20 10	– – With bone in
0210 20 90	– – Boneless
ex 0210 90	– Other, including edible flours and meals of meat or meat offal:
	– – Offal:
	– – – Of bovine animals:
0210 90 41	– – – – Thick skirt and thin skirt
0210 90 90	– – Edible flours and meals of meat or meat offal

<i>Section (d)</i>	
ex 1602 50	Other prepared or preserved meat or meat offal of bovine animals:
1602 50 10	-- Uncooked; mixtures of cooked meat or offal and uncooked meat or offal
ex 1602 90	-- Other, including preparations of blood of any animal:
	-- -- Other:
	-- -- -- Other:
	-- -- -- -- Other:
	-- -- -- -- -- Containing bovine meat or offal:
1602 90 61	-- -- -- -- -- Uncooked; mixtures of cooked meat or offal and uncooked meat or offal



**Distribution of additional rights to suckler cow premium between Member States**

**(Article 8 (6))**

Belgium	36 080
Denmark	13 320
Germany	111 240
Greece	10 520
Spain	84 320
France	242 480
Ireland	63 400
Italy	90 160
Luxembourg	<u>3 000</u>
Netherlands	30 560
Portugal	5 760 <sup>(1)</sup>
United Kingdom	118 320

3611/93

<sup>(1)</sup> The first indent of Article 1(2) of Council Regulation (EEC) No 747/93 of 17 March 1993 (OJ No L 77, 31.3.1993, p.15) derogating from this Regulation as regards the granting of the suckler cow premium in Portugal added 12 000 additional rights to the Portuguese nation

*ANNEX III*  
SECTION A  
CORRELATION TABLE

Regulation 805/68	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 4 a	Article 5
Article 4 b	Article 6
Article 4 c	Article 7
Article 4 d	Article 8
Article 4 e	Article 9
Article 4 f	Article 10
Article 4 g	Article 11
Article 4 h	Article 12
Article 4 i	Article 13
Article 4 j	Article 14
Article 4 k	Article 15
Article 4 l	Article 16
Article 5	Article 17
Article 6	Article 18
Article 6 a	Article 19
Article 7	Article 20
Article 8	Article 21
Article 9	Article 22
Article 10	Article 23
Article 11	Article 24
Article 12	Article 25
Article 12 a	Article 26
Article 13	Article 27
Article 14	Article 28
Article 15	Article 29
Article 16	Article 30
Article 17	Article 31
Article 18	Article 32
Article 19	Article 33
Article 20	Article 34
Article 21	Article 35
Article 22	—
Article 22 a	Article 36
Article 23	Article 37
Article 24	Article 38

Regulation 805/68	This Regulation
Article 25	Article 39
Article 26	Article 40
Article 27	Article 41
Article 28	Article 42
Article 29	—
Article 30	Article 43
Article 30 a	Article 44
Article 31	Article 45
Article 32	Article 46
Article 33	—
Article 34	—
—	Article 47
—	Article 48
ANNEX I	ANNEX I
ANNEX II	ANNEX II
—	ANNEX III

## ANNEX III

## SECTION B

	Official Journal		
	No	page	date
Regulation (EEC) No 805/68 of the Council	L 148	24	28. 6. 1968
Regulation (EEC) No 1253/70 of the Council	L 143	1	1. 7. 1970
Regulation (EEC) No 1261/71 of the Council	L 132	1	18. 6. 1971
Regulation (EEC) No 2838/71 of the Council	L 286	1	30. 12. 1971
Regulation (EEC) No 2822/72 of the Council	L 298	1	31. 12. 1972
Regulation (EEC) No 187/73 of the Council	L 25	23	30. 1. 1973
Regulation (EEC) No 1855/74 of the Council	L 195	14	18. 7. 1974
Council Regulation (EEC) No 568/76	L 67	28	15. 3. 1976
Council Regulation (EEC) No 425/77	L 61	1	5. 3. 1977
Council Regulation (EEC) No 2916/79	L 329	15	24. 12. 1979
Commission Regulation (EEC) No 2966/80	L 307	5	18. 11. 1980
Council Regulation (EEC) No 467/87	L 48	1	17. 2. 1987
Council Regulation (EEC) No 3905/87	L 370	7	30. 12. 1987
Council Regulation (EEC) No 2248/88	L 198	24	26. 7. 1988
Council Regulation (EEC) No 4132/88	L 362	4	30. 12. 1988
Council Regulation (EEC) No 571/89	L 61	43	4. 3. 1989
Council Regulation (EEC) No 3577/90	L 353	23	17. 12. 1990
Council Regulation (EEC) No 1628/91	L 150	16	15. 6. 1991
Council Regulation (EEC) No 2066/92	L 215	49	30. 7. 1992
Commission Regulation (EEC) No 3661/92	L 370	16	19. 12. 1992
Council Regulation (EEC) No 125/93	L 18	1	27. 1. 1993
Council Regulation (EC) No 3611/93	L 328	7	29. 12. 1993
Commission Regulation (EC) No 1096/94	L 121	9	12. 5. 1994
Council Regulation (EC) No 1884/94	L 197	27	30. 7. 1994

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