

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 301 final.

Strasbourg, 14 June 1976.

MODIFIED PROPOSAL UNDER ARTICLE 149 PARAGRAPH 2 (EEC) OF COUNCIL REGULATION EXTENDING THE TRANSITIONAL ARRANGEMENTS FOR THE IMPORT OF NEW-ZEALAND BUTTER INTO THE UNITED-KINGDOM

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(submitted to the Council by the Commission)

COM(76) 301 final.



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Modified proposal under article 149 paragraph 2  
(EEC) of Council Regulation  
of

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

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession<sup>(1)</sup>, and in particular Article 5 (2) of Protocol N° 18,<sup>(2)</sup> hereinafter called "Protocol", annexed to the Act which is annexed to the said Treaty,

Having regard to the proposal of the Commission,

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

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

Whereas these quantities amounted to 117,350 tons and 125,000 tons;

Whereas in order to ensure balanced market supplies in respect of butter intended for direct consumption in the United Kingdom, it is necessary to determine a percentage to be observed for New-Zealand butter ; whereas a percentage of 25 % corresponds to the average recorded in the preceding years ; whereas appropriate measures must be taken to ensure that quantities in excess of this percentage may be used for purposes other than direct consumption.

Whereas, for fixing the CIF price, the observance of which must be guaranteed by New-Zealand, the criteria envisaged by the European Council in Dublin are not

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(1) OJ N° L 73, 27. 3. 1972, p.

(2) OJ N° L 73, 27. 3. 1972, p. 173

limited only to the manufacturing costs in New-Zealand and the transport costs between New-Zealand and the United-Kingdom but also have to take into account the supply and demand developments in the major producing and consuming countries in the world as well as the level and evolution of prices in the Community, including intervention prices ;

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

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

Whereas, so far as needed and in the main, the other rules applicable until 31 December 1977 to the system in question and provided for in Council Regulation (EEC) N° 226/73 of 31 January 1973 laying down general rules for import of New-Zealand butter and cheese into the United Kingdom,<sup>(3)</sup> as last amended by Regulation (EEC) N° 3067/75,<sup>(4)</sup> shall apply ;

HAS ADOPTED THIS REGULATION :

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(3) OJ N° L 27, 1. 2. 1973, p. 17

(4) OJ N° L307, 27.11. 1975, p. 4

### Article 1

- The United-Kingdom is authorized to import certain quantities of butter from New-Zealand on the following terms and as a transitional measure.
2. The quantities specified in paragraph 1 shall amount to
    - 125.000 metric tons for 1978,
    - 120.000 metric tons for 1979,
    - 115.000 metric tons for 1980.
  3. Without prejudice to the detailed rules determined by the Council, acting unanimously on a proposal from the Commission, the butter imported into the United Kingdom pursuant to the provisions of this Regulation may not become the subject of intra-Community trade or of reexportation to third countries.

### Article 2

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

### Article 3

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

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

#### Article 4

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

#### Article 5

1. It can be decided that the quantities of butter imported, according to this Regulation, exceeding 25 % of the total quantity of butter sold for direct consumption in the United-Kingdom during the preceding year, have to be sold, under the conditions to be determined, for uses other than direct consumption.
2. Without prejudice to the provisions of Article 2 (1) and Article 3 (3), the conditions referred to in paragraph 1 may provide for a differentiation of the special levy according to the destination of the butter, whether for direct consumption or for other uses.
3. In order to guarantee that this butter is used for purposes other than direct consumption, it may be foreseen that, when imported, this butter must meet the requirements to be defined.

#### Article 6

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

#### Article 7

The Commission shall submit to the Council before 15 May each year and for the first time before 15 May 1979 a report on the manner in which the provisions of this Regulation have been applied during the preceding year.

Article 8

Detailed rules for the application of this Regulation, and particularly the special levy as well as the conditions mentioned in Article 5 (1) shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) N° 804/68.

Article 9

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

Article 10

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

It shall apply from 1 January 1978.

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

Done at Brussels,

For the Council

