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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.6.2009
COM(2009) 275 final

2009/078 (ACC)

Proposal for a

COUNCIL REGULATION

opening an autonomous tariff quota for imports of high-quality beef

EXPLANATORY MEMORANDUM

The Panel and Appellate Body reports in *European Communities — Measures Concerning Meat and Meat Products (Hormones)*, adopted by the World Trade Organisation (WTO) Dispute Settlement Body (DSB) on 13 February 1998, found that the Community ban on imports of meat and meat products from cattle treated with certain hormones for growth promotion purposes was inconsistent with the Agreement on the Application of Sanitary and Phytosanitary Measures. The United States of America requested and obtained authorisation from the DSB for the suspension of concessions to the Community in the amount of US\$116.8 million.

Following the amendment of Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists by Directive 2003/74/EC of the European Parliament and of the Council of 22 September 2003, the Community brought itself into compliance with the DSB rulings and recommendations. However, the United States considers that the Community is still in breach of its WTO obligations and continues to apply sanctions.

The Community and the United States have been exploring ways of finding a solution to this long-lasting transatlantic trade dispute without prejudice to their respective views on the WTO consistency of the Community measures.

Accordingly, an arrangement whereby the Community would open an additional autonomous tariff rate quota for high-quality beef on an MFN basis and the United States would reduce the amount of sanctions is considered to be an expedient way of improving trading relations.

Proposal for a

COUNCIL REGULATION

opening an autonomous tariff quota for imports of high-quality beef

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) In view of the Community interest in developing harmonious trade relations with third countries, provision should be made for opening, as an autonomous measure, a Community import tariff quota of 20 000 tonnes for high-quality fresh, chilled or frozen beef.
- (2) Article 144 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)² provides that tariff quotas for the products covered by this Regulation are opened and administered by the Commission in accordance with the detailed rules adopted under the procedure referred to in Article 195(2) of Regulation No 1234/2007,

HAS ADOPTED THIS REGULATION:

Article 1

1. An annual Community import tariff quota of 20 000 tonnes, expressed in product weight, with order number 09.4449, is hereby opened for high-quality fresh, chilled or frozen beef falling within CN codes 0201, 0202, 0206 10 95 and 0206 29 91.
2. The *ad valorem* customs duty for the quota referred to in paragraph 1 shall be 0 %.
3. The quota year shall run from 1 July to 30 June.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Article 144 of Regulation (EC) No 1234/2007.

Article 3

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

¹ OJ C , , p. .

² OJ L 299, 16.11.2007, p. 1.

It shall apply from 1 August 2009.

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

Done at Brussels,

For the Council
The President

FINANCIAL STATEMENT		Fichefin/09/114906 (MS/EM/DDG/mlc) 6.143.2009.1		
		DATE: 15/05/2009		
1.	BUDGET HEADING: Chap.10 – Agricultural duties	APPROPRIATIONS: B2009 : 1.403,5 Mio €		
2.	TITLE: Proposal for a Council Regulation opening an autonomous tariff quota for imports of high-quality beef			
3.	LEGAL BASIS: Art. 133 of the Treaty			
4.	AIMS: Opening of an autonomous import tariff quota of 20.000 t for high-quality fresh, chilled or frozen beef			
5.	FINANCIAL IMPLICATIONS	12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR 2009 (EUR million)	FOLLOWING FINANCIAL YEAR 2010 (EUR million)
5.0	EXPENDITURE	-	-	-
	- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)			
	- NATIONAL AUTHORITIES			
	- OTHER			
5.1	REVENUE	-	-	-
	- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)			
		2011	2012	2013
5.0.1	ESTIMATED EXPENDITURE	-	-	-
5.1.1	ESTIMATED REVENUE	-	-	-
5.2	METHOD OF CALCULATION:			
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?	YES NO		
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?	YES NO		
6.2	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?	YES NO		
6.3	WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?	YES NO		
OBSERVATIONS: This arrangement is the solution found by UE and the USA, who would reduce the amount of sanctions applied. The measure is considered to be an expedient way of improving trading relations. The customs duty for the quota is fixed at 0. It can be estimated that the measure has not a financial impact.				