

Commission Regulation (EC) No 438/2009 of 26 May 2009 opening and providing for the administration of Community tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds

COMMISSION REGULATION (EC) No 438/2009  
of 26 May 2009

opening and providing for the administration of Community tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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)<sup>(1)</sup>, and in particular Article 144(1) and Article 148 in conjunction with Article 4 thereof,

Whereas:

- (1) In the framework of the World Trade Organisation, the Community has undertaken to open annual import tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds. Detailed rules for the administration of these quotas are laid down in Commission Regulation (EC) No 659/2007 of 14 June 2007 opening and providing for the administration of import tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds<sup>(2)</sup>.
- (2) The use of the first-come, first-served principle has proved positive in other agricultural sectors, and in the interest of administrative simplification, these quotas should henceforth be administered in accordance with the method indicated in Article 144(2) (a) of Regulation (EC) No 1234/2007. This should be done in accordance with Articles 308a, 308b and 308c(1) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(3)</sup>.
- (3) Due to the particularities of the transfer from one administrative system to the other, the quotas to which this Regulation refers should be regarded as non-critical within the meaning of Article 308c of Regulation (EEC) No 2454/93.
- (4) Article 166 of Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code<sup>(4)</sup> provides for customs supervision of goods released for free circulation at a reduced rate of duty on account of their specific use. Animals imported under the tariff quotas provided for in this Regulation should be supervised for a sufficient period to ensure that they are not slaughtered during that period.

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**Status:** Point in time view as at 01/07/2009.

**Changes to legislation:** Commission Regulation (EC) No 438/2009, Introductory Text is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (5) To that end, a security should be lodged, the amount of which should cover the difference between the Common Customs Tariff duty and the reduced duty applicable on the date of release for free circulation of the animals concerned.
- (6) Regulation (EC) No 659/2007 should therefore be repealed and replaced by a new Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 299, 16.11.2007, p. 1.
- (2) OJ L 155, 15.6.2007, p. 20.
- (3) OJ L 253, 11.10.1993, p. 1.
- (4) OJ L 145, 4.6.2008, p. 1.

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