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(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 597/77

of 18 March 1977

laying down detailed rules for the application of special import arrangements for certain types of frozen beef intended for processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal (1), as last amended by Regulation (EEC) No 425/77 (2), and in particular Articles 14 (4) (c) and 25 thereof,

Whereas Article 14 of Regulation (EEC) No 805/68 lays down special arrangements for imports of certain types of frozen beef intended for processing ; whereas these arrangements consist of the total suspension of the import levy on such frozen meat, where it is intended for the manufacture of preserved food containing no characteristic components other than beef and jelly, and of the total or partial suspension of the levy on imports of other types of frozen beef intended for the manufacture of other processed products ;

Whereas special measures must be taken to ensure that frozen meat imported with total suspension of the levy is not deflected for another purpose ; whereas the suspension should therefore be made conditional upon the importer making a declaration certifying the purpose and lodging a security ;

Whereas the special arrangements under Article 14 (3) (b) thereof only apply if meat is held by an intervention agency in the Community ;

Whereas preserved food manufactured in the Community can be classified in four groups according to their meat content ; whereas coefficients should be fixed to take account of the quantity of frozen meat necessary for the manufacture of each such group ;

Whereas the manufacturing process for homogenized preserved meats differs from that for other preserved food ; whereas coefficients should therefore be provided for such preserved meats, which take account of their special characteristics ;

Whereas compliance with the arrangements under Article 14 of Regulation (EEC) No 805/68 requires the effective supervision of the processing of imported meat and whereas processing should therefore take place only on the territory of the importing Member State ;

Whereas Commission Regulation (EEC) No 1082/68 of 26 July 1968 fixing coefficients expressing the meat content of preserved meats manufactured from frozen meat (3), as amended by Regulation (EEC) No 207/70 (4), must be repealed ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION :

Article 1

1. No importer shall be entitled to total or partial suspension of the import levy under Article 14 (1) of Regulation (EEC) No 805/68 unless he produces :

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 61, 5. 3. 1977, p. 1.
(3) OJ No L 181, 27. 7. 1968, p. 9.
(4) OJ No L 28, 5. 2. 1970, p. 10.

(a) a written declaration, made at the time of the importation, that the frozen meat is intended for use in the importing Member State,

(aa) for the manufacture of the preserved food referred to in Article 14 (1) (a) thereof, or

(bb) for the manufacture of the other products referred to in Article 14 (1) (b) thereof ;

(b) a security in the sum of the amount suspended of the levy applicable on the day of importation ;

(c) a written undertaking, made at the time of importation, to pay the additional sum specified in paragraph 8 in respect of that quantity of frozen meat imported in respect of which the proof referred to in paragraph 3 is not furnished.

2. The security shall be lodged, at the choice of the applicant, either in cash or in the form of a guarantee given by an institution meeting the criteria laid down by the Member State on whose territory the importation was effected.

3. Except in case of *force majeure*, the security shall not be released in whole or in part unless, within six months following the month of importation, proof is furnished that all or part of the imported frozen meat has been processed on the territory of the importing Member State. The amount of the security released shall be in proportion to the quantity for which proof of processing is furnished.

The security shall be released immediately after such proof has been furnished.

The amount of the security not released is forfeit and is retained as a levy.

4. In the case of frozen meat imported under the arrangements provided for in paragraph 1 (a) (aa), the proof referred to in paragraph 3 may not be considered as furnished unless the quantity of preserved food manufactured from such meat is at least equivalent to the quantity imported. The coefficients for determining the quantity of frozen boned meat contained in a given quantity of preserved food are set out in the Annex hereto.

5. For the purposes of Article 14 (1) (a) of Regulation (EEC) No 805/68, 'preserved food' means products in which the total weight of beef and jelly is at least 85 % of the total net weight.

6. In the case of frozen meat imported under the arrangements provided for in paragraph 1 (a) (bb), 'manufacture' means the processing into products other than those falling under heading No 02.01 of the Common Customs Tariff.

7. For the purposes of this Regulation 100 kilograms of unboned meat shall be deemed to be equal to 77 kilograms of boned meat.

8. The additional sum shall be equal to the highest levy applicable to imports of frozen meat falling under the same subheading of the Common Customs Tariff during the period between the day of importation and the last day on which the proof specified in paragraph 3 may be furnished, less the amount of the security which has not been released. This sum shall be paid as a levy.

Article 2

Article 14 (3) (b) of Regulation (EEC) No 805/68 may be applied when it is found that the quantities of frozen meat held by an intervention agency exceed or are likely to exceed 10 000 tonnes.

Article 3

Member States shall set up a system of customs or administrative supervision to ensure that the meat is processed, and in particular a form of control to enable the quantity of boned frozen meat used in the manufacture of homogenized preserved meats to be determined.

Article 4

Member States shall communicate to the Commission not later than the 15th day of each month :

(a) separately for each of the subheadings for frozen meat and for each of the arrangements provided for in Article 14 (1) of Regulation (EEC) No 805/68, the quantities imported during the preceding month ;

(b) the quantities imported, broken down as indicated under (a), in respect of which the proof referred to in Article 1 (3) has been furnished during the preceding month ;

(c) the quantities of products manufactured during the preceding month, broken down by type of products and expressed in net weight of the finished product.

Article 5

Regulation (EEC) No 1082/68 is hereby repealed.

Article 6

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 18 March 1977.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

Products	Coefficients
I. Preserved food, other than homogenized, containing the following percentages of meat of bovine animals :	
1. 80 % or more of meat, excluding offal and fat	1·50
2. 60 % or more but less than 80 % of meat, excluding offal and fat	1·10
3. 40 % or more but less than 60 %, excluding offal and fat	0·90
4. Less than 40 % of meat, excluding offal and fat	0·10
II. The coefficient applicable in respect of homogenized preserved meat shall be the figure corresponding to the quantity, expressed in kilograms of boned frozen meat used in the manufacture of 1 kilogram of preserved meat	