COMMISSION REGULATION (EEC) No 1557/78

of 5 July 1978

on the sale, at a price fixed at a standard rate in advance, of preserved beef held by the intervention agencies, amending Regulation (EEC) No 1687/76 and repealing Regulation (EEC) No 2311/77

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 Article 7 (3) thereof,

Whereas stocks of preserved beef produced pursuant to Commission Regulation (EEC) No 1295/74 of 22 May 1974 on the processing of beef bought in by intervention agencies (3), as last amended by Regulation (EEC) No 1145/75 (4), have reached an age where they should be disposed of;

Whereas, in order to dispose of these preserves at a reasonable price, a selling price should be fixed in advance;

Whereas the selling prices should be based on past experience of sales of such preserved beef; whereas, however, in order to encourage operators to export canned beef, which is packed in cans of a fairly heavy unit weight and so may be difficult to sell at the retail level, slightly lower selling prices should be fixed for products which are to be exported;

Whereas such sales should be made in accordance with Commission Regulation (EEC) No 216/69 of 4 February 1969 on detailed rules of application for the disposal of frozen beef and veal bought in by intervention agencies (5), while certain necessary exceptions should be made for the specific nature of the products and their use or destination;

Whereas the time allowed for export is extended for exporters who wish to avail themselves of the provisions of Council Regulation (EEC) No 441/69 of 4 March 1969 laying down additional general rules for granting export refunds on products subject to a single price system, exported unprocessed or in the form of certain goods not covered by Annex II to the Treaty (6), as last amended by Regulation (EEC) No 269/78 (7);

Whereas experience as regards the export of meat sold by the intervention agencies has shown that export outlets cannot be greatly expanded unless exporters are able to buy certain quantities of meat at a set price and to take delivery of them by instalments over an extended period, with a view to carrying out contracts made with importers in non-member countries; whereas that period should not, however, exceed six months; whereas certain special conditions should be laid down, and in particular the prospective purchaser should be required to produce a copy of an export contract, so as to ensure that this extension of the take-over period is permitted only in the case of export contracts to be performed over a period longer than the take-over period as currently prescribed;

Whereas rules should be laid down governing the release of the security; whereas in the case of sale for export the security should be released only when proof has been furnished that the products have actually been released for sale in a non-member country; whereas such proof may be furnished in the same manner as for differentiated refunds, pursuant to Article 11 (1) of Commission Regulation (EEC) No 192/75 of 17 January 1975 laying down detailed rules for the application of export refunds in respect of agricultural products (8), as last amended by Regulation (EEC) No 2838/77 (9);

Whereas it is necessary to amend the Annex to Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destination of products from intervention (10), as last amended by Regulation (EEC) No 732/78 (11);

Whereas it is necessary, for administrative reasons, to repeal Commission Regulation (EEC) No 2311/77 of 20 October 1977 on the sale, at a price fixed in advance, of preserved beef held by intervention agen-

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 61, 5. 3. 1977, p. 1.
(3) OJ No L 140, 23. 5. 1974, p. 47.
(4) OJ No L 112, 1. 5. 1975, p. 60.
(5) OJ No L 28, 5. 2. 1969, p. 10.
(6) OJ No L 59, 10. 3. 1969, p. 1.
(7) OJ No L 40, 10. 2. 1978, p. 7.
(8) OJ No L 25, 31. 1. 1975, p. 1.
(9) OJ No L 327, 20. 12. 1977, p. 23.
(10) OJ No L 190, 14. 7. 1976, p. 1.
(11) OJ No L 251, 1. 10. 1977, p. 60.

cies (1), as last amended by Regulation (EEC) No 157/78 (2); whereas the current situation in the meat market in the Federal Republic of Germany requires however that the resumption of the sale of these purchases shall only take place with effect from 1 August 1978,

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

HAS ADOPTED THIS REGULATION:

Article 1

1. With effect from 10 July 1978 the Danish and Irish intervention agencies, and with effect from 1 August 1978 the German intervention agency, shall sell preserved beef produced under Regulation (EEC) No 1295/74.

2. The quantities, qualities and prices of such preserved meat are set out in Annex I. The prices in column D thereof refer to:

— under (a), sales on the internal Community market,

— under (b), sales for export.

3. Details of the quantities and the places where the products are stored may be obtained by those concerned from the addresses set out in Annex II.

Article 2

Regulation (EEC) No 216/69, and in particular Articles 2 to 5 thereof, shall apply to sales under this Regulation, subject to the following provisions:

1. the price shall be paid as and when the goods are removed from store in proportion to the quantities removed and not later than the day preceding each removal;
2. the weight of the preserved beef shall be the net weight;
3. the security shall be:
   (a) 10 units of account per 100 kilograms in the case of sales referred to in Article 1 (2) (a);
   (b) 25 units of account per 100 kilograms in the case of sales referred to in Article 1 (2) (b);
4. in the case of sales referred to in Article 1 (2) (b) an application to purchase shall be valid only if it is accompanied by a written undertaking by the purchaser to take over and export the meat within eight weeks from the day on which his application to purchase is lodged.

   However, where the purchaser places the meat under the arrangements referred to in Article 3 of Regulation (EEC) No 441/69, it must be exported within six months from the day on which the application to purchase is lodged.

(1) OJ No L 269, 21. 10. 1977, p. 26.
(2) OJ No L 23, 28. 1. 1978, p. 28.

Article 3

1. By way of derogation from Article 2 (4), the time allowed for taking over and exporting preserved meat sold pursuant to this Regulation shall be extended to six months from the day on which the application to purchase is lodged, provided that the following conditions are satisfied:

(a) the application shall be accompanied by a certified copy of a contract for the export of preserved meat and by a written undertaking that an export licence application will be submitted for the quantity and destination specified in the contract;

(b) the applicant shall give a written undertaking to take over and export the meat within six months from the day on which his application to purchase is lodged.

2. Each intervention agency shall, on the first working day following that on which an application to purchase is lodged with it, notify the Commission of each such application, indicating the quantity of meat applied for by category and destination.

Article 4

Within the meaning of Article 5 (4) (b) of Regulation (EEC) No 216/69, the conditions laid down in the contract shall be considered to have been satisfied by the purchaser:

(a) in the case of preserved meat released for sale on the internal Community market, when the quantity stipulated in the contract has been taken over within the period laid down and the purchase price paid in full;

(b) in the case of preserved meat released for sale for export, when the conditions laid down under (a) have been satisfied, the proof referred to in Article 12 of Regulation (EEC) No 1687/76 has been furnished and proof that the products have been imported into a non-member country pursuant to Article 11 (1) of Regulation (EEC) No 192/75 has been furnished; however, where preserved meat is sold pursuant to Article 3 hereof, the security shall only be released when proof has been furnished that the entire quantity of preserved meat covered by the export contract has reached the destination stipulated in that contract.

Article 5

In the Annex to Regulation (EEC) No 1687/76, under 'I: Products to be exported in the same state as that in which they were when removed from intervention stock':

(a) paragraph 8 and the relevant footnote are deleted, save for those products in respect of which Regulation (EEC) No 2311/77 continues to apply;

(b) there is added after paragraph 10 a further paragraph as follows, together with the footnote reference :

'11. Commission Regulation (EEC) No 1557/78 of 5 July 1978 on the sale, at a price fixed at a standard rate in advance, of preserved beef held by the intervention agencies, amending Regulation (EEC) No 1687/76 and repealing Regulation (EEC) No 2311/77 (11).

(11) OJ No L 184, 6. 7. 1978, p. 12.'

Article 6

If the quantities available are not sufficient to satisfy all the applications submitted on 10 July 1978 from the Danish and Irish intervention agencies and on 1 August 1978 from the German intervention agency, all such applications shall be deemed to have been submitted at the same time.

Article 7

1. Regulation (EEC) No 2311/77 is hereby repealed. However, it shall remain applicable in respect of applications submitted before the entry into force of this Regulation.

2. References in Community instruments to Regulation (EEC) No 2311/77 or to Articles thereof shall be construed as references to this Regulation or to the corresponding Articles hereof.

Article 8

This Regulation shall enter into force on 10 July 1978.

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

Done at Brussels, 5 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEXE I — ANHANG I — ANNEX I — ALLEGATO I — BIJLAGE I — BILAG 1

État membre Mitgliedstaat Member State Stato membro Lid-Staat Medlemsstat	Produits Erzeugnisse Products Prodotti Produkten Produkter	Quantités (tonnes) Mengen (Tonnen) Quantities (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Mængde (tons)	Prix de vente (UC/100 kg) poids net Verkaufspreise (RE/100 kg) Nettogewicht Selling prices (u.a./100 kg) net weight Prezzi di vendita (UC/100 kg) peso netto Verkoopprijzen (RE/100 kg) nettogewicht Salgspris (RE/100 kg) nettovægt	
A	B	C	D (1)	
			a)	b)
DANMARK	Oksekød i egen saft			
	— kartoner med 12 runde dåser, hver med en nettovægt på 1 815 g	± 7 500	100,0	90,0
	— kartoner med 12 firkantede dåser, hver med en nettovægt på 1 815 g	± 2 500	100,0	90,0
DEUTSCHLAND	Rindfleischkonserven in Dosen von 400 Gramm netto je Dose	±13 000	112,4	112,4
IRELAND	Canned stewed steak with net weight of 425 grams per can	±2 200	112,4	90,0

(1) D a) — Conserves destinées au marché intérieur de la Communauté.
— Für den Binnenmarkt der Gemeinschaft bestimmte Konserven.
— Canned beef for sale within the Community.
— Conserve destinate al mercato comunitario.
— Conserven bestemd voor de markt van de Gemeenschap.
— Konserves bestemt for det interne marked i Fællesskabet.

b) — Conserves destinées à être exportées.
— Für den Export bestimmte Konserven.
— Canned beef for export.
— Conserve destinate all'esportazione.
— Conserven bestemd voor export.
— Konserves bestemt for eksport.

ANNEXE II — ANHANG II — ALLEGATO II — BIJLAGE II — ANNEX II — BILAG II

Adresses des organismes d'intervention — Anschriften der Interventionsstellen — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Addresses of the intervention agencies — Interventionsorganernes adresser

DANMARK :

Direktoratet for markedsordningerne,
EF-Direktoratet,
Frederiksborggade 18,
1360 København K,
Tlf. (01) 15 41 30, Telex 15 137 DK.

DEUTSCHLAND :

Bundesanstalt für landwirtschaftliche Marktordnung (BALM),
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse),
Postfach 180107 — Adickesallee 40,
D — 6 000 Frankfurt am Main 18,
Tel. (0611) 55 04 61/55 05 41, Telex : 04 11 727/04 11 156.

IRELAND :

Department of Agriculture and Fisheries, Agriculture House,
Kildare Street,
Dublin 2,
Tel. (01) 78 90 11, ext. 23 56, Telex 4280 and 5118.