COMMISSION REGULATION (EEC) No 572/78

of 21 March 1978

laying down detailed rules for the application of special import arrangements for certain types of frozen beef intended for processing and repealing Regulation (EEC) No 597/77

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 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 provisions must be laid down to ensure that frozen meat imported with suspension of the levy is not deflected from its destination or use; whereas such suspension should therefore be made conditional *inter alia* upon the production by the importer of a declaration as to such destination and purpose and the lodging by him of a security;

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 food is different from that for other preserved food; whereas coefficients which take account of its special characteristics should therefore be fixed for the said preserved food;

Whereas the application of the special arrangements under Article 14 (3) (b) of Regulation (EEC) No 805/68 presupposes that there is an intervention agency holding frozen meat;

Whereas, when the special arrangements under Article 14 (3) (b) of Regulation (EEC) No 805/68 apply, they can have an economic effect only if the arrangements under Article 14 (3) (a) are simultaneously suspended;

Whereas implementation of the arrangements under Article 14 of Regulation (EEC) No 805/68 requires effective supervision of the processing of imported meat; whereas processing should therefore be authorized only on the territory of the importing Member State;

Whereas this Regulation incorporates the provisions of 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 (3), as last amended by Regulation (EEC) No 2901/77 (4); whereas Regulation (EEC) No 597/77 should therefore 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:

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

(aa) for the manufacture of preserved food as referred to in Article 14 (1) (a) of Regulation (EEC) No 805/68, or

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

(b) he lodges a security equal to the amount suspended of the levy applicable on the day of importation;

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 61, 5. 3. 1977, p. 1.
(3) OJ No L 76, 24. 3. 1977, p. 1.
(4) OJ No L 338, 28. 12. 1977, p. 9.

(c) he produces a written undertaking, given at the time of importation, to pay the additional sum referred to in paragraph 8 in respect of the quantity of frozen meat imported in respect of which the proof referred to in paragraph 3 is not furnished ;

(d) as regards the arrangements under Article 14 (1) (b) of Regulation (EEC) No 805/68, he produces an undertaking, given at the time of importation, to inform the competent authorities of the importing Member State, within one month following the date of importation, of the establishment or establishments where the imported meat will be processed.

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 importation is to be effected.

3. Except in case of *force majeure,* the security referred to in paragraph 1 (b) shall not be released in whole or in part unless, within six months following the month of importation, proof is furnished to the satisfaction of the competent authorities of the importing Member State that all or part of the imported frozen meat has been processed within three months of importation in the establishment specified on the import licence or notified in accordance with paragraph 1 (d).

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 shall be forfeit and retained as 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 shall not be regarded 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 meat are set out in the Annex hereto.

5. For the purpose of Article 14 (1) (a) of Regulation (EEC) No 805/68 'preserved food' means products falling within subheading 16.02 B III b) 1 bb) of the Common Customs Tariff, containing by weight 20 % or more of meat of bovine animals, excluding offal and fat, in which beef and jelly account for at least 85 % of the total net weight.

6. For the purpose of Article 14 (1) (b) of Regulation (EEC) No 805/68, 'manufacture' means the processing :

— into products other than those specified in Article 1 (1) (a) of that Regulation or referred to in paragraph 5 above, or

— into products falling within subheading 02.06 C I a) 2 of the Common Customs Tariff.

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

8. The additional sum mentioned in paragraph 1 (c) shall be equal to the highest levy applicable to imports of frozen meat falling within the subheading in question, effected during the period between the day of importation and the last day on which the proof referred to in paragraph 3 may be furnished, less the amount of the security which has not been released. This sum shall be paid as levy.

Article 2

1. 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 the intervention agencies exceed or are likely to exceed 10 000 tonnes.

2. Where Article 14 (3) (b) of Regulation (EEC) No 805/68 is applied the measures provided for in Article 14 (3) (a) of that Regulation shall be suspended.

3. Article 1 shall apply in the case provided for in paragraph 1.

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 food to be determined.

Article 4

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

(a) giving separate particulars 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

1. Regulation (EEC) No 597/77 is hereby repealed.

2. Any reference to Regulation (EEC) No 597/77 or to Articles contained therein in any Community Act shall be construed as references to this Regulation or to the corresponding Articles of this Regulation.

Article 6

This Regulation shall enter into force on 1 April 1978.

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

Done at Brussels, 21 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

Product	Coefficient
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 % of meat excluding offal and fat	0·90
4. 20 % or more but less than 40 % of meat, excluding offal and fat	0·30
II. The coefficient applicable in respect of homogenized preserved meat shall be in figures corresponding to the quantity, expressed in kilograms of boned frozen meat, used in the manufacture of one kilogram of preserved meat.	