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COMMISSION REGULATION (EEC) No 1964/82

of 20 July 1982

laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals

(OJ L 212, 21.7.1982, p. 48)

Amended by:

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►**M1**	Commission Regulation (EEC) No 3169/87 of 23 October 1987	L 301	21	24.10.1987
►**M2**	Commission Regulation (EC) No 2469/97 of 11 December 1997	L 341	8	12.12.1997
►**M3**	Commission Regulation (EC) No 1452/1999 of 1 July 1999	L 167	17	2.7.1999
►**M4**	Commission Regulation (EC) No 1470/2000 of 5 July 2000	L 165	16	6.7.2000
►**M5**	Commission Regulation (EC) No 2772/2000 of 18 December 2000	L 321	35	19.12.2000

Corrected by:

►**C1** Corrigendum, OJ L 273, 23.9.1982, p. 43 (1964/82)

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COMMISSION REGULATION (EEC) No 1964/82

of 20 July 1982

laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals

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 the Act of Accession of Greece, and in particular Articles 18 (6) and 25 thereof,

Whereas Council Regulation (EEC) No 885/68 [2], as last amended by Regulation (EEC) No 427/77 [3], laid down general rules for granting export refunds and criteria for fixing the amount thereof;

Whereas, on account of the market situation, the economic situation in the beef and veal sector and the scope for selling certain products of the sector, the conditions governing the payment of special export refunds on these products should be determined; whereas, in particular, conditions should be laid down for certain cuts of meat produced by boning hindquarters of male cattle;

Whereas, in order to ensure that these objectives are complied with, a special supervisory procedure should be introduced; whereas the origin of the product may be authenticated by the production of a certificate on the model of the Annex to Commission Regulation (EEC) No 32/82 of 7 January 1982 laying down the conditions for granting special export refunds for beef and veal [4], as amended by Regulation (EEC) No 752/82 [5];

Whereas it should be specified that the grant of the special refund shall be conditional on all the cut meat produced by boning the hindquarters placed under supervision being exported, apart from certain by-products which can be sold in the Community;

Whereas, as far as time limits and proof of export are concerned, reference should be made to the provisions of Commission Regulation (EEC) No 2730/79 of 29 November 1979 laying down common detailed rules for the application of the system of export refunds on agricultural products [6], as last amended by Regulation (EEC) No 202/82 [7];

Whereas, for the smooth operation of the arrangements instituted by this Regulation, operators should be able, if they wish, to make use of the provisions of Article 5 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products [8],

Whereas application of the arrangements on victualling warehouses set out in Article 26 of Regulation (EEC) No 2730/79 is incompatible with the purpose of this Regulation; whereas there is no need therefore to make any provision for applying the arrangements indicated in the said Article 26 to the products in question;

Whereas, in view of the special nature of this refund, no substitution should be permitted and means of identification of the products in question should be provided for;

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[1] OJ No L 148, 28. 6. 1968, p. 24.
[2] OJ No L 156, 4. 7. 1968, p. 2.
[3] OJ No L 61, 5. 3. 1977, p. 16.
[4] OJ No L 4, 8. 1. 1982, p. 11.
[5] OJ No L 86, 1. 4. 1982, p. 50.
[6] OJ No L 317, 12. 12. 1979, p. 1.
[7] OJ No L 21, 29. 1. 1982, p. 23.
[8] OJ No L 62, 7. 3. 1980, p. 5.

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Whereas the method by which the Member States notify the Commission of the quantities of products on which special export refunds have been granted should be laid down;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

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Article 1

Individually packaged boneless cuts from fresh or chilled forequarters and hindquarters of adult male cattle with an average lean meat content of 55 % of more shall, under the conditions laid down in this Regulation, qualify for special export refunds.

For the purposes of this Regulation:

— 'forequarters' shall mean unseparated forequarters, as defined in Additional Notes 1.A (d) and (e) to Chapter 2 of the combined nomenclature, straight or 'Pistola' cut,

— 'hindquarters' shall mean unseparated or separated hindquarters, as defined in Additional Notes 1.A (f) and (g) to Chapter 2 of the combined nomenclature, with a maximum of eight ribs or eight pairs of ribs, straight cut or 'Pistola' cut.

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Article 2

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1. The operator shall submit to the competent authorities indicated by the Member States a declaration stating his intention to bone either forequarters or hindquarters as defined in Article 1 under the terms of this Regulation and to export, subject to Article 6, the entire quantity of boned cuts obtained, each cut being individually packaged. ►M5 ——— ◄

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2. The declaration shall describe and state the quantity of the products to be boned.

It shall be accompanied by a certificate, a specimen of which is annexed to Regulation (EEC) No 32/82, issued in accordance with the provisions of the first sentence of Article 2 (2) of that Regulation. However, Notes B and C and box 11 of that certificate shall not apply. The provisions of Article 3 of that Regulation shall be applicable *mutatis mutandis* until the products are placed under supervision as referred to in paragraph 3.

3. On the declaration's being accepted by the competent authorities, who shall insert thereon the date of acceptance, the ►M2 quarters ◄ to be boned shall be placed under the supervision of those authorities, who shall establish the net weight of the products and enter this in box 7 of the certificate referred to in paragraph 2.

Article 3

The period within which the ►M2 quarters ◄ must be boned shall, except in circumstances of *force majeure,* be 10 working days from the date of acceptance of the declaration referred to in Article 2.

Article 4

▼M2

1. After boning, the operator shall submit for endorsement to the competent authority one or more 'boned meat certificates', specimens of which are given in Annexes I and II and on which the number of the certificate referred to in Article 2 (2) shall be entered in box 7.

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2. The numbers of the 'boned meat certificates' shall be entered in box 9 of the certificate referred to in Article 2 (2). This latter certificate, duly completed, shall be sent by administrative channels to the agency responsible for payment of export refunds when 'boned meat certificates' corresponding to the entire quantity of boned meat from the ►M2 quarters ◄ taken under supervision have been endorsed in accordance with paragraph 1.

3. The 'boned meat certificates' must be submitted when the customs formalities referred to in Article 5 are completed.

▼M1

4. Boning shall be carried out and the customs export formalities completed in the Member State in which the animals were slaughtered.

▼M5

Article 5

1. Customs formalities for export from the Community for supplies as referred to in Article 36 of Commission Regulation (EC) No 800/1999 [1] or for products placed under the procedure referred to in Article 5 of Regulation (EEC) No 565/80 shall be completed in the Member State in which the declaration as referred to in Article 2 is accepted.

2. In box 11 of the 'boned meat certificate' the customs authorities shall enter the reference numbers and dates of the declarations referred to in Article 5(4) of Regulation (EC) No 800/1999.

Where the arrangement provided for in Article 5 of Regulation (EEC) No 565/80 is utilised, the customs authorities shall enter the reference numbers and dates of the payment declarations provided for in Article 26(2) of Regulation (EC) No 800/1999.

Where necessary, those particulars may be entered on the reverse side of the certificates and certified by the customs authorities.

3. After customs formalities covering cuts for export are completed, the 'boned meat certificate' shall be sent by administrative channels to the agency responsible for paying the export refunds.

Article 6

1. Except in cases of *force majeure*, special refunds shall be granted subject to the export of the total quantity of cuts produced by boning performed under supervision in accordance with Article 2(3) and that are shown in the certificate(s) provided for in Article 4(1).

2. However, operators shall be authorised not to export the total quantity of cuts produced by boning hindquarters.

If the quantity to be exported amounts to at least 95 % of the total weight of cuts produced by boning performed under supervision in accordance with Article 2(3), the special refund shall be payable.

If the quantity to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning, the special refund payable shall be reduced.

The amount by which the rate is to be reduced shall be decided when the rate of refund concerned is fixed or altered. It shall be determined in particular in the light of the value of the various cuts that are likely to remain on the Community market.

3. Bones, large tendons, cartilage, pieces of fat and other scraps left over from boning may be marketed within the Community.

[1] OJ L 102, 17.4.1999, p. 11.

▼M5

4. Operators wishing to take advantage of one of the options provided for in paragraph 2 must mention this in their declarations as provided for in Article 2(1).

In addition, the certificate(s) provided for in Article 4(1) must show:

— in box 4, the total net weight of the cuts produced from boning and, where applicable, the endorsement:

'— Application of Article 6(2) of Regulation (EEC) No 1964/82 — 95 % option,' or

'— Application of Article 6(2) of Regulation (EEC) No 1964/82 — 85 % option,'

— in box 6, the net weight to be exported.

The Member States may limit the number of types of cut which operators can decide not to export to two per boning operation.

5. If the quantity exported is less than the weight shown in box 6 of the certificate(s) provided for in Article 4(1), the special refund shall be reduced. The percentage reduction shall be:

— where the difference between the weight exported and that shown in box 6 of the certificate(s) provided for in Article 4(1) is found not to exceed 10 %, five times the percentage difference in weight,

— in other cases, 80 % of the rate of refund on products covered, as the case may be, by CN code 0201 30 00 9100 or 0201 30 00 9120, applicable on the date shown in box 21 of the export licence on the basis of which the formalities referred to in Article 5(1) or 26(1) of Regulation (EC) No 800/1999 have been completed.

The penalty provided for in Article 51(1)(a) of Regulation (EC) No 800/1999 shall not apply in cases covered by this paragraph.

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Article 7

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►M2 1. ◄ By way of derogation from Article 4 (2), Member States may provide:

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— that a single 'boned meat certificate' covering the entire quantity of meat resulting from the boning operation be issued together with the certificate referred to in Article 2 (2),

— that the two certificates be submitted simultaneously when the customs export formalities are completed,

— that the two certificates be sent simultaneously under the conditions laid down in Article 5 (3).

Article 8

The Member States shall determine the conditions for supervision and shall inform the Commission accordingly. They shall take all necessary measures to make substitution of the products in question impossible, in particular by identification of each piece of meat. No meat other than that covered by this Regulation, with the exception of pigmeat, may be present in the boning room when the meat in question is being boned, trimmed or packaged.

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The bags, cartons or other packaging material in which the boned cuts are placed shall be officially sealed by the competent authorities and bear particulars enabling the boned meat to be identified, in particular the net weight, the type and ►C1 the number of cuts and a serial number ◄.

▼M2

The boning of forequaters and hindquarters at the same time in the same boning room shall be prohibited.

▼M5

Article 9

For certificates as provided for in Article 4(1), endorsed by the competent authorities each quarter and covering boned cuts produced from hindquarters, the Member States shall notify the following in the second month following each quarter:

— the total net weight shown in certificates covered by cases as provided for in Article 6(1),

— the total net weight shown in certificates covered by cases as provided for in Article 6(2) — 95 % option,

— the total net weight shown in certificates covered by cases as provided for in Article 6(2) — 85 % option.

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Article 10

This Regulation shall enter into force on 2 August 1982.

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

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ANNEX I

EUROPEAN COMMUNITY

1. Exporter (name and address in full)	**CERTIFICATE** **for boned meat from the hindquarters of adult male cattle** **No** **Regulation (EEC) No 1964/82**
	2. ISSUING AGENCY

NOTES

A. The meat must be described according to the nomenclature used for export refunds and each piece of meat must be individually wrapped.

B. This certificate must be presented for attribution to the customs office where for each delivery the customs formalities for export or deposit in warehouse or free zone are completed.

C. After each partial attribution the customs office concerned is to return this certificate to the exporter or his agent and to send it to the agency responsible for paying export refunds when the total quantity of meat has been attributed.

3. Means of transport (optional)		
4. Number of packages — Description of meat	5. Subheading from the Combined Nomenclature	6. Net weight (kg)
7. Numbers and dates of certificates for beef from adult male cattle		

8. CERTIFICATE OF THE ISSUING AUTHORITY

The undersigned hereby declares that the meat described hereon comes for the hindquarters of adult male cattle.

Seals or plumbs applied: number: marks:

Serial numbers appearing on the packages:

Place: Date: Signature: Stamp or printed seal:

9. TO BE COMPLETED BY THE CUSTOMS OFFICE WHERE THE FORMALITIES FOR EXPORT OR DEPOSIT IN WAREHOUSE OR FREE ZONE ARE COMPLETED

10. Quantities of meat	11. Number and date of customs document and, where applicable, payment declaration: Signature and stamp of customs office
A. Total quantity	
B. Attributed	

Continued overleaf

▼M2

10. Quantities of meat	11. Number and date of customs document and, where applicable, payment declaration: Signature and stamp of customs office
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	

▼M2

ANNEX II

EUROPEAN COMMUNITY

1. Exporter (name and address in full)	**CERTIFICATE** **for boned meat from the forequarters of adult male cattle** **No** **Regulation (EEC) No 1964/82**
	2. ISSUING AGENCY

NOTES

A. The meat must be described according to the nomenclature used for export refunds and each piece of meat must be individually wrapped.

B. This certificate must be presented for attribution to the customs office where for each delivery the customs formalities for export or deposit in warehouse or free zone are completed.

C. After each partial attribution the customs office concerned is to return this certificate to the exporter or his agent and to send it to the agency responsible for paying export refunds when the total quantity of meat has been attributed.

3. Means of transport (optional)		
4. Number of packages — Description of meat	5. Subheading from the Combined Nomenclature	6. Net weight (kg)
7. Numbers and dates of certificates for beef from adult male cattle		

8. CERTIFICATE OF THE ISSUING AUTHORITY

The undersigned hereby declares that the meat described hereon comes from the forequarters of adult male cattle.

Seals or plumbs applied: number: marks:

Serial numbers appearing on the packages:

Place: Date: Signature: Stamp or printed seal:

9. TO BE COMPLETED BY THE CUSTOMS OFFICE WHERE THE FORMALITIES FOR EXPORT OR DEPOSIT IN WAREHOUSE OR FREE ZONE ARE COMPLETED

10. Quantities of meat	11. Number and date of customs document and, where applicable, payment declaration: Signature and stamp of customs office
A. Total quantity	
B. Attributed	

Continued overleaf

▼M2

10. Quantities of meat	11. Number and date of customs document and, where applicable, payment declaration: Signature and stamp of customs office
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	
A. Balance	
B. Attributed	