COMMISSION REGULATION (EEC) No 3944/87

of 21 December 1987

fixing coefficients for calculating levies on pigmeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (1), and in particular the second subparagraph of Article 15 (1) thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat (2), as last amended by Regulation (EEC) No 3906/87 (3), and in particular Article 10 (4) thereof,

Whereas, as regards the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 2759/75, other than pig carcases, the levy is to be derived from the levy on pig carcases on the basis of a coefficient expressing the ratio in the Community between the prices for such products and the price for pig carcases;

Whereas, as regards the products listed in Article 1 (1) (c) of Regulation (EEC) No 2759/75, the levy is made up of two components, one of which is to be derived from the levy on pig carcases on the basis of a coefficient expressing the ratio in the Community between the prices for such products and the price of pig carcases;

Whereas the coefficients for calculating levies on pigmeat products other than pig carcases were established by Commission Regulation (EEC) No 3602/82 (4);

Whereas, from 1 January 1988, there is established by Regulation (EEC) No 2658/87 a combined goods nomenclature based on the harmonized system which will meet the requirements both of the Common Customs Tariff and of the external trade statistics of the Community;

Whereas the tariff nomenclature resulting from the application of Regulation (EEC) No 2759/75 which forms part of the Common Customs Tariff has been amended by Regulation (EEC) No 3906/87 in accordance with Regulation (EEC) No 2658/87; whereas, as a consequence, it is necessary to express the descriptions of goods and tariff heading numbers which appear in the present Regulation according to the terms of the combined nomenclature based on the harmonized system;

Whereas, for ease of administration, Regulation (EEC) No 3602/82 should be repealed and all rules on coefficients for pigmeat products should be combined in one Regulation in which should be inserted, for the purpose of clarity, the definition of pig carcases resulting from Article 3a of Council Regulation (EEC) No 2764/75 (5), as last amended by Regulation (EEC) No 1475/86 (6);

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The coefficients expressing the ratio referred to in Article 10 (1) of Regulation (EEC) No 2759/75 are hereby fixed as shown in Annex I.

2. The coefficients expressing the ratio referred to in Article 10 (2) (a) of Regulation (EEC) No 2759/75 are hereby fixed as shown in Annex II.

Article 2

1. The following expressions shall have the meanings hereunder assigned to them:

(a) 'Carcases or half-carcases', for the purposes of subheadings 0203 11 10 and 0203 21 10 of the combined nomenclature: slaughtered pigs in the form of carcases or half-carcases of domestic swine which have been bled and eviscerated and from which the bristles and hooves have been removed. Half-carcases are derived from whole carcases by division through the centre of each cervical, dorsal, lumbar and sacral vertebra and through the centre of the sternum and the ischio-pubic

(1) OJ No L 256, 7. 9. 1987, p. 1.
(2) OJ No L 282, 1. 11. 1975, p. 1.
(3) OJ No L 370, 30. 12. 1987, p. 11.
(4) OJ No L 376, 31. 12. 1982, p. 23.
(5) OJ No L 282, 1. 11. 1975, p. 21.
(6) OJ No L 133, 21. 5. 1986, p. 39.

symphysis. These carcases and half-carcases may be with or without head, feet, flare fat, kidneys, tail or diaphragm. Half-carcases may be with or without spinal cord, brain or tongue. Carcases and half-carcases of sows may be with or without udders (mammary glands).

(b) 'Hams' (legs), for the purposes of subheadings 0203 12 11, 0203 22 11, 0210 11 11 and 0210 11 31 of the combined nomenclature: the posterior (caudal) part of the half-carcase including bones, with or without foot, shank, rind or subcutaneous fat.

The ham (leg) is separated from the rest of the half-carcase so that it includes, at most, the last lumbar vertebra.

(c) 'Fore-ends', for the purposes of subheadings 0203 19 11, 0203 29 11, 0210 19 30 and 0210 19 60 of the combined nomenclature: the anterior (cranial) part of the half carcase without the head, including bones, with or without foot, shank, rind or subcutaneous fat.

The fore-end is separated from the rest of the half-carcase so that it includes, at most, the fifth dorsal vertebra.

The upper (dorsal) part of the fore-end, whether or not containing the blade-bone and attached muscles, (neck-end in fresh or collar in salted condition), is considered a cut of the loin, when it is separated from the lower (ventral) part of the fore-end, at most by a cut just below the vertebral column.

(d) 'Shoulders', for the purposes of subheadings 0203 12 19, 0203 22 19, 0210 11 19 and 0210 11 39 of the combined nomenclature: the lower part of the fore-end whether or not containing the blade-bone and attached muscles, including bones, with or without foot, shank, rind or subcutaneous fat.

The blade-bone and attached muscles presented separately shall remain classified in this subheading as a part of the shoulder.

(e) 'Loins', for the purposes of subheadings 0203 19 13, 0203 29 13, 0210 19 40 and 0210 19 70 of the combined nomenclature: the upper part of the half-carcase, extending from the first cervical vertebra to the caudal vertebrae, including bones, with or without the tenderloin, blade-bone, subcutaneous fat or rind.

The loin is separated from the lower part of the half-carcase by a cut just below the vertebral column.

(f) 'Bellies', for the purposes of subheadings 0203 19 15, 0203 29 15, 0210 12 11 and 0210 12 19 of the combined nomenclature: the lower part of the half-carcase situated between the ham (leg) and the shoulder, commonly known as 'streaky', with or without bones, but with the rind and the subcutaneous fat.

(g) 'Bacon sides', for the purposes of subheading 0210 19 10 of the combined nomenclature: the pig half-carcase without the head, cheek, chap, feet, tail, flare fat, kidney, tenderloin, blade-bone, sternum, vertebral column, pelvic bone and diaphragm.

(h) 'Spencers', for the purposes of subheading 0210 19 10 of the combined nomenclature: the bacon side without the ham, whether or not boned.

(ij) 'Three-quarter sides', for the purposes of subheading 0210 19 20 of the combined nomenclature: the bacon side without the fore-end, whether or not boned.

(k) 'Middles', for the purposes of subheading 0210 19 20 of the combined nomenclature: the bacon side without the ham and the fore-end, whether or not boned.

The subheading also includes cuts of middles containing tissue of loin and belly in natural proportion to the entire middles.

2. The parts of the cuts defined in paragraph 1 (b), (c), (d) and (e) fall within the same subheadings only if they contain muscle tissue and bones in natural proportion to the entire cuts.

If the cuts falling within subheadings 0210 11 11 and 0210 11 19 as well as 0210 11 31, 0210 11 39, 0210 19 30 and 0210 19 60 of the combined nomenclature are derived from a bacon side from which the bones indicated under paragraph 1 (g) have already been removed, the lines of cutting shall follow those defined under paragraph 1 (b), (c) and (d) accordingly; in any case, these cuts or parts thereof shall contain bones.

3. Subheadings 0206 30 31, 0206 49 91 and 0210 90 39 of the combined nomenclature, shall include, in particular, heads or halves of heads of domestic swine, with or without the brains, cheeks or tongues, and parts thereof.

The head is separated from the rest of the half-carcase by a straight cut parallel to the cranium.

The cheeks, snouts and ears as well as the meat attached to the head, particularly to the rear part (including the chaps), are considered parts of heads. The boneless meat of the fore-end (including the jowl) fall within subheadings 0203 19 55, 0203 29 55, 0210 19 51 or 0210 19 81 as the case may be.

4. For the purposes of subheadings 0209 00 11 and 0209 00 19 of the combined nomenclature, 'subcutaneous pig fat' shall have the meaning of the fatty tissue which accumulates under the rind of the pig and adheres to it, irrespective of the part of the pig from which it comes; in any case, the weight of the fatty tissue shall exceed the weight of the rind.

Those subheadings also include subcutaneous pig fat from which the rind has been removed.

5. For the purposes of subheadings 0210 11 31, 0210 11 39, 0210 12 19 and 0210 19 60 to 0210 19 89 of the combined nomenclature, products in which the water/protein ratio in the meat (nitrogen content × 6,25) is 2,8 or less shall be considered as 'dried or smoked'. The nitrogen content shall be determined according to ISO method 937-1978.

6. For the purposes of subheadings 1602 41 10, 1602 42 10 and 1602 49 11 to 1602 49 15 of the combined nomenclature, the expression 'parts thereof' applies only to prepared or preserved meat which, due to the size and the characteristics of the coherent muscle tissue, is identifiable as having been obtained from hams, shoulders, loins, or collars of domestic swine, as the case may be.

Article 3

Regulation (EEC) No 3602/82 is hereby repealed.

Article 4

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 21 December 1987.

For the Commission
Frans ANDRIESSEN
Vice-President

ANNEX I

Coefficients for calculating the levies on products mentioned in Article 10 (1) of Regulation (EEC) No 2759/75

CN code	Description	Coefficients
0103	Live swine:	
	– Other:	
ex 0103 91	– – Weighing less than 50 kg:	
0103 91 10	– – – Domestic species	0,769
ex 0103 92	– – Weighing 50 kg or more:	
	– – – Domestic species:	
0103 92 11	– – – – Sows having farrowed at least once, of a weight of not less than 160 kg	0,654
0103 92 19	– – – – Other	0,769
0203	Meat of swine, fresh, chilled or frozen:	
	– Fresh or chilled:	
ex 0203 11	– – Carcases and half-carcases:	
0203 11 10	– – – Of domestic swine	1,00
ex 0203 12	– – Hams (legs), shoulders and cuts (parts) thereof, with bone in:	
	– – – Of domestic swine:	
0203 12 11	– – – – Legs and parts thereof	1,45
0203 12 19	– – – – Shoulders and parts thereof	1,12
ex 0203 19	– – Other:	
	– – – Of domestic swine:	
0203 19 11	– – – – Fore-ends and parts thereof	1,12
0203 19 13	– – – – Loins and parts thereof	1,62
0203 19 15	– – – – Bellies (streaky) and parts thereof	0,87
	– – – – Other:	
0203 19 55	– – – – – Boneless	1,62
0203 19 59	– – – – – Other	1,62
	– Frozen:	
ex 0203 21	– – Carcases and half-carcases:	
0203 21 10	– – – Of domestic swine	1,00
ex 0203 22	– – Hams (legs), shoulders and cuts (parts) thereof, with bone in:	
	– – – Of domestic swine:	
0203 22 11	– – – – Legs and parts thereof	1,45
0203 22 19	– – – – Shoulders and parts thereof	1,12
ex 0203 29	– – Other:	
	– – – Of domestic swine:	
0203 29 11	– – – – Fore-ends and parts thereof	1,12
0203 29 13	– – – – Loins and parts thereof	1,62
0203 29 15	– – – – Bellies (streaky) and parts thereof	0,87
	– – – – Other:	
0203 29 55	– – – – – Boneless	1,62
0203 29 59	– – – – – Other	1,62
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen:	
ex 0206 30	– Of swine, fresh or chilled:	
	– – Other:	
	– – – Of domestic swine:	

CN code	Description	Coefficients
0206 30 21	– – – – Livers	1,21
0206 30 31	– – – – Other	0,88
	– Of swine, frozen:	
ex 0206 41	– – Livers:	
	– – – Other:	
0206 41 91	– – – – Of domestic swine	1,21
ex 0206 49	– – Other:	
	– – – Other:	
0206 49 91	– – – – Of domestic swine	0,88
0209 00	Pig fat free of lean meat and poultry fat (not rendered), fresh, chilled, frozen, salted, in brine, dried or smoked:	
	– Subcutaneous pig fat:	
0209 00 11	– – Fresh, chilled, frozen, salted or in brine	0,40
0209 00 19	– – Dried or smoked	0,44
0209 00 30	– Pig fat, other than subcutaneous	0,24
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal:	
	– Meat of swine:	
ex 0210 11	– – Hams, shoulders and cuts (parts) thereof, with bone in:	
	– – – Of domestic swine:	
	– – – – Salted or in brine:	
0210 11 11	– – – – – Hams and parts thereof	1,45
0210 11 19	– – – – – Shoulders and parts thereof	1,12
	– – – – Dried or smoked:	
0201 11 31	– – – – – Hams and parts thereof	2,82
0210 11 39	– – – – – Shoulders and parts thereof	2,22
ex 0210 12	– – Bellies (streaky) and cuts (parts) thereof:	
	– – – Of domestic swine:	
0210 12 11	– – – – Salted or in brine	0,87
0210 12 19	– – – – Dried or smoked	1,45
ex 0210 19	– – Other:	
	– – – Of domestic swine:	
	– – – – Salted or in brine:	
0210 19 10	– – – – – Bacon sides or spencers	1,28
0210 19 20	– – – – – Three-quarter sides or middles	1,40
0210 19 30	– – – – – Fore-ends and parts thereof	1,12
0210 19 40	– – – – – Loins and parts thereof	1,62
	– – – – – Other:	
0210 19 51	– – – – – – Boneless	1,62
0210 19 59	– – – – – – Other	1,62
	– – – – Dried or smoked:	
0210 19 60	– – – – – Fore-ends and parts thereof	2,22
0210 19 70	– – – – – Loins and parts thereof	2,79
	– – – – – Other:	
0210 19 81	– – – – – – Boneless	2,82
0210 19 89	– – – – – – Other	2,82

CN code	Description	Coefficients
ex 0210 90	– Other, including edible flours and meals of meat or meat offal:	
	– – Offal:	
	– – – Of domestic swine:	
0210 90 31	– – – – Livers	1,21
0210 90 39	– – – – Other	0,88
1501 00	Lard; other pig fat and poultry fat, rendered, whether or not pressed or solvent-extracted:	
	– Lard and other pig fat:	
1501 00 11	– – For industrial uses other than the manufacture of foodstuffs for human consumption (1)	0,32
1501 00 19	– – Other	0,32

(1) Entry within this subheading is subject to conditions laid down in the relevant Community provisions.

ANNEX II

Coefficients for calculating the levies on products mentioned in Article 10 (2) (a) of Regulation (EEC) No 2759/75

CN code	Description	Coefficients
1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:	
1601 00 10	– Of liver	1,40
	– Other (1):	
1601 00 91	– – Sausages, dry or for spreading, uncooked	2,35
1601 00 99	– – Other	1,60
1602	Other prepared or preserved meat, meat offal or blood:	
1602 10 00	– Homogenized preparations	1,12
ex 1602 20	– Of liver of any animal:	
1602 20 90	– – Other	1,30
	– Of swine:	
ex 1602 41	– – Hams and cuts (parts) thereof:	
1602 41 10	– – – Of domestic swine	2,45
ex 1602 42	– – Shoulders and cuts (parts) thereof:	
1602 42 10	– – – Of domestic swine	2,05
ex 1602 49	– – Other, including mixtures:	
	– – – Of domestic swine:	
	– – – – Containing, by weight, 80 % or more of meat or meat offal, of any kind, including fats of any kind or origin:	
1602 49 11	– – – – – Loins (excluding collars) and parts thereof, including mixtures of loins and hams	2,45
1602 49 13	– – – – – Collars and parts thereof, including mixtures of collars and shoulders	2,05
1602 49 15	– – – – – Other mixtures containing hams, shoulders, loins or collars, and parts thereof	2,05
1602 49 19	– – – – – Other	1,35
1602 49 30	– – – – Containing, by weight, 40 % or more but less than 80 % of meat or meat offal, of any kind, including fats of any kind or origin	1,12
1602 49 50	– – – – Containing by weight less than 40 % of meat or meat offal, of any kind, including fats of any kind or origin	0,67
ex 1602 90	– Other, including preparations of blood of any animal:	
1602 90 10	– – Preparations of blood of any animal	1,30
	– – Other:	
	– – – Other:	
1602 90 51	– – – – Containing meat or meat offal of domestic swine	1,35
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:	
ex 1902 20	– Stuffed pasta, whether or not cooked or otherwise prepared:	
1902 20 30	– – Containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin	0,67

(1) The levy applicable to sausages imported in containers which also contain preservative liquid is collected on the net weight, i.e. after deduction of the weight of the liquid.