COMMISSION REGULATION (EEC) No 3945/87

of 21 December 1987

amending Regulations (EEC) No 171/78, (EEC) No 232/83 and (EEC) No 1700/84 on export refunds for pigmeat

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 15 (6) thereof,

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

Whereas Commission Regulation (EEC) No 3846/87 [4] establishes the nomenclature applicable to export refunds;

Whereas Commission Regulations (EEC) No 171/78 of 30 January 1978 on special conditions for granting export refunds on certain pigmeat products [5], as last amended by Regulation (EEC) No 206/83 [6], (EEC) No 232/83 of 28 January 1983 establishing the list of pigmeat products eligible for the advance fixing of export refunds and repealing Regulation (EEC) No 857/78 [7], as amended by Regulation (EEC) No 922/85 [8], (EEC) No 1700/84 of 18 June 1984 laying down special detailed rules for the application of the system of certificates of advance fixing of refunds in the pigmeat sector [9], as amended by Regulation (EEC) No 922/85, must also be adapted to take account of the use of the new combined nomenclature based on the harmonized system; whereas on this occasion the references to certain specified methods of analysis for checking the quality of products eligible for the granting of export refunds should be brought up to date;

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

Regulation (EEC) No 171/78 is hereby amended as follows:

1. Annex I is replaced by Annex I to this Regulation.

2. Annex II is replaced by Annex II to this Regulation.

Article 2

The Annex to Regulation (EEC) No 232/83 is hereby replaced by Annex III to this Regulation.

Article 3

Regulation (EEC) No 1700/84 is hereby amended as follows:

1. The first indent of Article 2 is replaced by the following:

   '— 6 ECU per 100 kilograms, net weight, for products falling within subheadings 0103 91 10, 0103 92 19, 0203 11 10, 0203 12 11, 0203 12 19, 0203 19 11, 0203 19 13, 0203 19 15, 0203 19 55, 0203 21 10, 0203 22 11, 0203 22 19, 0203 29 11, 0203 29 13, 0203 29 15 and 0203 29 55 of the combined nomenclature,'.

2. Article 3 (2) is replaced by the following:

   '2. Furthermore, when advance fixing of the refund for certain or all destinations is possible only in respect of products covered by part of a subheading of the combined nomenclature, section 12 of the application

(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 366, 24. 12. 1987, p. 1.
(5) OJ No L 25, 31. 1. 1978, p. 21.
(6) OJ No L 26, 28. 1. 1983, p. 19.
(7) OJ No L 27, 29. 1. 1978, p. 29.
(8) OJ No L 100, 10. 4. 1985, p. 5.
(9) OJ No L 161, 19. 6. 1984, p. 7.

for a certificate and of the certificate itself shall contain the description of part of the subheading of the combined nomenclature, and the relevant code entered in section 8 shall be preceded by the expression "ex".

The certificate shall apply only to the product thus described.'

3. The Annex is replaced by Annex IV to this Regulation.

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

'ANNEX I

Special conditions for the granting of export refunds on certain pigmeat products

CN code	Description	Conditions
1501 00	Lard; other pig fat and poultry fat, rendered, whether or not pressed or solvent-extracted:	
	– Lard and other pig fat:	
1501 00 19	– – Other	(a) Bömer value: minimum 73 (b) peroxide value: maximum 6 milli-equivalents of oxygen per kg (c) free fatty acid content, by weight, expressed as a percentage of oleic acid: maximum 1,5 % of the net weight (d) water and dirt content by weight: maximum 0,5 % of the net weight
1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:	
	– Other:	
1601 00 91	– – Sausages, dry or for spreading, uncooked	(a) protein content by weight: minimum 12 % of the net weight (b) no addition of extraneous water (c) proteins other than animal proteins are prohibited
1601 00 99	– – Other:	
	– In containers which also contain preserving liquid	(a) animal protein content by weight: minimum 8 % of the net weight (b) collagen: protein ratio: maximum 0,45 (c) extraneous water content by weight: maximum 33 % of the net weight
	– Other	(a) animal protein content by weight: minimum 8 % of the net weight (b) collagen: protein ratio: maximum 0,45 (c) extraneous water content by weight: maximum 23 % of the net weight
1602	Other prepared or preserved meat, meat offal or blood:	
	– Of swine:	
ex 1602 41	– – Hams and cuts (parts) thereof:	
ex 1602 41 10	– – – Of domestic swine:	
	– Suitable for human consumption:	
	– Other:	
	– Containing by weight 80 % or more of meat and fat	Water: protein ratio in the meat: maximum 4,3
ex 1602 42	– – Shoulders and cuts (parts) thereof:	
ex 1602 42 10	– – – Of domestic swine:	
	– Suitable for human consumption:	
	– Other:	
	– Containing by weight 80 % or more of meat and fat	Water: protein ratio in the meat: maximum 4,3

CN code	Description	Conditions
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:	
ex 1602 49 11	– – – – – Loins (excluding collars) and parts thereof, including mixtures of loins and hams:	
	– Suitable for human consumption:	
	– Other:	Water: protein ratio in the meat: maximum 4,3
ex 1602 49 13	– – – – – Collars and parts thereof, including mixtures of collars and shoulders:	
	– Suitable for human consumption:	
	– Other:	Water: protein ratio in the meat: maximum 4,3
ex 1602 49 15	– – – – – Other mixtures containing hams, shoulders, loins or collars, and parts thereof:	
	– Suitable for human consumption:	
	– Other	Water: protein ratio in the meat: maximum 4,3
ex 1602 49 19	– – – – – Other:	
	– Suitable for human consumption:	
	– Other	(a) animal protein content by weight: minimum 8 % of the net weight (b) collagen: protein ratio: maximum 0,45
ex 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:	
	– Suitable for human consumption	Collagen: protein ratio: maximum 0,45'

ANNEX II

'ANNEX II

Methods of analysis (1)

1. *Determination of Bömer value:*

   The Bömer value must be determined according to ISO method 3577-1976.

2. *Determination of peroxide value:*

   The peroxide value must be determined according to ISO method 3960-1977.

3. *Determination of free fatty acids content:*

   The free fatty acids content must be determined by neutralization of the free fatty acids according to ISO method 660-1983.

4. *Determination of water and dirt content in products falling within subheading 1501 00 39 of the combined nomenclature:*

   The water content must be determined according to ISO method 662-1980 and the dirt content according to ISO method 663-1981.

5. *Determination of protein content:*

   The protein content shall be taken to mean the nitrogen content multiplied by the factor 6,25. The nitrogen content must be determined according to ISO method 937-1978.

6. *Determination of water content in products falling within heading Nos 1601 and 1602 of the combined nomenclature:*

   The water content must be determined according to ISO method 1442-1973.

7. *Calculation of extraneous water content:*

   The extraneous water content is given by the formula: a – 4b, in which:

   a = water content,

   b = protein content.

8. *Determination of collagen content:*

   The collagen content shall be taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content must be determined according to ISO method 3496-1978.

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(1) The methods of analysis indicated in this Annex are those operative on the date of entry into force of this Regulation without prejudice to any amendment which might be made to these methods at a later stage. They are published by the Secretariat of ISO, 1 rue de Varembé, Geneva, Switzerland.'

ANNEX III

'ANNEX

List of pigmeat products eligible for the advance fixing of export refunds

CN code	Description of goods	Product code
0103	Live swine:	
	– Other:	
ex 0103 91	– – Weighing less than 50 kg:	
0103 91 10	– – – Domestic species	0103 91 10 000
ex 0103 92	– – Weighing 50 kg or more:	
	– – – Domestic species:	
0103 92 19	– – – – Other	0103 92 19 000
0203	Meat of swine, fresh, chilled or frozen:	
	– Fresh or chilled:	
ex 0203 11	– – Carcases and half-carcases:	
0203 11 10	– – – Of domestic swine	0203 11 10 000
ex 0203 12	– – Hams (legs), shoulders and cuts (parts) thereof, with bone in:	
	– – – Of domestic swine:	
0203 12 11	– – – – Legs and parts thereof	0203 12 11 000
0203 12 19	– – – – Shoulders and parts thereof	0203 12 19 000
ex 0203 19	– – Other:	
	– – – Of domestic swine:	
0203 19 11	– – – – Fore-ends and parts thereof	0203 19 11 000
0203 19 13	– – – – Loins and parts thereof	0203 19 13 000
0203 19 15	– – – – Bellies (streaky) and parts thereof	0203 19 15 000
	– – – – Other:	
0203 19 55	– – – – – Boneless:	
	– Legs or loins, and parts thereof, de-rinded and defatted, with a maximum layer of 3 mm fat, vacuum-packed	0203 19 55 110
	– Fore-ends or shoulders, and parts thereof, de-rinded and defatted, with a maximum layer of 3 mm fat, vacuum-packed	0203 19 55 130
	– Other legs, fore-ends, shoulders or loins, and parts thereof	0203 19 55 190
	– Bellies and parts thereof, de-rinded and defatted, with a maximum layer of 7 mm fat, vacuum-packed	0203 19 55 310
	– Other bellies and parts thereof, de-rinded	0203 19 55 390
	– Frozen:	
ex 0203 21	– – Carcases and half-carcases:	
0203 21 10	– – – Of domestic swine	0203 21 10 000
ex 0203 22	– – Hams (legs), shoulders and cuts (parts) thereof, with bone in:	
	– – – Of domestic swine:	
0203 22 11	– – – – Legs and parts thereof	0203 22 11 000
0203 22 19	– – – – Shoulders and parts thereof	0203 22 19 000
ex 0203 29	– – Other:	
	– – – Of domestic swine:	
0203 29 11	– – – – Fore-ends and parts thereof	0203 29 11 000
0203 29 13	– – – – Loins and parts thereof	0203 29 13 000
0203 29 15	– – – – Bellies (streaky) and parts thereof	0203 29 15 000
	– – – – Other:	

CN code	Description of goods	Product code
0203 29 55	– – – – – Boneless:	
	– Legs or loins, and parts thereof, de-rinded and defatted, with a maximum layer of 3 mm fat	0203 29 55 110
	– Fore-ends or shoulders, and parts thereof, de-rinded and defatted, with a maximum layer of 3 mm fat	0203 29 55 130
	– Other legs, fore-ends, shoulders or loins, and parts thereof	0203 29 55 190
	– Bellies and parts thereof, de-rinded and defatted, with a maximum layer of 7 mm fat	0203 29 55 310
	– Other bellies and parts thereof, de-rinded	0203 29 55 390
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	0210 11 11 000
	– – – – Dried or smoked:	
0210 11 31	– – – – – Hams and parts thereof:	
	– 'Prosciutto di Parma', 'Prosciutto di San Daniele'	0210 11 31 100
	– Other	0210 11 31 900
ex 0210 12	– – Bellies (streaky) and cuts (parts) thereof:	
	– – – Of domestic swine:	
0210 12 11	– – – – Salted or in brine	0210 12 11 000
0210 12 19	– – – – Dried or smoked	0210 12 19 000
ex 0210 19	– – Other:	
	– – – Of domestic swine:	
	– – – – Salted or in brine:	
0210 19 40	– – – – – Loins and parts thereof	0210 19 40 000
	– – – – – Other:	
0210 19 51	– – – – – – Boneless:	
	– Hams, fore-ends, shoulders or loins, and parts thereof	0210 19 51 100
	– Bellies and parts thereof, de-rinded	0210 19 51 300
	– – – – Dried or smoked:	
	– – – – – Other:	
0210 19 81	– – – – – – Boneless:	
	– 'Prosciutto di Parma', 'Prosciutto di San Daniele', and parts thereof	0210 19 81 100
	– Hams, fore-ends, shoulders or loins, and parts thereof	0210 19 81 300
1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:	
ex 1601 00 10	– Of liver:	
	– Suitable for human consumption	1601 00 10 100
	– Other:	
ex 1601 00 91	– – Sausages, dry or for spreading, uncooked:	
	– Suitable for human consumption	1601 00 91 100
ex 1601 00 99	– – Other:	
	– Suitable for human consumption	1601 00 99 100
1602	Other prepared or preserved meat, meat offal or blood:	
1602 10 00	– Homogenized preparations	1602 10 00 000
ex 1602 20	– Of liver of any animal:	
ex 1602 20 90	– – Other:	
	– Suitable for human consumption	1602 20 90 100
	– Of swine:	

CN code	Description of goods	Product code
ex 1602 41	– – Hams and cuts (parts) thereof:	
ex 1602 41 10	– – – Of domestic swine:	
	– Suitable for human consumption:	
	– Uncooked, and mixtures of cooked and uncooked meat	1602 41 10 100
	– Other:	
	– Containing, by weight, 80 % or more of meat and fat	1602 41 10 210
	– Other	1602 41 10 290
ex 1602 42	– – Shoulders and cuts (parts) thereof:	
ex 1602 42 10	– – – Of domestic swine:	
	– Suitable for human consumption:	
	– Uncooked, and mixtures of cooked and uncooked meat	1602 42 10 100
	– Other:	
	– Containing, by weight, 80 % or more of meat and fat	1602 42 10 210
	– Other	1602 42 10 290
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:	
ex 1602 49 11	– – – – – – Loins (excluding collars) and parts thereof, including mixtures of loins and hams:	
	– Suitable for human consumption:	
	– Uncooked, and mixtures of cooked and uncooked meat	1602 49 11 110
	– Other	1602 49 11 190
ex 1602 49 13	– – – – – – Collars and parts thereof, including mixtures of collars and shoulders:	
	– Suitable for human consumption:	
	– Uncooked, and mixtures of cooked and uncooked meat	1602 49 13 110
	– Other	1602 49 13 190
ex 1602 49 15	– – – – – – Other mixtures containing hams, shoulders, loins or collars, and parts thereof:	
	– Suitable for human consumption:	
	– Uncooked, and mixtures of cooked and uncooked meat	1602 49 15 110
	– Other	1602 49 15 190
ex 1602 49 19	– – – – – – Other:	
	– Suitable for human consumption:	
	– Uncooked, and mixtures of cooked meat or offal and uncooked meat or offal	1602 49 19 110
	– Other	1602 49 19 190
ex 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:	
	– Suitable for human consumption	1602 49 30 100
ex 1602 49 50	– – – – – Containing, by weight, less than 40 % of meat or meat offal, of any kind, including fats of any kind or origin:	
	– Suitable for human consumption	1602 49 50 100
ex 1602 90	– Other, including preparations of blood of any animal:	
ex 1602 90 10	– – Preparations of blood of any animal:	
	– Suitable for human consumption	1602 90 10 100
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:	
ex 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:	
	– Suitable for human consumption	1902 20 30 100'

ANNEX IV

'ANNEX

List of pigmeat products for which the communication to the Commission of applications for advance fixing certificate of the refund is required

CN code	Description of goods	Product code
0203	Meat of swine, fresh, chilled or frozen:	
	– Fresh or chilled:	
ex 0203 11	– – Carcases and half-carcases:	
0203 11 10	– – – Of domestic swine	0203 11 10 000
ex 0203 19	– – Other:	
	– – – Of domestic swine:	
	– – – – Other:	
0203 19 55	– – – – – Boneless:	
	– Legs or loins, and parts thereof, de-rinded and defatted, with a maximum layer of 3 mm fat, vacuum-packed	0203 19 55 110
	– Fore-ends or shoulders, and parts thereof, de-rinded and defatted, with a maximum layer of 3 mm fat, vacuum-packed	0203 19 55 130
	– Bellies and parts thereof, de-rinded and defatted, with a maximum layer of 7 mm fat, vacuum-packed	0203 19 55 310
	– Frozen:	
ex 0203 21	– – Carcases and half-carcases:	
0203 21 10	– – – Of domestic swine	0203 21 10 000
ex 0203 29	– – Other:	
	– – – Of domestic swine:	
	– – – – Other:	
0203 29 55	– – – – – Boneless:	
	– Legs or loins, and parts thereof, de-rinded and defatted, with a maximum layer of 3 mm fat	0203 29 55 110
	– Fore-ends or shoulders, and parts thereof, de-rinded and defatted, with a maximum layer of 3 mm fat	0203 29 55 130
	– Bellies and parts thereof, de-rinded and defatted, with a maximum layer of 7 mm fat	0203 29 55 310
1602	Other prepared or preserved meat, meat offal or blood:	
	– Of swine:	
ex 1602 41	– – Hams and cuts (parts) thereof:	
ex 1602 41 10	– – – Of domestic swine:	
	– Suitable for human consumption:	
	– Other:	
	– Containing by weight 80 % or more of meat and fat	1602 41 10 210
	– Other	1602 41 10 290
ex 1602 42	– – Shoulders and cuts (parts) thereof:	
ex 1602 42 10	– – – Of domestic swine:	
	– Suitable for human consumption:	
	– Other:	
	– Containing by weight 80 % or more of meat and fat	1602 42 10 210
	– Other	1602 42 10 290
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:	

CN code	Description of goods	Product code
ex 1602 49 11	– – – – – Loins (excluding collars) and parts thereof, including mixtures of loins and hams:	
	– Suitable for human consumption:	
	– Other	1602 49 11 190
ex 1602 49 13	– – – – – Collars and parts thereof, including mixtures of collars and shoulders:	
	– Suitable for human consumption:	
	– Other	1602 49 13 190
ex 1602 49 15	– – – – – Other mixtures containing hams, shoulders, loins or collars, and parts thereof:	
	– Suitable for human consumption:	
	– Other	1602 49 15 190
ex 1602 49 19	– – – – – Other:	
	– Suitable for human consumption:	
	– Other	1602 49 19 190'