COMMISSION REGULATION (EEC) No 3852/92

of 29 December 1992

fixing the export refunds on beef

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 3661/92 (2), and in particular Article 18 thereof,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68 (3), as last amended by Regulation (EEC) No 427/77 (4), lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82 (5), as last amended by Regulation (EEC) No 3169/87 (6), Regulation (EEC) No 1964/82 (7), as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84 (8), as last amended by Regulation (EEC) No 3661/92 lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted on adult bovine animals of a live weight of at least 300 kilograms; whereas experience gained in recent years has shown that live pure-bred breeding animals weighing at least 250 kilograms in the case of females and 300 kilograms in that of males should be trated in the saame way as other bovine animals, subject to certain special administrative formalities;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 370, 19. 12. 1992, p. 16.
(3) OJ No L 156, 4. 7. 1968, p. 2.
(4) OJ No L 61, 5. 3. 1977, p. 16.
(5) OJ No L 4, 8. 1. 1982, p. 11.
(6) OJ No L 301, 24. 10. 1987, p. 21.
(7) OJ No L 212, 21. 7. 1982, p. 48.
(8) OJ No L 221, 18. 8. 1984, p. 28.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 [1] are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92 [2];

Whereas Commission Regulation (EEC) No 3846/87 [3], as last amended by Regulation (EEC) No 3661/92; establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat covered by CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products [4], as amended by Regulation (EEC) No 2026/83 [5];

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas Council Regulation (EEC) No 1432/92 [6], as amended by Regulation (EEC) No 2015/92 [7], prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas that prohibition does not apply to certain cases given in the limitative enumeration in Articles 2 and 3 of that Regulation; whereas account should be taken of this when the refunds are fixed;

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

The list of products on which export refunds as referred to in Article 18 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 29 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 387, 31. 12. 1992, p. 1.
(2) OJ No L 387, 31. 12. 1992.
(3) OJ No L 366, 24. 12. 1987, p. 1.
(4) OJ No L 62, 7. 3. 1980, p. 5.
(5) OJ No L 199, 22. 7. 1983, p. 12.
(6) OJ No L 151, 3. 6. 1992, p. 4.
(7) OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

(ECU/100 kg)

Product code	Destination (7)	Refund (8) (10)
		— Live weight —
0102 10 10 120	01	96,00
0102 10 10 130	02	85,50
	03	55,50
	04	25,50
0102 10 30 120	01	96,00
0102 10 30 130	02	85,50
	03	55,50
	04	25,50
0102 10 90 120	01	96,00
0102 90 51 000	02	85,50
	03	55,50
	04	25,50
0102 90 59 000	02	85,50
	03	55,50
	04	25,50
0102 90 61 000	02	85,50
	03	55,50
	04	25,50
0102 90 69 000	02	85,50
	03	55,50
	04	25,50
0102 90 71 000	02	101,50
	03	73,00
	04	34,50
0102 90 79 000	02	101,50
	03	73,00
	04	34,50
0201 10 00 110 (1)	02	124,50
	03	85,00
	04	42,50
0201 10 00 120	02	92,00
	03	65,00
	04	32,50
0201 10 00 130 (1)	02	171,50
	03	115,00
	04	57,50
0201 10 00 140	02	126,50
	03	88,00
	04	44,00
0201 20 20 110 (1)	02	171,50
	03	115,00
	04	57,50
0201 20 20 120	02	126,50
	03	88,00
	04	44,00
0201 20 30 110 (1)	02	124,50
	03	85,00
	04	42,50

(ECU/100 kg)

Product code	Destination (7)	Refund (8) (10)
		— Live weight —
0201 20 30 120	02	92,00
	03	65,00
	04	32,50
0201 20 50 110 (1)	02	218,50
	03	146,00
	04	73,00
0201 20 50 120	02	161,00
	03	110,50
	04	56,00
0201 20 50 130 (1)	02	124,50
	03	85,00
	04	42,50
0201 20 50 140	02	92,00
	03	65,00
	04	32,50
0201 20 90 700	02	92,00
	03	65,00
	04	32,50
0201 30 00 050 (4)	05	112,00
0201 30 00 100 (2)	02	312,00
	03	208,50
	04	104,50
	06	266,50
0201 30 00 150 (6)	02	165,00
	03	125,00
	04	62,50
	06	144,50
	07	90,00
0201 30 00 190 (6)	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 10 00 100	02	92,00
	03	65,00
	04	32,50
0202 10 00 900	02	126,50
	03	88,00
	04	44,00
0202 20 10 000	02	126,50
	03	88,00
	04	44,00
0202 20 30 000	02	92,00
	03	65,00
	04	32,50
0202 20 50 100	02	161,00
	03	110,50
	04	56,00
0202 20 50 900	02	92,00
	03	65,00
	04	32,50

(ECU/100 kg)

Product code	Destination (7)	Refund (8) (10)
		— Live weight —
0202 20 90 100	02	92,00
	03	65,00
	04	32,50
0202 30 90 100 (4)	05	112,00
0202 30 90 400 (6)	02	165,00
	03	125,00
	04	62,50
	06	144,50
	07	90,00
0202 30 90 500 (6)	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 30 90 900	07	90,00
0206 10 95 000	02	128,00
	03	84,00
	04	42,00
	06	102,50
0206 29 91 000	02	128,00
	03	84,00
	04	42,00
	06	102,50
0210 20 90 100	08	102,50
	09	60,50
0210 20 90 300	02	128,00
0210 20 90 500 (3)	02	128,00
1602 50 10 120	02	134,50 (9)
	03	108,00 (9)
	04	108,00 (9)
1602 50 10 140	02	119,50 (9)
	03	96,00 (9)
	04	96,00 (9)
1602 50 10 160	02	96,00 (9)
	03	77,00 (9)
	04	77,00 (9)
1602 50 10 170	02	63,50 (9)
	03	51,00 (9)
	04	51,00 (9)
1602 50 10 190	02	63,50
	03	51,00
	04	51,00
1602 50 10 240	02	36,00
	03	36,00
	04	36,00
1602 50 10 260	02	26,00
	03	26,00
	04	26,00
1602 50 10 280	02	16,00
	03	16,00
	04	16,00

(ECU/100 kg)

Product code	Destination (7)	Refund (8) (10)
		— Live weight —
1602 50 31 125	01	116,00 (5)
1602 50 31 135	01	73,00 (9)
1602 50 31 195	01	36,00
1602 50 31 325	01	103,00 (5)
1602 50 31 335	01	65,00 (9)
1602 50 31 395	01	36,00
1602 50 39 125	01	116,00 (5)
1602 50 39 135	01	73,00 (9)
1602 50 39 195	01	36,00
1602 50 39 325	01	103,00 (5)
1602 50 39 335	01	65,00 (9)
1602 50 39 395	01	36,00
1602 50 39 425	01	77,00 (5)
1602 50 39 435	01	48,50 (9)
1602 50 39 495	01	36,00
1602 50 39 505	01	36,00
1602 50 39 525	01	77,00 (5)
1602 50 39 535	01	48,50 (9)
1602 50 39 595	01	36,00
1602 50 39 615	01	36,00
1602 50 39 625	01	16,00
1602 50 39 705	01	36,00
1602 50 39 805	01	26,00
1602 50 39 905	01	16,00
1602 50 80 125	01	116,00 (5)
1602 50 80 135	01	73,00 (9)
1602 50 80 195	01	36,00
1602 50 80 325	01	103,00 (5)
1602 50 80 335	01	65,00 (9)
1602 50 80 395	01	36,00
1602 50 80 425	01	77,00 (5)
1602 50 80 435	01	48,50 (9)
1602 50 80 495	01	36,00
1602 50 80 505	01	36,00
1602 50 80 525	01	77,00 (5)
1602 50 80 535	01	48,50 (9)
1602 50 80 595	01	36,00
1602 50 80 615	01	36,00
1602 50 80 625	01	16,00
1602 50 80 705	01	36,00
1602 50 80 805	01	26,00
1602 50 80 905	01	16,00

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86.

(7) The destinations are as follows :

01 Third countries.

02 North African, Near and Middle East third countries, West, Central East and South African third countries, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

03 European third countries, Ceuta, Melilla, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, except Austria, Sweden and Switzerland.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79.

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and Southern African third countries, except Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

09 Switzerland.

(8) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(9) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(10) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

NB: The countries are as defined in Commission amended Regulation (EEC) No 3518/91.

The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.