COMMISSION REGULATION (EC) No 3208/93

of 23 November 1993

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export after processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 125/93 (2), and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies (3), as last amended by Regulation (EEC) No 1759/93 (4), provides for the possibility of applying a two-stage procedure when beef is sold from intervention stocks situated in the Community;

Whereas certain intervention agencies hold substantial stocks of beef; whereas an extension of the period of storage should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for export after processing in the Community;

Whereas such sales should take place in accordance with Regulations (EEC) No 2539/84, (EEC) No 3002/92 (5), as last amended by Commission Regulation (EEC) No 1938/93 (6) and (EEC) No 2182/77 (7), as last amended by Regulation (EEC) No 1759/93, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas, in view of the need for controls and to ensure that the operation is carried out properly, special detailed rules must be laid down, in particular as regards the minimum quantity which may be purchased, as well as participation criteria;

Whereas, in order to ensure that the beef sold is processed and exported, securities as specified in Article 5 (2) (a) and (3) (a) of Regulation (EEC) No 2539/84 should be lodged;

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. Approximately 20 000 tonnes of boned meat held by the United Kingdom intervention agency and 20 000 tonnes of boned meat held by the Irish intervention agency shall be put up for sale for processing within the Community and for subsequent export.

2. The abovementioned meat must be exported after processing into products falling within one or more of the following CN codes (8):

— 1602 50 31,

— 1602 50 39,

— 1602 50 80,

not containing meat other than that of animals of the bovine species.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with Regulations (EEC) No 3002/92, (EEC) No 2539/84 and (EEC) No 2182/77.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I.

5. Only those tenders shall be taken into consideration which reach the intervention agency concerned no later than 29 November 1993 at 12 noon.

6. Particulars relating to the quantities and the place where the products are stored may be obtained by interested parties from the addresses given in Annex III.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, the tender or application to purchase:

(a) shall be valid only if presented by a natural or legal person who, for at least 12 months, has been engaged in the processing of products containing beef and who is entered in a public register of a Member State;

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 18, 27. 1. 1993, p. 1.
(3) OJ No L 238, 6. 9. 1984, p. 13.
(4) OJ No L 161, 2. 7. 1993, p. 59.
(5) OJ No L 301, 17. 10. 1992, p. 17.
(6) OJ No L 176, 20. 7. 1993, p. 12.
(7) OJ No L 251, 1. 10. 1977, p. 60.
(8) OJ No L 28, 5. 2. 1993, p. 53.

(b) may be refused if presented by a natural or legal person in respect of whom pertinent information exists raising doubts as to his ability to carry out the processing and/or export operations properly;

(c) must be accompanied by:

— a written undertaking by the applicant to process on his own premises the meat purchased into products specified in Article 1 (2),

— a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. To be valid, a tender or application for purchase, as the case may be:

— must relate to a lot comprising all the cuts referred to in Annex II, point (a) or point (b), in the percentages stated therein and quote a single price per tonne expressed in ecus of the lot made up in this fashion,

— must relate to a minimum quantity of 2 500 tonnes,

— must be accompanied by proof that the same applicant has submitted a tender or application for purchase in another Member State for the same quantity and the same price.

3. Immediately after expiry of the time limit referred to in Article 1 (5), the operator shall send a copy of his tenders or applications for purchase by telex or fax to the Commission of the European Communities, Division VI/D.2, 130 rue de la Loi, B-1049 Brussels (telex 220 37 AGREC B; fax (32 2) 296 60 27).

Intervention agencies shall only conclude sales contracts after written authorization by the Commission, in particular in accordance with the provisions of paragraphs 1 and 2, has been received.

4. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In such case the agent shall submit the tenders or applications to purchase of the purchasers whom he represents.

5. The purchasers and agents referred to in the foregoing paragraphs shall keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and the quantities processed and exported tally.

Article 3

1. Notwithstanding Article 6 of Regulation (EEC) No 2539/84, the time limit for take-over as defined in that Article shall be seven months.

2. Notwithstanding Article 5 (1) and (2) of Regulation (EEC) No 2182/77, processing must be carried out within 11 months and proof must be provided within 12 months of the date of conclusion of the contract of sale.

3. The processed products must be exported within 13 months following the date of conclusion of the contract of sale.

Article 4

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. Notwithstanding Article 5 of Regulation (EEC) No 2539/84, the securities provided for in paragraphs 2 (a) and 3 (a) thereof are hereby replaced by a single security.

The latter shall be ECU 270 per 100 kilograms of beef.

The processing of this beef into products referred to in Article 1 (2) and the subsequent exportation of those products under the terms of this Regulation shall be primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 [1].

The other provisions of Article 5 of Regulation (EEC) No 2539/84 shall remain applicable *mutatis mutandis*.

Article 5

Products exported under this Regulation shall not qualify for any export refund.

Article 6

Apart from the particulars provided for in Regulation (EEC) No 3002/92, the documents mentioned below must contain one or more of the following entries:

1. Where meat intended for processing is dispatched, the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92 and, where appropriate, the control copy T5 shall bear the following entry:

(a) Productos de intervención destinados a la transformación y posterior exportación sin restitución [Reglamento (CE) nº 3208/93]

Interventionsprodukter til forarbejdning med efterfølgende eksport — uden restitutioner (forordning (EF) nr. 3208/93)

Zur Verarbeitung bestimmte Interventionserzeugnisse, die anschließend ausgeführt werden sollen — ohne Erstattungen (Verordnung (EG) Nr. 3208/93)

[1] OJ No L 205, 3. 8. 1985, p. 5.

Προϊόντα παρέμβασης που προορίζονται για μεταποίηση με σκοπό την εξαγωγή — χωρίς επιστροφές [κανονισμός (ΕΚ) αριθ. 3208/93]

Intervention products intended for processing followed by export — without refunds (Regulation (EC) No 3208/93)

Produits d'intervention destinés à la transformation suivie par l'exportation — sans restitutions [Règlement (CE) n° 3208/93]

Prodotti d'intervento destinati alla trasformazione indi all'esportazione — senza restituzioni [regolamento (CE) n. 3208/93]

Voor verwerking bestemde interventieprodukten die achteraf zonder restitutie worden uitgevoerd (Verordening (EG) nr. 3208/93)

Produtos de intervenção destinados à transformação e depois à exportação — sem restituições [Regulamento (CE) nº 3208/93].

(b) 'Date on which the sales contract was concluded : .....'

2. After the meat has been processed, the control document and the control copy T5 issued by the customs office of departure or the national document providing evidence of exit from the customs territory of the Community shall beat the following entry :

(a) Productos de intervención transformados destinados a la exportación sin restitución [Reglamento (CE) n° 3208/93]

Forarbejdede interventionsprodukter til eksport — uden restitution (forordning (EF) nr. 3208/93)

Zur Ausfuhr bestimmte, verarbeitete Interventionserzeugnisse — ohne Erstattung (Verordnung (EG) Nr. 3208/93)

Μεταποιηθέντα προϊόντα παρέμβασης που προορίζονται για εξαγωγή — χωρίς επιστροφή [κανονισμός (ΕΚ) αριθ. 3208/93]

Processed intervention products intended for export — without refunds (Regulation (EC) No 3208/93)

Produits d'intervention transformés destinés à l'exportation — sans restitution [Règlement (CE) n° 3208/93]

Prodotti d'intervento trasformati destinati all'esportazione — senza restituzioni [regolamento (CE) n. 3208/93]

Verwerkte interventieprodukten die voor uitvoer zonder restitutie zijn bestemd (Verordening (EG) nr. 3208/93)

Produtos de intervenção transformados, destinados à exportação — sem restituição [Regulamento (CE) nº 3208/93].

(b) 'Quantity of intervention meat used : ..... tonnes ;'

(c) 'Date on which the sales contract was concluded : .....'

Article 7

1. Apart from the controls provided for in Regulation (EEC) No 3002/92, appropriate measures ensuring the separation of intervention meat from other products must be taken to avoid substitution at the time of processing. To that end, the competent control body shall carry out a physical check at least once a day and without prior warning.

2. By way of derogation from Article 1 (2) of Regulation (EEC) No 2182/77 the competent control body shall undertake a check to ensure that the meat going for processing and the processed products tally, on the one hand, by means of samples of the processed products taken in a representative manner for each type of product and, on the other, by the application of Commission Regulation (EEC) No 2429/86 [1] on the procedure for determining the meat content of meat preparations.

Article 8

This Regulation shall enter into force on 29 November 1993.

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

Done at Brussels, 23 November 1993.

For the Commission

René STEICHEN

Member of the Commission

[1] OJ No L 210, 1. 8. 1986, p. 39.

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
United Kingdom	— Boned cuts from : Category C, classes U, R and O	20 000	350 (1)
Ireland	— Boned cuts from : Category C, classes U, R and O	20 000	350 (1)

(1) Precio mínimo por cada tonelada de producto de acuerdo con la distribución contemplada en el Anexo II.
(1) Minimumpris pr. ton produkt efter fordelingen i bilag II.
(1) Mindestpreis je Tonne des Erzeugnisses gemäß der in Anhang II angegebenen Zusammensetzung.
(1) Ελάχιστη τιμή ανά τόνο προϊόντος σύμφωνα με την κατανομή που αναφέρεται στο παράρτημα II.
(1) Minimum price per tonne of products made up according to the percentages referred to in Annex II.
(1) Prix minimum par tonne de produit selon la répartition visée à l'annexe II.
(1) Prezzo minimo per tonnellata di prodotto secondo la ripartizione indicata nell'allegato II.
(1) Minimumprijs per ton produkt volgens de in bijlage II aangegeven verdeling.
(1) Preço mínimo por tonelada de produto segundo a repartição indicada no anexo II.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Distribución del lote contemplado en el primer guión del apartado 2 del artículo 2

Fordeling af det i artikel 2, stk. 2, første led, omhandlede parti

Zusammensetzung der in Artikel 2 Absatz 2 erster Gedankenstrich genannten Partie

Κατανομή της παρτίδας που αναφέρεται στο άρθρο 2 παράγραφος 2 πρώτη περίπτωση

Composition of the lot meant in the first subparagraph of Article 2 (2)

Répartition du lot visé à l'article 2 paragraphe 2 premier tiret

Composizione della partita di cui all'articolo 2, paragrafo 2, primo trattino

Verdeling van de in artikel 2, lid 2, eerste streepje, bedoelde partij

Repartição do lote referido no nº 2, primeiro travessão, do artigo 2º

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Cortes Udskæringer Teilstücke Τεμάχια Cuts Découpes Tagli Deelstukken Cortes	Porcentaje en peso Vægtprocent Gewichtsanteile Ποσοστό του βάρους Weight percentage Pourcentage du poids Percentuale del peso % van het totaalgewicht Percentagem do peso
a) UNITED KINGDOM	Silverside	20 %
	Thick flank	10 %
	Rumps	5 %
	Forerib	10 %
	Clod and sticking	10 %
	Pony	20 %
	Shin and shank	5 %
	Forequarter flank	10 %
	Thin flank	10 %
		100 %
b) IRELAND	Outsides	20 %
	Knuckles	5 %
	Rumps	10 %
	Briskets	5 %
	Forequarters	30 %
	Shins/shanks	5 %
	Plates/flanks	25 %
		100 %

ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ III — ANNEX III — ANNEXE III — ALLEGATO III — BIJLAGE III — ANEXO III

Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção

IRELAND:

Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198.

UNITED KINGDOM:

Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302, telefax: (0734) 56 67 50.