COMMISSION REGULATION (EC) No 2088/96

of 31 October 1996

fixing the export refunds on beef and amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

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 (EC) No 1997/96 (2), and in particular Article 13 thereof,

Whereas Article 13 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 Regulation (EEC) No 32/82 (3), as last amended by Regulation (EEC) No 3169/87 (4), Regulation (EEC) No 1964/82 (5), as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84 (6), as last amended by Regulation (EEC) No 3661/92 (7), 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 the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms;

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;

Whereas Commission Regulation (EEC) No 3846/87 (8), as last amended by Regulation (EC) No 1222/96 (9), establishes the agricultural product nomenclature for the purposes of export refunds; whereas, with a view to clarification, the destinations must be identified in a separate Annex;

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;

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 267, 19. 10. 1996, p. 1.
(3) OJ No L 4, 8. 1. 1982, p. 11.
(4) OJ No L 301, 24. 10. 1987, p. 21.
(5) OJ No L 212, 21. 7. 1982, p. 48.
(6) OJ No L 221, 18. 8. 1984, p. 28.
(7) OJ No L 370, 19. 12. 1992, p. 16.
(8) OJ No L 366, 24. 12. 1987, p. 1.
(9) OJ No L 161, 29. 6. 1996, p. 62.

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 falling within 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 [1], as amended by Regulation (EEC) No 2026/83 [2];

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 990/93 [3], as amended by Regulation (EC) No 1380/95 [4], prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia und Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96 [5]; whereas account should be taken of this fact when fixing the refunds;

Whereas, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

Whereas Regulation (EEC) No 3846/87 establishes an agricultural product nomenclature for export refunds on the basis of the combined nomenclature; whereas the former be adapted in the wake of the negotiations on the Uruguay Round Agriculture Agreement with a view to the export of 5 000 tonnes of beef and veal to Canada;

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. The list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in the Annex I.

2. The destinations are identified in Annex II to this Regulation.

3. The descriptions for CN codes 0201 30 00 and 0202 30 90 and the footnotes in Sector 5 of the Annex to Regulation (EEC) No 3846/87 are hereby replaced by those set out in Annex III hereto.

Article 2

This Regulation shall enter into force on 1 November 1996.

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

Done at Brussels, 31 October 1996.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ No L 62, 7. 3. 1980, p. 5.
[2] OJ No L 199, 22. 7. 1983, p. 12.
[3] OJ No L 102, 28. 4. 1993, p. 14.
[4] OJ No L 138, 21. 6. 1995, p. 1.
[5] OJ No L 65, 15. 3. 1996, p. 1.

ANNEX I

to the Council Regulation of 31 October 1996 fixing export refunds on beef

(ECU/100 kg)

Product code	Destination	Refund (7) (9)
		— Live weight —
0102 10 10 120	01	82,00
0102 10 10 130	02	54,50
	03	37,50
	04	19,00
0102 10 30 120	01	82,00
0102 10 30 130	02	54,50
	03	37,50
	04	19,00
0102 10 90 120	01	82,00
0102 90 41 100	02	73,00
0102 90 51 000	02	54,50
	03	37,50
	04	19,00
0102 90 59 000	02	54,50
	03	37,50
	04	19,00
0102 90 61 000	02	54,50
	03	37,50
	04	19,00
0102 90 69 000	02	54,50
	03	37,50
	04	19,00
0102 90 71 000	02	73,00
	03	48,00
	04	24,00
0102 90 79 000	02	73,00
	03	48,00
	04	24,00
		— Net weight —
0201 10 00 110 (1)	02	112,50
	03	77,00
	04	38,00
0201 10 00 120	02	83,00
	03	58,50
	04	29,00
0201 10 00 130 (1)	02	155,00
	03	104,00
	04	52,50
0201 10 00 140	02	114,00
	03	79,50
	04	39,50
0201 20 20 110 (1)	02	155,00
	03	104,00
	04	52,50

(ECU/100 kg)

Product code	Destination	Refund (7) (9)
		— Net weight —
0201 20 20 120	02	114,00
	03	79,50
	04	39,50
0201 20 30 110 (1)	02	112,50
	03	77,00
	04	38,00
0201 20 30 120	02	83,00
	03	58,50
	04	29,00
0201 20 50 110 (1)	02	196,50
	03	131,00
	04	65,00
0201 20 50 120	02	145,00
	03	100,00
	04	50,00
0201 20 50 130 (1)	02	112,50
	03	77,00
	04	38,00
0201 20 50 140	02	83,00
	03	58,50
	04	29,00
0201 20 90 700	02	83,00
	03	58,50
	04	29,00
0201 30 00 050	05 (4)	120,00
	07 (4a)	120,00
0201 30 00 100 (2)	02	274,00
	03	187,50
	04	94,00
	06	240,50
0201 30 00 150 (6)	08	145,50
	09	133,50
	03	112,50
	04	56,50
	06	130,50
0201 30 00 190 (6)	02	115,00
	03	75,50
	04	37,50
	06	92,50

(ECU/100 kg)

Product code	Destination	Refund (7) (9)
		— Net weight —
0202 10 00 100	02	83,00
	03	58,50
	04	29,00
0202 10 00 900	02	114,00
	03	79,50
	04	39,50
0202 20 10 000	02	114,00
	03	79,50
	04	39,50
0202 20 30 000	02	83,00
	03	58,50
	04	29,00
0202 20 50 100	02	145,00
	03	100,00
	04	50,00
0202 20 50 900	02	83,00
	03	58,50
	04	29,00
0202 20 90 100	02	83,00
	03	58,50
	04	29,00
0202 30 90 100	05 (4)	120,00
	07 (4a)	120,00
0202 30 90 400 (6)	08	145,50
	09	133,50
	03	112,50
	04	56,50
	06	130,50
0202 30 90 500 (6)	02	115,00
	03	75,50
	04	37,50
	06	92,50
0206 10 95 000	02	115,00
	03	75,50
	04	37,50
	06	92,50
0206 29 91 000	02	115,00
	03	75,50
	04	37,50
	06	92,50
0210 20 90 100	02	96,00
	04	57,00
0210 20 90 300	02	119,00
0210 20 90 500 (3)	02	119,00

(ECU/100 kg)

Product code	Destination	Refund (7) (9)
		— Net weight —
1602 50 10 120	02	132,50 (8)
	03	106,00 (8)
	04	106,00 (8)
1602 50 10 140	02	117,00 (8)
	03	94,00 (8)
	04	94,00 (8)
1602 50 10 160	02	94,00 (8)
	03	75,50 (8)
	04	75,50 (8)
1602 50 10 170	02	62,50 (8)
	03	50,00 (8)
	04	50,00 (8)
1602 50 10 190	02	62,50
	03	50,00
	04	50,00
1602 50 10 240	02	—
	03	—
	04	—
1602 50 10 260	02	—
	03	—
	04	—
1602 50 10 280	02	—
	03	—
	04	—
1602 50 31 125	01	129,50 (5)
1602 50 31 135	01	75,50 (8)
1602 50 31 195	01	37,00
1602 50 31 325	01	116,00 (5)
1602 50 31 335	01	67,50 (8)
1602 50 31 395	01	37,00
1602 50 39 125	01	129,50 (5)
1602 50 39 135	01	75,50 (8)
1602 50 39 195	01	37,00
1602 50 39 325	01	116,00 (5)
1602 50 39 335	01	67,50 (8)
1602 50 39 395	01	37,00
1602 50 39 425	01	85,50 (5)
1602 50 39 435	01	50,00 (8)
1602 50 39 495	01	37,00
1602 50 39 505	01	37,00
1602 50 39 525	01	85,50 (5)
1602 50 39 535	01	50,00 (8)
1602 50 39 595	01	37,00

(ECU/100 kg)

Product code	Destination	Refund (7) (9)
		— Net weight —
1602 50 39 615	01	37,00
1602 50 39 625	01	16,50
1602 50 39 705	01	15,00
1602 50 39 805	01	—
1602 50 39 905	01	—
1602 50 80 135	01	75,50 (8)
1602 50 80 195	01	37,00
1602 50 80 335	01	67,50 (8)
1602 50 80 395	01	37,00
1602 50 80 435	01	50,00 (8)
1602 50 80 495	01	37,00
1602 50 80 505	01	37,00
1602 50 80 515	01	16,50
1602 50 80 535	01	50,00 (8)
1602 50 80 595	01	37,00
1602 50 80 615	01	37,00
1602 50 80 625	01	16,50
1602 50 80 705	01	15,00
1602 50 80 805	01	—
1602 50 80 905	01	—

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

(2) Entry under this subheading is subject to compliance with the condition laid down in amended 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) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

(4a) Carried out in accordance with amended Commission Regulation (EEC) No 2051/96 (OJ No L 274, 26. 10. 1996, p. 18).

(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 (OJ No L 210 of 1. 8. 1986, p. 39).

(7) Article 13 (10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

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

(9) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

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

ANNEX II

Zone 01: all third countries

Zone 02: zones 08 and 09

Zone 03
022 Ceuta and Melilla
024 Iceland
028 Norway
041 Faroe Islands
043 Andorra
044 Gibraltar
045 Vatican City
053 Estonia
054 Latvia
055 Lithuania
060 Poland
061 Czech Republic
063 Slovakia
064 Hungary
066 Romania
068 Bulgaria
070 Albania
091 Slovenia
092 Croatia
093 Bosnia-Herzegovina
094 Serbia and Montenegro
096 Former Yugoslav Republic of Macedonia
109 The communes of Livigno and Campione d'Italia; the island of Helgoland
406 Greenland
600 Cyprus
662 Pakistan
669 Sri Lanka
676 Myanmar (Burma)
680 Thailand
690 Vietnam
700 Indonesia
708 Philippines
724 North Korea
740 Hong Kong
950 Stores and provisions (Destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended)

Zone 04
039 Switzerland

Zone 05
400 United States of America

Zone 06
809 New Caledonia
822 French Polynesia

Zone 07
404 Canada

Zone 08
046 Malta
052 Turkey
072 Ukraine
073 Belarus
074 Moldova
075 Russia
076 Georgia
077 Armenia
078 Azerbaijan
079 Kazakhstan
080 Turkmenistan
081 Uzbekistan
082 Tajikistan
083 Kirghistan
204 Morocco
208 Algeria
212 Tunisia
216 Libya
220 Egypt
224 Sudan
324 Rwanda
328 Burundi
329 St Helena and dependencies
330 Angola
334 Ethiopia
336 Eritrea
338 Djibouti
342 Somalia
350 Uganda
352 Tanzania
355 Seychelles and dependencies
357 British Indian Ocean Territory
366 Mozambique
373 Mauritius
375 Comoros
377 Mayotte
378 Zambia
386 Malawi
388 South Africa
395 Lesotho
604 Lebanon
608 Syria
612 Iraq
616 Iran
624 Israel
625 Gaza and Jericho
628 Jordan
632 Saudi Arabia
636 Kuwait
640 Bahrain
644 Qatar
647 United Arab Emirates
649 Oman
653 Yemen
720 China

Zone 09
228 Mauritania
232 Mali
236 Burkina Faso
240 Niger
244 Chad
247 Cape Verde
248 Senegal
252 Gambia
257 Guinea-Bissau
260 Guinea
264 Sierra Leone
268 Liberia
272 Côte d'Ivoire
276 Ghana
280 Togo
284 Benin
288 Nigeria
302 Cameroon
306 Central African Republic
310 Equatorial Guinea
311 Sao Tome and Principe
314 Gabon
318 Congo
322 Zaire

NB: The countries are those defined by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

ANNEX III

CN code	Description of goods	code Product
ex 0201 30 00	– Boneless:	
	– – Boneless cuts exported to the USA under the conditions laid down in Commission Regulation (EEC) No 2973/79 (4) or to Canada under conditions laid down in Regulation (EC) No 2051/96 (4a)	0201 30 00 050
	– – From the hindquarters of male adult bovine animals with a maximum of nine ribs or nine pairs of ribs (2), each piece individually wrapped	0201 30 00 100
	– – Other boned cuts, each piece individually wrapped with a lean bovine meat content (excluding fat) of 50 % or more (6)	0201 30 00 150
	– – Other, including minced meat, with a lean meat content (excluding fat) of 78 % or more (6)	0201 30 00 190
0202 30 90	– – Other:	
	– – – Boned cuts exported to the United States of America under the conditions laid down in Regulation (EEC) No 2973/70 (4) or to Canada under conditions laid down in Regulation (EC) No 2051/96 (4a)	0202 30 90 100
	– – – Boned cuts, each piece individually wrapped with a lean bovine meat content (excluding fat) of 50 % or more (6)	0202 30 90 400
	– – – Other, including minced meat, with a lean content (excluding fat) of 78 % or more (6)	0202 30 90 500
	– – – Other:	0202 30 90 900

(1) Entry within this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82 (OJ No L 4, 8. 1. 1982, p. 11).

(2) Entry within this subheading is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 1964/82 (OJ No L 212, 21. 7. 1982, p. 48).

(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.

(4a) OJ No L 274, 26. 10. 1996, p. 18.

(5) OJ No L 221, 18. 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 (OJ No L 210, 1. 8. 1986, p. 39).

(7) OJ No L 62, 7. 3. 1980, p. 5.

(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.

(9) No containing meat other than that of animals of the bovine species.

NB: Article 7 of Council Regulation (EEC) 885/68 (OJ No L 156, 4. 7. 1968, p. 2), provides that no export refunds are to be granted on products imported from third countries and re-exported to third countries.