COMMISSION REGULATION (EC) No 2759/98

of 18 December 1998

on the sale, at prices fixed in advance, of beef held by certain intervention agencies, with a view to its processing in the Community and repealing Regulation (EC) No 2144/98

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 organisation of the market in beef and veal [1], as last amended by Regulation (EC) No 1633/98 [2], and in particular Article 7(3) thereof,

Whereas the introduction of intervention in beef has resulted in a build-up of stocks in several Member States; whereas, in order to prevent storage being prolonged excessively, part of these stocks should be sold for processing in the Community;

Whereas this sale should be subject to the rules laid down in Commission Regulations (EEC) No 2173/79 [3], as last amended by Regulation (EC) No 2417/95 [4], (EEC) No 3002/92 [5], as last amended by Regulation (EC) No 770/96 [6], and (EEC) No 2182/77 [7], as last amended by Regulation (EC) No 2417/95, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas, in order to ensure regular and continuous sales, Title I of Regulation (EEC) No 2173/79, in particular, should be applied;

Whereas, to ensure economic management of stocks, the intervention agencies should give priority to selling the meat which has been stored the longest;

Whereas provision should be made for derogations from the second subparagraph of Article 2(2) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of this rule is creating in certain Member States;

Whereas, to ensure optimum monitoring of the destination of beef from intervention stocks, control measures should be taken, in addition to the measures provided for in Regulation (EEC) No 3002/92, based on physical inspection of quantities and qualities;

Whereas Commission Regulation (EC) No 2144/98 [8], as last amended by Regulation (EC) No 2511/98 [9], should be repealed;

Whereas Article 2 of Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro [10] provides that, as from 1 January 1999, all references to the ecu in legal instruments are to be replaced by references to the euro at the rate of EUR 1 to ECU 1;

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 sale shall take place, for processing in the Community, of products bought into intervention under Article 6 of Regulation (EEC) No 805/68 amounting to approximately:

— 34 tonnes of bone-in forequarters held by the Dutch intervention agency,

— 400 tonnes of bone-in forequarters held by the Portuguese intervention agency,

— 1 000 tonnes of bone-in forequarters held by the Austrian intervention agency,

— 500 tonnes of bone-in forequarters held by the Danish intervention agency,

— 1 000 tonnes of bone-in forequarters held by the French intervention agency,

— 500 tonnes of bone-in forequarters held by the Italian intervention agency,

— 1 000 tonnes of bone-in forequarters held by the Spanish intervention agency,

[1] OJ L 148, 28. 6. 1968, p. 24.
[2] OJ L 210, 28. 7. 1997, p. 17.
[3] OJ L 251, 5. 10. 1979, p. 12.
[4] OJ L 248, 14. 10. 1995, p. 39.
[5] OJ L 301, 17. 10. 1992, p. 17.
[6] OJ L 104, 27. 4. 1996, p. 13.
[7] OJ L 251, 1. 10. 1977, p. 60.
[8] OJ L 270, 7. 10. 1998, p. 31.
[9] OJ L 313, 21. 11. 1998, p. 12.
[10] OJ L 162, 19. 6. 1997, p. 1.

— 380 tonnes of bone-in forequarters held by the Irish intervention agency,

— 5 000 tonnes of deboned beef held by the Irish intervention agency,

— 30 tonnes of deboned beef held by the Spanish intervention agency,

— 1 790 tonnes of deboned beef held by the French intervention agency,

— 8 000 tonnes of deboned beef held by the United Kingdom intervention agency.

Detailed information concerning the products and their selling prices is given in Annex I.

2. Subject to the provisions of this Regulation the products referred to in paragraph 1 shall be sold in accordance with Regulations (EEC) No 2173/79, and in particular Titles I and III thereof, (EEC) No 2182/77 and (EEC) No 3002/92.

3. Particulars of the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II hereto.

4. For each product listed in Annex I hereto, the intervention agencies shall sell first the meat which has been stored the longest.

5. Notwithstanding the second subparagraph of Article 2(2) of Regulation (EEC) No 2173/79, purchase applications shall not indicate in which store or stores the meat is held.

Article 2

1. Purchase applications shall be valid only if presented by or on behalf of a natural or legal person who, for the 12 months prior to the entry into force of this Regulation, has been engaged in the processing of products containing beef and who is entered in a national VAT register. In addition, applications must be presented by or on behalf of a processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC ([1]).

2. Notwithstanding Article 3(1) and (2) of Regulation (EEC) No 2182/77, applications shall be accompanied by:

— an indication of the product covered, as referred to in either Article 3(2) or (3),

— a written undertaking by the purchaser to process the meat into the product as specified above within the period referred to in Article 5(1) of Regulation (EEC) No 2182/77,

— precise details of the establishment or establishments where the meat purchased is to be processed.

3. The purchasers referred to in paragraph 1 may instruct an agent in writing to take delivery, on their behalf, of the products which they purchase. In this case agents shall submit the purchase application of the purchaser whom they represent together with the written instruction referred to above.

4. Notwithstanding Article 18(1) of Regulation (EEC) No 2173/79, taking over must be completed within two months.

5. The purchasers and agents referred to in the preceding paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view in particular to ensuring that the quantities of products purchased and processed tally with each other.

Article 3

1. Meat purchased in accordance with this Regulation shall be processed into products which comply with the definitions for A products and B products set out in paragraphs 2 and 3 below.

2. An 'A' product means a processed product falling within CN code 1602 10 00, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 % ([2]) and containing by weight at least 20 % ([3]) of lean meat excluding offal ([4]) and fat, with meat and jelly accounting for at least 85 % of the total net weight.

The product must be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product, which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

([1]) OJ L 26, 31. 1. 1977, p. 85.

([2]) 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 3496-1994.

([3]) 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 L 210, 1. 8. 1986, p. 39).

([4]) Offal includes the following: heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus gland with pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

3. A 'B' product means a processed product containing beef, other than:

— one specified in Article 1(1)(a) of Regulation (EEC) No 805/68, or

— one referred to in paragraph 2.

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3,2 shall be considered to be a B product.

Article 4

1. Member States shall set up a system of physical and documentary supervision to ensure that all meat is processed in accordance with Articles 2 and 3.

The system must include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors must at any time be able to demonstrate the identity and use of the meat through appropriate production records.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's recipe, Member States shall undertake representative sampling and analysis of the product. The costs of such operations shall be borne by the processor concerned.

2. Member States may, at the request of the processor, authorise the deboning of bone-in quarters in an establishment other than that provided for in respect of processing provided the relevant operations take place in the same Member State under appropriate supervision.

3. Article 1 of Regulation (EEC) No 2182/77 shall not apply.

Article 5

1. The security provided for in Article 15(1) of Regulation (EEC) No 2173/79 shall be ECU 12 per 100 kilograms.

2. The security provided for in Article 4(1) of Regulation (EEC) No 2182/77 shall be:

— ECU 1 300 for bone-in forequarters processed into A products,

— ECU 1 150 for bone-in forequarters processed into B products or a mixture of A and B products,

— ECU 1 750 for deboned beef processed into A products,

— ECU 1 600 for deboned beef processed into B products or a mixture of A and B products.

3. Notwithstanding Article 5(3) of Regulation (EEC) No 2182/77, the processing of all beef purchased into finished products as indicated in the purchase application shall constitute a principal requirement.

Article 6

Notwithstanding Article 9 of Regulation (EEC) No 2182/77, in addition to the entries provided for in Regulation (EEC) No 3002/92:

— Section 104 of T5 control copies must be completed with one or more of the following:

  — Para transformación [Reglamentos (CEE) nº 2182/77 y (CE) nº 2759/98]

  — Til forarbejdning (forordning (EØF) nr. 2182/77 og (EF) nr. 2759/98)

  — Zur Verarbeitung bestimmt (Verordnungen (EWG) Nr. 2182/77 und (EG) Nr. 2759/98)

  — Για μεταποίηση [κανονισμοί (ΕΟΚ) αριθ. 2182/77 και (ΕΚ) αριθ. 2759/98]

  — For processing (Regulations (EEC) No 2182/77 and (EC) No 2759/98)

  — Destinés à la transformation [règlements (CEE) nº 2182/77 et (CE) nº 2759/98]

  — Destinate alla trasformazione [regolamenti (CEE) n. 2182/77 e (CE) n. 2759/98]

  — Bestemd om te worden verwerkt (Verordeningen (EEG) nr. 2182/77 en (EG) nr. 2759/98)

  — Para transformação [Regulamentos (CEE) nº 2182/77 e (CE) nº 2759/98]

  — Jalostettavaksi (Asetukset (ETY) N:o 2182/77 ja (EY) N:o 2759/98)

  — För bearbetning (Förordningarna (EEG) nr 2182/77 och (EG) nr 2759/98).

— Section 106 of T5 control copies must be completed with the date of conclusion of the contract of sale.

Article 7

Regulation (EC) No 2144/98 is hereby repealed.

Article 8

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 18 December 1998.

For the Commission
Franz FISCHLER
Member of the Commission

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

Estado miembro	Productos (1)	Cantidad aproximada (toneladas)	Precio de venta expresado en ecus por tonelada
Medlemsstat	Produkter (1)	Tilnærmet mængde (tons)	Salgspriser i ECU/ton
Mitgliedstaat	Erzeugnisse (1)	Ungefähre Mengen (Tonnen)	Verkaufspreise, ausgedrückt in ECU/Tonne
Κράτος μέλος	Προϊόντα (1)	Κατά προσέγγιση ποσότητα (τόνοι)	Τιμές πώλησης εκφραζόμενες σε Ecu ανά τόνο
Member State	Products (1)	Approximate quantity (tonnes)	Selling prices expressed in ecus per tonne
État membre	Produits (1)	Quantité approximative (tonnes)	Prix de vente exprimés en écus par tonne
Stato membro	Prodotti (1)	Quantità approssimativa (tonnellate)	Prezzi di vendita espressi in ecu per tonnellata
Lidstaat	Producten (1)	Hoeveelheid bij benadering (ton)	Verkoopprijzen uitgedrukt in ECU per ton
Estado-membro	Produtos (1)	Quantidade aproximada (toneladas)	Preço de venda expresso em ecus por tonelada
Jäsenvaltio	Tuotteet (1)	Arvioitu määrä (tonneina)	Myyntihinta ecuina tonnilta
Medlemsstat	Produkter (1)	Ungefärlig kvantitet (ton)	Försäljningspris i ecu per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

			(a) (2)	(b) (3)
DANMARK	— Forfjerdinger	500	650	800
ITALIA	— Quarti anteriori	500	650	800
IRELAND	— Forequarters	380	650	800
FRANCE	— Quartiers avant	1 000	650	800
ÖSTERREICH	— Vorderviertel	1 000	650	800
PORTUGAL	— Quartos dianteiros	400	650	800
ESPAÑA	— Cuartos delanteros	1 000	650	800
NEDERLAND	— Voorvoeten	34	650	800

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

FRANCE	Flanchet d'intervention (INT 18)	1 000	600	750
	Jarret avant d'intervention (INT 21)	113	800	950
	Épaule d'intervention (INT 22)	677	1 100	1 250
UNITED KINGDOM	Intervention shank (INT 11)	1 000	700	850
	Intervention thick flank (INT 12)	1 000	1 200	1 350
	Intervention topside (INT 13)	500	1 450	1 600
	Intervention silverside (INT 14)	500	1 400	1 550
	Intervention flank (INT 18)	1 000	600	750
	Intervention forerib (INT 19)	500	1 000	1 150
	Intervention shin (INT 21)	1 000	700	850
	Intervention shoulder (INT 22)	1 000	1 000	1 100
	Intervention brisket (INT 23)	500	700	850
	Intervention forequarter (INT 24)	1 000	1 000	1 150
IRELAND	Intervention shank (INT 11)	500	800	950
	Intervention flank (INT 18)	500	700	850
	Intervention shin (INT 21)	500	800	950
	Intervention shoulder (INT 22)	1 000	1 100	1 250
	Intervention brisket (INT 23)	500	800	950
	Intervention forequarter (INT 24)	1 000	1 100	1 250
	Intervention thick flank (INT 12)	200	1 300	1 450
	Intervention topside (INT 13)	200	1 550	1 700
	Intervention silverside (INT 14)	200	1 500	1 650
	Intervention rump (INT 16)	200	1 500	1 650
	Intervention forerib (INT 19)	200	1 100	1 250
ESPAÑA	Falda (INT 18)	30	600	750

(1) Véanse los anexos V y VII del Reglamento (CEE) nº 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4); Reglamento cuya última modificación la constituye el Reglamento (CE) nº 2304/98 (DO L 288 de 27.10.1998, p. 3).

(1) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4. 9. 1993, s. 4); forordningen er senest ændret ved forordning (EF) nr. 2304/98 (EFT L 288 af 27. 10. 1998, s. 3).

(1) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2304/98 (ABl. L 288 vom 27.10.1998, S. 3).

(1) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2304/98 (ΕΕ L 288 της 27.10.1998, σ. 3).

(1) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2304/98 (OJ L 288, 27.10.1998, p. 3).

(1) Voir annexes V et VII du règlement (CEE) nº 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) nº 2304/98 (JO L 288 du 27. 10. 1998, p. 3).

(1) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2304/98 (GU L 288 del 27.10.1998, pag. 3).

(1) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2304/98 (PB L 288 van 27. 10. 1998, blz. 3).

(1) Ver anexos V e VII do Regulamento (CEE) nº 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) nº 2304/98 (JO L 288 de 27.10.1998, p. 3).

(1) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2304/98 (EYVL L 288, 27.10.1998, s. 3), liitteet V ja VII.

(1) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2304/98 (EGT L 288, 27.10.1998, s. 3).

(2) Precio aplicable a la transformación exclusivamente en los productos «A» contemplados en el apartado 2 del artículo 3.

(2) Pris udelukkende for forarbejdning til A-produkter som omhandlet i artikel 3, stk. 2.

(2) Geltender Preis nur für die Verarbeitung zu A-Erzeugnissen gemäß Artikel 3 Absatz 2.

(2) Τιμή που εφαρμόζεται για τη μεταποίηση, μόνο σε προϊόντα «Α» που αναφέρονται στο άρθρο 3 παράγραφος 2.

(2) Price applying for processing solely into A products as referred to in Article 3(2).

(2) Prix applicable uniquement pour la transformation en produits «A» visés à l'article 3, paragraphe 2.

(2) Prezzo applicabile unicamente per la trasformazione in prodotti «A» di cui all'articolo 3, paragrafo 2.

(2) Prijs uitsluitend voor verwerking tot de in artikel 3, lid 2, bedoelde A-producten.

(2) Preço aplicável para a transformação apenas em produtos «A» referidos no nº 2 do artigo 3º

(2) Hinta jota sovelletaan jalostettaessa ainoastaan 3 artiklan 2 kohdassa tarkoitetuiksi A-luokan tuotteiksi.

(2) Pris för bearbetning endast till A-produkter i enlighet med artikel 3.2.

(3) Precio aplicable a la transformación en los productos «B» contemplados en el apartado 3 del artículo 3, o en una mezcla de productos «A» y productos «B».

(3) Pris for forarbejdning til B-produkter som omhandlet i artikel 3, stk. 3, eller en blanding af A- og B-produkter.

(3) Geltender Preis für die Verarbeitung zu B-Erzeugnissen gemäß Artikel 3 Absatz 3 oder eine Mischung aus A- und B-Erzeugnissen.

(3) Τιμή που εφαρμόζεται για τη μεταποίηση σε προϊόντα «Β» που αναφέρονται στο άρθρο 3 παράγραφος 3, ή σε μείγμα προϊόντων Α και προϊόντων Β.

(3) Price applying for processing into B products as referred to in Article 3(3) or a mix of A products and B products.

(3) Prix applicable pour la transformation en produits «B» visés à l'article 3, paragraphe 3, ou pour un mélange de produits «A» et de produits «B».

(3) Prezzo applicabile per la trasformazione in prodotti «B» di cui all'articolo 3, paragrafo 3, o per un miscuglio di prodotti «A» e di prodotti «B».

(3) Prijs voor verwerking tot de in artikel 3, lid 3, bedoelde B-producten of tot een mengeling van A-producten en B-producten.

(3) Preço aplicável para a transformação em produtos «B» referidos no nº 3 do artigo 3º, ou uma mistura de produtos «A» e produtos «B».

(3) Hinta, jota sovelletaan jalostettaessa 3 artiklan 3 kohdassa tarkoitetuiksi B-luokan tuotteiksi, tai A- ja B-luokan tuotteiden seokseksi.

(3) Pris för bearbetning till B-produkter i enlighet med artikel 3.3 eller en blandning av A- och B-produkter.

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

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 — Interventioelinten osoitteet — Interventionsorganens adresser

DANMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
EU-direktoratet
Kampmannsgade 3
DK-1780 København V
Tlf. (45) 33 92 70 00; telex 151317 DK; fax (45) 33 92 69 48, (45) 33 92 69 23

ESPAÑA

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Tel.: (34) 913 47 65 00, 913 47 63 10; télex: FEGA 23427 E, FEGA 41818 E; fax: (34) 915 21 98 32, 915 22 43 87

FRANCE

OFIVAL
80, avenue des Terroirs-de-France
F-75607 Paris Cedex 12
Téléphone: (33 1) 44 68 50 00; télex: 215330; télécopieur: (33 1) 44 68 52 33

ITALIA

AIMA (Azienda di Stato per gli interventi nel mercato agricolo)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91; telex: 61 30 03; telefax: 445 39 40/445 19 58

IRELAND

Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
IRL-Dublin 2
Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 661 62 63, (01) 678 52 14 and (01) 662 01 98

NEDERLAND

Ministerie van Landbouw, Natuurbeheer en Visserij, Voedselvoorzieningsin- en verkoopbureau
p/a LASER, Zuidoost
Slachthuisstraat 71
Postbus 965
6040 AZ Roermond
Tel. (31-475) 35 54 44; telex 56396 VIBNL; fax (31-475) 31 89 39

ÖSTERREICH

AMA-Agrarmarkt Austria
Dresdner Straße 70
A-1201 Wien
Tel.: (431) 33 15 12 20; Telefax: (431) 33 15 1297

PORTUGAL

Instituto Nacional de Intervenção e Garantia Agrícola
Rua Fernando Curado Ribeiro, nº 4-G
P-1600 Lisboa
Tel.: (351-1) 751 85 00; telefax: (351-1) 751 86 15

UNITED KINGDOM

Intervention Board Executive Agency
Kings House
33 Kings Road
Reading RG1 3BU
Berkshire
Tel. (01189) 58 36 26
Fax (01189) 56 67 50