COMMISSION REGULATION (EC) No 565/1999

of 16 March 1999

fixing the export refunds on beef and veal 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 organisation of the market in beef and veal [1], as last amended by Regulation (EC) No 1633/98 [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 (EC) No 2326/97 [4], Regulation (EEC) No 1964/82 [5], as last amended by Regulation (EC) No 2469/97 [6], and Regulation (EEC) No 2388/84 [7], as last amended by Regulation (EEC) No 3661/92 [8], 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 [9], as last amended by Regulation (EC) No 381/1999 [10], establishes an agricultural product nomenclature for export refunds; whereas for the sake of clarification the conditions to be satisfied as regards the average lean-meat content of boneless cuts should be specified;

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

[1] OJ L 148, 28. 6. 1968, p. 24.
[2] OJ L 210, 28. 7. 1998, p. 17.
[3] OJ L 4, 8. 1. 1982, p. 11.
[4] OJ L 323, 26. 11. 1997, p. 1.
[5] OJ L 212, 21. 7. 1982, p. 48.
[6] OJ L 341, 12. 12. 1997, p. 8.
[7] OJ L 221, 18. 8. 1984, p. 28.
[8] OJ L 370, 19. 12. 1992, p. 16.
[9] OJ L 366, 24. 12. 1987, p. 1.
[10] OJ L 46, 20. 2. 1999, p. 28.

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 opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old;

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 the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

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 Annex I to this Regulation.

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

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third countries in zone 10 listed in Annex II to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

Footnote (6) in Sector 5 of the Annex to Regulation (EEC) No 3846/87 is replaced by the following:

'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).

The term "average content" refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 2457/97 (OJ L 340, 11.12.1997, p. 29). The sample is to be taken from that part of the consignment presenting the highest risk'.

Article 4

This Regulation shall enter into force on 17 March 1999.

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

Done at Brussels, 16 March 1999.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 62, 7. 3. 1980, p. 5.
[2] OJ L 199, 22. 7. 1983, p. 12.

ANNEX I

to the Commission Regulation of 16 March 1999 fixing export refunds on beef

(EUR/100 kg)

Product code	Destination	Refund (7)
		– Live weight –
0102 10 10 9120	01	63,00
0102 10 10 9130	02	24,50
	03	16,50
	04	8,50
0102 10 30 9120	01	63,00
0102 10 30 9130	02	24,50
	03	16,50
	04	8,50
0102 10 90 9120	01	63,00
0102 90 41 9100	02	60,50
0102 90 51 9000	02	24,50
	03	16,50
	04	8,50
0102 90 59 9000	02	24,50
	03	16,50
	04	8,50
	10	60,50 (9)
0102 90 61 9000	02	24,50
	03	16,50
	04	8,50
0102 90 69 9000	02	24,50
	03	16,50
	04	8,50
0102 90 71 9000	02	60,50
	03	39,50
	04	20,00
0102 90 79 9000	02	60,50
	03	39,50
	04	20,00
		– Net weight –
0201 10 00 9110 (1)	02	94,00
	03	65,00
	04	31,50
0201 10 00 9120	02	36,50
	03	26,00
	04	13,00
0201 10 00 9130 (1)	02	129,00
	03	86,50
	04	43,50
0201 10 00 9140	02	51,00
	03	35,00
	04	18,00
0201 20 20 9110 (1)	02	129,00
	03	86,50
	04	43,50

(EUR/100 kg)

Product code	Destination	Refund (7)
		– Net weight –
0201 20 20 9120	02	51,00
	03	35,00
	04	18,00
0201 20 30 9110 (1)	02	94,00
	03	65,00
	04	31,50
0201 20 30 9120	02	36,50
	03	26,00
	04	13,00
0201 20 50 9110 (1)	02	163,00
	03	109,00
	04	54,00
0201 20 50 9120	02	65,00
	03	44,50
	04	22,00
0201 20 50 9130 (1)	02	94,00
	03	65,00
	04	31,50
0201 20 50 9140	02	36,50
	03	26,00
	04	13,00
0201 20 90 9700	02	36,50
	03	26,00
	04	13,00
0201 30 00 9050	05 (4)	53,00
	07 (4a)	53,00
0201 30 00 9100 (2) (6)	02	227,50
	03	156,00
	04	78,50
	06	201,00
0201 30 00 9120 (2) (6)	08	125,50
	09	116,50
	03	86,00
	04	43,00
	06	110,00
0201 30 00 9150 (6)	08	33,00
	09	30,00
	03	26,00
	04	13,50
	06	29,50
0201 30 00 9190 (6)	02	51,00
	03	33,50
	04	16,00
	06	41,00

(EUR/100 kg)

Product code	Destination	Refund (7)
		– Net weight –
0202 10 00 9100	02	36,50
	03	26,00
	04	13,00
0202 10 00 9900	02	51,00
	03	35,00
	04	18,00
0202 20 10 9000	02	51,00
	03	35,00
	04	18,00
0202 20 30 9000	02	36,50
	03	26,00
	04	13,00
0202 20 50 9100	02	65,00
	03	44,50
	04	22,00
0202 20 50 9900	02	36,50
	03	26,00
	04	13,00
0202 20 90 9100	02	36,50
	03	26,00
	04	13,00
0202 30 90 9100	05 (4)	53,00
	07 (4a)	53,00
0202 30 90 9400 (6)	08	33,00
	09	30,00
	03	26,00
	04	13,50
	06	29,50
0202 30 90 9500 (6)	02	51,00
	03	33,50
	04	16,00
	06	41,00
0206 10 95 9000	02	51,00
	03	33,50
	04	16,00
	06	41,00
0206 29 91 9000	02	51,00
	03	33,50
	04	16,00
	06	41,00
0210 20 90 9100	02	42,50
	04	25,50
0210 20 90 9300	02	53,00
0210 20 90 9500 (3)	02	53,00

(EUR/100 kg)

Product code	Destination	Refund (7)
		– Net weight –
1602 50 10 9120	02	59,00 (8)
	03	47,00 (8)
	04	47,00 (8)
1602 50 10 9140	02	52,50 (8)
	03	41,50 (8)
	04	41,50 (8)
1602 50 10 9160	02	41,50 (8)
	03	33,50 (8)
	04	33,50 (8)
1602 50 10 9170	02	28,00 (8)
	03	22,00 (8)
	04	22,00 (8)
1602 50 10 9190	02	28,00
	03	22,00
	04	22,00
1602 50 10 9240	02	—
	03	—
	04	—
1602 50 10 9260	02	—
	03	—
	04	—
1602 50 10 9280	02	—
	03	—
	04	—
1602 50 31 9125	01	100,00 (5)
1602 50 31 9135	01	38,00 (8)
1602 50 31 9195	01	18,50
1602 50 31 9325	01	89,00 (5)
1602 50 31 9335	01	33,50 (8)
1602 50 31 9395	01	18,50
1602 50 39 9125	01	100,00 (5)
1602 50 39 9135	01	38,00 (8)
1602 50 39 9195	01	18,50
1602 50 39 9325	01	89,00 (5)
1602 50 39 9335	01	33,50 (8)
1602 50 39 9395	01	18,50
1602 50 39 9425	01	38,00 (5)
1602 50 39 9435	01	22,00 (8)
1602 50 39 9495	01	16,00
1602 50 39 9505	01	16,00
1602 50 39 9525	01	38,00 (5)
1602 50 39 9535	01	22,00 (8)
1602 50 39 9595	01	16,00

(EUR/100 kg)

Product code	Destination	Refund (7)
		– Net weight –
1602 50 39 9615	01	16,00
1602 50 39 9625	01	7,50
1602 50 39 9705	01	—
1602 50 39 9805	01	—
1602 50 39 9905	01	—
1602 50 80 9135	01	33,50 (8)
1602 50 80 9195	01	16,00
1602 50 80 9335	01	30,00 (8)
1602 50 80 9395	01	16,00
1602 50 80 9435	01	22,00 (8)
1602 50 80 9495	01	16,00
1602 50 80 9505	01	16,00
1602 50 80 9515	01	7,50
1602 50 80 9535	01	22,00 (8)
1602 50 80 9595	01	16,00
1602 50 80 9615	01	16,00
1602 50 80 9625	01	7,50
1602 50 80 9705	01	—
1602 50 80 9805	01	—
1602 50 80 9905	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 L 336, 29. 12. 1979, p. 44).

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

(5) OJ 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 L 210, 1. 8. 1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 2457/97 (OJ L 340, 11. 12. 1997, p. 29). The sample is to be taken from that part of the consignment presenting the highest risk.

(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) The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

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	Zone 07	Zone 09
022 Ceuta and Melilla	404 Canada	224 Sudan
024 Iceland		228 Mauritania
028 Norway		232 Mali
041 Faeroes		236 Burkina Faso
043 Andorra		240 Niger
044 Gibraltar	Zone 08	244 Chad
045 Vatican City		247 Cape Verde
053 Estonia	046 Malta	248 Senegal
054 Latvia	052 Turkey	252 Gambia
055 Lithuania	072 Ukraine	257 Guinea-Bissau
060 Poland	073 Belarus	260 Guinea
061 Czech Republic	074 Moldova	264 Sierra Leone
063 Slovakia	075 Russia	268 Liberia
064 Hungary	076 Georgia	272 Côte d'Ivoire
066 Romania	077 Armenia	276 Ghana
068 Bulgaria	078 Azerbaijan	280 Togo
070 Albania	079 Kazakhstan	284 Benin
091 Slovenia	080 Turkmenistan	288 Nigeria
092 Croatia	081 Uzbekistan	302 Cameroon
093 Bosnia-Herzegovina	082 Tajikistan	306 Central African Republic
094 Federal Republic of Yugoslavia	083 Kirghistan	310 Equatorial Guinea
096 Former Yugoslav Republic of Macedonia	204 Morocco	311 Sao Tomé and Principe
109 The communes of Livigno and Campione d'Italia; the island of Helgoland	208 Algeria	314 Gabon
	212 Tunisia	318 Congo (Republic)
406 Greenland	216 Libya	322 Congo (Democratic Republic)
600 Cyprus	220 Egypt	324 Rwanda
950 Stores and provisions (Destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended)	604 Lebanon	328 Burundi
	608 Syria	329 St Helena and dependencies
	612 Iraq	330 Angola
	616 Iran	334 Ethiopia
	624 Israel	336 Eritrea
	625 West Bank and the Gaza Strip	338 Djibouti
	628 Jordan	342 Somalia
	632 Saudi Arabia	350 Uganda
	636 Kuwait	352 Tanzania
	640 Bahrain	355 Seychelles and dependencies
	644 Qatar	357 British Indian Ocean Territory
	647 United Arab Emirates	366 Mozambique
	649 Oman	373 Mauritius
	653 Yemen	375 Comoros
	662 Pakistan	377 Mayotte
	669 Sri Lanka	378 Zambia
	676 Myanmar (Burma)	386 Malawi
	680 Thailand	388 South Africa
	690 Vietnam	395 Lesotho
	700 Indonesia	
	708 Philippines	
	720 China	
	724 North Korea	
	740 Hong Kong	

Zone 04
039 Switzerland

Zone 05
400 United States of America

Zone 06
809 New Caledonia
822 French Polynesia

Zone 10
075 Russia

NB: The countries are those defined by Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19).