COMMISSION REGULATION (EC) No 1384/2001

of 6 July 2001

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 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat [1], as last amended by Regulation (EC) No 1365/2000 [2], and in particular Article 13(12) thereof,

Whereas:

(1) Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricultural product nomenclature for export refunds [3], as last amended by Regulation (EC) No 2849/2000 [4], establishes a nomenclature of agricultural products for export refunds based on the Combined Nomenclature.

(2) Commission Regulation (EC) No 1230/2001 of 21 June 2001 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff [5] amends Additional Notes 2.A(a), 2.A(c) and 2.C to Chapter 2 of the Combined Nomenclature with a view to ensuring that it is applied uniformly as regards the classification of chaps and jowls.

(3) In the wake of those amendments, the list of products eligible for export refunds should be clarified on certain points, in particular as regards carcasses and half-carcasses, shoulders, fore-ends, and chaps and jowls together, presented alone, in order to enable the export nomenclature to be applied uniformly throughout the Member States.

(4) Some of those clarifications can justifiably be applied to applications currently pending as regards the eligibilty of products, given the high number of such applications.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

Sector 6 of Annex I to Regulation (EEC) No 3846/87 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply from 30 July 2001. Footnotes 12, 13 and 14 of the Annex shall, however, apply to operations where no final decision on payment or release of the security or on further action regarding ex post checks conducted has been taken at the time of entry into force of this Regulation.

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

Done at Brussels, 6 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 282, 1.11.1975, p. 1.
[2] OJ L 156, 29.6.2000, p. 5.
[3] OJ L 366, 24.12.1987, p. 1.
[4] OJ L 335, 30.12.2000, p. 1.
[5] OJ L 168, 23.6.2001, p. 6.

ANNEX

'6. **Pigmeat**

CN code	Description of goods	Product code
ex 0103	Live swine:	
	– Other:	
ex 0103 91	– – Weighing less than 50 kg:	
0103 91 10	– – – Domestic species	0103 91 10 9000
ex 0103 92	– – Weighing 50 kg or more:	
	– – – Domestic species:	
0103 92 19	– – – – Other	0103 92 19 9000
ex 0203	Meat of swine, fresh, chilled or frozen:	
	– Fresh or chilled:	
ex 0203 11	– – Carcasses and half-carcasses:	
0203 11 10	– – – Other domestic swine ([12])	0203 11 10 9000
ex 0203 12	– – Hams, shoulders and cuts thereof, with bone in:	
	– – – Of domestic swine:	
ex 0203 12 11	– – – – Legs and cuts thereof:	
	– – – – – With a total bone and cartilage content of less than 25 % by weight	0203 12 11 9100
ex 0203 12 19	– – – – Sholders and cuts thereof ([13]):	
	– – – – – With a total bone and cartilage content of less than 25 % by weight	0203 12 19 9100
ex 0203 19	– – Other:	
	– – – Of domestic swine:	
ex 0203 19 11	– – – – Fore-ends and cuts thereof ([14]):	
	– – – – – With a total bone and cartilage content of less than 25 % by weight	0203 19 11 9100
ex 0203 19 13	– – – – Loins and cuts thereof:	
	– – – – – With a total bone and cartilage content of less than 25 % by weight	0203 19 13 9100
ex 0203 19 15	– – – – Bellies (streaky) and cuts thereof:	
	– – – – – With a total bone and cartilage content of less than 15 % by weight	0203 19 15 9100
	– – – – Other:	
ex 0203 19 55	– – – – – Boneless:	
	– – – – – – Legs, fore-ends, shoulders or loins, and cuts thereof ([1]) ([11]) ([13]) ([14]) ([15])	0203 19 55 9110
	– – – – – – Bellies, and cuts thereof, with a total cartilage content of less than 15 % by weight ([1]) ([11])	0203 19 55 9310
	– Frozen:	
ex 0203 21	– – Carcasses and half-carcasses.	
0203 21 10	– – – Of domestic swine ([12])	0203 21 10 9000
ex 0203 22	– – Hams, shoulders and cuts thereof, with bone in:	
	– – – Of domestic swine:	
ex 0203 22 11	– – – – Hams and cuts thereof:	
	– – – – – With a total bone and cartilage content of less than 25 % by weight	0203 22 11 9100
ex 0203 22 19	– – – – Shoulders and cuts thereof ([13]):	
	– – – – – With a total bone and cartilage content of less than 25 % by weight	0203 22 19 9100

CN code	Description of goods	Product code
ex 0203 29	– – Other:	
	– – – Of domestic swine:	
ex 0203 29 11	– – – – Fore-ends and cuts thereof ([14]):	
	– – – – – With a total bone and cartilage content of less than 25 % by weight	0203 29 11 9100
ex 0203 29 13	– – – – Loins and cuts thereof:	
	– – – – – With a total bone and cartilage content of less than 25 % by weight	0203 29 13 9100
ex 0203 29 15	– – – – Bellies (streak) and cuts thereof:	
	– – – – – With a total bone and cartilage content of less than 15 % by weight	0203 29 15 9100
	– – – – Other:	
ex 0203 29 55	– – – – – Boneless:	
	– – – – – – Legs, fore-ends, shoulders and cuts thereof ([1]) ([13]) ([14]) ([15]) ([16])	0203 29 55 9110
ex 0210	Meat and edible meat offal, salted, in brine, dried or smoked: edible flours and meals of meat or meat offal:	
	– Meat of swine:	
ex 0210 11	– – Hams, shoulders and cuts thereof, with bone in:	
	– – – Of domestic swine:	
	– – – – Salted or in brine:	
ex 0210 11 11	– – – – – Hams and cuts thereof:	
	– – – – – – With a total bone and cartilage content of less than 25 % by weight	0210 11 11 9100
	– – – – Dried or smoked	
ex 0210 11 31	– – – – – Hams and cuts thereof:	
	– – – – – – “Prosciutto di Parma”, “Prosciutto di San Daniele” ([2])	
	– – – – – – – With a total bone and cartilage content of less than 25 % by weight	0210 11 31 9110
	– – – – – – Other:	
	– – – – – – – With a total bone and cartilage content of less than 25 % by weight	0210 11 31 9910
ex 0210 12	– – Bellies (streaky) and cuts thereof:	
	– – – Of domestic swine:	
ex 0210 12 11	– – – – Salted or in brine:	
	– – – – – With a total bone and cartilage content of less than 15 % by weight	0210 12 11 9100
ex 0210 12 19	– – – – Dried or smoked:	
	– – – – – With a total bone and cartilage content of less than 15 % by weight	0210 12 19 9100
ex 0210 19	– – Other:	
	– – – Of domestic swine:	
	– – – Salted or in brine:	
ex 0210 19 40	– – – – – Loins and cuts thereof:	
	– – – – – – With a total bone and cartilage content of less than 25 % by weight	0210 19 40 9100
	– – – – – Other:	
ex 0210 19 51	– – – – – – Boneless:	
	– – – – – – – Hams, fore-ends, shoulders or loins, and cuts thereof ([1])	0210 19 51 9100
	– – – – – – – Bellies and cuts thereof, derinded ([1]):	
	– – – – – – – – With a total cartilage content of less than 15 % by weight	0210 19 51 9310
	– – – – Dried or smoked:	
	– – – – – Other:	

CN code	Description of goods	Product code
ex 0210 19 81	– – – – – – Boneless:	
	– – – – – – – – “Prosciutto di Parma”, “Prosciuto di San Daniele” and cuts thereof (2)	0210 19 81 9100
	– – – – – – – – Hams, fore-ends, shoulders or loins, and cuts thereof (1)	0210 19 81 9300
ex 1601 00	Sausages and similar products, of meat, meat offal or blood: food preparations based on those products:	
	– Other (8):	
1601 00 91	– – Sausages, dry or for spreading uncooked (4) (6):	
	– – – Not containing the meat or offal of poultry	1601 00 91 9120
	– – – Other	1601 00 91 9190
1601 00 99	– – Other (3) (6):	
	– – – Not containing the meat or offal of poultry	1601 00 99 9110
	– – – Other	1601 00 99 9190
ex 1602	Other prepared or preserved meat, meat offal or blood:	
	– Of swine	
ex 1602 41	– – Hams and cuts thereof:	
ex 1602 41 10	– – – Of domestic swine (7):	
	– – – – Cooked, containing by weight 80 % or more of meat and fat (8) (9)	1602 41 10 9210
ex 1602 42	– – Shoulders and cuts thereof:	
ex 1602 42 10	– – – Of domestic swine (7):	
	– – – – Cooked, containing by weight 80 % or more of meat and fat (8) (9)	1602 42 10 9210
ex 1602 49	– – Other, including mixtures:	
	– – – Of domestic swine:	
	– – – – Containing by weight 80 % or more of meat or meat offal, of any kind, including fats of any kind or origin:	
ex 1602 49 19	– – – – – Other (7) (8) (10):	
	– – – – – – Cooked:	
	– – – – – – – – Not containing the meat or offal of poultry	1602 49 19 9120
	– – – – – – – – Other	1602 49 19 9190

(1) The products and cuts thereof may be classified in this subheading only if the size and the characteristics of the coherent muscle, tissue, enable them to be identified as coming from the primary cuts mentioned. The expression “cuts thereof” applies to products with a net unit weight of at least 100 grams or to products cut into uniform slices which can be clearly identified as coming from the primary cut mentioned and which are packed together with a net overall weight of at least 100 grams.
(2) Only those products for which the name is certified by the competent authorities of the producting Member State can benefit from this refund.
(3) The refund on sausages presented in containers with a preservative liquid is granted on net weight after deduction of weight of this liquid.
(4) The weight of a coating of paraffin corresponding to normal use in the trade is considered as part of the net weight of the sausage.
(5) Deleted by Commission Regulation (EC) No 2333/97 (OJ L 323, 26.11.1997, p. 25).
(6) If composite food preparations (including prepared dishes) containing sausages, are classified within heading No 1601 because of their composition, the refund is granted only on the net weight of the sausages, the meat and the offal, including fats of any kind or origin, which make part of those preparations.
(7) The refund on products containing bones is granted on the net weight of the product after deduction of the weight of the bones.
(8) Grant of the refund is subject to compliance with the conditons laid down in Commission Regulation (EC) No 2331/97 (OJ 323, 26.11.1997, p. 19). At the time of the conclusion of customs export formalities the exporter shall declare in writing that the products in question fulfil those conditions.
(9) The meat and fat content is to be determined in accordance with the analysis procedure in the Annex to Commision Regulation (EEC) No 1583/89 (OJ L 156, 8.6.1989, p. 13).
(10) The content of meat or meat offal, of any kind, including fats of any kind or origin, is to be determined in accordance with the analysis procedure in the Annex to Commision Regulation (EEC) No 226/89 (OJ L 29, 31.1.1989, p. 13).
(11) Freezing of the products pursuant to the first paragraph of Article 7(3) and Article 29(4)(g) of Regulation (EC) No 800/1999 is not permitted.
(12) Carcasses of half-carcasses may be presented with or without the chaps.
(13) Shoulders may be presented with or without the chaps.
(14) Fore-ends may be presented with or without the chaps.
(15) Jowls, chaps or chaps and jowls together, presented alone, do not benefit from this refund.
(16) Boneless neck-ends, presented alone, do not benefit from this refund.’