Commission Regulation (EC) No 1731/2006 of 23 November 2006 on special detailed rules for the application of export refunds in the case of certain preserved beef and veal products

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal[(1)], and in particular Article 33(12) thereof,

Whereas:

(1) Commission Regulation (EEC) No 2388/84 of 14 August 1984 on special detailed rules for the application of export refunds in the case of certain preserved beef and veal products[(2)] lays down the conditions under which preserved meat falling within CN codes 1602 50 31 and 1602 50 39 which is exported to third countries may be eligible for a special refund.

(2) In particular, those preserved products must be manufactured 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[(3)].

(3) The rules and conditions for applying the advance payment of the refund on products processed under the arrangements provided for in Article 4 of Regulation (EEC) No 565/80 are laid down in Chapter 3 of Title II of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products[(4)].

(4) The measures laid down by Regulation (EEC) No 565/80, the corresponding implementing measures laid down by Chapter 3 of Title II of Regulation (EC) No 800/1999 and Regulation (EEC) No 2388/84 have been repealed by Commission Regulation (EC) No 1713/2006.

(5) It is also laid down that, in order to benefit from an export refund, the abovementioned preserved products must be produced from beef and veal of Community origin and contain a minimum percentage of beef and veal, excluding offal and fat.

(6) To guarantee that the preserved products eligible for export refunds are produced solely from beef and veal, and that the meat is of Community origin, such production must be kept under the control of the customs authority in accordance with Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code[(5)] and the payment of the refund must remain linked to compliance with those conditions.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1731/2006. (See end of Document for details)*

(7) To increase the transparency and effectiveness of those controls, particularly in the case of a post-clearance check, provision should be made for operators to keep up-to-date records of information allowing monitoring of the use of beef and veal in the production of preserved products according to the production batches of preserved products.

(8) 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:

[F1 Article 1

Scope

Without prejudice to Regulation (EC) No 800/1999, the payment of an export refund on preserved products falling within CN codes 1602 50 31 9125, 1602 50 31 9325, 1602 50 95 9125 and 1602 5095 9325 (hereinafter the preserved products) shall be subject to compliance with the conditions laid down by this Regulation.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 98/2008 of 1 February 2008 amending several regulations as regards the combined nomenclature codes for certain beef and veal products.

Article 2

General conditions

1 The preserved products may benefit from an export refund only if they are manufactured under supervision by the customs authorities and under customs control within the meaning of Article 4(13) and (14) of Regulation (EEC) No 2913/92.

2 Production and export must be carried out during the period of validity of the export licence with advance fixing of the refund.

Article 3

Specific conditions relating to production

1 Operators shall submit to the customs authority a declaration stating their intention to place meat under customs control with a view to manufacturing preserved products and exporting them with a refund.

This declaration shall indicate in particular the quantities involved, the identification details and the types of meat to be used as raw materials, and the places of storage.

[F2The meat shall be presented and labelled in a manner which ensures it is clearly identifiable and can be easily associated with the accompanying declaration.**]**

2 Once the declaration referred to in paragraph 1 has been accepted, the meat and the processing operation shall be placed under customs control. This control shall be based on

documentary and physical checks, which may be performed on the meat when it enters the procedure, or during storage or production and on the corresponding documents, particularly those referred to in paragraphs 7 and 8.

Article 3 of Council Regulation (EEC) No 386/90[(6)] and Articles 2(2), 3, 4, 5, 6, 8(1), 8(2) and the first subparagraph of Article 11 of Commission Regulation (EC) No 2090/2002[(7)] and Annex I thereto shall apply *mutatis mutandis*.

3 Pending production, the meat referred to in paragraph 1 shall be kept permanently separate from all other beef and veal.

4 Operators shall keep a separate record of entries of beef and veal intended for the production of preserved products.

5 Operators shall inform the customs authorities of the places and dates of production of the preserved products and shall also notify the quantity, identification details and type of beef and veal to be used to this end.

6 During the production of the preserved products only the beef and veal referred to in paragraph 1 may be present in the production area.

7 For each batch of preserved products produced, operators shall keep an up-to-date record indicating:

a the nature, identification details and quantities of meat used as a raw material, and

b the number, identification details, quantity and type of preserved products produced from that meat.

The information referred to in point (b) shall be entered on each of the declarations referred to in Article 3(1) under customs control.

For the purposes of this paragraph, ‘batch of preserved products’ shall mean all preserved products produced at the same time and under practically identical circumstances.

8 Detailed recipes covering the various production processes and products for which refunds are applied for under this Regulation shall be kept at the place of production. These documents, and those referred to in paragraph 7, shall be kept by operators for at least three calendar years following the year of production. The customs authorities shall have access to these documents as required for control purposes.

9 The preserved products produced shall remain under customs control until they leave the customs territory of the Community or reach one of the destinations provided for in Article 36 of Regulation (EC) No 800/1999.

Textual Amendments

F2 Substituted by Commission Regulation (EC) No 1112/2008 of 10 November 2008 amending Regulation (EC) No 1731/2006 on special detailed rules for the application of export refunds in the case of certain preserved beef and veal products.