

COUNCIL REGULATION (EEC) No 3906/87

of 22 December 1987

amending Regulations (EEC) No 2759/75 on the common organization of the market in pigmeat and (EEC) No 2766/75 establishing the list of products for which sluice-gate prices are to be fixed and laying down the rules for fixing the sluice-gate price for pig carcasses

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the Community is a Contracting Party to the International Convention on the Harmonized Commodity Description and Coding System, hereinafter referred to as the 'harmonized system', which replaces the Convention of 15 December 1950 on Nomenclature for the Classification of Goods in Customs Tariffs;

Whereas Council Regulation (EEC) No 2658/87 ⁽³⁾ established, from 1 January 1988, a combined goods nomenclature based on the harmonized system which will meet the requirements both of the Common Customs Tariff and of the external trade statistics of the Community;

Whereas, as a result, it is necessary to express the descriptions of goods and tariff heading numbers which appear in Regulation (EEC) No 2759/75 ⁽⁴⁾, as last amended by Regulation (EEC) No 1475/86 ⁽⁵⁾, according to the terms of the combined nomenclature based, on the harmonized system;

Whereas certain edible flours and meals of meat or meat offal are classified in subheadings of heading No 02.06 of the Common Customs Tariff at present in force, which are covered by Regulation (EEC) No 2759/75; whereas, in the combined nomenclature based on the harmonized system, by way of simplification, a single subheading has been established to cover all edible flours and meals of meat or

meat offal; whereas it is desirable that the said flours and meals be covered by Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽⁶⁾, as last amended by Regulation (EEC) No 3905/87 ⁽⁷⁾; whereas, as a result, they should no longer be covered by Regulation (EEC) No 2759/75;

Whereas since pig fats from bones or waste are not listed in Annex II to the Treaty they are excluded from application of the provisions therein concerning agriculture, whilst lard and other pig fats obtained from other parts of the animal are subject thereto; whereas in the harmonized system fats from bones or waste are classified in the same heading of the nomenclature as lard and other pig fats; whereas, because of the technical development in the processing of animal fats, it is impossible to distinguish between fats from bones or waste and lard and other fats obtained from swine; whereas measures adopted for lard and other pig fats in respect of trade with third countries and the marketing rules adopted for lard and other pig fats should therefore be extended to fats from bones or waste of swine;

Whereas homogenized preparations of meat, meat offal or blood, preparations of animal blood, and stuffed pasta containing more than 20 % by weight of sausages and the like, meat and meat offal, including fats, may be classified, according to their essential character, in various subheadings of heading No 16.02 of the Common Customs Tariff at present in force; whereas, in the combined nomenclature, single subheadings have been established to cover all homogenized preparations, preparations of blood of any animal and stuffed pasta containing more than 20 % by weight of sausages and the like, meat and meat offal, including fats of any kind or origin; whereas it is desirable that the said preparations falling within the aforementioned subheadings of the combined nomenclature be covered by Regulation (EEC) No 2759/75;

Whereas the formulation of the description of goods and tariff numbers in terms of the combined nomenclature implies, *inter alia*, the adaptation of Regulation (EEC) No 2766/75 ⁽⁸⁾, as last amended by Regulation (EEC) No 1905/83 ⁽⁹⁾, as well as of Council Regulation (EEC) No 2767/75 of 29 October 1975 laying down general rules for the system of 'pilot products and derived products'

⁽¹⁾ Opinion delivered on 18 December 1987 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 16 December 1987 (not yet published in the Official Journal).

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽⁵⁾ OJ No L 133, 21. 5. 1986, p. 39.

⁽⁶⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁷⁾ See page 7 of this Official Journal.

⁽⁸⁾ OJ No L 282, 1. 11. 1975, p. 25.

⁽⁹⁾ OJ No L 190, 14. 7. 1983, p. 1.

enabling additional amounts to be fixed for pigmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1906/83 ⁽²⁾; whereas Regulation (EEC) No 2767/75 no longer reflects economic reality as regards the fixing of additional amounts; whereas it is appropriate, consequently, to fix sluice-gate prices for all products covered by Regulation (EEC) No 2759/75 and to repeal Regulation (EEC) No 2767/75;

Whereas numerous regulations in the pigmeat sector must be adapted to take account of use of the new nomenclature; whereas, under Article 15 of Regulation (EEC) No 2658/87, the changes made may be of a technical nature only; whereas, accordingly, a provision should be introduced whereby all other adjustments to Council and Commission regulations on the common organization of the market in pigmeat should be made in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75, provided

that such adjustments are required solely as a result of the introduction of the harmonized system,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2759/75 is hereby amended as follows:

1. Article 1 (1) is replaced by the following:

'1. The common organization of the market in pigmeat shall comprise a price and trading system and cover the following products:

CN code	Description of goods
(a) ex 0103	Live swine, of domestic species, other than pure-bred breeding animals
(b) ex 0203	Meat of domestic swine, fresh, chilled, or frozen
ex 0206	Edible offal of domestic swine, other than for the manufacture of pharmaceutical products, fresh, chilled or frozen
ex 0209 00	Pig fat free of lean meat (not rendered), fresh, chilled, frozen, salted, in brine, dried or smoked
ex 0210	Meat and edible meat offal of domestic swine, salted, in brine, dried or smoked;
1501 00 11 1501 00 19	Lard and other pig fat, rendered, whether or not pressed or solvent-extracted
(c) 1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products
1602 10 00	Homogenized preparations of meat, meat offal or blood
1602 20 90	Preparations or preserves of liver of any animal, other than goose or duck
1602 41 10 1602 42 10 1602 49 11 to 1602 49 50	Other preparations and preserves containing meat or offal of domestic swine
1602 90 10	Preparations of blood of any animal
1602 90 51	Other preparations or preserves containing meat or meat offal of domestic swine
1902 20 30	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin'

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 29.

⁽²⁾ OJ No L 190, 14. 7. 1983, p. 4.

2. The third subparagraph of Article 3 is replaced by the following:

'Intervention agencies shall buy in carcasses or half-carcasses, fresh or chilled, of subheading 0203 11 10 of the combined nomenclature; they may buy in bellies (streaky), fresh or chilled, of subheading ex 0203 19 15, and unrendered pig fat, fresh or chilled, of subheading ex 0209 00 11.'

3. Article 10 is amended as follows:

- (a) Paragraph 2 (b) is replaced by the following:

'(b) a second component equal to 7% of the average offer price determined on the basis of imports effected during the 12 months preceding 1 May of each year. However, for products falling within heading Nos ex 1602 and ex 1902, the aforesaid percentage shall be 10.

This component shall be calculated once a year for the 12 months beginning 1 August.'

- (b) Paragraph 3 is replaced by the following:

'3. By way of derogation from paragraphs 1 and 2, for products falling within subheadings 0206 30 21, 0206 30 31, 0206 41 91, 0206 49 91, 1501 00 11, 1601 00 10 and 1602 20 90 in respect of which the rate of duty has been bound within GATT, the levies shall be limited to the amount resulting from that binding.'

4. Article 12 is amended as follows:

- (a) Paragraph 3 is replaced by the following:

'3. For products listed in Article 1 (1), other than pig carcasses, sluice-gate prices shall be derived from the sluice-gate price for pig carcasses on

the basis of the ratio fixed for these products under Article 10 (4).';

- (b) The second indent of paragraph 4 is deleted.

5. Article 13 is amended as follows:

- (a) The second subparagraph of paragraph 1 is deleted;

- (b) Paragraph 4 is deleted.

Article 2

Article 1 of Regulation (EEC) No 2766/75 and the Annex thereto are hereby repealed.

Article 3

Regulation (EEC) No 2767/75 is hereby repealed.

Article 4

The Commission, in accordance with the procedure provided for in Article 24 of Regulation (EEC) No 2759/75, shall make the necessary adaptations to Council or Commission acts concerning the common organization of the markets in pigmeat which result from the application of Article 1.

Article 5

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

Articles 1, 2, and 3 shall apply with effect from 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM