

Commission Regulation (EC) No 1359/2007 of 21 November 2007  
laying down the conditions for granting special export refunds on  
certain cuts of boned meat of bovine animals (Codified version)

*Article 1*

Individually packaged boneless cuts from fresh or chilled forequarters and hindquarters of adult male cattle with an average lean meat content of 55 % or more shall, under the conditions laid down in this Regulation, qualify for special export refunds.

*Article 2*

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'forequarters': unseparated or separated forequarters, as defined in Additional Notes 1.A (d) and (e) to Chapter 2 of the combined nomenclature, straight cut or 'Pistola';
- (b) 'hindquarters': unseparated or separated hindquarters, as defined in Additional Notes 1.A (f) and (g) to Chapter 2 of the combined nomenclature, with a maximum of eight ribs or eight pairs of ribs, straight cut or 'Pistola'.

*Article 3*

1 The operator shall submit to the competent authorities indicated by the Member States a declaration stating his intention to bone either forequarters or hindquarters as referred to in Article 1 under the terms of this Regulation and to export, subject to Article 7, the entire quantity of boned cuts obtained, each cut being individually packaged.

2 The declaration shall, in particular, describe and state the quantity of the products to be boned.

It shall be accompanied by a certificate, a model of which is set out in Annex I to Regulation (EC) No 433/2007, issued in accordance with the provisions of the first subparagraph of Article 2(2) of that Regulation. However, Notes B and C and box 11 of that certificate shall not apply. The provisions of Article 3 of that Regulation shall be applicable *mutatis mutandis* until the products are placed under supervision as referred to in paragraph 3 of this present Article.

3 On the declaration's being accepted by the competent authorities, who shall insert thereon the date of acceptance, the quarters to be boned shall be placed under the supervision of those authorities, who shall establish the net weight of the products and enter this in box 7 of the certificate referred to in paragraph 2.

*Article 4*

The period within which the quarters must be boned shall, except in circumstances of *force majeure*, be 10 working days from the date of acceptance of the declaration referred to in Article 3.

*Article 5*

1 After boning, the operator shall submit for endorsement to the competent authority one or more 'boned meat certificates', models of which are set out in Annexes I and II and on which the number of the certificate referred to in Article 3 (2) shall be entered in box 7.

2 The numbers of the 'boned meat certificates' shall be entered in box 9 of the certificate referred to in Article 3(2). This latter certificate, duly completed, shall be sent by administrative

channels to the agency responsible for payment of export refunds when 'boned meat certificates' corresponding to the entire quantity of boned meat from the quarters taken under supervision have been endorsed in accordance with paragraph 1 of this Article.

3 The 'boned meat certificates' must be submitted when the customs formalities referred to in Article 6 are completed.

4 Boning shall be carried out and the customs export formalities completed in the Member State in which the animals were slaughtered.

#### Article 6

1 Customs formalities for export from the Community for supplies as referred to in Article 36 of Regulation (EC) No 800/1999 or for products placed under the customs warehousing procedure prior to export referred to in Commission Regulation (EC) No 1741/2006<sup>(1)</sup> shall be completed in the Member State in which the declaration as referred to in Article 3 is accepted.

2 In box 11 of the 'boned meat certificate' the customs authorities shall enter the reference numbers and dates of the declarations referred to in Article 5(4) of Regulation (EC) No 800/1999.

3 After customs formalities covering the quantity of cuts for export are completed, the 'boned meat certificate' shall be sent by administrative channels to the agency responsible for paying the export refunds.

#### Article 7

1 Except in cases of *force majeure*, special refunds shall be granted subject to the export of the total quantity of cuts produced by boning performed under supervision in accordance with Article 3(3) and that are shown in the certificate(s) provided for in Article 5(1).

2 However, operators shall be authorised not to export the total quantity of cuts produced by boning hindquarters.

If the quantity to be exported amounts to at least 95 % of the total weight of cuts produced by boning performed under supervision in accordance with Article 3(3), the special refund shall be payable.

If the quantity to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning, the special refund payable shall be reduced.

The amount by which the rate is to be reduced shall be decided when the rate of refund concerned is fixed or altered. It shall be determined in particular in the light of the value of the various cuts that are likely to remain on the Community market.

3 Bones, large tendons, cartilage, pieces of fat and other scraps left over from boning may be marketed within the Community.

4 Operators wishing to take advantage of one of the options provided for in paragraph 2 must mention this in their declarations as provided for in Article 3(1).

In addition, the certificate(s) provided for in Article 5(1) must show:

- a in box 4, the total net weight of the cuts produced from boning and, where applicable, the endorsement:
  - 'Application of Article 7(2) of Regulation (EC) No [1359/2007] — 95 % option,' or

— ‘Application of Article 7(2) of Regulation (EC) No [1359/2007] — 85 % option,’

b in box 6, the net weight to be exported.

5 The Member States may limit the number of types of cut which operators can decide not to export to two per boning operation.

6 If the quantity exported is less than the weight shown in box 6 of the certificate(s) provided for in Article 5(1), the special refund shall be reduced. The percentage of the reduction shall be:

- a where the difference between the weight exported and that shown in box 6 of the certificate(s) provided for in Article 5(1) is found not to exceed 10 %, five times the percentage difference in weight;
- b in other cases, 80 % of the rate of refund on products covered, as the case may be, by CN code 0201 30 00 9100 or 0201 30 00 9120, applicable on the date shown in box 21 of the export licence on the basis of which the formalities referred to in Article 5(1) or Article 26(1) of Regulation (EC) No 800/1999 have been completed.

The penalty provided for in Article 51(1)(a) of Regulation (EC) No 800/1999 shall not apply in cases covered by this paragraph.

#### *Article 8*

By way of derogation from Article 5(2), Member States may provide that:

- (a) a single ‘boned meat certificate’ covering the entire quantity of meat resulting from the boning operation be issued together with the certificate referred to in Article 3(2);
- (b) the two certificates referred to in point (a) be submitted simultaneously when the customs export formalities are completed;
- (c) the two certificates referred to in point (a) be sent simultaneously under the conditions laid down in Article 6(3).

#### *Article 9*

1 The Member States shall determine the conditions for supervision and shall inform the Commission accordingly. They shall take all necessary measures to make substitution of the products in question impossible, in particular by identification of each piece of meat.

2 No meat other than that covered by this Regulation, with the exception of pigmeat, may be present in the boning room when the meat in question is being boned, trimmed or packaged.

3 The boning of forequarters and hindquarters at the same time in the same boning room shall be prohibited.

4 The bags, cartons or other packaging material in which the boned cuts are placed shall be officially sealed by the competent authorities and bear particulars enabling the boned meat to be identified, in particular the net weight, the type and the number of cuts and a serial number.

#### *Article 10*

For certificates as provided for in Article 5(1), endorsed by the competent authorities each quarter and covering boned cuts produced from hindquarters, the Member States shall notify the following in the second month following each quarter:

- (a) the total net weight shown in certificates covered by cases as provided for in Article 7(1);
- (b) the total net weight shown in certificates covered by cases as provided for in Article 7(2) — 95 % option;
- (c) the total net weight shown in certificates covered by cases as provided for in Article 7(2) — 85 % option.

*Article 11*

Regulation (EEC) No 1964/82 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

*Article 12*

This Regulation shall enter into force on 1 January 2008.

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

Done at Brussels, 21 November 2007.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

(1) OJ L 329, 25.11.2006, p. 7.