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REGULATION (EEC) No 1523/70 OF THE COMMISSION

of 29 July 1970

on the classification of goods under sub-heading No 02.01 A II (a) of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 97/69¹ of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff, and in particular Article 3 thereof;

Whereas provision must be made to ensure uniform application of the nomenclature of the Common Customs Tariff with a view to the classification of partially or totally de-frozen meat of domestic bovine animals;

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68² of 28 June 1968, as last amended by Council Regulation (EEC) No 1239/70³ of 29 June 1970, comprises under sub-heading No 02.01 A II (a) 1 meat of domestic bovine animals, fresh or chilled, and under sub-heading No 02.01 A II 2 meat of domestic bovine animals, frozen;

Whereas the wording 'meat, fresh or chilled' under sub-heading No 02.01 A II (a) 1 does not include meat which has undergone a process, such as freezing, which brings about changes in its structure;

Whereas, in addition, the General Explanatory Note to Chapter 2 of the Brussels Nomenclature, under the heading 'Distinction between meat and meat offals of the present Chapter and those of Chapter 16', states that:

- the expression 'fresh' relates to products in their natural state;
- the expression 'chilled' relates to products maintained at a temperature around freezing point but not frozen throughout;
- the expression 'frozen' relates to products frozen throughout;

Whereas meat which has first been frozen throughout and later partially or totally de-frozen cannot be regarded as fresh or chilled meat; whereas the freezing of meat brings about changes in its structure which remain when the meat is de-frozen;

Whereas partially or totally de-frozen meat should accordingly fall within sub-heading No 02.01 A II (a) 2 of the Common Customs Tariff;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Committee on the Common Customs Tariff Nomenclature;

HAS ADOPTED THIS REGULATION:

Article 1

Partially or totally de-frozen meat of domestic bovine animals shall fall within the following sub-heading of the Common Customs Tariff:

No 02.01 Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen:

¹ OJ No L 14, 21.1.1969, p. 1.

² OJ No L 172, 22.7.1968, p. 1.

³ OJ No L 142, 30.6.1970, p. 3.

A. Meat:

Article 2

II. Of bovine animals:

(a) Of domestic bovine animals:

2. Frozen

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

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

Done at Brussels, 29 July 1970.

For the Commission

The President

Franco M. MALFATTI