

JUDGMENT OF THE COURT (FIFTH CHAMBER)
18 JANUARY 1984¹

**Ekro BV Vee- en Vleeshandel
v Produktschap voor Vee en Vlees**
(reference for a preliminary ruling
from the College van Beroep voor het Bedrijfsleven)

(Export refunds for beef and veal — “thin flank”)

Case 327/82

1. *Community law — Interpretation — Principle of uniform interpretation — Limits*
2. *Agriculture — Common organization of the markets — Beef and veal — Export refunds — Products excluded — “Thin flank” — Precise anatomical definition — Jurisdiction of national courts*
(Commission Regulation No 2787/81, Annex)
3. *Agriculture — Common organization of the markets — Beef and veal — Export refunds — Pieces of veal containing thin flank — Grant of refunds — Criteria*
(Commission Regulation No 2787/81)

1. The need for a uniform application of Community law and the principle of equality that the terms of a provision of Community law which makes no express reference to the law of the Member States for the purpose of determining its meaning and scope must normally be given an independent and uniform interpretation throughout the Community; that interpretation must take into account

the context of the provision and the purpose of the relevant regulations.

However, where the Community legislature incorporates into a regulation an implied reference to national customs and practices, it is not for the Court of Justice to give a uniform Community definition of the terms used.

¹ — Language of the Case: Dutch.

2. For the precise anatomical definition of the cut of meat called "thin flank" in subheading ex 02.01 A II (a) 4. (bb) of the list appended to Regulation No 2787/81 reference must be made to the method normally used in the Member State or region concerned for cutting and boning bovine carcasses. It is for the national court to establish what that definition is.
3. Regulation No 2787/81 must be interpreted as meaning that export refunds are payable on cuts of meat comprising a portion of thin flank, provided that, having regard to the consumer habits, trade practices and normal methods of cutting and boning beef and veal in the Member State or region concerned, the portion of thin flank does not determine the essential character of the cut.

In Case 327/82

REFERENCE to the Court under Article 177 of the EEC Treaty by the College van Beroep voor het Bedrijfsleven [administrative court of last instance in matters of trade and industry] for a preliminary ruling in the action pending before that court between

EKRO BV VEE- EN VLEESHANDEL, Apeldoorn,

and

PRODUKTSCHAP VOOR VEE EN VLEES, Rijswijk,

on the interpretation of Commission Regulation (EEC) No 2787/81 of 25 September 1981 fixing the export refunds on beef and veal (Official Journal 1981, L 271, p. 44) in relation to boned or boneless cuts of meat which include a piece of "thin flank",

THE COURT (Fifth Chamber)

composed of: Y. Galmot, President of Chamber, Lord Mackenzie Stuart, O. Due, U. Everling and C. Kakouris, Judges,

Advocate General: P. VerLoren van Themaat
Registrar: H. A. Rühl, Principal Administrator

gives the following