

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 15 April 1993

Proposal for a COUNCIL REGULATION (EEC)

laying down the trade arrangements applicable to certain goods
resulting from the processing of agricultural products

(presented by the Commission)

EXPLANATORY MEMORANDUM

The present proposal for a regulation establishes the general rules to be adopted at the Community level in order to permit uniform application in the Community of the common agricultural policy and the common commercial policy, as laid down by the Treaty, to goods resulting from the transformation of agricultural products.

1. INTRODUCTION

The trade arrangements applicable to goods not covered by Annex II to the Treaty, as originally laid down by Council Regulation 160/66, are currently governed by Regulations (EEC) Nos 3033/80 and 3034/80 as regards the general rules and measures applicable to imports and by Council Regulation (EEC) No 3035/80 as regards exports.

Since 1967 the granting of export refunds on certain agricultural products exported in the form of goods not covered by Annex II has been determined by each common organization of the market for which such refunds are considered desirable, the sectors concerned being milk, cereals and rice, eggs and sugar.

The rules applicable to the exportation of goods eligible for these refunds depend, first, on the measures adopted under the common agricultural policy - whether these measures are internal or applicable to exports - and secondly on conditions related to the actual manufacture of the goods.

Owing to the differences in those conditions and in the manufacturing processes, the agricultural raw materials used and the scope for substituting other agricultural or industrial products, the provisions governing exports need to be regularly adjusted.

As far as importation is concerned, certain goods falling within Chapters 1 to 24 of the Combined Nomenclature, but not covered by Annex II to the Treaty, and certain goods classified under subsequent chapters of the CN, are subject to a charge comprising an ad valorem duty designed to protect the processing industry and a variable component to offset the differences between world market prices and the prices on the Community market of agricultural products in the milk, sugar and cereals and rice sectors which are incorporated in such goods.

These arrangements do not apply to the other non-Annex II products falling within Chapters 1 to 24 of the CN.

However, for the purposes of the accession agreements and the association agreements with the EFTA countries and, subsequently, with the countries of central and eastern Europe, it was necessary to take account of the content of basic agricultural products in all processed agricultural products not covered by Annex II to the Treaty.

In view of the international situation and the regular changes that have been made to the common organizations of the market, a more thoroughgoing revision of the trade arrangements in respect of goods not covered by Annex II to the Treaty is needed.

II. TRADE ARRANGEMENTS

Over and above the revamping of Regulation (EEC) No 3033/80, a number of new aspects have been built into the existing trade arrangements.

1. Basis of the Regulation. A fresh look has been taken at the basis of the Regulation in the light of experience and of the way the institutions have developed. The main thrust of this proposal for a Regulation is to take into consideration all the various aspects of the differences between Community and world market prices of certain agricultural products used in the manufacture of goods not covered by Annex II to the Treaty, in so far as price levels in the Community are directly linked to the existence of the common agricultural policy. The proposal also includes a number of outline provisions concerning preferential trade arrangements.

Hence, this proposal is based on Articles 43 and 113 of the Treaty.

2. Administering the arrangements. In order to implement these arrangements, certain measures adopted under the common organization of markets have to be extended to include agricultural products used in the manufacture of non-Annex II goods. It is also necessary to take account of market data and technological progress and to devise a suitable procedure for finding practical solutions to specific problems.

Consequently, on the basis of the experience gained in the management of agricultural markets and of goods trade arrangements within the Article 235 Group for processed agricultural products, it is proposed that the detailed implementing measures should be laid down by the management committee procedure. This presupposes that a management committee take over both the tasks currently carried out by the Article 235 Group and the administration of the preferential agreements (EEA agreement).

3. Scope. Since the proposal also covers the preferential agreements, all the non-Annex II goods falling within Chapters 1 to 24 of the Combined Nomenclature which are subject to import duty, plus the other goods already referred to in Regulation (EEC) No 3033/80, have been grouped together in a single Regulation, even though the provisions on preferential agreements are relevant only to new goods.

Indeed, since as long ago as 1973 these agreements have had to take account of the differences in the cost of purchasing agricultural products for the manufacture of goods which are produced on a highly industrial scale in the Community, but which are still very closely linked with agricultural policy in a number of non-Community countries.

Likewise, in the accession negotiations with Spain and Portugal, there was found to be no suitable frame of reference when it came to laying down provisions on the alignment of prices.

4. Other provisions. This proposal covers all the general provisions directly linked to the existence of the common agricultural policy in the Community and which call for price levels that differ substantially from those obtaining on third country markets. Over and above its general provisions it also seeks to ensure better management of trade through the setting-up of an ad hoc management committee.

III. REFUND ARRANGEMENTS

These arrangements are governed at present by Council Regulation (EEC) No 3035/80.

However, in the context of the reform of the common agricultural policy the Council decided, when adopting Regulation (EEC) No 1766/92 on the common organization of the market in cereals, to make the Commission responsible for drawing up the detailed implementing measures under the management committee procedure, and in particular the export refund arrangements. These arrangements also cover exports of cereals in the form of goods not listed in Annex II to the Treaty.

Applying the refund arrangements to goods not covered by Annex II requires common implementing procedures in order to take account of the specific aspects of incorporating and processing agricultural products in the manufacture of such goods.

Article 11 of the draft Regulation replacing Regulation 3033/80 therefore makes it clear that refunds may be granted in respect of agricultural products exported in the form of non-Annex II goods pursuant to the Regulations on the common organization of the market in the agricultural sector; the procedure used to determine the amount of the refund is the same as that used to determine the amount of refund for agricultural products exported unprocessed, whereas the common refund arrangements are adopted by the joint management committee procedure to take due account of the particularities of processing these products to produce goods which are not covered by Annex II to the Treaty.

Article 20 of the Regulation provides for the repeal of Regulation 3035/80 and its replacement by implementing measures adopted by the Commission under the (joint) management committee procedure.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Articles 38 to 47 of the Treaty provide for the establishment of a
common agricultural policy covering the agricultural products listed in
Annex II to the Treaty;

Whereas certain agricultural products are used in numerous goods not
covered by Annex II;

Whereas, it is necessary to provide for measures under the common
agricultural policy and the common commercial policy to take account of the
impact of trade in such goods on the objectives of Article 39 of the Treaty
and of the impact of the measures adopted to implement Article 43 of the
Treaty on the economic position of such goods, given the differences
between the costs of procuring agricultural products within and outside the
Community and the differences in the prices of agricultural products;

Whereas the Treaty lays down that agricultural policy and commercial policy
are Community policies; whereas it is necessary to establish for certain
goods resulting from the processing of agricultural products, general and
comprehensive rules, applicable at Community level, relative to trade in
these goods, in order to attain the objectives of the Treaty;

Whereas Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural goods¹, as last amended by Regulation (EEC) No 1436/90², provides for the levying on imports of certain goods of a charge consisting of a fixed component for the protection of the processing industry and a variable component to offset any difference between the prices of the relevant agricultural products in the Community and on the world market;

Whereas certain amendments are needed to the rules applicable to trade in these goods to take account of developments in the Community's agreements and in the common agricultural policy;

Whereas certain goods falling within Chapters 1 to 24 of the Combined Nomenclature are not covered by Regulation (EEC) No 3033/80; whereas these goods are also obtained using agricultural products subject to the common agricultural policy; whereas the charges applied to imports of such goods must therefore likewise cover the difference between the world market prices and the prices on the Community market for the agricultural products used in their production and ensure the protection of the processing industry concerned; whereas it is therefore necessary to consolidate the rules applying to all the goods obtained in significant proportion from agricultural products;

Whereas, under agreements entered into, the Community is to limit such charges to covering, in whole or in part, differences in the price of agricultural products used in the production of the goods in question; whereas it is accordingly necessary to establish for these goods that part of the overall charge which covers the differences between the prices of the agricultural products taken into account;

Whereas, for the basic products concerned, the offsetting of the price differences between the world market and the Community market takes the form of agricultural levies; whereas it is necessary to maintain a close link between calculation of the agricultural component of the charge applicable to goods and that applicable to basic products imported in the unaltered state;

1 OJ No L 323, 29.11.1980, p. 1.

2 OJ No L 138, 31.5.1990, p. 9.

Whereas, in order to avoid undue administrative formalities, negligible amounts should not be applied and Member States should be permitted to refrain from adjusting amounts relating to a given transaction where the balance of the amounts concerned is itself negligible;

Whereas the implementation of preferential agreements should not complicate the procedures applicable to trade with third countries; whereas the implementing rules must therefore ensure that goods declared for export under a preferential arrangement are not in fact exported in accordance with the general arrangements and vice versa;

Whereas arrangements must be made for export refunds on certain agricultural goods used in the manufacture of goods not covered by Annex II to the Treaty in order not to penalize producers of the said goods for the prices at which they are obliged to procure their supplies as a result of the common agricultural policy; whereas such refunds should cover only the difference between the price of an agricultural product in the Community market and world market respectively; whereas these arrangements should accordingly be established as part of the common organization of the markets concerned;

Whereas Article 13 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals³ and the corresponding articles of certain other regulations on the common organization of the markets in agricultural products provide for the granting of such refunds; whereas the implementing rules should be adopted under the management committee procedure referred to in Article 23 of Regulation (EEC) No 1766/92 and the corresponding articles of the other regulations concerned; whereas the amounts of the refunds should be fixed under the same procedure as the amounts of the refunds for the agricultural products exported in the unaltered state; whereas the common implementing rules for the said procedure must be established with due regard for the manufacturing processes of the goods concerned; whereas the implementing rules should accordingly be established on the same basis;

3 OJ No L 181, 1.7.1992, p. 21.

Whereas the mechanism of agricultural protection provided for by this Regulation may prove defective under exceptional circumstances; whereas this risk may also appear in the context of preferential agreements; whereas in order to avoid, in such cases, that the Community market remains without defence against disturbances which could result from this, it is appropriate to provide for the rapid taking of all necessary measures;

Whereas Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing⁴, as last amended by Regulation (EEC) No⁵, should be made applicable to trade covered by this Regulation;

Whereas the distinction drawn between agricultural products covered by Annex II to the Treaty and goods not covered by Annex II is a criterion specific to the Community, based on the situation of agriculture and the food industry in the Community; whereas the situation may be appreciably different in certain third countries with which the Community concludes agreements; whereas, therefore, provision must be made in such agreements that the general rules applicable to processed agricultural products not covered by Annex II to the Treaty may be extended, mutatis mutandis, to certain processed agricultural products covered by Annex II to the Treaty;

Whereas this Regulation requires detailed implementing rules; whereas it is appropriate for those detailed rules to be laid down after consulting a management committee on which the Member States are represented; whereas the rules should include, in particular, rules to replace Council Regulation (EEC) No 3034/80 of 11 November 1980 fixing the quantities of basic products considered to have been used in the manufacture of the goods covered by Regulation (EEC) No 3033/80⁶, as last amended by Commission Regulation (EEC) No 572/91⁷,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation determines the trade arrangements applicable to certain goods referred to in paragraph 2,

4 OJ No L 188, 20.7.1985, p. 1.

5

6 OJ No L 323, 29.11.1980, p. 7.

7 OJ No L 63, 9.3.1991, p. 24.

- (a) in the manufacture of which one or more agricultural products have been used, either unprocessed or after processing, or
- (b) which, in accordance with Article 13(2), are considered to be manufactured from products referred to in (a), or
- (c) which are classified under the same (eight-digit) Combined Nomenclature code as the goods referred to in (a) and (b).

2. For the purposes of this Regulation,

- "agricultural products" means the products covered by Annex II to the Treaty;
- "basic products" means agricultural products the price of which differs between the Community market and the world market or, in the framework of preferential trade arrangements, the market of certain third countries;
- "goods" means the products not covered by Annex II to the Treaty, listed in Annex B to this Regulation, obtained wholly or partly from agricultural products, and the agricultural products listed in Annex C, which are assimilated to goods under preferential agreements.

Title I

TRADE ARRANGEMENTS

Chapter 1

IMPORTATION

Article 2

1. On importation into the Community, the goods listed in Annex B shall be subject to a charge; this charge shall take account of:

- (a) the conditions for production and marketing of those goods;

(b) the difference between the prices on the Community market of the agricultural products considered to have been used in their production and the prices of imports from third countries, where the total cost of the basic products in question is higher in the Community, or, in the case of preferential trade, the prices of the agricultural products in certain third countries.

2. For the goods listed in Table 1 of Annex B, the charge referred to in paragraph 1 shall consist of:

- an ad valorem duty, which is the fixed component of the charge referred to in point (a) of paragraph 1;
- an "agricultural component" to offset the price differences referred to in point (b) of paragraph 1.

The agricultural component may take the form of a variable component established in line with the conditions laid down in Articles 3 and 4 or of a fixed component established in line with the conditions laid down in Article 5.

3. For the goods listed in Table 2 of Annex B, the agricultural component shall consist of an ad valorem duty and/or a specific amount established per measurement unit.

For trade with certain countries with which the Community has signed a preferential agreement, this agricultural component may be replaced by one of the forms referred to in paragraph 2.

4. Subject to Article 10, the levying of any customs duty or charge having equivalent effect other than the charge provided for in paragraph 1 shall be prohibited.

Article 3

1. The Commission shall fix, for each of the goods listed in Table 1 of Annex B, the variable component calculated on the basis of the difference referred to in paragraph 2 for the quantity of basic

products to be taken into account, established in accordance with Article 13. For this purpose, only the agricultural products listed in Annex A shall be taken into account.

2. For each of the basic products the Commission shall establish:

- either the difference between:

(a) the average threshold price applicable over the reference period for which the variable components are fixed, and

(b) the average cif price (excluding special cif prices) or, where appropriate, the free-at-frontier prices used for fixing the levy applicable during the period preceding the period for which the variable component was fixed,

- or, in the case of isoglucose, the average levies referred to in Article 16(6) of Council Regulation (EEC) No 1785/81⁸ applicable over the period preceding the period for which the components are fixed.

3. The period referred to in paragraph 2 shall be one quarter. It may be subdivided into two subperiods of one and two months if the quarter is spread over two calendar years or two marketing years, or it may be longer than one quarter within the framework of preferential agreements.

For the purposes of calculating the cif prices, the free-at-frontier prices or the levies, the figures for the last 20 days of the period preceding the period for which the component is fixed shall not be taken into consideration.

4. If one of the figures used for calculating the difference referred to in paragraph 2 is not available for one or more basic products, the Commission shall replace the missing figure with the corresponding figure for the closest period available, corrected, where appropriate, by the monthly gradation of payments or with any other known details affecting comparison between the missing figure and the figure chosen to replace it.

8 OJ No L 177, 1.7.1981, p. 4.

When the factor which was not available is determined, the Commission may fix the corrected variable components if, by reason of the application of the first subparagraph, trade is seriously disrupted or is in danger of being seriously disrupted.

Article 4

1. Where the Common Customs Tariff lays down a maximum charge, the charge provided for in Article 3 may not exceed this maximum.

Where the maximum charge referred to in the first subparagraph may be applied only under specific conditions, these conditions shall be determined in accordance with the procedure laid down in Article 11(1) of Council Regulation (EEC) No 2658/87⁹.

2. Where the maximum charge includes an additional duty on various kinds of sugar, expressed as sucrose (AD S/Z), or on flour (AD F/M), such additional duty shall be calculated, as appropriate, taking either sugar or flour as the sole agricultural product.

The quantity of sugar or flour shall be determined under the conditions laid down in Article 13(1).

Where the quantities of sugar or flour actually used, as provided for in Article 13(1), are not known, these quantities shall be determined under the same conditions as applied for the purposes of establishing the agricultural component.

3. The Commission shall determine for each period referred to in Article 3(3):

- (a) the amount of the additional duties, calculated in accordance with paragraph 2 of this Article;

- (b) the price differences applicable to the additional duties, determined in accordance with Article 3(2).

Article 5

1. If the levies applicable to imports of the basic products referred to in Annex A are replaced by fixed amounts, the agricultural components applicable to the goods referred to in Table 1 of Annex B shall be calculated on the basis of these amounts.
2. For each basic product to be taken into account in calculating the agricultural component of the charge, the amount established in application of Article 3(2) shall be replaced by the amount applicable to the basic product considered to have been used.
3. The date from which the fixed amounts applicable to imports of basic products shall be taken into account in establishing the agricultural component of the charge shall be determined in accordance with the procedure laid down in Article 16.

Article 6

1. For the purposes of determining the agricultural component in the case of preferential trade:
 - (a) the quantities of agricultural products used, as determined in accordance with Article 13(1), may be replaced by the quantities actually used in the country of origin if the Community has concluded a customs cooperation agreement covering the establishment of such quantities; in this case, conversion coefficients shall be established taking account of the parties' respective definitions of these basic products to make them directly comparable;
 - (b) the price difference referred to in Article 3(2) may be replaced by a system of direct offsetting of the differences in agricultural prices in the Community and the region concerned or by direct offsetting vis-à-vis a jointly established price recognized for the region concerned;

(c) where application of point (b) results in differences with little impact on the goods covered, this arrangement may be replaced by a system of flat-rate amounts or rates in order to reduce the administrative workload.

2. The agricultural components referred to in paragraph 1 may apply for a period different from the period allowed for non-preferential trade.
3. The ad valorem duties corresponding to the agricultural component of the charge for the goods in Table 2 of Annex B may be replaced by another agricultural component within the framework of a preferential agreement.
4. The detailed rules for applying paragraphs 1 to 3 shall be adopted in accordance with the procedure laid down in Article 16 if the agreement concerned determines:
 - the agricultural prices adopted in the agreement;
 - the period for which these agricultural components are fixed;
 - the goods and agricultural products subject to the rules of the agreement.

Any component or components not determined in the agreement in question shall be adopted by the Council in accordance with the procedure laid down in Article 113 of the Treaty.

5. The other implementing rules necessary in order to establish preferential arrangements shall be determined in accordance with the procedure laid down in Article 16.

These provisions shall cover in particular:

- establishment of the amounts referred to in paragraph 1(b);
- completion and circulation of the documents necessary for granting these arrangements;

- the measures necessary to avoid diversion of trade;
- where the amounts to be granted on export under a preferential agreement referred to in Article 8(4) are also concerned, the measures to guarantee that the goods declared for export under a preferential arrangement are not in fact exported under a non-preferential arrangement or vice versa.

6. Where methods of analysing the agricultural products used are necessary, the methods specified for the agricultural products in question in the case of export refunds for third countries shall be used.

Article 7

1. Where a preferential agreement provides for the reduction or phasing out of the part of the charge referred to in Article 2(1)(a), this shall be the fixed component in the case of the goods listed in Table 1 of Annex B. In the case of the other goods covered by the agreement, this part of the charge shall be obtained by deducting from the total charge the agricultural component provided for in the agreement unless the agreement makes provision for determining this part by some other means.
2. Where a preferential agreement provides for a reduction in the agricultural component of the charge, the detailed rules for determining and managing such reduced agricultural components shall be adopted in accordance with the procedure laid down in Article 16, provided the agreement specifies:
 - the products eligible for these reductions;
 - the quantities or value of any quotas to which these reductions apply or the method of calculating these quantities or values;
 - the percentage reductions in the agricultural component for each basic product concerned.

Any component or components not determined in the agreement in question shall be adopted by the Council in accordance with the procedure laid down in Article 113 of the Treaty.

Chapter 2

EXPORTATION

Article 8

1. On exportation of the goods, the agricultural products which have been used and which satisfy the conditions laid down in Article 9(2) of the Treaty may qualify for refunds established pursuant to the regulations on the common organization of the market in the sectors concerned.

No refund may be granted on agricultural products not covered by a common organization of the market providing for export refunds on products exported in the form of goods.

2. The list of goods qualifying for refunds shall be established, taking account of:
 - the impact of the difference between the prices on the Community market and on the world market of the agricultural products used in their production;
 - the need to cover this difference in whole or in part, to allow exportation of the agricultural products used and of the goods concerned.

The list shall be drawn up pursuant to the regulations on the common organization of the agricultural markets.

3. The common implementing rules for the refund arrangements referred to in this Article shall be adopted pursuant to the regulations on the common organization of the agricultural markets.

The amounts of the refunds shall be fixed in accordance with the same procedure as for the granting of refunds on the agricultural products concerned when they are exported in the unprocessed state.

4. Where the arrangements for the direct offsetting of agricultural prices referred to in Article 6(1)(b) are established within the framework of a preferential agreement, the amounts payable on exports to the country or countries concerned by the agreement shall be determined jointly and on the same basis as the agricultural component of the charge under the conditions laid down in the agreement.

These amounts shall be established in accordance with the procedure laid down in Article 16. The implementing rules which may be necessary pursuant to this subparagraph shall be adopted by the same procedure as the provisions regarding refunds on exports to third countries.

Article 9

Where, pursuant to a regulation on the common organization of a particular market, levies, charges or other measures are applied to exports of an agricultural product listed in Annex A, appropriate measures with regard to certain goods the export of which is likely to hinder achievement of the objectives in the agricultural sector in question, because of their high content of the agricultural product concerned and the uses to which they may be put, may be decided, in accordance with the procedure laid down in Article 16.

Title 2

GENERAL PROVISIONS

Article 10

Where there is a danger that a reduction in the agricultural component applicable to imports of goods under a preferential agreement could disturb the agricultural markets, the safeguard clauses applicable to imports of the agricultural products concerned shall also apply to the goods listed in Annex B.

For the purposes of assessing the disturbances in question, account shall be taken of the characteristics of the goods actually imported under the preferential arrangements compared with the characteristics of the goods traditionally imported prior to the introduction of these arrangements.

Article 11

The quantity of agricultural products covered by the regulations on the common organization of markets which is not subject to levies or charges having an equivalent effect to customs duties, for the purpose of or as a result of exporting such goods, shall be determined in accordance with Regulation (EEC) No 1999/85.

The quantity of goods admitted under inward processing arrangements and, therefore, not subject to the charge provided for in Article 2 for the purpose of or as a result of exporting other goods shall be that actually used in the manufacture of the goods.

Article 12

1. Table 1 of Annex B may be amended by the Council acting in accordance with the procedure laid down in Article 113 of the Treaty.
2. Table 2 of Annex B or Annex C may be amended in accordance with the procedure laid down in Article 16, in order to adapt them to the agreements concluded by the Community.
3. The Commission shall adapt the Annexes to this Regulation to any amendments to the Combined Nomenclature in order to keep unchanged the arrangements in force prior to such amendments.

Article 13

1. The list of basic products and the quantity of each of the basic products considered to have been used in the manufacture of the goods covered by this Regulation wherever the composition of the goods in question has not been established shall be determined in accordance with the procedure laid down in Article 16.
2. Without prejudice to measures adopted by the Council under the common agricultural policy, certain agricultural products may be treated as basic products, in accordance with the procedure laid down in Article 16, for the purposes of establishing terms for comparison of prices.

3. The characteristics of the basic products necessary in order to establish the terms for comparison of prices shall be determined in accordance with the procedure laid down in Article 16.

Article 14

1. The threshold or thresholds below which the amounts established in accordance with Article 3(2) shall be fixed at zero may be laid down or the non-application of the amounts established in accordance with Article 3(2) may be made subject to special conditions in order to avoid creating artificial trade flows, in both cases in accordance with the procedure laid down in Article 16, .
2. A threshold below which Member States may refrain from applying amounts to be granted or levied pursuant to this Regulation in connection with a given economic transaction, may be established in accordance with the procedure laid down in Article 16, if the balance of these amounts is lower than that threshold.

Article 15

The Commission shall be assisted by a management committee hereinafter referred to as "the Committee", composed of representatives of the Member States and chaired by the representative of the Commission.

Article 16

In cases where reference is made to the procedure defined in this Article, the following provisions shall apply.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for up to one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 17

The Committee may examine any other matter referred to it by its chairman, either on the chairman's own initiative or at the request of a Member State.

Article 18

In accordance with the procedure laid down in Article 16:

- the amounts resulting from application of this Regulation may be amended when, during any three-monthly period, a threshold price is altered or a production refund or aid is introduced, amended or abolished;
- measures may be taken to bring the provisions of this Regulation into line with any technical amendments which may be made to the relevant regulations on agricultural products.

Article 19

Methods of qualitative and quantitative analysis of the goods and the other technical provisions necessary for identifying them or for determining their composition shall be adopted in accordance with the procedure laid down in Article 10 of Regulation (EEC) No 2658/87.

Article 20

The Member States shall communicate to the Commission the information necessary for implementing this Regulation on imports, exports and production of the goods and on the administrative implementing measures adopted. The procedure for communication of this information shall be laid down in accordance with the procedure laid down in Article 16.

Article 21

Regulation (EEC) No 3033/80 is repealed on 1 January 1994.

References to Regulation (EEC) No 3033/80 in any other Community instruments shall be treated as references to this Regulation.

Regulation (EEC) No 3034/80 is repealed on the date of entry into force of the regulation adopted pursuant to Article 13(1).

Article 22

1. This Regulation shall enter into force on the seventh day following that of its publication in the Official Journal of the European Communities.

It shall apply with effect from 1 January 1994.

2. The application of this Regulation to caseins falling within CN Code 3501 10 and to caseinates and other casein derivatives falling within CN Code 3501 90 90 shall be deferred until a further decision by the Council.

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

Done at Brussels,

For the Council
The President

Annex A

List of the agricultural products in respect of which price differences between the world market and the Community market can be offset*

CN code	Description
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter, not flavoured or containing added fruit, nuts or cocoa
0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter, not elsewhere specified or included
0405	Butter and other fats and oils derived from milk
0709 90 60	Sweet corn, fresh or chilled
0712 90 19	Dried sweet corn, whole, cut, sliced, broken or in powder, but not otherwise further prepared, other than hybrid sweet corn for sowing
Chapter 10	Cereals ¹
1701	Cane or beet sugar and chemically pure sucrose, in solid form
1703	Molasses resulting from the extraction or refining of sugar

* Agricultural products taken into account when used in the unaltered state or after processing or considered to have been used for the manufacture of the goods listed in Table 1 of Annex B.

¹ Excluding spelt for sowing falling within CN code 1001 90 10, hybrid seed maize falling within CN codes 1005 10 11 to 1005 10 19, rice for sowing falling within CN code 1006 10 10 and hybrid sorghum for sowing falling within CN code 1007 00 10.

Table 1

CN code	Description
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:
0403 10 51 to 0403 10 99	— Yoghurt, flavoured or containing added fruit or cocoa
0403 90 71 to 0403 90 99	— Other, flavoured or containing added fruit or cocoa
0710 40 00	Sweet corn (uncooked or cooked by steaming or boiling in water), frozen
0711 90 30	Sweet corn provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
ex 1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516:
1517 10 10	— Margarine, excluding liquid margarine containing more than 10 % but not more than 15 % by weight of milk fats
1517 90 10	— Other, containing more than 10 % but not more than 15 % by weight of milk fats
1702 50 00	Chemically pure fructose
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa; excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within subheading No 1704 90 10
1806	Chocolate and other food preparations containing cocoa
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included
ex 1902	Pasta, whether or not cooked or otherwise prepared excluding stuffed pasta falling within subheadings 1902 20 10 and 1902 20 30, couscous, whether or not prepared
1903	Tapioca and substitutes therefor, prepared from starch in the form of flakes, grains, pearls, siftings or similar forms
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example corn flakes); cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared
1905	Bread, pastry, cakes, biscuits and other bakers'wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
2001 90 30	Sweet corn prepared or preserved by vinegar or acetic acid
2001 90 40	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, prepared or preserved by vinegar or acetic acid
2004 10 91	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid, frozen
2004 90 10	Sweet corn prepared or preserved otherwise than by vinegar or acetic acid; frozen
2005 20 10	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid, unfrozen
2005 80 00	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) prepared or preserved otherwise than by vinegar or acetic acid; not frozen

ex 2008 92 et ex 2008 99	<ul style="list-style-type: none"> - Preparation of the Müsli type based on unroasted cereal flakes - Other : - Containing added sugar :
2008 99 85	Sweet corn, otherwise prepared or preserved, not containing added spirit or added sugar
2008 99 91	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, otherwise prepared or preserved, not containing added spirit or added sugar
2101 10 99	Preparations with a basis of extracts, essences and concentrates of coffee or with a basis of coffee, other than those of CN code 2101 10 91
2101 20 90	Extracts, essences and concentrates of tea or maté and preparations with a basis of these extracts, or with a basis of tea or maté, other than those of CN code 2101 20 10
2101 30 19	Roasted coffee substitutes excluding roasted chicory
2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory
2102 10 31 to 2102 10 39	Bakers' yeast
2105	Ice cream and other edible ice, whether or not containing cocoa
ex 2106	Food preparations not elsewhere specified or included other than those falling within subheadings 2106 10 10 and 2106 90 91 and other than flavoured or coloured sugar syrups
2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009, containing products of Nos 0401 to 0404 or obtained from products of heading Nos 0401 to 0404
2905 43	Mannitol
2905 44	D-Glucitol (sorbitol)
ex 3501	Caseins caseinates and other casein derivatives
ex 3505 10	Dextrins and other modified starches, excluding esterified or etherified starches of subheading 3505 10 50
3505 20	Glues based on starches or on dextrins or other modified starches
3809 10	Prepared glazings and prepared dressings with a basis of amylaceous substances
3823 60	Sorbitol other than of subheading 2905 44

Table 2

CN Code	Description
0505	Skins and other parts of birds, with their feathers or down, feathers and part of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers:
0505 10	- Feathers of a kind used for stuffing; down:
0505 10 90	-- other than raw
0505 90	- Other
0509 00 90	Natural sponges of animal origin, other than raw
1212 20	Seaweeds and other algae
1302 12	Vegetable saps and extracts of liquorice
1302 13	Vegetable saps and extracts of hops
1302 14	Vegetable saps and extracts of pyrethrum or of the roots of plants containing rotenone
1302 19 30 and 1302 19 91	Intermixtures of vegetable extracts, for the manufacture of beverages or of food preparations; other vegetable saps and extracts, medicinal
ex 1302 20	Pectates
1302 31	Agar-agar
1302 32 10	Mucilages and thickeners, whether or not modified, derived from locust beans or locust bean seeds
1505	Wool grease and fatty substances derived therefrom (including lanolin)
1506	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified
1515 60	Jojoba oil and its fractions, whether or not refined, but not chemically modified
1516 20 10	Hydrogenated castor oil, so called 'opal-wax'
1517 90 93	Edible mixtures or preparations of a kind used as mould release preparations
ex 1518	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, not elsewhere specified or including; excluding the oils of CN code 1518 00 31 and 1518 00 39
1519	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols
1520	Glycerol (glycerine), whether or not pure; glycerol waters and glycerol lyes
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured
1522 00 10	Degras
1702 90 10	Chemically pure maltose
1704 90 10	Liquorice extract containing more than 10% by weight of sucrose but not containing other added substances

1803	Cocoa paste, whether or not defatted
1804	Cocoa butter, fat and oil
1805	Cocoa powder, not containing added sugar or other sweetening matter
2001 90 60	Palm hearts, prepared or preserved by vinegar or acetic acid
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
2008 11 10	- Peanut butter
2008 91	- Palm hearts
ex 2101 10	Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee, other than preparations of CN code 2101 10 99
2101 20	Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or maté:
2101 20 10	- containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5% milkfat, 2,5% milk proteins, 5% sucrose or isoglucose, 5% glucose or starch
2101 30 11	Roasted chicory
2101 30 91	Extracts, essences and concentrates of roasted chicory
2101 10	Active yeasts:
2102 10 10	- Culture yeast
2102 10 90	- other, excluding bakers' yeast
2102 20	Inactive yeasts; other single-cell micro-organisms, dead
2102 30	Prepared baking powders
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard
2104	Soups and broths and preparations therefor; homogenised composite food preparations
2106	Food preparations not elsewhere specified or included:
2106 10	- Protein concentrates and textured protein substances:
2106 10 10	- containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5% milkfat, 2,5% milk proteins, 5% sucrose or isoglucose, 5% glucose or starch
2106 90	- other than cheese fondues or flavoured or coloured sugar syrups:
2106 90 91	- containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5% milkfat, 2,5% milk proteins, 5% sucrose or isoglucose, 5% glucose or starch

2201 10	Mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured
2202 10	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
2202 90 10	other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009, not containing products of heading n°s 0401 to 0404 or fat obtained from products of heading N)s 0401 to 0404
2203	Beer made from malt
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
ex 2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol or higher; ethyl alcohol and other spirits, denaturated, of any strength: - other than obtained from agricultural products listed in Annex II to the EEC Treaty
ex 2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol, not obtained from agricultural products listed in Annex II to the EEC Treaty; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes
2403	Other manufactured tobacco and manufactured tobacco substitutes; 'homogenized' or 'reconstituted' tobacco; tobacco extracts and essences

Annex C

Processed agricultural products referred to in Article 1 (2)

CN code	Description
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion
0902	Tea, whether or not flavoured
2007	Jams, fruit jellies, marmelades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter
2209	Vinegar and substitutes for vinegar obtained from acetic acid

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