Pursuant to Article 9(1)(a), second indent, of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (1), the Explanatory Notes to the Combined Nomenclature of the European Communities (2) are amended as follows:

On page 101, the text to heading 2309 is replaced by the following:

2309 Preparations of a kind used in animal feeding

See Note 1 to this chapter.

For the determination of the starch content, the polarimetric method (also called modified Ewers method) laid down in point 1 of Annex I to Directive 72/199/EEC (OJ L 123, 29.5.1972, p. 6) is to be applied.

The starch content by weight of preparations of a kind used in animal feeding within the meaning of heading 2309 shall be determined by the enzymatic analytical method laid down in the Annex to Regulation (EC) No 121/2008 (OJ L 37, 12.2.2008, p. 3) in cases where the following feed materials are present in significant amounts:

(a) (sugar) beet products such as (sugar) beet pulp, (sugar) beet molasses, (sugar) beet pulp-molassed, (sugar) beet vinasse, (beet) sugar;
(b) citrus pulp;
(c) linseed; linseed expeller; linseed extracted;
(d) rape seed; rape seed expeller; rape seed extracted; rape seed hulls;
(e) sunflower seed; sunflower seed extracted; sunflower seed, partially decorticated, extracted;
(f) copra expeller; copra extracted;
(g) potato pulp;
(h) dehydrated yeast;
(i) products rich in inulin (e.g. chips and meal of Jerusalem artichokes);
(j) greaves.

Where it is not evident whether any starch is present in a preparation of a kind used in animal feeding within the meaning of heading 2309, a qualitative microscopic method may be used to verify such presence.

As regards milk products, see Additional Note 4 to this chapter. The content of milk products and the content of starch are calculated on the product as received.'