

COMMISSION REGULATION (EC) No 2023/95

of 21 August 1995

adapting by way of a temporary measure the special arrangements for importing cereal substitute products and processed cereal and rice products as provided for in Regulation (EEC) No 2245/90 with a view to the implementation of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 3 (1) thereof,

Whereas Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)⁽²⁾, as last amended by Regulation (EC) No 2484/94⁽³⁾, provides for exemption from customs duties and from the fixed component of the levy and for a reduction in or exemption from the variable component of the levy on imports into the Community of certain cereal substitute products and certain processed cereal and rice products originating in the ACP States or the OCT;

Whereas Commission Regulation (EEC) No 2245/90 of 31 July 1990 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)⁽⁴⁾, as amended by Regulation (EC) No 1515/95⁽⁵⁾, lays down detailed rules for the application of those arrangements;

Whereas Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁶⁾ provides that products originating in the OCT are to be imported into the Community free of customs duties and charges having an equivalent effect;

Whereas, pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral

trade negotiations⁽⁷⁾, the Community has undertaken to convert variable levies into tariffs and to replace them by customs duties as from 1 July 1995; whereas such replacement is likely to render the special arrangements inoperative and whereas, pending the conclusion of new arrangements with the countries concerned, Regulation (EEC) No 2245/90 must be adapted by way of a temporary measure while the essentials of such arrangements are maintained;

Whereas, in this connection, the exemption from the fixed component of the levy granted to third countries must be applied to customs duties applicable as from 1 July; whereas, in order not to damage the interests of the exporting countries, the concession covering the variable component of the levy must also be replaced by a flat-rate reduction in the whole import duty or part thereof;

Whereas the measures provided for this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2245/90 is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

1. For the purposes of Article 14 (1) of Regulation (EEC) No 715/90, the customs duties on imports of products listed in Annex A to Council Regulation (EEC) No 1766/92^(*) and Article 1 (1) (c) of Council Regulation (EEC) No 1418/76^(**) and originating in the ACP States shall be as set out in the Annex hereto.

2. Without prejudice to paragraph 1, the reduced customs duties on imports of the products designated hereinafter and originating in the ACP States shall be reduced by:

— ECU 2,19 per 1 000 kg in the case of products covered by CN codes 0714 10 99 and 0714 90 19, with the exception of arrowroot,

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽³⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁴⁾ OJ No L 203, 1. 8. 1990, p. 47.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 46.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁷⁾ OJ No L 336, 23. 12. 1994, p. 22.

- ECU 4,38 per 1 000 kg in the case of products covered by CN codes 0714 10 10 and 1106 20, with the exception of arrowroot flour and meal,
- 50 % in the case of products covered by CN codes 1108 14 00 and 1108 19 90, with the exception of arrowroot starch.

3. Notwithstanding paragraph 1, the customs duties on imports of the following products originating in the ACP States shall not be levied thereon :

- products covered by CN code 0714 10 91,
- products covered by CN code 0714 90 11 and arrowroot covered by CN code ex 0714 90 19,
- arrowroot flour and meal covered by CN code ex 1106 20,
- arrowroot starch covered by CN code ex 1108 19 90.

Article 1a

The detailed rules for the application of the import arrangements shall be as set out in Articles 2 to 8 as regards :

- products covered by CN codes 0714 10 91 and 0714 90 11 originating in the ACP States and imported into the Community (Title I),
- products covered by CN code 0714 90 11 originating in the ACP States or the OCT and imported into the French overseas territories (Title II).

(^(*)) OJ No L 181, 1. 7. 1992, p. 21

(^(**)) OJ No L 166, 25. 6. 1976, p. 1.

2. In Articles 2 (2) and 4 (3), the words 'import duty' are replaced by 'Common Customs Tariff customs duty' each time they appear.

Article 2

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

It shall apply from 1 July 1995 to 30 June 1996.

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

Done at Brussels, 21 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

CN code	Description	Applicable
1	2	3
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh or dried, whether or not sliced or in the form of pellets,	
0714 10	— Manioc (cassava)	
0714 10 10	— — Pellets of flour and meal	ECU 13,5/100 kg/net
	— — Other :	
0714 10 91	— — — Of a kind used for human consumption in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 13,5/100 kg/net
0714 10 99	— — — Other	ECU 13,5/100 kg/net
0714 90	— Other :	
	— — Arrowroot, salep and similar roots and tubers with high starch content :	
0714 90 11	— — — Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 13,5/100 kg/net
0714 90 19	— — — Other	ECU 13,5/100 kg/net
1102	Cereal flours other than that of wheat or meslin (1) :	
1102 20	— Maize (con) flour	
1102 20 10	— — Of a fat content not exceeding 1,5 % by weight	ECU 247,4/tonne
1102 20 90	— — Other	ECU 140,2/tonne
1102 30 00	— Rice flour	ECU 198,6/tonne
1102 90	— Other :	
1102 90 10	— — Barley flour	ECU 243,7/tonne
1102 90 30	— — Oat flour	ECU 234,3/tonne
1102 90 90	— — Other	ECU 140,2/tonne
1103	Cereal groats, meal and pellets (1) :	
	— Groats and meal :	
1103 12 00	— — Of oats	ECU 234,3/tonne
1103 13	— — Of maize (corn) :	
1103 13 10	— — — Of a fat content not exceeding 1,5 % by weight	ECU 247,4/tonne
1103 13 90	— — — Other	ECU 140,2/tonne
1103 14 00	— — Of rice	ECU 198,5/tonne
1103 19	— — Of other cereals :	
1103 19 10	— — — Of rye	ECU 243,7/tonne
1103 19 30	— — — Of barley	ECU 243,7/tonne
1103 19 90	— — — Other	ECU 140,2/tonne
	— Pellets :	
1103 21 00	— — Of wheat	ECU 250,3/tonne
1103 29	— — Of other cereals :	
1103 29 10	— — — Of rye	ECU 243,7/tonne
1103 29 20	— — — Of barley	ECU 243,7/tonne
1103 29 30	— — — Of oats	ECU 234,3/tonne
1103 29 40	— — — Of maize	ECU 247,4/tonne
1103 29 50	— — — Of rice	ECU 198,5/tonne
1103 29 90	— — — Other	ECU 140,2/tonne

CN code	Description	Applicable
1	2	3
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006: germ of cereals, whole, rolled, flaked or ground ⁽¹⁾ :	
	— Rolled or flaked grains:	
1104 11	— — Of barley:	
1104 11 10	— — — Rolled	ECU 138,3/tonne
1104 11 90	— — — Flaked	ECU 270,9/tonne
1104 12	— — Of oats:	
1104 12 10	— — — Rolled	ECU 132,7/tonne
1104 12 90	— — — Flaked	ECU 260,6/tonne
1104 19	— — Of other cereals:	
1104 19 10	— — — Of wheat	ECU 250,3/tonne
1104 19 30	— — — Of rye	ECU 243,7/tonne
1104 19 50	— — — Of maize	ECU 247,4/tonne
	— — — Other:	
1104 19 91	— — — — Flaked rice	ECU 336,7/tonne
1104 19 99	— — — — Other	ECU 247,4/tonne
	— Other worked grains (for example, hulled, pearled, sliced or kibbled):	
1104 21	— — Of barley:	
1104 21 10	— — — Hulled (shelled or husked)	ECU 217,3/tonne
1104 21 30	— — — Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 217,3/tonne
1104 21 50	— — — Pearled	ECU 339,6/tonne
1104 21 90	— — — Not otherwise worked than kibbled	ECU 138,3/tonne
1104 21 99	— — — Other	ECU 138,3/tonne
1104 22	— — Of oats:	
1104 22 10	— — — Hulled (shelled or husked)	ECU 234,2/tonne
	— — — — Clipped oats	
	— — — — Other	
1104 22 30	— — — Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 234,2/tonne
1104 22 50	— — — Pearled	ECU 208,3/tonne
1104 22 90	— — — Not otherwise worked than kibbled	ECU 132,7/tonne
1104 22 99	— — — Other	
	— — — — Blunted	ECU 132,7/tonne
	— — — — Other	ECU 132,7/tonne
1104 23	— — Of maize:	
1104 23 10	— — — Hulled (shelled or husked), whether or not sliced or kibbled	ECU 220,1/tonne
1104 23 30	— — — Pearled	ECU 220,1/tonne
1104 23 90	— — — Not otherwise worked than kibbled	ECU 140,2/tonne
1104 23 99	— — — Other	ECU 140,2/tonne
1104 29	— — Of other cereals:	
	— — — Hulled (shelled or husked) whether or not sliced or kibbled:	
1104 29 11	— — — — Of wheat	ECU 185,3/tonne
1104 29 15	— — — — Of rye	ECU 185,3/tonne
1104 29 19	— — — — Other	ECU 185,3/tonne
	— — — Pearled:	
1104 29 31	— — — — Of wheat	ECU 222,9/tonne
1104 29 35	— — — — Of rye	ECU 222,9/tonne
1104 29 39	— — — — Other	ECU 222,9/tonne

CN Code	Description	Applicable
1	2	3
	— — — Not otherwise worked than kibbled	
1104 29 51	— — — — Of wheat	ECU 142,1/tonne
1104 29 55	— — — — Of rye	ECU 138,3/tonne
1104 29 59	— — — — Other	ECU 140,2/tonne
	— — — Other :	
1104 29 81	— — — — Of wheat	ECU 142,1/tonne
1104 29 85	— — — — Of rye	ECU 138,3/tonne
1104 29 89	— — — — Other	ECU 140,2/tonne
1104 30	— Germ of cereals, whole, rolled, flaked or ground :	
1104 30 10	— — Of wheat	ECU 103,6/tonne
1104 30 90	— — Other	ECU 102,7/tonne
1106	Flour and meal of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714 ; flour, meal and powder of the products of Chapter 8 :	
1106 20	— Flour and meal of sago, roots or tubers of heading No 0714 :	
1106 20 10	— — Denatured (?)	ECU 135,5/tonne
1106 20 90	— — Other	ECU 219,6/tonne
1108	Starches ; inulin :	
	— Starches :	
1108 11 00	— — Wheat starch	ECU 304,2/tonne
1108 12 00	— — Maize (corn) starch	ECU 219,6/tonne
1108 13 00	— — Potato starch	ECU 219,6/tonne
1108 14 00	— — Manioc (cassava) starch	ECU 219,6/tonne
1108 19	— — Other starches :	
1108 19 10	— — — Rice starch	ECU 280,5/tonne
1108 19 90	— — — Other	ECU 219,6/tonne
1109 00 00	Wheat gluten, whether or not dried	ECU 533/tonne
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form ; sugar syrups not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :	
1702 30	— Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose :	
	— — Other :	
	— — — Other :	
1702 30 51	— — — — In the form of white crystalline powder, whether or not agglomerated	ECU 27,6/100 kg/net mass
1702 30 59	— — — — Other	ECU 21,2/100 kg/net mass
1702 30 91	— — — — In the form of white crystalline powder, whether or not agglomerated	ECU 27,6/100 kg/net mass
1702 30 99	— — — — Other	ECU 21,2/100 kg/net mass
1702 40	— Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose :	
1702 40 90	— — Other	ECU 21,2/100 kg/net mass
1702 90	— Other, including invert sugar :	
1702 90 50	— — Maltodextrine and maltodextrine syrup	ECU 21,2/100 kg/net mass
	— — Caramel :	
	— — — Other :	
1702 90 75	— — — — In the form of powder, whether or not agglomerated	ECU 29/100 kg/net
1702 90 79	— — — — Other	ECU 20,1/100 kg/net

CN Code	Description	Applicable
1	2	3
2106	Food preparations not elsewhere specified or included :	
2106 90	— Other :	
	— — Flavoured or coloured sugar syrups :	
	— — — Other :	
2106 90 55	— — — — Glucose syrup and maltodextrine	ECU 21,2/100 kg/net
2302	Bran, sharps and other residues, whether or not in the form of pellets derived from the sifting, milling or other working of cereals or of leguminous plants :	
2302 10	— Of maize (corn) :	
2302 10 10	— — With a starch content not exceeding 35 % by weight	ECU 56,7/tonne
2302 10 90	— — Other	ECU 123,5/tonne
2302 20	— Of rice :	
2302 20 10	— — With a starch content not exceeding 35 % by weight	ECU 56,7/tonne
2302 20 90	— — Other	ECU 123,5/tonne
2302 30	— Of wheat :	
2302 30 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 56,7/tonne (1)
2302 30 90	— — Other	ECU 123,5/tonne (1)
2302 40	— Of other cereals :	
2302 40 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 56,7/tonne (1)
2302 40 90	— — Other	ECU 123,5/tonne (1)
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets :	
2303 10	— Residues of starch manufacture and similar residues :	
2303 10 11	— — Residues from the manufacture of starch from maize (excluding concentrated stepping liquors), of a protein content, calculated on the dry product :	
	— — — exceeding 40 % by weight	ECU 251/tonne
2309	Preparations of a kind used in animal feeding :	
ex 2309 10	— Dog or cat food, put up for retail sale :	
	— — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products :	
	— — — Containing starch, glucose, syrup, maltodextrine or maltodextrine syrup :	
	— — — — Containing no starch or containing 10 % or less by weight of starch :	

CN Code	Description	Applicable
1	2	3
2309 10 11	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 22,9/tonne
2309 10 13	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 720,4/tonne
2309 10 31	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 69,9/tonne
2309 10 33	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 767,4/tonne
2309 10 51	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 138,6/tonne
2309 10 53	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 1 060,8/tonne
ex 2309 90	— — Other : — — — Other : — — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products : — — — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine-syrup : — — — — — Containing no starch or containing 10 % or less by weight of starch :	
2309 90 31	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 22,9/tonne
2309 90 33	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 720,4/tonne
2309 90 41	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 69,9/tonne
2309 90 43	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 767,4/tonne
2309 90 51	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 138,6/tonne
2309 90 53	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 837 /tonne

(¹) For the purpose of distinguishing between products covered by CN codes 1102, 1103 and 1104 and those covered by CN codes 2302 10 and 2302 40, products covered by CN codes 1102, 1103 and 1104 are those having both of the following :

- a starch content (determined by the modified Ewres polarimetric method) exceeding 45 % by weight referred to dry matter,
- an ash content by weight, referred to dry matter (after deduction of any added mineral matter), not exceeding 1,6 % for rice, 2,5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whether or not in the form of flour, is covered in all cases by CN codes 1101 00 00 and 1102.

(²) Entry under this subheading is subject to conditions laid down in the relevant Community provisions.