COMMISSION REGULATION (EEC) No 1714/88 of 13 June 1988

amending certain Regulations concerning the application of the common market organization for sugar following the introduction of the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (1), as last amended by Regulation (EEC) No 1471/88 (2), and in particular the second subparagraph of Article 15 (1) thereof,

Whereas, in accordance with the second subparagraph of. Article 15 (1) of Regulation (EEC) No 2658/87, technical amendments to Community acts which include the combined nomenclature are to be made by the Commission; whereas many regulations relating to sugar must be amended technically in order to take account of the use of the combined nomenclature;

Whereas, in view of the number and content of the texts requiring such amendment, it is necessary to bring together in a single Regulation all the amendments in question,

Article 1

Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar (3), as last amended by Regulation (EEC) No 1467/77 (4), is hereby amended as follows:

In Article 13 (3), 'heading No 17.01 of the Common Customs Tariff' is replaced by 'CN code No 1701'.

Article 2

Commission Regulation (EEC) No 825/75 of 25 March 1975 laying down special detailed rules for the application of export levies on sugar (3), as amended by Regulation (EEC) No 1499/76 (°), is hereby amended as follows:

1.' Annex I is replaced by following:

'ANNEX I

CN code	Description
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form:
	- Raw sugar not containing added flavouring or colouring:
ex 1701 11	Cane sugar exluding candy sugar
ex 1701 12	Beet sugar excluding candy sugar
	- Other:
ex 1701 99	Other:
1701 99 10	White sugar'

⁽¹) OJ No L 256, 7. 9. 1987, p. 1. (²) OJ No L 134, 31. 5. 1988, p. 1.

OJ No L 50, 4. 3. 1970, p. 1. OJ No L 162, 1. 7. 1977, p. 6. OJ No L 79, 28. 3. 1975, p. 17. OJ No L 167, 26. 6. 1976, p. 29.

2. Annex II is replaced by following:

'ANNEX II

CN code	Description
ex 1701 91 00	Flavoured or coloured sugars, exhuding sugar flavoured with vanilla, contained in immediate packing of a net weight not exceeding 2,5 kg
ex 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:
ex 1702 90 71	Caramel made from beet sugar or cane sugar:
	Containing 50 % or more by weight of sucrose in the dry matter
ex 1702 90 90	- Other, including invert (or inverted) sugar:
	 - Invert sugar and other syrups, excluding sucrose syrups with a purity (') of not more than 97 % in immediate packings of a net content not exceeding 25 kg
ex 2106 90 59	Flavoured or coloured sugar syrups, excluding syrups contained in immediate packings of a net content not exceeding 2,5 kg

^{(&#}x27;) The purity of syrups shall be determined in accordance with the provisions of Article 13 (2) of Regulation (EEC) No 394/70.';

3. Annex III is replaced by following:

'ANNEX III

CN code	Description
ex 1701 91 00	Sugar flavoured with vanilla, contained in immediate packings of a net content not exceeding 2,5 kg
ex 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:
ex 1702 60 90	 Other fructose and fructose syrup, containing in the dry state more than 50 % by weight of fructose
1702 90 60	Artificial honey, whether or not mixed with natural honey
ex 1702 90 90	- Other, excluding invert sugar:
	 Sucrose syrups with a purity (1) of not more than 97 % in immediate packings of a net content not exceeding 25 kg
ex 2106 90 59	Flavoured or coloured sugar syrups, in immediate packings of a net content not exceeding 2,5 kg

^{(&#}x27;) The purity of syrups shall be determined in accordance with the provisons of Article 13 (2) of Regulation (EEC) No 394/70.';

4. Annex IV is replaced by following:

'ANNEX IV

CN code	Description				
ex 1212	Locust beans, seaweeds and other algae, sugar beet and sugar cane, freh or dried, whether or not ground; fruit stones and kernels and other vegetable products (including unroasted chicory roots of the variety Cichorium intybus sativum) of a kind used primarily for human consumption, not elsewhere specified or included:				
	- Other:				
ex 121291	Sugar beet:				
•	Fresh:				
ex 1212 91 10	- Of a sugar content equal to or greater than 2,5 %				
1212 91 90	Dried or powdered				
1212 92 00	Sugar cane'				

Article 3

Commission Regulation (EEC) No 2782/76 of 17 November 1976 laying down detailed implementing rules for the importation of preferential sugar (1), as last amended by Regulation (EEC) No 3819/85 (2), is hereby amended as follows:

Article 11 is replaced by the following:

'Article II

Prefential raw sugar which falls within CN codes 1701 11 90 and 1701 12 90 and in respect of which the differential charge is not applicable shall be subject to customs or an equivalent administrative control until it is established that it cannot be used for refining.'

Article 4

Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75 (3) is hereby amended as follows:

Article 2 is replaced by the following:

'Article 2

The fixed component referred to in Article 16 (6) of Regulation (EEC) No 1785/81 shall be equal to that

used for fixing the import levy on products falling within CN code 1702 30 91.

Article 5

Commission Regulation (EEC) No 1998/78 of 18 August 1978 laying down detailed rules for the offsetting of storage costs for sugar (*), as last amended by Regulation (EEC) No 89/87 (*), is hereby amended as follows:

- 1. The first indent of Article 1 (2) (a) is replaced by the following:
 - '— who is engaged in making from sugar in the unaltered state only those sugars which fall within code 1701 or 1702, excluding CN codes 1702 50 00 and 1702 90 10, and which have different physical characteristics from the sugar used in the process,';
- 2. Article 8 (2) is replaced by the following:
 - "2. "Syrups obtained prior to the cristallizing stage" means those syrups which fall within CN codes 1702 60 90 and 1702 90 90 and which are subsequently processed into solid sugar under customs control, or under an administrative control providing equivalent safeguards, and which are stored in special containers separated from the sugar manufacturing plant.";

^(*) OJ No L 318, 18. 11. 1976, p. 13. (*) OJ No L 368, 31. 12. 1985, p. 25. (*) OJ No L 162, 1. 7. 1977, p. 9.

^(*) OJ No L 231, 23. 8. 1978, p. 5. (*) OJ No L 13, 15. 1. 1987, p. 10.

3. in Article 12 (1) (d), 'heading No 17.01 of the Common Customs Tariff' is replaced by 'CN code 1701'.

Article 6

Commission Regulation (EEC) No 2630/81 of 10 September 1981 on special detailed rules for the application of the system of import and export licences in the sugar sector ('), as last amended by Regulation (EEC) No 3677/86 (2), is hereby amended as follows:

- 1. Article 8 (1) is replaced by the following:
 - '1. The security for licences for the products listed in Article 1 (1) (a) to (d), (f) and (g) of Regulation (EEC) No 1785/81 shall be per 100 kilograms net of sugar and per 100 kilograms net dry matter of isoglucose as follows:
 - (a) where the licence is for import or export without advance fixing of the import or export levy of the refund:
 - 0,25 ECU in respect of products falling within CN codes 1701, 1702 and 2106, excluding CN codes 1702 50 00 and 1702 90 10.
 - 0,05 ECU in respect of products falling within CN codes 1212 91, 1212 92 00 and CN codes 1703.

However, the security for export licences for white sugar and raw sugar, the validity of which is limited to 30 days in accordance with the second indent of Article 5 (3) (a), shall be 3,50 ECU;

- (b) 0,25 ECU where the licence is for the export of C sugar or C isoglucose;
- (c) where the licence is for import with advance fixing of the levy or refund and subject as otherwise provided under the terms of an invitation to tender opened in the Community:
 - 3,00 ECU in respect of products falling within CN code 1701,
 - 0,75 ECU in respect of products falling within CN code 1703, where the levy is not zero,
 - 0,15 ECU in respect of products falling within CN code 1703, where the levy is zero;
- (d) where the licence is for export with advance fixing of the refund or levy and subject as otherwise provided for under the terms of an invitation to tender opened in the Community:

- 9,00 ECU in respect of products falling within CN code 1701,
- 0,75 ECU in respect of products falling within CN code 1703,
- 3,50 ECU in respect of products falling within CN codes 1702 20, 1702 60 90, 1702 90 60, 1702 90 71, 1702 90 90 and 2106 90 59,
- 3,50 ECU in respect of products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10, 1702 90 30 and 2106 90 30;
- (e) 0,25 ECU for the import licences referred to in Article 6';
- 2. in Article 8 (2), 'Common Customs Tariff heading No 17.01' is replaced by 'CN code 1701';
- 3. in Article 9 (1), 'Common Customs Tariff heading No 17.01' is replaced by 'CN code 1701';
- 4. in Article 10 (1), 'white sugar falling within Common Customs Tariff heading No 17.01 is followed by the importation of raw sugar falling within Common Customs Tariff heading No 17.01' is replaced by 'white sugar falling within code 1701 99 10 of the combined nomenclature is followed by the import of raw sugar within CN codes 1701 11 10, 1701 11 90, 1701 12 10 and 1701 12 90';
- 5. the Annex is replaced by the following:

'ANNEX'

Calculation of the security referred to in Article 10

(ECU per 100 kilograms net)

Amount of export levy on raw sugar (CN codes 1701 11 10, 1701 11 90, 1701 12 10 and 1701 12 90 requiring an adjustment of the security	Amount of upward or downward adjustment of the security
1	2
0 to 3,50 3,51 to 7,00	 3.50
7,01 to 10,50	7,00
10,51 to 14,00	10,50

and so on by increases of 3,50 ECU each time'

⁽¹) OJ No L 258, 11. 9. 1981, p. 16. (²) OJ No L 351, 12. 12. 1986, p. 1.

Article 7

Commission Regulation (EEC) No 2670/81 of 14 September 1981 laying down detailed implementing rules in respect of sugar production in excess of the quota (1), as last amended by Regulation (EEC) No 2561/85 (2), is hereby amended as follows:

- 1. in the second subparagraph of Article 1 (1) the first indent is replaced by the following:
 - as white sugar or raw sugar, non-denatured, or extracted from sugar prior to the crystallizing stage falling within CN codes 1702 60 90 and 1702 90 90, or as isoglucose in its natural state.'
- 2. in the second subparagraph of Article 2 (2) (c), 'heading No 17.01 of the Common Customs Tariff' is replaced by 'CN code 1701.'

Article 8

Commission Regulation (EEC) No 581/86 of 28 February 1986 laying down detailed rules for the application of the system of accession compensatory amounts and fixing accession compensatory amounts in the sugar sector (3), as

last amended by Regulation (EEC) No 2126/87 (*), is hereby amended as follows:

- 1. Article 1 (1) and (2) are replaced by:
 - '1. Accession compensatory amounts shall not be applied in the case of syrups falling within CN codes 1702 60 90, 1702 90 90, 1702 90 60, 1702 90 71 and 2106 90.59 which are less than 85 % pure, and in the case of maple sugar and maple syrup falling within CN code 1702 20.
 - 2. In the case of syrups falling within CN codes 1702 60 90, 1702 90 90, 1702 90 71 and 2106 90 59:
 - (a) which are not less than 98 % pure, the accession compensatory amount shall be based on the syrup's recorded sucrose content;
 - (b) which are less than 98 % pure but not less than 85 % pure, the accession compensatory amount applicable shall be based on the extractable sugar content as recorded in accordance with the second subparagraph of Article 1 (5) of Regulation (EEC) No 1443/82.';
- 2. the Annex is replaced by the following:

⁽¹) OJ No L 262, 16. 9. 1981, p. 14. (²) OJ No L 244, 12. 9. 1985, p. 23.

^{(&}lt;sup>3</sup>) OJ No L 57, 1. 3. 1986, p. 27.

^(*) OJ No L 197, 18. 7. 1987, p. 24.

ANNEX

Accession compensatory amounts applicable in trade with Spain and Portugal

		·				Compensat	ory amounts ap	Compensatory amounts applicable in trade between:	: between :			
CN code	Table (?)	Additional code (*)	on the one hand	Community of Ten	Community of Ten	Community of Ten	Spain	Spain	Spain	Portugal without Azores	Portugal without Azores	Azores
			on the one hand	Spain	Portugal without Azores	Azores	Portugal without Azores	Azores	third	Azores	third countries	third
							BCU / 1	BCU / 1 000 kg				
1212 91 10				60'2 .	1,26	1,26	5,83	5,83	60*2	_	1,26	1,26
ex 1212 91 90 (¹)				26,23	4,66	4,66	21,57	21,57	26,23	1	4,66	4,66
							BCU /	ECU / 100 kg				
1701 91 00 1701 99 10	4 ~	7337		098	36.2	4 39	1686	12 00	07 8	70 C	362	4 30
1701 99 90	` ~_)		00,0		, ,	13,63	14,27	09'6	7,86	7,	٠ ورب
1701 11 10 1701 11 90 1701 12 10 1701 12 90	3	7334		7,91	. 29'9	4,04	14,58	11,95	7,91	2,63	6,67	4,04
				Bas	ic compensatory	Basic compensatory amounts in BCU 1 % of sucrose content or, as the case may be, of extractable sugar and per 100 kg net of products in question	CU 1% of suci per 100 kg ne	unts in BCU 1 % of sucrose content or, as the casugar and per 100 kg net of products in question	as the case may question	/ be, of extracta	ble	
1702 60 90 1702 90 90	8	\ 7346 \ 7347										
1702 90 60	6	7350		0980	0.0725	0.0439	0.1585	01299,	0.0860	0.0286	0.0725	0.0439
1702 90 71	10	7355	_									,
2106 90 59	9	\ 7424 \ 7425					-					
1					7				A		7	

(") Sugar beet, dried or powdered, of a sucrose content, on a basis of dry matter, of at least 50 %.

APPENDIX TO THE ANNEX

ADDITIONAL CODES

TABLE 3

CN code		Description	
1701 11 10 1701 11 90	Exported to third countries pursuant to Article 26 of Regulation (EEC) No		
1701 12 10 1701 12 9 0	1785/81:	With a yield of raw sugar differing from that of the standard quality defined by Regulation (EEC) No 431/68:	
	7333	7334	7335

TABLE 4

CN code	Desc	ription
1701 91 00	- Exported to third countries pursuant to Article 26 of Regulation (EEC) No 1785/81:	— Other:
	7336	7337

TABLE 5

CN code	Desc	ription
1701 99 10 1701 99 90 1702 30 10 1702 40 10	- Exported to third countries pursuant to Article 26 of Regulation (EEC) No 1785/81:	— Other:
1702 60 10 1702 90 30	7339	7340

TABLE 8

CN code			Description		
1702 60 90 1702 90 90	Exported to third countries pursuant to Article 26 of Regulation (EEC)		- Other: - Of a purity of:		
	No 1785/81 :		Less than 85 %:	85 % or more, but less than 98 %:	98 % or more:
	7343	7344	7345 -	7346	7347

TABLE 9

CN code	Description					
1702 90 60	- Exported to third countries pursuant to Article 26 of Regulation (EEC) No 1785/81:	- Other: - Of a purity of:		. *		
		— — Less than 85 %:	85 % or more, but less than 98 %:	98 % or more:		
	7348	7349	7350	7351		

TABLE 10

.CN code			Description		
1702 90 71	Exported to third countries pursuant to Article 26 of Regulation (EEC)	falling within code	- Other: - Of a purity of:	-	
	No 1785/81:		— — Less than 85 % :	85 % or more, but less than 98 % :	— — — 98 % or more:
	7352	7353	7354	7355	7356

TABLE 6

CN code	Description			
2106 90 59	- Exported to third countries pursuant to Article 26 of Regulation (EEC) No 1785/81:	- Other: - Of a purity of:		
		— — Less than 85 % :	85 % or more, but less than 98 %:	— — 98 % or more:
	7422	7423	7424	7425'

Article 9

Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry (') is hereby amended as follows:

- 1. in Article 1 (1), 'and falling within subheading 17.02 D ex II of the Common Customs Tariff is replaced by 'and falling within CN codes ex 1702 60 90 and ex 1702 90 90;
- 2. the Annex is replaced by the following:

ANNEX

LIST OF CHEMICAL PRODUCTS

CN-code	Description ,	
1302 31 00 1302 32 00	Mucilages and thickeners, whether or not modified, derived from vegetable products	
1518 00 10	∸ Linoxyn:	
ex 1520 1520 90 00	Glycerol (glycerine), whether or not pure; glycerol waters and glycerol lyes: - Other, including synthetic glycerol	
1702 90 10	Chemically pure maltose	
ex 2520 - 2520 20	Gypsum; anhydrite; plasters (consisting of calcined gypsum or calcium sulphate) whether or not coloured, with or without small quantities of accelerators or retarders: — Plasters	
ex 2839 2839 90	Silicates; commercial alkali metal silicates: — Other	
Chapter 29 (excluding codes 2905 43 00 and 2905 44)	ORGANIC CHEMICALS	
Chapter 30	PHARMACEUTICAL PRODUCTS	
ex 3307	Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorizers, whether or not perfumed or having disinfectant properties:	
·	- Preparations for perfuming or deodorizing rooms, including odoriferous preparations used during religious rites:	
3307 49 00 3307 90 00	Other - Other	
ex 3401	Soap; organic surface-active products and preparations for use as soap, in the form of bars, cakes moulded pieces or shapes, whether or not containing soap; paper, wadding, felt and non-wovens, impregnated, coated or covered with soap or detergent:	
	 Soap and organic surface-active products and preparations in the form of bars, cakes, moulded pieces or shapes, and paper, wadding, felt and non-wovens, impregnated, coated or covered with soap or detergent: 	
3401 19 00	- Other	

CN-code	Description	
3402 ·	Organic surface-active agents (other than soap); surface-active preparations (including auxilliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of code 3401	
ex 3403	Lubricating preparations (including cutting-oil preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, furskins or other materials, but excluding preparations containing, as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals: — Containing petroleum oils or oils obtained from bituminous minerals:	
ex 3403 19	- Other:	
3403 19 10		
3403 19 10	 Containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent 	
3405	Polishes and creams, for footwear, furniture, floors, coach-work, glass or metal, scouring pastes and powders and similar preparations (whether or not in the form of paper, wadding, felt, non-wovens, cellular plastics or cellular rubber, impregnated, coated or covered with such preparations), excluding waxes of code 3404	
3407 00 00	Modelling pastes, including those put up for children's amusements; preparations known as "dental wax" or as "dental impression compounds", put up in sets, in packings for retail sale or in plates, horseshoe shapes, sticks or similar forms; other preparations for use in dentistry, with a basis of plaster (of calcined gypsum or calcium sulphate)	
Chapter 35 (excluding codes 3501, 3505 10 10, 3505 10 90 and 3502 20)	ALBUMINOIDAL SUBSTANCES; MODIFIED STARCHES; GLUES; ENZYMES	
Chapter 38 (excluding codes 3809 10, ex 3809 91 00 ex 3809 92 00 ex 3809 99 00 and 3823 60)	MISCELLANEOUS CHEMICAL PRODUCTS	
Chapter 39	PLASTICS AND ARTICLES THEREOF	
ex 4202	Trunks, suit-cases, vanity-cases, executive-cases, brief-cases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; travelling-bags, toilet bags, rucksacks, handbags, shopping-bags, wallets, purses, map-cases, cigarette-cases, tobacco-pouches, tool bags, sports bags, bottle-cases, jewellery boxes, powder-boxes, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastic, of textile materials, of vulcanized fibre or of paperboard, or wholly or mainly covered with such materials:	
	- Trunks, suit-cases, vanity-cases, executive cases, brief-cases, school satchels and similar containers:	
ex 4202 12	With outer surface of plastics or of textile materials:	
4202 12 50	Of moulded plastic material	
ex 4202 99	Other:	
4202 99 90	Other	
ex 4814	Wallpaper and similar wall-coverings; window transparencies of paper:	
4814 20 00	 Wallpaper and similar wall coverings, consisting of paper coated or covered, on the face side, with a grained, embossed, coloured, design-printed or otherwise decorated layer of plastics 	

CN-code Description			
ex 7117	Imiation jewellery:		
7117 90 00	- Other		
ex 8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics:		
ex 8480 30	- Moulding patterns:		
8480 30 90	Other		
ex 9113	Watch straps, watch bands and watch bracelets, and parts thereof:		
ex 9113 90	- Other:		
9113 90 30	Of plastic materials		
ex 9305	Parts and accessories of articles of codes 9301 bis 9304:		
9305 10 00	- Of revolvers or pistols		
	- Of shotguns or rifles of code 9303:		
ex 9305 29	Other:		
9305 29 90	Other		
ex 9305 90	- Other:		
9305 90 90	Other		
ex 9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included:		
ex 9405 10	 Chandeliers and other electric ceiling or wall lighting fittings, excluding those of a kind used for lighting public open spaces or thoroughfares: 		
	Other:		
	Of plastics:		
9405 10 21	Of a kind used for filament lamps		
9405 10 29	Other		
ex 9405 20	- Electric table, desk, bedside or floor-standing lamps:		
	Of plastics:		
9405 20 11	Of a kind used for filament lamps		
9405 20 19	Other		
ex 9405 40	- Other electric lamps and lighting fittings		
	Other:		
	Of plastics:		
9405 40 31	Of a kind used for filament lamps		
9405 40 35	Of a kind used for tubelar fluorescent lamps		
9405 40 39	Other		
9405 50 00	- Non-electrical lamps and lighting fittings		
ex 9405 60	- Illuminated signs, illuminated name-plates and the like: Other:		
9405 60 91	Of plastics		
	- Parts:		
9405 92	Of plastics		
ex 9615	Combs, hair-slides and the like; hairpins, curling pins, curling grips, hair-curlers and the like, other than those of code 8516, and parts thereof:		
9615 90 00	- Other		
ex 9701	Paintings, drawings and pastels, executed entirely by hand, other than drawings of code 4906 and other than hand-painted or hand-decorated manufactured articles; collage and similar decorative plaques:		
9701 90 00	- Other		

Article 10

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 13 June 1988.

For the Commission
Frans ANDRIESSEN
Vice-President