REGULATION (EEC) No 1009/73 OF THE COMMISSION

of 12 April 1973

adopting in respect of Denmark special measures for maize groats and meal used in the manufacture of glucose

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to the Treaty [1] concerning the Accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 63 (1) of the Act [2] annexed thereto, hereinafter called the 'Act' ;

Whereas Article 11 (1) of Council Regulation No 120/67/EEC [3] of 13 June 1967 on the common organization of the market in cereals, as last amended by the Act, provides for a production refund to be granted for maize used in the Community for the manufacture of starch ; whereas since glucose is traditionally made from starch it benefits indirectly from that refund ;

Whereas, however, a manufacturing process — known as the direct hydrolysis process — is used in Denmark, by which glucose is obtained directly from maize groats without passing through the 'starch' stage ; whereas, since Community legislation makes no provision for a production refund for glucose as such, glucose obtained by direct hydrolysis stands in an economically unfavourable production situation in comparison with glucose manufactured by the traditional method ;

Whereas this state of affairs results in a distortion of competition between glucose manufacturers according to which manufacturing process they use ; whereas this problem has become very acute since the accession of Denmark to the Community, since glucose manufacturers using the direct hydrolysis process benefited from measures designed to secure supplies of raw materials at world market prices ; whereas the changeover from that system to the one laid down by the common organization of the market in cereals, which implies the abolition of such measures, risks creating serious difficulties for the industry ; whereas, therefore, it appears necessary to take provisional measures to enable the industry to benefit from a production refund under the same conditions as those under which glucose manufacturers using the traditional method benefit indirectly ;

Whereas the amount of that refund should be fixed at a level which will create a real balance between the two manufacturing processes ; whereas, in order to achieve this and to prevent the financial burden of this refund becoming excessive, the Member State concerned will have to take all necessary measures to make sure that the aforesaid refund is granted only in respect of the quantities of maize groats and meal actually used by the industry in question ;

Whereas criteria of quality and purity should be laid down for the maize groats and meal from which the glucose is to be produced in order to avoid in particular their being mixed with the remainder of products for which a production refund has already been paid ;

Whereas it is equally necessary to lay down which Member State shall be responsible for paying the refund ; whereas, in that respect and for reasons of alignment, the rule established in Commission Regulation (EEC) No 559/68 [4] of 6 May 1968 laying down detailed rules for the application of Regulation No 367/67/EEC fixing production refunds on maize groats and meal and broken rice used in the brewing industry, which stipulates that the Member State on whose territory the maize is processed shall pay the production refund, should be used in the present case ; whereas, if that Member State should be the United Kingdom or Ireland, the compensatory amount applicable should be taken into account when that refund is paid ;

Whereas the Member State which effects payment of the production refund should be certain that the maize groats and meal are actually used in the glucose manufacturing industry employing the direct hydrolysis process ; whereas such certainty

(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No 117, 19. 6. 1967, p. 2269/67.
(4) OJ No L 106, 7. 5. 1968, p. 6.

can be achieved by the production of documents testifying to the sale of the product to the glucose manufacturing plant ; whereas, where that Member State is not Denmark, a system of administrative cooperation offering the necessary guarantees should be set up ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the management Committee for Cereals ;

HAS ADOPTED THIS REGULATION :

Article 1

Until 31 January 1974 Member States shall grant a production refund on maize groats and meal for the manufacture of glucose subheading 17.02 B II of the Common Customs Tariff (1) in Denmark by the process known as 'direct hydrolysis.'

This production refund shall be equal, per 100 kilogrammes of maize groats and meal, to the difference, per 100 kilogrammes, between the threshold price for maize less, where appropriate, the applicable compensatory amount and 6·8 units of account multiplied by the coefficient 1·23.

Article 2

1. For the purposes of this Regulation, 'groats and meal' means products obtained in the milling of maize grain. They are sharp-edged, granular fragments of grain kernel and at least 70 % are uniform in size.

Without prejudice to the provisions of paragraph 2, groats and meal shall contain no products other than those obtained in the normal milling process—for instance heat—modified starch, quellmehl or similar products.

2. Maize groats and meal :

(a) must have a fat content calculated on the dry matter not exceeding 1·3 % by weight and a raw cellulose content calculated on the dry matter not exceeding 0·8 % by weight,

(b) must not comprise more than 30 % matter which passes through a 315-micron mesh sieve ; and

(c) must comprise less than 5 % matter which passes through a 150-micron mesh sieve.

(1) Pursuant to Regulation No 189/66/EEC, the products falling within subheading No 17.02 B I shall be subject to the same treatment as products falling within subheading 17.02 B II.

Article 3

1. The production refund on maize groats and meal for the manufacture of glucose by the direct hydrolysis process shall be paid by the Member States on whose territory the groats and meal are manufactured, and if that Member State has ascertained by checks that the maize groats and meal have actually been used for the manufacture of glucose by the direct hydrolysis process.

2. In order to receive payment of the refund, the maize groats producer shall submit to the competent authority an application to which must be appended his invoice to the glucose manufacturing plant, or a true copy, stating the quality, the quantity, expressed in net weight, of maize groats and meal sold and indicating the exact business name of the glucose manufacturing plant.

3. Moreover, if the maize groats and meal are manufactured in a Member State other than Denmark, proof of their use in the manufacture of glucose by the direct hydrolysis process may only be given by production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 :

(a) Sections Nos 101, 103 and 104 on the control copy shall be completed.

(b) Section No 104 shall be completed by deleting the statements which do not apply and adding under the second indent one of the following statements :

— destiné à l'utilisation au Danemark en glucoserie (procédé d'hydrolyse directe) conformément aux dispositions du règlement (CEE) n° 1009/73 ;

— bestemt til anvendelse i Danmark i glukoseindustrien (direkte hydrolyse) i henhold til bestemmelserne i forordning (EØF) nr. 1009/73 ;

— bestimmt zur Verwendung in Dänemark in der Glukoseindustrie (direkte Hydrolyse), gemäß den Bestimmungen der Verordnung (EWG) Nr. 1009/73 ;

— destinato alla fabbricazione, in Danimarca, del glucosio (processo idrolitico diretto) conformemente alle disposizioni del regolamento (CEE) n. 1009/73 ;

— bestemd voor verwerking in Denemarken in de glucose-industrie (rechtstreeks hydrolyseprocédé) overeenkomstig de beschikkingen van Verordening (EEG) nr. 1009/73 ;

— intended for use in Denmark in the glucose industry (direct hydrolysis process) in accor-

dance with the provisions of Regulation (EEC) No 1009/73 ;

(c) The quantity of maize groats and meal actually used in the manufacture of glucose shall be entered in the section reserved for control of the use and/or destination of the product, under the heading 'Remarks'.

Article 4

1. The Member States concerned shall take all necessary measures to ensure that the refunds mentioned in Article 1 are limited to the quantities of maize groats and meal actually used in its territory in the manufacture of glucose by the direct hydrolysis process.

2. The methods of control and analysis which are necessary for the implementation of this Regulation shall be communicated without delay by that Member State to the Commission.

Article 5

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

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

Done at Brussels, 12 April 1973.

For the Commission

The President

François-Xavier ORTOLI