REGULATION (EEC) No 3239/73 OF THE COMMISSION

of 28 November 1973

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1346/73 [2], and in particular Article 14 (4) thereof;

Having regard to Council Regulation No 359/67/EEC [3] of 25 July 1967 on the common organization of the market in rice as last amended by the Act [4] annexed to the Treaty [5] on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 12 (4) thereof;

Having regard to the Opinion of the Monetary Committee;

Whereas the rules to be applied to calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation No 120/67/EEC and Article 12 (1) (a) of Regulation No 359/67/EEC; whereas Article 2 of Council Regulation (EEC) No 1052/68 [6] of 23 July 1968 on the import and export system for products processed from cereals and rice, as last amended by Regulation (EEC) No 881/73 [7], provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first twenty-five days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation, is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1080/68 [8] of 26 July 1968 on the procedure for calculating the levy on products processed from cereals and rice and for the advance fixing of the levy for some of these products, as last amended by Regulation (EEC) No 1047/73 [9], provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than 0·25 unit of account per 100 kilogrammes from the average of the levies calculated as described above;

Whereas in accordance with Article 5 of Regulation (EEC) No 1052/68 and Article 2 of Regulation (EEC) No 1080/68, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 1052/68;

Whereas, in order that account may be taken of the interests of the Associated African States and Madagascar and of the Overseas Countries and Territories, and of the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 1 of Council Regulation (EEC) No 522/70 [10] of 17 March 1970 on the treatment to be accorded to products processed from cereals and rice originating in the Associated African States and Madagascar or in the Overseas Countries and Territories, and Article 1 of Council Regulation (EEC) No 653/71 [11] of 30 March 1971 on the treatment to be accorded to products processed from cereals and rice originating in the United Republic of Tanzania, the Republic of Uganda or the Republic of Kenya, as amended by Regulation (EEC) No 1036/72 [12];

Whereas Article 4 (2) of Regulation (EEC) No 1052/68 provides that the levy to be charged on the products listed in the Annex to that Regulation under heading No 07.06 A is limited, with effect from the date of entry into force of the Geneva Protocol (1967) annexed to the General Agreement on Tariffs and Trade, to the amount resulting from application of the rate of duty bound within GATT;

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 141, 28. 5. 1973, p. 8.
(3) OJ No 174, 31. 7. 1967, p. 1.
(4) OJ No L 73, 27. 3. 1972, p. 14.
(5) OJ No L 73, 27. 3. 1972, p. 5.
(6) OJ No L 179, 25. 7. 1968, p. 8.
(7) OJ No L 86, 31. 3. 1973, p. 30.
(8) OJ No L 181, 27. 7. 1968, p. 6.
(9) OJ No L 104, 19. 4. 1973, p. 30.
(10) OJ No L 65, 21. 3. 1970, p. 10.
(11) OJ No L 76, 31. 3. 1971, p. 2.
(12) OJ No L 118, 20. 5. 1972, p. 18.

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis :

— in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2·25 %, a rate of exchange based on their effective parity ;

— for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph ;

Whereas, in accordance with Article 18 (1) of Regulation No 120/67/EEC, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff ;

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation No 120/67/EEC and in Article 1 (1) (c) of Regulation No 359/67/EEC and subject to Regulation (EEC) No 1052/68 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 1973.

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

Done at Brussels, 28 November 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

CCT heading No	Nomenclature in simplified wording	Levies in u.a./100 kg	
		Third countries (other than AASM and OCT, Tanzania, Uganda and Kenya)	AASM, OCT, Tanzania, Uganda and Kenya
07.06 A	Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes	0·208 (1)	0·088 (1)
11.01 C	Barley flour (2)	2·579	2·079
11.01 D	Oat flour (2)	0·901	0·401
11.01 E I	Maize flour, of a fat content not exceeding 1·5 % by weight (2)	1·909	1·409
11.01 E II	Maize flour, of a fat content exceeding 1·5 % by weight (2)	1·049	0·799
11.01 F	Rice flour (2)	0·250	0
11.01 G	Buckwheat flour (2)	0·500	0
11.01 H	Millet flour (2)	1·227	0·977
11.01 I J	Canary seed flour (2)	0·250	0
11.01 K	Grain sorghum flour (2)	0·605	0·355
11.01 L	Cereals flours, other than flour of wheat, meslin, rye, barley, oats, maize, rice, buckwheat, millet, canary seed or grain sorghum (2)	0·250	0
11.02 A II	Rye groats and meal (2)	2·610	2·110
11.02 A III	Barley groats and meal (2)	2·579	2·079
11.02 A IV	Oat groats and meal (2)	0·901	0·401
11.02 A V a) 1	Maize groats and meal, of a fat content not exceeding 1·5 % by weight, for the brewing industry (2)	0·500	0
11.02 A V a) 2	Maize groats and meal, of a fat content not exceeding 1·5 % by weight, other than for the brewing industry (2)	1·909	1·409
11.02 A V b)	Maize groats and meal, of a fat content exceeding 1·5 % by weight (2)	1·049	0·799
11.02 A VI	Rice groats and meal (2)	0·250	0
11.02 A VII	Buckwheat groats and meal (2)	0·500	0
11.02 A VIII	Millet groats and meal (2)	1·227	0·977

CCT heading No	Nomenclature in simplified wording	Levies in u.a./100 kg	
		Third countries (other than AASM and OCT, Tanzania, Uganda and Kenya)	AASM, OCT, Tanzania, Uganda and Kenya
11.02 A IX	Grain sorghum groats and meal (2)	0·605	0·355
11.02 A X	Cereals groats and meal, other than groats and meal of wheat, meslin, rye, barley, oats, maize, rice, buckwheat, millet or grain sorghum (2)	0·250	0
11.02 B I a) 1	Hulled (shelled or husked) barley (2)	2·098	1·848
11.02 B I a) 2 aa)	Clipped oats	0·477	0·227
11.02 B I a) 2 bb)	Hulled (shelled or husked) oats other than clipped oats (2)	0·651	0·401
11.02 B I a) 3	Hulled (shelled or husked) buckwheat (2)	0·250	0
11.02 B I a) 4	Hulled (shelled or husked) millet (2)	1·783	1·533
11.02 B I b) 1	Hulled and sliced or kibbled barley ('Grütze' or 'Grutten') (2)	2·098	1·848
11.02 B I b) 2	Hulled and sliced or kibbled oats ('Grütze' or 'Grutten') (2)	0·651	0·401
11.02 B I b) 3	Hulled and sliced or kibbled buckwheat ('Grütze' or 'Grutten') (2)	0·250	0
11.02 B I b) 4	Hulled and sliced or kibbled millet ('Grütze' or 'Grutten') (2)	1·783	1·533
11.02 B II a)	Hulled (shelled or husked) wheat, whether or not sliced or kibbled (2)	0·250	0
11.02 B II b)	Hulled (shelled or husked) rye, whether or not sliced or kibbled (2)	1·809	1·559
11.02 B II c)	Hulled (shelled or husked) maize, whether or not sliced or kibbled (2)	1·503	1·253
11.02 B II d)	Hulled (shelled or husked) grain sorghum, whether or not sliced or kibbled (2)	0·807	0·557
11.02 B II e)	Hulled (shelled or husked) grains, whether or not sliced or kibbled, other than those of wheat, rye, maize, barley, oats, buckwheat, millet or grain sorghum (2)	0·250	0
11.02 C I	Pearled wheat (2)	0·250	0
11.02 C II	Pearled rye (2)	2·125	1·875
11.02 C III	Pearled barley (2)	3·388	2·888
11.02 C IV	Pearled oats (2)	0·607	0·357
11.02 C V	Pearled maize (2)	1·503	1·253
11.02 C VI	Pearled buckwheat (2)	0·250	0
11.02 C VII	Pearled millet (2)	1·783	1·533
11.02 C VIII	Pearled grain sorghum (2)	0·807	0·557
11.02 C IX	Pearled grains, other than grains of wheat, rye, barley, oats, maize, buckwheat, millet or grain sorghum (2)	0·250	0

CCT heading No	Nomenclature in simplified wording	Levies in u.a./100 kg	
		Third countries (other than AASM and OCT, Tanzania, Uganda and Kenya)	AASM, OCT, Tanzania, Uganda and Kenya
11.02 D I	Wheat not otherwise worked than kibbled (2)	0·250	0
11.02 D II	Rye not otherwise worked than kibbled (2)	1·445	1·195
11.02 D III	Barley not otherwise worked than kibbled (2)	1·428	1·178
11.02 D IV	Oats not otherwise worked than kibbled (2)	0·477	0·227
11.02 D V	Maize not otherwise worked than kibbled (2)	1·049	0·799
11.02 D VI	Buckwheat not otherwise worked than kibbled (2)	0·250	0
11.02 D VII	Millet not otherwise worked than kibbled (2)	1·227	0·977
11.02 D VIII	Grain sorghum not otherwise worked than kibbled (2)	0·605	0·355
11.02 D IX	Grains not otherwise worked than kibbled, other than grains of wheat, rye, barley, oats, maize, buckwheat, millet or grain sorghum (2)	0·250	0
11.02 E I a) 1	**Rolled barley (3)**	1·428	1·178
11.02 E I a) 2	Rolled oats (2)	0·477	0·227
11.02 E I a) 3	Rolled buckwheat (2)	0·250	0
11.02 E I a) 4	Rolled millet (2)	1·227	0·977
11.02 E I b) 1	Flaked barley (2)	2·810	2·310
11.02 E I b) 2	Flaked oats (2)	0·946	0·446
11.02 E I b) 3	Flaked buckwheat (2)	0·500	0
11.02 E I b) 4	Flaked millet (2)	2·224	1·724
11.02 E II a)	Rolled or flaked wheat (2)	0·500	0
11.02 E II b)	Rolled or flaked rye (2)	2·610	2·110
11.02 E II c)	Rolled or flaked maize (2)	1·909	1·409
11.02 E II d)	Rolled or flaked grain sorghum (2)	1·126	0·626
11.02 E II e) 1	Flake rice (2)	0·500	0
11.02 E II e) 2	Rolled or flaked grains other than grains of wheat, rye, barley, oats, maize, rice, buckwheat, millet or grain sorghum, excluding flaked rice (2)	0·500	0
11.02 F I	Wheat pellets (2)	0·500	0
11.02 F II	Rye pellets (2)	2·610	2·110
11.02 F III	Barley pellets (2)	2·579	2·079

CCT heading No	Nomenclature in simplified wording	Levies in u.a./100 kg	
		Third countries (other than AASM and OCT, Tanzania, Uganda and Kenya)	AASM, OCT, Tanzania, Uganda and Kenya
11.02 F IV	Oat pellets (2)	0·901	0·401
11.02 F V	Maize pellets (2)	1·909	1·409
11.02 F VI	Rice pellets (2)	0·250	0
11.02 F VII	Buckwheat pellets (2)	0·500	0
11.02 F VIII	Millet pellets (2)	1·227	0·977
11.02 F IX	Grain sorghum pellets (2)	0·605	0·355
11.02 F X	Pellets of cereals other than wheat, rye, barley, oats, maize, rice, buckwheat, millet or grain sorghum (2)	0·250	0
11.02 G I	Wheat germ, whole, rolled, flaked or ground	0·500	0
11.02 G II	Germ of cereals other than wheat, whole, rolled, flaked or ground	1·087	0·587
11.06 A	Denatured flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06, for the manufacture of starches	0·458	0·028
11.06 B I	Undenatured flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06, for the manufacture of starches	1·700	0
11.06 B II	Undenatured flour and meal of sago and of manioc, arrowroot, salep and other roots and tubers falling within heading No 07.06, other than for the manufacture of starches	2·961	1·081
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0·900	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0·900	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	2·956	2·056
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	2·436	1·536
11.07 B	Roasted malt	2·690	1·790
11.08 A I	Maize starch	1·700	0
11.08 A II	Rice starch	2·550	0
11.08 A III	Wheat starch	1·700	0
11.08 A IV	Potato starch	1·700	0
11.08 A V	Starches other than maize, rice, wheat or potato starch	1·700	0
11.09 A	Dried wheat gluten	15·000	0

CCT heading No	Nomenclature in simplified wording	Levies in u.a./100 kg	
		Third countries (other than AASM and OCT, Tanzania, Uganda and Kenya)	AASM, OCT, Tanzania, Uganda and Kenya
11.09 B	Wheat gluten, other than dried	15·000	0
17.02 B II a)	Glucose other than glucose containing, in the dry state, 99 % or more by weight of the pure product (3), in the form of white crystalline powder, whether or not agglomerated	8·000	0
17.02 B II b)	Glucose and glucose syrup not containing, in the dry state, 99 % or more by weight of the pure product (3), other than glucose in the form of white crystalline powder, whether or not agglomerated	5·500	0
17.05 B I	Flavoured or coloured glucose, in the form of white crystalline powder, whether or not agglomerated	8·000	0
17.05 B II	Flavoured or coloured glucose syrup, other than in the form of white crystalline powder, whether or not agglomerated	5·500	0
23.02 A I a)	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, with a starch content not exceeding 35 % by weight	0·194	0·194
23.02 A I b)	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, with a starch content exceeding 35 % but not exceeding 45 % by weight, and having undergone a denaturing process	0·310	0·310
23.02 A I b) 2	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, with a starch content exceeding 35 % but not exceeding 45 % by weight, not having undergone a denaturing process, or with a starch content exceeding 45 % by weight	0·621	0·621
23.02 A II a)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, of which the starch content does not exceed 28 % by weight, and of which the percentage which passes through a sieve with an aperture of 0·2 mm does not exceed 10 % by weight or of which the sieved product has an ash content, calculated on the dry product, of 1·5 % or more by weight	0·155	0·155
23.02 A II b)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, not falling within subheading No 23.02 A II a)	0·621	0·621
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40 % by weight	15·000	0

(4) This levy is limited to 6 % of the value for customs purposes.

(5) For the purpose of distinguishing between products falling within headings Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within headings Nos 11.01 and 11.02 shall be those meeting the following specifications :

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

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

(6) Pursuant to Regulation No 189/66/EEC the product falling within subheading No 17.02 B I is subject to the same levy as products falling within subheading No 17.02 B II.