REGULATION (EEC) No 851/73 OF THE COMMISSION

of 28 March 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 the Act (2) annexed to the Treaty (3) 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 14 (4) thereof ;

Having regard to Council Regulation No 359/67/EEC (4) of 25 July 1967 on the common organization of the market in rice, as last amended by the Act annexed to the Treaty 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 (5) of 23 July 1968 on the import and export system for products processed from cereals and rice, as last amended by Regulation (EEC) No 2728/71 (6), 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 (7) 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 2764/71 (8), 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 units 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 (9) 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 (10) 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 (11) ;

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

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No 174, 31. 7. 1967, p. 1.
(5) OJ No L 179, 25. 7. 1968, p. 8.
(6) OJ No L 282, 23. 12. 1971, p. 15.
(7) OJ No L 181, 27. 7. 1968, p. 6.
(8) OJ No L 283, 24. 12. 1971, p. 30.
(9) OJ No L 65, 21. 3. 1970, p. 10.
(10) OJ No L 76, 31. 3. 1971, p. 2.
(11) OJ No L 118, 20. 5. 1972, p. 18

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 ;

Whereas, if the levy system is to operate normally, levies should be calculated on the basis of an exchange rate which is based, in the case of currencies which are floating or whose central rate differs from the official parity, on the effective rate or the central rate of these currencies and, in the case of the US dollar, on the change in parity announced on 13 February 1973 ;

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 April 1973.

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

Done at Brussels, 28 March 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	0·562 (1)	0·442 (1)
11.01 C	Barley flour (2)	6·121	5·621
11.01 D	Oat flour (2)	4·134	3·634
11.01 E I	Maize flour, of a fat content not exceeding 1·5 % by weight (2)	7·677	7·177
11.01 E II	Maize flour, of a fat content exceeding 1·5 % by weight (2)	4·317	4·067
11.01 F	Rice flour (2)	0·822	0·572
11.01 G	Buckwheat flour (2)	0·500	0
11.01 H	Millet flour (2)	3·519	3·269
11.01 I J	Canary seed flour (2)	0·250	0
11.01 K	Grain sorghum flour (2)	3·802	3·552
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)	7·578	7·078
11.02 A III	Barley groats and meal (2)	6·121	5·621

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 IV	Oat groats and meal (2)	4·134	3·634
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)	0·927	0·427
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)	7·677	7·177
11.02 A V b)	Maize groats and meal, of a fat content exceeding 1·5 % by weight (2)	4·317	4·067
11.02 A VI	Rice groats and meal (2)	0·822	0·572
11.02 A VII	Buckwheat groats and meal (2)	0·500	0
11.02 A VIII	Millet groats and meal (2)	3·519	3·269
11.02 A IX	Grain sorghum groats and meal (2)	3·802	3·552
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)	5·247	4·997
11.02 B I a) 2 aa)	Clipped oats	2·309	2·059
11.02 B I a) 2 bb)	Hulled (shelled or husked) oats other than clipped oats (2)	3·884	3·634
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)	5·378	5·128
11.02 B I b) 1	Hulled and sliced or kibbled barley ('Grütze' or 'Grutten') (2)	5·247	4·997
11.02 B I b) 2	Hulled and sliced or kibbled oats ('Grütze' or 'Grutten') (2)	3·884	3·634
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)	5·378	5·128
11.02 B II a)	Hulled (shelled or husked) wheat, whether or not sliced or kibbled (2)	6·695	6·445
11.02 B II b)	Hulled (shelled or husked) rye, whether or not sliced or kibbled (2)	5·480	5·230
11.02 B II c)	Hulled (shelled or husked) maize, whether or not sliced or kibbled (2)	6·629	6·379
11.02 B II d)	Hulled (shelled or husked) grain sorghum, whether or not sliced or kibbled (2)	5·821	5·571
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

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 C I	Pearled wheat (2)	8·004	7·754
11.02 C II	Pearled rye (2)	6·541	6·291
11.02 C III	Pearled barley (2)	8·308	7·808
11.02 C IV	Pearled oats (2)	3·480	3·230
11.02 C V	Pearled maize (2)	6·629	6·379
11.02 C VI	Pearled buckwheat (2)	0·250	0
11.02 C VII	Pearled millet (2)	5·378	5·128
11.02 C VIII	Pearled grain sorghum (2)	5·821	5·571
11.02 C IX	Pearled grains, other than grains of wheat, rye, barley, oats, maize, buckwheat, millet or grain sorghum (2)	0·250	0
11.02 D I	Wheat not otherwise worked than kibbled (2)	5·193	4·943
11.02 D II	Rye not otherwise worked than kibbled (2)	4·261	4·011
11.02 D III	Barley not otherwise worked than kibbled (2)	3·435	3·185
11.02 D IV	Oats not otherwise worked than kibbled (2)	2·309	2·059
11.02 D V	Maize not otherwise worked than kibbled (2)	4·317	4·067
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)	3·519	3·269
11.02 D VIII	Grain sorghum not otherwise worked than kibbled (2)	3·802	3·552
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)**	3·435	3·185
11.02 E I a) 2	Rolled oats (2)	2·309	2·059
11.02 E I a) 3	Rolled buckwheat (2)	0·250	0
11.02 E I a) 4	Rolled millet (2)	3·519	3·269
11.02 E I b) 1	Flaked barley (2)	6·746	6·246
11.02 E I b) 2	Flaked oats (2)	4·538	4·038
11.02 E I b) 3	Flaked buckwheat (2)	0·500	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 E I b) 4	Flaked millet (2)	6·269	5·769
11.02 E II a)	Rolled or flaked wheat (2)	9·223	8·723
11.02 E II b)	Rolled or flaked rye (2)	7·578	7·078
11.02 E II c)	Rolled or flaked maize (2)	7·677	7·177
11.02 E II d)	Rolled or flaked grain sorghum (2)	6·768	6·268
11.02 E II e) 1	Flake rice (2)	1·472	0·972
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)	9·223	8·723
11.02 F II	Rye pellets (2)	7·578	7·078
11.02 F III	Barley pellets (2)	6·121	5·621
11.02 F IV	Oat pellets (2)	4·134	3·634
11.02 F V	Maize pellets (2)	7·677	7·177
11.02 F VI	Rice pellets (2)	0·822	0·572
11.02 F VII	Buckwheat pellets (2)	0·500	0
11.02 F VIII	Millet pellets (2)	3·519	3·269
11.02 F IX	Grain sorghum pellets (2)	3·802	3·552
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	4·135	3·635
11.02 G II	Germ of cereals other than wheat, whole, rolled, flaked or ground	3·490	2·990
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	0·812	0·382
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	2·082	0·202
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	8·119	6·239

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
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	9·526	8·626
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	7·345	6·445
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	6·459	5·559
11.07 A II b)	Unroasted malt, other thain that obtained from wheat, in the form in the form of flour	5·054	4·154
11.07 B	Roasted malt	5·741	4·841
11.08 A I	Maize starch	2·082	0·382
11.08 A II	Rice starch	3·371	0·821
11.08 A III	Wheat starch	1·700	0
11.08 A IV	Potato starch	2·082	0·382
11.08 A V	Starches other than maize, rice, wheat or potato starch	2·082	0·191
11.09 A	Dried wheat gluten	15·000	0
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	8·498	0·498
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	5·882	0·382
17.05 B I	Flavoured or coloured glucose, in the form of white crystalline powder, whether or not agglomerated	8·498	0·498
17.05 B II	Flavoured or coloured glucose syrup, other than in the form of white crystalline powder, whether or not agglomerated	5·882	0·382
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	1·196	1·196
23.02 A I b) 1	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	1·913	1·913

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
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	3·826	3·826
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	0·957	0·957
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)	3·826	3·826
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	15·474	0·474

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

(2) 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.

(3) 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.