# COMMISSION REGULATION (EEC) No 838/77

## of 26 April 1977

## 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 (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 3138/76 (2), and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice (3), 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 (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice (4), as amended by Regulation (EEC) No 832/76 (5), 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 25 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 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals (6), as last amended by Regulation (EEC) No 1997/75 (7), 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 2·5 units of account per tonne from the average of the levies calculated as described above;

Whereas in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, 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 Regulation (EEC) No 1921/75 (8), as amended by Regulation (EEC) No 2415/75 (9), laid down certain transitional measures in respect of starches;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States or in the 'overseas countries and territories', 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 12 of Council Regulation (EEC) No 706/76 of 30 March 1976 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories' (10);

Whereas Article 4 (2) of Regulation (EEC) No 2744/75 provides that the levy to be charged on the products listed in the Annex to that Regulation under subheading 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 L 281, 1. 11. 1975, p. 1.
(2) OJ No L 354, 24. 12. 1976, p. 1.
(3) OJ No L 166, 25. 6. 1976, p. 1.
(4) OJ No L 281, 1. 11. 1975, p. 65.
(5) OJ No L 100, 14. 4. 1976, p. 1.
(6) OJ No L 168, 25. 6. 1974, p. 7.
(7) OJ No L 202, 1. 8. 1975, p. 57.
(8) OJ No L 195, 26. 7. 1975, p. 25.
(9) OJ No L 247, 23. 9. 1975, p. 22.
(10) OJ No L 85, 31. 3. 1976, p. 2.

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 (EEC) No 2727/75, 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 (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 May 1977.

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

Done at Brussels, 26 April 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

## ANNEX

to the Commission Regulation of 26 April 1977 fixing the import levies on products processed from cereals and rice

*(u.a./tonne)*

| CCT heading No | Nomenclature in simplified wording | Levies | |
|---|---|---|---|
| | | Third countries (other than ACP or OCT) | ACP or OCT |
| 07.06 A | Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes | 9·90 (1) | 8·40(1)(5) |
| 11.01 C | Barley flour (3) | 103·98 | 98·98 |
| 11.01 D | Oat flour (3) | 97·20 | 92·20 |
| 11.01 E I | Maize flour, of a fat content not exceeding 1·5 % by weight (3) | 114·98 | 109·98 |
| 11.01 E II | Maize flour, of a fat content exceeding 1·5 % by weight (3) | 64·82 | 62·32 |
| 11.01 F | Rice flour (3) | 65·19 | 62·69 |
| 11.01 G | Cereals flours, other than flour of wheat, meslin, rye, barley, oats, maize or rice (2) | 74·53 | 72·03 |
| 11.02 A II | Rye groats and meal (3) | 135·63 | 130·63 |
| 11.02 A III | Barley groats and meal (3) | 103·98 | 98·98 |
| 11.02 A IV | Oat groats and meal (3) | 97·20 | 92·20 |
| 11.02 A V a) 1 | Maize groats and meal, of a fat content not exceeding 1·5 % by weight, for the brewing industry (3) | 114·98 | 109·98 |
| 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 (3) | 114·98 | 109·98 |
| 11.02 A V b) | Maize groats and meal, of a fat content exceeding 1·5 % by weight (3) | 64·82 | 62·32 |
| 11.02 A VI | Rice groats and meal (3) | 65·19 | 62·69 |
| 11.02 A VII | Cereals groats and meal, other than groats and meal of wheat, meslin, rye, barley, oats, maize or rice (2) | 74·53 | 72·03 |
| 11.02 B I a) 1 | Hulled (shelled or husked) barley (3) | 90·48 | 87·98 |
| 11.02 B I a) 2 aa) | Clipped oats | 54·74 | 52·24 |
| 11.02 B I a) 2 bb) | Hulled (shelled or husked) oats other than clipped oats (3) | 94·70 | 92·20 |
| 11.02 B I b) 1 | Hulled and sliced or kibbled barley ('Grütze' or 'Grutten') (3) | 90·48 | 87·98 |
| 11.02 B I b) 2 | Hulled and sliced or kibbled oats ('Grütze' or 'Grutten') (3) | 94·70 | 92·20 |

*(u.a./tonne)*

| CCT heading No | Nomenclature in simplified wording | Levies | |
|---|---|---|---|
| | | Third countries (other than ACP or OCT) | ACP or OCT |
| **11.02 B II a)** | Hulled (shelled or husked) wheat, whether or not sliced or kibbled (2) | 119·41 | 116·91 |
| **11.02 B II b)** | Hulled (shelled or husked) rye, whether or not sliced or kibbled (2) | 99·02 | 96·52 |
| **11.02 B II c)** | Hulled (shelled or husked) maize, whether or not sliced or kibbled (2) | 100·26 | 97·76 |
| 11.02 B Ii d) | Hulled (shelled or husked) grains, whether or not sliced or kibbled, other than those of wheat, rye, maize, barley or oats (2) | 115·49 | 112·99 |
| **11.02 C I** | Pearled wheat (2) | 143·14 | 140·64 |
| **11.02 C II** | Pearled rye (2) | 118·61 | 116·11 |
| **11.02 C III** | Pearled barley (2) | 142·48 | 137·48 |
| **11.02 C IV** | Pearled oats (2) | 84·45 | 81·95 |
| **11.02 C V** | Pearled maize (2) | 100·26 | 97·76 |
| 11.02 C VI | Pearled grains, other than grains of wheat, rye, barley, oats or maize (2) | 115·49 | 112·99 |
| **11.02 D I** | Wheat not otherwise worked than kibbled (2) | 92·16 | 89·66 |
| **11.02 D II** | Rye not otherwise worked than kibbled (2) | 76·52 | 74·02 |
| **11.02 D III** | Barley not otherwise worked than kibbled (2) | 58·59 | 56·09 |
| **11.02 D IV** | Oats not otherwise worked than kibbled (2) | 54·74 | 52·24 |
| **11.02 D V** | Maize not otherwise worked than kibbled (2) | 64·82 | 62·32 |
| 11.02 D VI | Grains not otherwise worked than kibbled, other than grains of wheat, rye, barley, oats or maize (2) | 74·53 | 72·03 |
| **11.02 E I a) 1** | **Rolled barley (2)** | 58·59 | 56·09 |
| **11.02 E I a) 2** | Rolled oats (2) | 54·74 | 52·24 |
| **11.02 E I b) 1** | Flaked barley (2) | 114·98 | 109·98 |
| **11.02 E I b) 2** | Flaked oats (2) | 107·44 | 102·44 |
| **11.02 E II a)** | Rolled or flaked wheat (2) | 163·22 | 158·22 |
| **11.02 E II b)** | Rolled or flaked rye (2) | 135·63 | 130·63 |
| **11.02 E II c)** | Rolled or flaked maize (2) | 114·98 | 109·98 |
| 11.02 E II d) 1 | Flaked rice (2) | 111·45 | 106·45 |

*(u.a./tonne)*

| CCT heading No | Nomenclature in simplified wording | Levies | |
|---|---|---|---|
| | | Third countries (other than ACP or OCT) | ACP or OCT |
| 11.02 E II d) 2 | Rolled or flaked grains other than grains of wheat, rye, barley, oats, maize or rice, excluding flaked rice (2) | 132·12 | 127·12 |
| 11.02 F I | Wheat pellets (2) | 163·22 | 158·22 |
| 11.02 F II | Rye pellets (2) | 135·63 | 130·63 |
| 11.02 F III | Barley pellets (2) | 103·98 | 98·98 |
| 11.02 F IV | Oat pellets (2) | 97·20 | 92·20 |
| 11.02 F V | Maize pellets (2) | 114·98 | 109·98 |
| 11.02 F VI | Rice pellets (2) | 65·19 | 62·69 |
| 11.02 F VII | Pellets of cereals other than wheat, rye, barley, oats, maize or rice (2) | 74·53 | 72·03 |
| 11.02 G I | Wheat germ, whole, rolled, flaked or ground | 70·93 | 65·93 |
| 11.02 G II | Germ of cereals other than wheat, whole, rolled flaked or ground | 50·83 | 45·83 |
| 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 | 12·40 | 6·90 (5) |
| 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 | 92·83 | 72·83 (5) |
| 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 | 115·37 | 95·37 (5) |
| 11.07 A I a) | Unroasted malt, obtained from wheat, in the form of flour | 165·46 | 156·46 |
| 11.07 A I b) | Unroasted malt, obtained from wheat, other than in the form of flour | 125·91 | 116·91 |
| 11.07 A II a) | Unroasted malt, other than that obtained from wheat, in the form of flour | 106·88 (4) | 97·88 |
| 11.07 A II b) | Unroasted malt, other than that obtained from wheat, other than in the form of flour | 82·14 | 73·14 |
| 11.07 B | Roasted malt | 94·23 (4) | 85·23 |
| 11.08 A I | Maize starch | 92·83 | 75·83 |
| 11.08 A II | Rice starch | 89·25 | 63·75 |
| 11.08 A III | Wheat starch | 166·38 | 149·38 |
| 11.08 A IV | Potato starch | 92·83 | 75·83 |

*(u.a./tonne)*

| CCT heading No | Nomenclature in simplified wording | Levies | |
|---|---|---|---|
| | | Third countries (other than ACP or OCT) | ACP or OCT |
| **11.08 A V** | Starches other than maize, rice, wheat or potato starch | 92·83 | 37·91 (5) |
| 11.09 | Wheat gluten, whether or not dried | 421·60 | 271·60 |
| **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 | 178·91 | 98·91 |
| **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 | 130·83 | 75·83 |
| **17.05 B I** | Flavoured or coloured glucose, in the form of white crystalline powder, whether or not agglomerated | 178·91 | 98·91 |
| **17.05 B II** | Flavoured or coloured glucose syrup, other than in the form of white crystalline powder, whether or not agglomerated | 130·83 | 75·83 |
| **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 | 20·40 | 20·40 |
| **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 % by weight | 65·28 | 65·28 |
| **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 | 16·32 | 16·32 |
| **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 23.02 A II a) | 65·28 | 65·28 |
| **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 | 244·20 | 94·20 |

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

(2) For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading 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 (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

(4) In accordance with Regulation (EEC) No 2755/75 this levy is reduced by 0·45 u.a./100 kg for products originating in Turkey.

(5) In accordance with Regulation (EEC) No 706/76 the levy shall not be charged on the following products originating in the countries and territories :

— arrowroot falling within subheading ex 07.06 A,
— flours and meal of arrowroot falling within subheadings ex 11.06 A, ex 11.06 B I and II,
— arrowroot starch falling within subheading ex 11.08 A V.