COUNCIL REGULATION (EEC) No 3911/87

of 22 December 1987

amending Regulation (EEC) No 827/68 on the common organization of the market in certain products listed in Annex II to the Treaty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas the Community is a Contracting Party to the International Convention on the Harmonized Commodity Description and Coding System, hereinafter referred to as the 'harmonized system', which replaces the Convention of 15 December 1950 on Nomenclature for the Classification of Goods in Customs Tariffs;

Whereas Council Regulation (EEC) No 2658/87 (3) established, from 1 January 1988, a combined goods nomenclature based on the harmonized system which will meet the requirements both of the Common Customs Tariff and of the external trade statistics of the Community;

Whereas, as a consequence, it is necessary to express the descriptions of goods and tariff heading numbers which appear in Council Regulation (EEC) No 827/68 (4), as last amended by Regulation (EEC) No 2966/80 (5), according to the terms of the combined nomenclature based on the harmonized system;

Whereas aquatic invertebrates, other than crustaceans and molluscs, and preparations thereof are presently classified in subheadings 01.06 C, 02.04 C II, 02.06 C III and 16.02 B of the Common Customs Tariff; whereas, as a result, they are covered by Regulation (EEC) No 827/68; whereas in the harmonized system they will be classified in heading Nos 0307 and 1605; whereas, therefore, it is desirable that the said aquatic invertebrates and preparations thereof be covered by Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products (6), as last amended by Regulation (EEC) No 3759/87 (7); whereas, as a result, they are no longer to be covered by Regulation (EEC) No 827/68;

Whereas certain edible flours and meals of meat or meat offal are classified in subheadings of heading No 02.06 of the Common Customs Tariff presently in force, which are covered by Regulation (EEC) No 827/68; whereas in the combined nomenclature, by way of simplification, a single subheading has been established to cover all edible flours and meals of meat or meat offal; whereas it is desirable that the said flours and meals be covered by Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal (8), as last amended by Regulation (EEC) No 3905/87 (9); whereas, as a result, they should no longer be covered by Regulation (EEC) No 827/68;

Whereas certain mixtures of dried nuts are classified, according to their essential character, in subheadings of Chapter 8 of the Common Customs Tariff presently in force, which are covered by Regulation (EEC) No 827/68; whereas in the combined nomenclature, by way of simplification, a single subheading has been established to cover all mixtures of dried nuts; whereas it is desirable that the said mixtures be covered by Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables (10), as last amended by Regulation (EEC) No 3910/87 (11); whereas, as a result, they should no longer be covered by Regulation (EEC) No 827/68;

Whereas certain mixtures of dried fruits, or of dried fruits and nuts, are classified according to their essential character, in subheadings of the Common Customs Tariff presently in force which are covered by Regulation (EEC) No 827/68; whereas in the combined nomenclature by way of simplification, a single subheading has been established to cover all mixtures of dried fruits and of dried fruits and nuts; whereas, it is desirable that the said mixtures be covered by Council Regulation (EEC) No 426/86 of 24 February 1986 (12) on the common organization of the markets in processed fruit and vegetables, as last amended by Regulation (EEC) No 3909/87 (13); whereas, as a result, they should no longer be covered by Regulation (EEC) No 827/68;

(1) Opinion delivered on 18 December 1987 (not yet published in the Official Journal).
(2) Opinion delivered on 16 December 1987 (not yet published in the Official Journal).
(3) OJ No L 256, 7. 9. 1987, p. 1.
(4) OJ No L 151, 30. 6. 1968, p. 16.
(5) OJ No L 307, 18. 11. 1980, p. 5.
(6) OJ No L 379, 31. 12. 1981, p. 1.
(7) OJ No L 359, 21. 12. 1987, p. 1.
(8) OJ No L 148, 28. 6. 1968, p. 1.
(9) See page 7 of this Official Journal.
(10) OJ No L 118, 20. 5. 1972, p. 1.
(11) See page 33 of this Official Journal.
(12) OJ No L 49, 27. 2. 1986, p. 1.
(13) See page 20 of this Official Journal.

Whereas certain homogenized preparations of meat, meat offal or blood, preparations of animal blood, and stuffed pasta containing more than 20 % by weight of sausages and the like, meat and meat offal, including fats, are classified in subheadings of heading No 16.02 of the Common Customs Tariff presently in force, which are covered by Regulation (EEC) No 827/68; whereas in the combined nomenclature, by way of simplification, single subheadings have been established for each of the aforementioned preparations; whereas it is desirable that the said preparations be covered by Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat (1), as last amended by Regulation (EEC) No 3906/87 (2); whereas, as a result, they should no longer be covered by Regulation (EEC) No 827/68,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 827/68 is hereby replaced by the Annex to this Regulation.

Article 2

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 fom 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Council

The President

N. WILHJELM

(1) OJ No L 282, 1. 11. 1975, p. 1.

(2) See page 11 of this Official Journal.

ANNEX

'ANNEX

CN code	Description
0101	Live horses, asses, mules and hinnies:
	– Horses:
0101 11 00	– – Pure-bred breeding animals (a)
0101 19	– – Other:
0101 19 90	– – – Other than for slaughter
0101 20	– Asses, mules and hinnies
0102	Live bovine animals:
0102 90	– Other than pure-bred breeding animals:
0102 90 90	– – Other than domestic species
0103	Live swine:
0103 10 00	– Pure-bred breeding animals (a)
	– Other:
ex 0103 91	– – Weighing less than 50 kg:
0103 91 90	– – – Other than domestic species
ex 0103 92	– – Weighing 50 kg or more:
0103 92 90	– – – Other than domestic species
0106 00	Other live animals
0203	Meat of swine, fresh, chilled or frozen:
	– Fresh or chilled:
ex 0203 11	– – Carcases and half-carcases:
0203 11 90	– – – Other than of domestic swine
ex 0203 12	– – Hams, shoulders and cuts thereof, with bone in:
0203 12 90	– – – Other than of domestic swine
ex 0203 19	– – Other:
0203 19 90	– – – Other than of domestic swine
	– Frozen:
ex 0203 21	– – Carcases and half-carcases:
0203 21 90	– – – Other than of domestic swine
ex 0203 22	– – Hams, shoulders and cuts thereof, with bone in:
0203 22 90	– – – Other than of domestic swine
ex 0203 29	– – Other:
0203 29 90	– – – Other than of domestic swine
ex 0205 00 00	Meat of asses, mules or hinnies, fresh, chilled or frozen
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses or mules, fresh, chilled or frozen:
ex 0206 10	– Of bovine animals, fresh or chilled:
0206 10 10	– – For the manufacture of pharmaceutical products (a)
	– Of bovine animals, frozen:
ex 0206 22	– – Livers:
0206 22 10	– – – For the manufacture of pharmaceutical products (a)
ex 0206 29	– – Other:
0206 29 10	– – – For the manufacture of pharmaceutical products (a)
ex 0206 30	– Of swine, fresh or chilled:
0206 30 10	– – For the manufacture of pharmaceutical products (a)
	– – Other:

CN code	Description
0206 30 90	– – – Other than of domestic swine
	– Of swine, frozen:
ex 0206 41	– – Livers:
0206 41 10	– – – For the manufacture of pharmaceutical products (a)
	– – – Other:
0206 41 99	– – – – Other than of domestic swine
ex 0206 49	– – Other:
0206 49 10	– – – For the manufacture of pharmaceutical products (a)
	– – – Other:
0206 49 99	– – – – Other than of domestic swine
ex 0206 80	– Other, fresh or chilled:
0206 80 10	– – For the manufacture of pharmaceutical products (a)
	– – Other:
0206 80 91	– – – Of horses, asses, mules and hinnies
ex 0206 90	– Other, frozen:
0206 90 10	– – For the manufacture of pharmaceutical products (a)
	– – Other:
0206 90 91	– – – Of horses, asses, mules and hinnies
0208	Other meat and edible meat offal, fresh, chilled or frozen
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal:
	– Meat of swine:
ex 0210 11	– – Hams, shoulders and cuts thereof, with bone in:
0210 11 90	– – – Other than of domestic swine
ex 0210 12	– – Bellies (streaky) and cuts thereof:
0210 12 90	– – – Other than of domestic swine
ex 0210 19	– – Other:
0210 19 90	– – – Other than of domestic swine
ex 0210 90	– Other, including edible flours and meals of meat or meat offal:
	– – Meat:
0210 90 20	– – – Other than of sheep and goats, excluding horsemeat, salted, in brine or dried
	– – Offal:
	– – – Other than of domestic swine, bovine animals, and sheep and goats:
0210 90 80	– – – – Other than poultry liver
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:
0407 00 90	– Other than of farmyard poultry
0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or sweetening matter:
	– Egg yolks:
0408 11	– – Dried:
0408 11 90	– – – Other than suitable for human consumption
0408 19	– – Other:
0408 19 90	– – – Other than suitable for human consumption
	– Other:
0408 91	– – Dried:
0408 91 90	– – – Other than suitable for human consumption
0408 99	– – Other:
0408 99 90	– – – Other than suitable for human consumption

CN code	Description
0410 00 00	Edible products of animal origin, not elsewhere specified or included
0504 00 00	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
0511	Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption:
0511 10 00	– Bovine semen
	– Other:
ex 0511 91	– – Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3:
ex 0511 99	– – Other:
0511 99 90	– – – Other than sinews or tendons, parings and similar waste of raw hides or skins
0709	Other vegetables, fresh or chilled:
ex 0709 60	– Fruits of the genus *Capsicum* or of the genus *Pimenta:*
0709 60 91 0709 60 95 0709 60 99	– – Other than sweet peppers
ex 0710	Vegetables uncooked or cooked by steaming or boiling in water, frozen:
0710 80	– Other vegetables:
	– – Fruits of the genus *Capsicum* of the genus *Pimenta:*
0710 80 59	– – – Other
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
ex 0711 90	– Other vegetables; mixtures of vegetables:
	– – Vegetables:
0711 90 10	– – – Fruits of the genus *Capsicum* or of the genus *Pimenta*, excluding sweet peppers
0713	Dried leguminous vegetables, shelled, whether or not skinned or split:
ex 0713 10	– Peas *(Pisum sativum):*
0713 10 90	– – Other than for sowing
ex 0713 20	– Chickpeas (garbanzos):
0713 20 90	– – Other than for sowing
	– Beans *(Vigna* spp., *Phaseolus* spp.):
ex 0713 31	– – Beans of the species *Vigna mungo* (L.) *Hepper* or *Vigna radiata* (L.), *Wilczek:*
0713 31 90	– – – Other than for sowing
ex 0713 32	– – Small red (Adzuki) beans *(Phaseolus* or *Vigna angularis):*
0713 32 90	– – – Other than for sowing
ex 0713 33	– – Kidney beans, including white pea beans *(Phaseolus vulgaris):*
0713 33 90	– – – Other than for sowing
ex 0713 39	– – Other:
0713 39 90	– – – Other than for sowing
ex 0713 40	– Lentils:
0713 40 90	– – Other than for sowing
ex 0713 50	– Broad beans *(Vicia faba* var. *major),* and horse beans *(Vicia faba* var. *equina, Vicia faba* var. *minor):*
0713 50 90	– – Other than for sowing
ex 0713 90	– Other:
0713 90 90	– – Other than for sowing

CN code	Description of goods
0801	Coconuts, Brazil nuts and cashew nuts, fresh or dried, whether or not shelled or peeled:
0802	Other nuts, fresh or dried, whether or not shelled or peeled
ex 0802 90	– Other:
0802 90 30	– – Areca (or betel) and cola
0804	Dates, figs, pineapples, avocados, guaves, mangoes and mangosteens, fresh or dried:
0804 10 00	Dates
0804 40	Avocados
0804 50 00	Guavas, mangoes and mangosteens
0902	Tea
ex 0904	Pepper of the genus *Piper;* dried or crushed or ground fruits of the genus *Capsicum* or of the genus *Pimenta,* excluding sweet peppers falling within subheading 0904 20 10
0905 00 00	Vanilla
0906	Cinnamon and cinnamon-tree flowers
0907 00 00	Cloves (whole fruit, cloves and stems)
0908	Nutmeg, mace and cardamoms
0909	Seeds of anise, badian, fennel, coriander, cumin, caraway or juniper
0910	Ginger, saffron, tumeric (curcuma), thyme, bay leaves, curry and other spices
ex 1106	Flour and meal of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714; flour, meal and powder of the products of Chapter 8:
1106 10 00	– Flour and meal of the dried leguminous vegetables of heading No 0713
1106 30	– Flour, meal and powder of the products of Chapter 8
ex 1108	Starches; inulin:
1108 20 00	– Inulin
1211	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered
1212	Locust beans, seaweeds and other algae, sugar beet and sugar cane, fresh 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:
1212 10	– Locust beans, including locust bean seeds
1212 20 00	– Seaweeds and other algae
1212 30 00	– Apricot, peach or plum stones and kernels
	– Other:
ex 1212 99	– – Other than sugar beat and sugar cane:
1212 99 90	– – – Other than chicory roots
1213 00 00	Cereal straw and husks, unprepared, whether or not chopped, ground, pressed or in the form of pellets:
1214	Swedes, mangolds, fodder roots, hay, lucerne (alfalfa), clover, sanfoin, forage kale, lupines, vetches, and similar forage products, whether or not in the form of pellets:
1214 90	– Other:
1214 90 10	– – Mangolds, swedes and other fodder roots

CN code	Description of goods
ex 1214 90 90	– – Other, excluding:
	– – – Lucerne, sainfoin, clover, lupines, vetches and similar fodder products artificially heat-dried, except hay and fodder kale and products containing hay
	– – – Lucerne, sainfoin, clover, lupines and vetches otherwise dried and ground
1502 00	Fats of bovine animals, sheep or goats, raw or rendered, whether or not pressed or solvent-extracted:
ex 1502 00 10	– For industrial uses other than the manufacture of foodstuffs for human consumption, excluding fats from bones and waste
1503 00	Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared
1602	Other prepared or preserved meat, meat offal or blood:
ex 1602 20	– Of liver of any animal:
1602 20 10	– – Goose or duck liver
	– Of swine:
ex 1602 41	– – Hams and cuts thereof:
1602 41 90	– – – Other than of domestic swine
ex 1602 42	– – Shoulders and cuts thereof:
1602 42 90	– – – Other than of domestic swine
ex 1602 49	– – Other, including mixtures:
1602 49 90	– – – Other than of domestic swine
ex 1602 90	– Other, including preparations of blood of any animal:
	– – Other than preparations of blood of any animal:
1602 90 31	– – – Of game or rabbit
	– – – Other:
	– – – – Other than those containing meat or meat offal of domestic swine:
	– – – – – Other than those containing bovine meat or offal: uncooked:
1602 90 99	– – – – – – Other than of sheep or goats
1603 00	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates
1801 00 00	Cocoa beans, whole or broken, raw or roasted
1802 00 00	Cocoa shells, husks, skins and other cocoa waste
2001	Vegetables, fruits, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:
ex 2001 90	– Other:
2001 90 20	– – Fruit of the genus *Capsicum* other than sweet peppers or pimentos
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen:
ex 2005 90	– Other vegetables and mixtures of vegetables:
2005 90 10	– – Fruit of the genus *Capsicum* other than sweet peppers or pimentos
2206 00	Other fermented beverages (for example cider, perry, mead):
2206 00 91 to 2206 00 99	– Other

CN code	Description of goods
2301	Flowers, meals and pellets, of meat or meat offal, or fish or crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:
2301 10 00	– Flours, meals and pellets of meat or meat offal; greaves
2302	Bran, sharps and other residues, whether or not in the form of pellets derived from the sifting, milling or other working of cereals or of leguminous plants:
2302 50 00	– Of leguminous plants
2307 00	Wine lees; argol:
2307 00 90	– Argol
2308	Vegetable materials and vegetable waste, vegetable residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included:
ex 2308 90	– Other than acorns and horse-chestnuts:
2308 90 90	– – Other, excluding grape marc and pomace or marc of fruit, other than grapes
2309	Preparations of a kind used in animal feeding
ex 2309 10	– Dog or cat food put up for retail sale:
2309 10 90	– – Other than those containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 und 2106 90 55, or milk products:
ex 2309 90	– Other:
2309 90 10	– – Fish or marine mammal solubles
	– – Other:
2309 90 91 ex 2309 90 99	– – – Other than those containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50, 2106 90 55, or milk products, excluding:
	– – – – protein concentrates obtained from lucerne juice and grass juice
	– – – – dehydrated products obtained exclusively from solid residues and juice resulting from the preparation of the concentrates referred to in the first indent

(a) Entry under this subheading is subject to the conditions provided for by the relevant Community provisions.'