COUNCIL REGULATION (EEC) No 4091/87

of 22 December 1987

amending Regulation (EEC) No 3034/80 fixing the quantities of basic products considered to have been used in the manufacture of goods covered by Regulation (EEC) No 3033/80

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (1), as amended by Commission Regulation (EEC) No 3743/87 (2), and in particular Article 4 (1) and the second subparagraph of Article 6 (3) thereof,

Having regard to the proposal from the Commission,

Whereas the Commission is a signatory to the International Convention on the Harmonized Commodity Description and Coding System, herinafter referred to as the 'harmonized system', which is to replace the Convention of 15 December 1950 on Nomenclature for the Classification of Goods in Customs Tariffs;

Whereas a combined nomenclature of goods is to be introduced with effect from 1 January 1988, based on the harmonized system nomenclature, which will satisfy simultaneously the requirements of the Common Customs Tariff and of the statistics of the Community's external trade and of trade between Member States;

Whereas the tariff nomenclature resulting from the application of Regulation (EEC) No 3034/80 (3) is contained in the Common Customs Tariff; whereas it is necessary therefore to draw up the descriptions of goods and the tariff numbers appearing in that Regulation in accordance with the terms of the combined nomenclature based on the harmonized system;

Whereas experience has shown that certain quantities of basic products mentioned in Annex I to Regulation (EEC) No 3034/80 must be changed;

Whereas the combined nomenclature does not permit the maintenance, for certain types of goods falling within Chapters 17, 18, 19 and 21, of particulars of their composition used for calculating the variable component to be charged on importation; whereas, it is necessary therefore that these particulars be drawn up in another way,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3034/80 is hereby amended as follows:

1. Article 1 is replaced by the following:

   'Article 1

   The quantities of basic products considered to have been used in the manufacture of goods referred to in Article 1 of Regulation (EEC) No 3033/80, hereinafter referred to as "goods", shall be as shown in Annex I hereto in respect of the relevant heading of the Common Customs Tariff; in the case of goods falling within subheadings for which Annex I refers to Annex II, such quantities shall be as shown in Annex II. For these latter goods, an additional code shall apply, composed of the figure 7, followed by three figures, according to the composition of the goods, as shown in Annex III.'

2. Article 2 (a) is replaced by the following:

   '(a) "rice" means: "husked rice, long grain".'

3. Article 3 is replaced by the following:

   'Article 3

   Goods falling within CN codes 1704 10 11, 1704 10 19, 1704 10 91 and 1704 10 99, 1903 00 00, 1905 90 20, 2905 44 11 and 2905 44 91, 3505 10 10 and 3505 10 90, 3505 20 10, 3505 20 30, 3505 20 50 and 3505 20 90, 3809 10 10, 3809 10 30, 3809 10 50 and 3809 10 90, 3823 60 11 and 3823 60 91 shall be considered to have been made from maize covered by the production refund provided for in Regulation (EEC) No 2742/75.'

4. Annex I is replaced by the Annex to this Regulation.

5. Annex II becomes Annex IV.

Article 2

This Regulation shall enter into force on 1 January 1988.

(1) OJ No L 323, 29. 11. 1980, p. 1.
(2) OJ No L 352, 15. 12. 1987, p. 29.
(3) OJ No L 323, 29. 11. 1980, p. 7.

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

ANNEX

'ANNEX I

(per 100 kg of goods)

CN code	Description	Common wheat	Durum wheat	Rye	Barley	Maize	Rice	Sugar	Molasses	Skimmed-milk powder (PG 2)	Whole-milk powder (PG 3)	Butter (PG 6)
		kg	kg	kg	kg	kg	kg	kg	kg	kg	kg	kg
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:											
0403 10	Yogurt:											
	Flavoured or containing added fruit or cocoa:											
	In powder, granules or other solid forms, of a milkfat content by weight:											
51	Not exceeding 1,5 %									100		
53	Exceeding 1,5 % but not exceeding 27 %										100	
59	Exceeding 27 %									42		68
	Other, of a milkfat content by weight:											
91	Not exceeding 3 %									9		2
93	Exceeding 3 % but not exceeding 6 %									8		5
99	Exceeding 6 %									8		10
0403 90	Other:											
	Flavoured or containing added fruit or cocoa:											
	In powder, granules or other solid forms, of a milkfat content by weight:											
71	Not exceeding 1,5 %									100		
73	Exceeding 1,5 % but not exceeding 27 %										100	
79	Exceeding 27 %									42		68
	Other, of a milkfat content by weight:											
91	Not exceeding 3 %									9		2
93	Exceeding 3 % but not exceeding 6 %									8		5
99	Exceeding 6 %									8		10
0710	Vegetables (uncooked or cooked by steaming or by boiling in water), frozen:											
0710 40 00	Sweet corn *(zea mays var. saccharata)*					100 (a)						
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:											
0711 90	Other vegetables; mixtures of vegetables:											
30	Sweet corn *(zea mays var. saccharata)*					100 (a)						

(a) Per 100 kilograms of drained sweet potatoes etc., or maize.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516:											
1517 10	Margarine, excluding liquid margarine:											
10	Containing more than 10 % but not more than 15 % by weight of milkfats											15
1517 90	Other:											
10	Containing more than 10 % but not more than 15 % by weight of milkfats											15
1704	Sugar confectionery (including white chocolate), not containing cocoa:											
1704 10	Chewing gum, whether or not sugar-coated:											
	Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose):											
11	Gum in strips					30		58				
19	Other					30		58				
	Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose):											
91	Gum in strips					16		70				
99	Other					16		70				
1704 90	Other:											
30	White chocolate							45			20	
	Other:											
51 to 99							See Annex II					
1806	Chocolate and other food preparations containing cocoa:											
1806 10	Cocoa powder, containing added sugar or other sweetening matter:											
10	Containing no sucrose or containing less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) and/or isoglucose expressed as sucrose							60 (b)				
30	Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) and/or isoglucose expressed as sucrose							75				
90	Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) and/or isoglucose expressed as sucrose							100				

(b) The variable component (MOB) is not chargeable on the importation of products not containing or containing less than 5 % by weight of sucrose (including invert sugar calculated as sucrose) or isoglucose expressed as sucrose.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1806 20	Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings of a content exceeding 2 kg:					See Annex II						
	Other, in blocks, slabs or bars:											
1806 31 00	Filled					See Annex II						
1806 32 10 and 90	Not filled					See Annex II						
1806 90	Other:											
11 to 90						See Annex II						
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder, in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 % not elsewhere specified or included:											
1901 10 00	Preparations for infant use, put up for retail sale					See Annex II						
1901 20 00	Mixes and doughs for the preparation of bakers' wares of heading No 1905					See Annex II						
1901 90	Other:											
	Malt extract:											
11	With a dry extract content of 90 % or more by weight				195							
19	Other				159							
90	Other					See Annex II						
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, canneloni, couscous, whether or not prepared:											
	Uncooked pasta not stuffed or otherwise prepared:											
1902 11 00	Containing eggs		167									
1902 19	Other:											
10	Containing no common wheat flour or meal		167									
90	Other	67	100									
1902 20	Stuffed pasta whether or not cooked or otherwise prepared:											
	Other:											
91	Cooked		41									
99	Other		116									
1902 30	Other pasta:											
10	Dried		167									
90	Other		66									

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1902 40	Couscous:											
10	Unprepared		167									
90	Other		66									
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms					161						
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared:											
1904 10	Prepared foods obtained by the swelling or roasting of cereals or cereal products:											
10	Obtained from maize					213						
30	Obtained from rice						174					
90	Other		53		53	53	53					
1904 90	Other:											
10	Rice						174					
90	Other		174									
1905	Bread, pastry, cakes, biscuits and other baker's wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:											
1905 10 00	Crispbread			140								
1905 20	Gingerbread and the like:											
10	Containing by weight of sucrose less than 30 % (including invert sugar expressed as sucrose)	44		40				25				
30	Containing by weight of sucrose 30 % or more but less than 50 % (including invert sugar expressed as sucrose)	33		30				45				
90	Containing by weight of sucrose 50 % (including invert sugar expressed as sucrose)	22		20				65				
1905 30 11 to 99	Sweet biscuits; waffles and wafers	See Annex II										
1905 40 00	Rusks, toasted bread and similar toasted products	See Annex II										
1905 90	Other:											
10	Matzos	168										
20	Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products					644						
30 to 90	Other	See Annex II										
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:											

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
2001 90	Other:											
30	Sweet corn *(zea mays* var. *saccharata)*					100 (a)						
40	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch					40 (a)						
2004	Other vegetables, prepared or preserved otherwise than by vinegar or acetic acid; frozen:											
2004 10	Potatoes:											
2004 10 91	In the form of flour, meal or flakes					See Annex II						
2004 90	Other vegetables and mixtures of vegetables:											
10	Sweet corn *(Zea mays* var. *saccharata)*					100 (a)						
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen:											
2005 20	Potatoes:											
2005 20 10	In the form of flour, meal or flakes					See Annex II						
2005 80 00	Sweet corn *(Zea mays* var. *saccharata)*					100 (a)						
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included											
2008 99	Other:											
85	Maize (corn), other than sweet corn *(Zea mays* var. *saccharata)*					100 (a)						
91	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch					40 (a)						
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:											
2101 10	Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:											
	Extracts, essences or concentrates:											
	Preparations:											
2101 10 99	Other					See Annex II						
2101 20	Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:											
2101 20 90	Other					See Annex II						
2101 30	Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:											
	Roasted chicory and other roasted coffee substitutes:											

(a) Per 100 kilograms of drained sweet potatoes etc., or maize.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
19	Other				137							
	Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:											
99	Other				245							
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders:											
2102 10	Active yeasts:											
	Bakers' yeast:											
31	Dried								425			
39	Other								125			
2105 00	Ice cream and other edible ice, whether or not containing cocoa:											
10	Containing no milk fats or containing less than 3 % by weight of such fats							25		10		
	Containing by weight of milk fats:											
91	3 % or more but less than 7 %							20			23	
99	7 % or more							20			35	
2106	Food preparations not elsewhere specified or included:											
2106 10	Protein concentrates and textured protein substances:											
90	Other						See Annex II					
2106 90	Other:											
10	Cheese fondues										60	
99	Other						See Annex II					
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009:											
2202 90	Other:											
	Other, containing by weight of fat obtained from the products of heading Nos 0401 to 0404:											
91	Less than 0,2 %							10		8		
95	0,2 % or more but less than 2 %							10			6	
99	2 % or more							10			13	
	II. ALCOHOLS AND THEIR HALOGENATED, SULPHONATED, NITRATED OR NITROSATED DERIVATIVES:											
2905	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:											
	Other polyhydric alcohols:											
2905 43 00	Mannitol							300				
2905 44	D-Glucitol (sorbitol)											
	In aqueous solution:											
11	Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content					172						

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
19	Other:							90				
	Other:											
91	Containing 2 % or less by weight of manitol, calculated on the D-Glucitol content					245						
99	Other							128				
3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:											
3505 10	Dextrins and other modified starches:											
10	Dextrins:					189						
	Other modified starches:											
90	Other					189						
3505 20	Glues:											
10	Containing, by weight, less than 25 % of starches or dextrins or other modified starches					48						
30	Containing, by weight, 25 % or more but less than 55 % of starches or dextrins or other modified starches					95						
50	Containing, by weight, 55 % or more but less than 80 % of starches or dextrins or other modified starches					151						
90	Containing, by weight, 80 % or more of starches or dextrins or other modified starches					189						
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordents), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:											
3809 10	With a basis of amylaceous substances:											
10	Containing by weight of such substances less than 55 %					95						
30	Containing by weight of such substances 55 % or more but less than 70 %					132						
50	Containing by weight of such substances 70 % or more but less than 83 %					161						
90	Containing by weight of such substances 83 % or more					189						

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
3823	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:											
3823 60	Sorbitol other than of subheading 2905 44:											
	In aqueous solution:											
11	Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content					172						
19	Other							90				
	Other:											
91	Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content					245						
99	Other							128'				

'ANNEX II

(per 100 kg of goods)

Milk fat, milk proteins, sucrose, invert sugar and isoglucose; starch and glucose contents	Skimmed-milk powder (PG 2)	Whole-milk powder (PG 3)	Butter (PG 6)	Sugar	Common wheat	Maize
	kg	kg	kg	kg	kg	kg
A. Containing no milk fats or containing less than 1,5 % by weight of such fats, and containing by weight of milk proteins:						
2,5 % or more but less than 6 %	14					
6 % or more but less than 18 %	42					
18 % or more but less than 30 %	75					
30 % or more but less than 60 %	146					
60 % or more	208					
Containing 1,5 % or more but less than 3 % by weight of milk fats:						
Containing no milk proteins or containing less than 2,5 % by weight of such proteins:			3			
Containing by weight of milk proteins:						
2,5 % or more but less than 6 %	14		3			
6 % or more but less than 18 %	42		3			
18 % or more but less than 30 %	75		3			
30 % or more but less than 60 %	146		3			
60 % or more	208		3			
Containing 3 % or more but less than 6 % by weight of milk fats:						
Containing no milk proteins or containing less than 18 % by weight of such proteins		20				
Containing 18 % or more by weight of milk proteins	72	20				
Containing 6 % or more but less than 9 % by weight of milk fats:						
Containing no milk proteins or containing less than 18 % by weight of such proteins		32				
Containing 18 % or more by weight of milk proteins	60	32				
Containing 9 % or more but less than 12 % by weight of milk fats:						
Containing no milk proteins or containing less than 18 % by weight of such proteins		43				
Containing 18 % or more by weight of milk proteins	49	43				
Containing 12 % or more but less than 18 % by weight of milk fats:						
Containing no milk proteins or containing less than 18 % by weight of such proteins		63				
Containing 18 % or more by weight of milk proteins	29	63				
Containing by weight of milk fats:						
18 % or more but less than 26 %		81	4			
26 % or more but less than 40 %		52	29			
40 % or more but less than 55 %			63			
55 % or more but less than 70 %			81			
70 % or more but less than 85 %			99			
85 % or more			117			
B. Containing by weight of sucrose, invert sugar and/or isoglucose:						
5 % or more but less than 30 %				24		
30 % or more but less than 50 %				45		
50 % or more but less than 70 %				65		
70 % or more				93		
C. Containing by weight of starch and/or glucose:						
5 % or more but less than 25 %					22	22
25 % or more but less than 50 %					47	47
50 % or more but less than 75 %					74	74
75 % or more					101	101'

'ANNEX III

Milk fat (% by weight)	Milk proteins (% by weight)	Starch/Glucose (% by weight) (*)																		
		⩾0<5					⩾5<25					⩾25<50				⩾50<75			⩾75	
		Sucrose/Invertsugar/Isoglucose (% by weight) (**)																		
		⩾0 <5	⩾5 <30	⩾30 <50	⩾50 <70	⩾70	⩾0 <5	⩾5 <30	⩾30 <50	⩾50 <70	⩾70	⩾0 <5	⩾5 <30	⩾30 <50	⩾50	⩾0 <5	⩾5 <30	⩾30	⩾0 <5	⩾5
⩾0<1,5	⩾0<2,5	000	001	002	003	004	005	006	007	008	009	010	011	012	013	015	016	017	800	801
	⩾2,5<6	020	021	022	023	024	025	026	027	028	029	030	031	032	033	035	036	037	820	821
	⩾6<18	040	041	042	043	044	045	046	047	048	049	050	051	052	053	055	056	057	840	841
	⩾18<30	060	061	062	063	064	065	066	067	068	069	070	071	072	073	075	076	077	860	861
	⩾30<60	080	081	082	083	084	085	086	087	088	×	090	091	092	×	095	096	×	×	×
	⩾60	810	811	812	×	×	815	816	817	×	×	830	831	×	×	×	×	×	×	×
⩾1,5<3	⩾0<2,5	100	101	102	103	104	105	106	107	108	109	110	111	112	113	115	116	117	900	901
	⩾2,5<6	120	121	122	123	124	125	126	127	128	129	130	131	132	133	135	136	137	920	921
	⩾6<18	140	141	142	143	144	145	146	147	148	149	150	151	152	153	155	156	157	940	941
	⩾18<30	160	161	162	163	164	165	166	167	168	169	170	171	172	173	175	176	177	960	961
	⩾30<60	180	181	182	183	×	185	186	187	188	×	190	191	192	×	195	196	×	×	×
	⩾60	910	911	912	×	×	915	916	917	×	×	930	931	×	×	×	×	×	×	×
⩾3<6	⩾0<18	200	201	202	203	204	205	206	207	208	209	210	211	212	213	215	216	217	220	221
	⩾18	260	261	262	263	264	265	266	267	268	269	270	271	272	273	275	276	×	280	×
⩾6<9	⩾0<18	300	301	302	303	304	305	306	307	308	309	310	311	312	313	315	316	317	320	321
	⩾18	360	361	362	363	364	365	366	367	368	369	370	371	372	373	375	376	×	380	×
⩾9<12	⩾0<18	400	401	402	403	404	405	406	407	408	409	410	411	412	413	415	416	417	420	421
	⩾18	460	461	462	463	464	465	466	467	468	×	470	471	472	×	475	476	×	×	×
⩾12<18	⩾0<18	500	501	502	503	504	505	506	507	508	509	510	511	512	513	515	516	517	520	521
	⩾18	560	561	562	563	564	565	566	567	568	×	570	571	572	×	575	576	×	×	×
⩾18<26		600	601	602	603	604	605	606	607	608	609	610	611	612	613	615	616	617	620	621
⩾26<40		700	701	702	703	704	705	706	707	708	×	710	711	712	×	715	716	×	×	×
⩾40<55		720	721	722	723	×	725	726	727	728	×	730	731	732	×	735	736	×	×	×
⩾55<70		740	741	742	×	×	745	746	747	×	×	750	751	×	×	×	×	×	×	×
⩾70<85		760	761	762	×	×	765	766	×	×	×	770	771	×	×	×	×	×	×	×
⩾85		780	781	×	×	×	785	786	×	×	×	×	×	×	×	×	×	×	×	×

(*) Starch/Glucose

The content of the goods (as presented) in starch, its degradation products, i.e. all the ploymers of glucose, and the glucose, determined as glucose and expressed as starch (on a dry matter basis, 100 % purity, factor for conversion of glucose to starch: 0,9).

However, where a mixture of glucose and fructose is declared (in whatever form) and/or is found to be present in the goods, the amount of glucose to be included in the above calculation is that which is in excess of the fructose content of the goods.

(**) Sucrose/Invert sugar/Isoglucose

The content of the goods (as presented), in sucrose, together with the sucrose which results from expressing as sucrose any mixture of glucose and fructose (the arithmetical sum of the amounts of these two sugars multiplied by 0,95), which is declared (in whatever form) and/or found to be present in the goods.

However, where the fructose content of the goods is less than the glucose content, the amount of glucose to be included in the above calculation shall be an amount equal, by weight, to that of fructose..

Note: In all cases, where a hydrolysis product of lactose is declared, and/or galactose is found to be present among the sugars, then the amount of glucose equal to that of galactose is deducted from the total glucose content before any other calculations are carried out.'