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COMMISSION REGULATION (EC) No 1518/95

of 29 June 1995

laying down detailed rules for the application of Regulations (EEC) No 1418/76 and (EEC) No 1766/92 as regards the import and export system for products processed from cereals and rice and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice

(OJ L 147, 30.6.1995, p. 55)

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 [2], and in particular Articles 10 (4), 11 (4), 13 (11) and 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice [3], as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Articles 12 (4), 13 (4), 14 (16) and 17 (11) thereof,

Whereas implementation of the Agreement on Agriculture reached as part of the Uruguay Round involves major amendments to the import and export system and whereas, therefore, rules should be laid down for the application of the system of import duties and refunds applicable in trade with third countries in products processed from cereals and from rice, excluding compound feedingstuffs, for which special rules have been laid down;

Whereas the object of the refund should be to cover the difference between the prices for products within the Community and those charged on the world market; whereas, for that purpose, criteria should be established for determining the refund essentially by reference to prices of the basis products within and outside the Community, and to the outlets and conditions for the sale of processed products on the world market;

Whereas Commission Regulation (EEC) No 1620/93 [4] is to be repealed on 1 July 1995 and whereas, as a result, this Regulation should incorporate its provisions, whilst adjusting them to present market conditions and to the implementation of the agreements concluded as part of the Uruguay Round of multilateral trade negotiations;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of this Regulation 'processed products' means the products or groups of products listed:

(a) in Annex A to Regulation (EEC) No 1766/92, except the products falling within CN code ex 2309;

(b) in Article 1 (1) (c) of Regulation (EEC) No 1418/76.

2. For the purposes of this Regulation 'basic products' means the cereals listed in Article 1 (a) and (b) of Regulation (EEC) No 1766/92 and broken rice.

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(1) OJ No L 181, 1. 7. 1992, p. 21.
(2) OJ No L 349, 31. 12. 1994, p. 105.
(3) OJ No L 166, 25. 6. 1976, p. 1.
(4) OJ No L 155, 26. 6. 1993, p. 29.

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TITLE I

Refunds

Article 2

1. The refund which may be granted on processed products shall be determined with particular reference to:

(a) the movements of prices for the basic products within the Community, compared with world market prices;

(b) the quantities of basic products needed for the manufacture of the product in question and, where applicable, their interchangeability;

(c) the possible cumulation of refunds applicable to various products obtained from one and the same process and one and the same basic product;

(d) outlets and conditions of sale for processed products on the world market.

2. The refunds shall be fixed at least once a month.

Article 3

1. The refund shall be adjusted in accordance with Article 12 of Commission Regulation (EC) No 1162/95 ([1]). The adjustment shall be made by increasing or decreasing the refund by the amount resulting from each of the adjustments referred to in paragraphs 1 and 2 of Article 12 of Regulation (EC) No 1162/95, per tonne of basic product, multiplied by the coefficient listed in column 4 of Annex I against the processed product in question.

2. For the purposes of Article 13 (8) of Regulation (EEC) No 1766/92, the amount zero shall not be considered to be a refund, and consequently the adjustment referred to in Article 12 (3) of Regulation (EC) No 1162/95 shall not apply.

Article 4

1. Member States shall inform the Commission, each day before 15.00 (Brussels time), of the quantities for which export licences have been applied for.

2. In the case of products processed from cereals and rice not mentioned in Article 7 (3) of Regulation (EC) No 1162/95, Member States shall inform the Commission, by Wednesday of each week in respect of the preceding week and for each product code as defined in the Annex to Commission Regulation (EEC) No 3846/87 ([2]), of the quantities for which licences have been issued, broken down into products exported with a refund and products exported without a refund.

TITLE II

Shortage clause

General provisions

Article 5

1. Where, for one or more products, the conditions referred to in Article 16 of Regulation (EEC) No 1766/92 and in Article 17 of Regulation (EEC) No 1418/76 are met, the following measures may be taken by the Commission:

(a) application of an export tax. This tax shall be fixed by the Commission once per week. It may be varied depending on the destination;

(b) total or partial suspension of the issuing of export licences;

(c) total or partial rejection of pending export licence applications.

2. The export tax referred to in paragraph 1 (a) shall be that applicable on the day on which customs formalities are completed.

([1]) OJ No L 117, 24. 5. 1995, p. 2.
([2]) OJ No L 366, 24. 12. 1987, p. 1.

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However, at the request of the applicant, submitted at the same time as the licence application, the export tax applicable on the day of lodging of the licence application shall apply to an export operation to be carried out during the period of validity of the licence.

3. The Commission shall notify the Member States of its decision and publish it.

Article 6

The methods used for assessing the ash content, the fat content and the starch content, the denaturing process, and any other method of analysis necessary for the application of this Regulation as regards the import and export system, shall be determined, if necessary, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and Article 27 of Regulation (EEC) No 1418/76.

Article 7

In Article 7 (3) of Regulation (EC) No 1162/95, CN code 1104 22 99 is inserted after CN code 1104 21 50.

Article 8

Regulation (EEC) No 1620/93 is hereby repealed as from 1 July 1995. However, it shall remain applicable to import licences issued before 1 July 1995.

Article 9

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply to licences issued from 1 July 1995.

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

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ANNEX

CN/code Product code	Description of goods	Basic product	Coefficient
1	2	3	4
1102	**Cereal flours other than of wheat or meslin:**		
1102 20 10 200	Maize (corn) flour, of a fat content not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	Maize	1,40
1102 20 10 400	Maize (corn) flour, of a fat content exceeding 1,3 % but not exceeding 1,5 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	Maize	1,20
1102 20 90 200	Maize (corn) flour, of a fat content exceeding 1,5 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	Maize	1,20
1102 90 10 100	Other, barley flour, of an ash content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	Barley	1,50
1102 90 10 900	Other, barley flour, other	Barley	1,02
1102 90 30 100	Other, oat flour, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a crude fibre content, referred to dry matter, not exceeding 1,8 % by weight, of a moisture content not exceeding 11 % and of which the peroxidase is virtually inactivated	Oats	1,80
1103	**Cereal groats, meal and pellets:**		
1103 12 00 100	Groats and meal, of oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxidase is virtually inactivated	Oats	1,80
1103 13 10 100	Groats and meal, of maize (corn), of a fat content exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight	Maize	1,80
1103 13 10 300	Groats and meal, of maize (corn), of a fat content exceeding 0,9 % but not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	Maize	1,40
1103 13 10 500	Groats and meal, of maize (corn), of a fat content exceeding 1,3 % but not exceeding 1,5 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	Maize	1,20
1103 13 90 100	Groats and meal, of maize (corn), other, of a fat content exceeding 1,5 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	Maize	1,20
1103 19 10 000	Groats and meal, of rye	Rye	1,00
1103 19 30 100	Groats and meal, of barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	Barley	1,55
1103 21 00 000	Pellets, of wheat	Wheat	1,02
1103 29 20 000	Pellets, of barley	Barley	1,02
1104	**Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006; germ of cereals, whole, rolled, flaked or ground:**		
1104 11 90 100	Rolled or flaked grains, of barley, flaked, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 %	Barley	1,50

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CN/code Product code	Description of goods	Basic product	Coefficient
1	2	3	4
1104 12 90 100	Rolled or flaked grains, of oats, flaked, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 12 % and of which the peroxidase is virtually inactivated	Oats	2,00
1104 12 90 300	Rolled or flaked grains, of oats, flaked, of an ash content, referred to dry matter not exceeding 2,3 % by weight, of a tegument content exceeding 0,1 % but not exceeding 1,5 %, of a moisture content not exceeding 12 % and of which the peroxidase is virtually inactivated	Oats	1,60
1104 19 10 000	Rolled or flaked grains, of wheat	Wheat	1,02
1104 19 50 110	Rolled or flaked grains, of maize, of a fat content referred to dry matter not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,7 % by weight	Maize	1,60
1104 19 50 130	Rolled or flaked grains, of maize, of a fat content, referred to dry matter, exceeding 0,9 % but not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	Maize	1,30
1104 21 10 100	Grains, of barley, hulled (shelled or husked), of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	Barley	1,50
1104 21 30 100	Grains, of barley, hulled and sliced or kibbled (‘Grütze’ or ‘grutten’), of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	Barley	1,50
1104 21 50 100	Grains, of barley, pearled, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — first category	Barley	2,00
1104 21 50 300	Grains, of barley, pearled, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — Second category	Barley	1,60
► M 1 1104 22 20 100 ◄	Grains, of oats, hulled (shelled or husked), of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,5 %, of a moisture content not exceeding 0,5 %, of a moisture content not exceeding 11 % and of which the peroxidase is virtually inactivated	Oats	1,60
1104 22 30 100	Grains, of oats, hulled and sliced or kibbled (‘Grütze’ or ‘grutten’), of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxidase is virtually inactivated	Oats	1,70

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1104 23 10 100	Grains, of maize (corn), hulled (shelled or husked), whether or not sliced or kibbled, of a fat content, referred to dry matter, not exceeding 0,9 % by weight, of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight (‘Grütze’ or ‘grutten’)	Maize	1,50
1104 23 10 300	Grains, of maize (corn), hulled (shelled or husked), whether or not sliced or kibbled, of a fat content, referred to dry matter, exceeding 0,9 % but not exceeding 1,3 % by weight, of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight ‘Grütze’ or ‘grutten’)	Maize	1,15
1104 29 11 000	Grains, of wheat, hulled (shelled or husked), not sliced or kibbled	Wheat	1,02
1104 29 51 000	Grains, of wheat, hulled (shelled or husked), not otherwise worked than kibbled	Wheat	1,00
1104 29 55 000	Grains, of rye, hulled (shelled or husked), not otherwise worked than kibbled	Wheat	1,00
1104 30 10 000	Germ, of wheat, whole, rolled, flaked or ground	Wheat	0,25
1104 30 90 000	Germ, of cereals, other, whole, rolled, flaked or ground	Maize	0,25

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CN/code Product code	Description of goods	Basic product	Coefficient
1	2	3	4
1107	**Malt, whether or not roasted:**		
1107 10 11 000	Not roasted, of wheat, in the form of flour	Wheat	1,78
1107 10 91 000	Not roasted, other, in the form of flour	Barley	1,78
1108	**Starches; inulin:**		
1108 11 00 200	Wheat starch, of a dry matter content of not less than 87 % and a purity in the dry matter of not less than 97 %	Wheat	2,00
1108 11 00 300	Wheat starch, of a dry matter content of not less than 84 % but less than 87 % and a purity in the dry matter of not less than 97 %	Wheat	2,00
1108 12 00 200	Maize (corn) starch, of a dry matter content of not less than 87 % and a purity in the dry matter of not less than 97 %	Maize	1,60
1108 12 00 300	Maize (corn) starch, of a dry matter content of not less than 84 % but less than 87 % and a purity in the dry matter of not less than 97 %	Maize	1,60
1108 13 00 200	Potato starch, of a dry matter content of not less than 80 % and a purity in the dry matter of not less than 97 %	Maize	1,60
1108 13 00 300	Potato starch, of a dry matter content of not less than 77 % but less than 80 % and a purity in the dry matter of not less than 97 %	Maize	1,60
1108 19 10 200	Rice starch, of a dry matter content of not less than 87 % and a purity in the dry matter of not less than 97 %	Rice	1,52
1108 19 10 300	Rice starch, of a dry matter content of not less than 84 % but less than 87 % and a purity in the dry matter of not less than 97 %	Rice	1,52
1702	**Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel**		
1702 30 51 000	Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose, Containing in the dry state 99 % or more by weight of glucose, in the form of white crystalline powder, whether or not agglomerated	Maize	2,09
1702 30 59 000	Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose, containing in the dry state 99 % or more by weight of glucose, other	Maize	1,60
1702 30 91 000	Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose, other, in the form of white crystalline powder, whether or not agglomerated	Maize	2,09
1702 30 99 000	Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose, other	Maize	1,60
1702 40 90 000	Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose, other	Maize	1,60
1702 90 50 100	Maltodextrine, in the form of white crystalline powder, whether or not agglomerated	Maize	2,09
1702 90 50 900	Maltodextrine and maltodextrine syrup, other	Maize	1,60
1702 90 75 000	Caramel, in the form of powder, whether or not agglomerated	Maize	2,19
1702 90 79 000	Caramel, other	Maize	1,52
2106 90 55 000	Food preparations not elsewhere specified or included, flavoured or coloured sugar syrups, glucose syrup and maltodextrine syrup	Maize	1,60