COMMISSION REGULATION (EC) No 87/1999

of 14 January 1999

amending Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively

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 organisation of the market in cereals [1], as last amended by Commission Regulation (EC) No 923/96 [2], and in particular Article 7(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice [3], as last amended by Regulation (EC) No 2072/98 [4], and in particular Article 7 thereof,

Whereas Annexes I and II to Commission Regulation (EEC) No 1722/93 [5], as last amended by Regulation (EC) No 1011/98 [6], list the products for which starch attracting production refunds is used and the basic starches and/or their derivatives which can be used; whereas certain CN codes and the relevant descriptions in those Annexes no longer correspond to Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [7], as last amended by Commission Regulation (EC) No 2261/98 [8];

Whereas the Annexes to Regulation (EEC) No 1722/93 should be amended accordingly;

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

Annexes I and II to Regulation (EEC) No 1722/93 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 181, 1. 7. 1992, p. 21.
[2] OJ L 126, 24. 5. 1996, p. 37.
[3] OJ L 329, 30. 12. 1995, p. 18.
[4] OJ L 265, 30. 9. 1998, p. 4.
[5] OJ L 159, 1. 7. 1993, p. 112.
[6] OJ L 145, 15. 5. 1998, p. 11.
[7] OJ L 256, 7. 9. 1987, p. 1.
[8] OJ L 292, 30. 10. 1998, p. 1.

ANNEX

'ANNEX I

Products for which starch and/or its derivatives are used and falling within the following codes and chapters of the combined nomenclature

CN code	Description
ex 1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
	– Mucilages and thickeners, whether or not modified, derived from vegetable products
ex 1302 32 90	– – – Mucilage of guar seeds
ex 1302 39 00	– – Other:
	– Carrageenan
ex 1404	Vegetable products not elsewhere specified or included:
1404 20 00	– Cotton linters
ex 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 50 00	– Chemically pure fructose
ex 1702 90	– Other, including invert sugar:
1702 90 10	– – Chemically pure maltose
ex Chapter 29	Organic chemicals, excluding subheadings 2905 43 00 and 2905 44
Chapter 30	Pharmaceutical products
3402	Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations), and cleaning preparations, whether or not containing soap, other than those of heading No 3401
ex Chapter 35	Albuminoidel substances; modified starches; glues; enzymes excluding heading No 3501 and subheading 3505 10 10, 3505 10 90 and 3505 20
ex Chapter 38	Miscellaneous chemical products excluding heading Nos 3809 and 3824 60
Chapter 39	Plastics and articles thereof
ex Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard
4801 00	Newsprint, in rolls or sheets
4802	Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes, and punch card stock and punch tape paper, in rolls or sheets, other than paper falling within heading No 4801 or 4803; handmade paper and paperboard
4803 00	Toilet or facial tissue stock, towel or napkin stock and similar paper of a kind used for household or sanitary purposes, cellulose wadding and webs of cellulose fibres, whether or not creped, crinkled, embossed, perforated, surface-coloured, surface-decorated or printed, in rolls or sheets
4804	Uncoated craft paper and paperboard, in rolls or sheets, other than that of heading No 4802 or 4803
4805	Other uncoated paper and paperboard, in rolls or sheets, not further worked or processed than as specified in note 2 in Chapter 48 of the Combined Nomenclature
4806	Vegetable parchment, greaseproof papers, tracing papers, and glassine and other glazed transparent or translucent papers, in rolls or sheets

CN code	Description
4807	Composite paper and paperboard (made by sticking flat layers of paper or paperboard together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets
4808	Paper and paperboard, corrugated (with or without glued flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets, other than paper of the kind described in heading No 4803
4809	Carbon paper, self-copy paper and other copying or transfer papers (including coated or impregnated paper for duplicator stencils or offset plates), whether or not printed, in rolls or sheets
4810	Paper and paperboard, coated on one or both sides with kaolin (china clay) or other inorganic substances, with or without a binder, and with no other coating, whether or not surface-coloured, surface-decorated or printed, in rolls or sheets
4811	Paper, paperboard, cellulose wadding and webs of cellulose fibres, coated, impregnated covered, surface-coloured, surface-decorated or printed, in rolls or sheets, other than goods of the kind described in heading No 4803, 4809 or 4810
4812 00 00	Filter blocks, slabs and plates, of paper pulp
ex 4813	Cigarette paper, whether or not cut to size or in the form of booklets or tubes:
ex 4813 90	— Other
ex 4814	Wallpaper and similar wall coverings; window transparencies or paper:
4814 10 00	— "ingrain" paper
4814 20 00	— Wallpaper and similar wall coverings, consisting of paper coated or covered, on the face side, with a grained, embossed, coloured, design-printed or otherwise decorated layer of plastics
4814 90	— Other
ex 4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those falling within heading No 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes:
4816 10 00	— Carbon or similar copying papers
4816 90 00	— Other
Chapter 52	Cotton
ex 5801	Woven pile fabrics and chenille fabrics, other than fabrics of heading No 5806:
	— Of cotton:
5801 21 00	— — Uncut weft pile fabrics
ex 5802	Terry towelling and similar woven terry fabrics, other than narrow fabrics of heading No 5806; tufted textile fabrics, other than products of heading No 5703:
	— Terry towelling and similar woven terry fabrics, of cotton:
5802 11 00	— — Unbleached
5802 19 00	— — Other
ex 5803	Gauze, other than narrow fabrics falling within heading No 5806:
5803 10 00	— Of cotton

ANNEX II

CN code	Description	Quality of starch needed to produce one tonne (Coefficient)
	A. BASIC STARCHES (1) (4)	
ex 1108	Starches; inulin:	
	– Starches:	
1108 11 00	– – Wheat starch	1,00
1108 12 00	– – Maize (corn) starch	1,00
1108 13 00	– – Potato starch	1,00
ex 1108 19	– – Other starches:	
1108 19 10	– – – Rice starch	1,00
ex 1108 19 90	– – – Other starches: barley and oats starch	1,00
	B. THE FOLLOWING DERIVED PRODUCTS WHEN BASED ON THE ABOVE	
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:	
ex 1702 30	– Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose:	
	– – Other:	
	– – – Containing in the dry state 99 % or more by weight of glucose:	
1702 30 51	– – – – In the form of white crystalline powder, whether or not agglomerated	1,304
1702 30 59	– – – – Other (2)	1,00
	– – – Other:	
1702 30 91	– – – – In the form of white crystalline powder, whether or not agglomerated	1,304
1702 30 99	– – – – Other (2)	1,00
ex 1702 40	– Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose:	
1702 40 90	– – Other (2)	1,00
ex 1702 90	– Other, including invert sugar:	
1702 90 50	– – Maltodextrine and maltodextrine syrup:	
	– – – In the form of white crystalline powder, whether or not agglomerated	1,304
	– Other (2):	1,00
	– – Caramel:	
	– – – Other:	
1702 90 75	– – – – In the form of powder, whether or not agglomerated	1,366
1702 90 79	– – – – Other (2)	0,95

CN code	Description	Quality of starch needed to produce one tonne (Coefficient)
ex 2905	Acrylic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:	
	– Other polyhydric alcohols:	
2905 43 00	– – Mannitol	1,52
2905 44	– – D-glucitol (sorbitol):	
	– – – In aqueous solution:	
2905 44 11	– – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content (3)	1,068
2905 44 19	– – – – Other (3)	0,944
	– – – Other:	
2905 44 91	– – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	1,52
2905 44 99	– – – – Other	1,52
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches), glues based on starches, or on dextrins or other modified starches:	
ex 3505 10	– Dextrins and other modified starches:	
3505 10 10	– – Dextrins (5)	1,14
	– – Other modified starches:	
3505 10 90	– – – Other (5)	1,14
3505 20	– Glues	1,14
ex 3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), 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 (5)	1,14
ex 3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (icluding 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:	
3824 60	– Sorbitol other than that of subheading 2905 44	
	– – In acqueous solution:	
3824 60 11	– – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content (3)	1,068
3824 60 19	– – – Other (3)	0,944
	– – Other:	
3824 60 91	– – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	1,52
3824 60 99	– – – Other	1,52

(1) The coefficient shown applies to starch with a dry matter content of at least 87 % in the case of maize, rice, wheat, barley and oats starches, and of at least 80 % in the case of potato starch.

The production refund payable on basic starch of a lower dry matter content than that shown is to be adjusted using the following formula:

1. Maize, rice, wheat, barley and oat starch:

$$\frac{\text{Actual percentage of dry matter}}{87} \times \text{Production refund}$$

2. Potato starch:

$$\frac{\text{Actual percentage of dry matter}}{80} \times \text{Production refund}$$

The dry matter content of starch is determined by the method laid down in Annex II to Commission Regulation (EEC) No 1908/84 (OJ L 178, 5. 7. 1984, p. 22). Where the production refund is paid on starch covered by CN code 1108, the starch content in the dry matter must be at least 97 %. The method set out in Annex III to this Regulation is to be used to determine the degree of purity of starch.

(2) The production refund is payable on products covered by CN codes with a dry matter content of at least 78 %. The production refund payable on products covered by these CN codes with a dry matter content of less than 78 % is to be adjusted using the following formula:

$$\frac{\text{Actual percentage of dry matter}}{78} \times \text{Production refund}$$

(3) The production refund is payable on D-glucitol (sorbitol) in aqueous solution with a dry matter content of at least 70 % Where the dry matter content is lower than 70 %, the production refund is to be adjusted using the following formula:

$$\frac{\text{Actual percentage of dry matter}}{70} \times \text{Production refund}$$

(4) Directly produced from maize, wheat, barley, oats, rice or potatoes, with the exclusion of all use of by-products obtained at the time of the manufacture of other agricultural products or goods

(5) The production refund is payable on the starch or dextrin dry matter content.'