COMMISSION REGULATION (EC) No 2287/2000

of 13 October 2000

amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds and Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk producdts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in milk and milk products [1], as last amended by Regulation (EC) No 1670/2000 [2], and in particular Aricle 31(14) thereof,

Whereas:

(1) Commission Regulation (EEC) No 3846/87 [3], as last amended by Regulation (EC) No 1000/2000 [4] establishes, on the basis of the Combined Nomenclature, an agricultural product nomenclature for export refunds.

(2) The refund nomenclature currently lays down only a minimum fat content. In view of the adoption by the Codex Alimentarius Commission, at its session of 28 June to 3 July 1999, of a minimum milk-protein content for certain milk products that will be generally recognised and applied in international trade, the nomenclature should be amended with the insertion of the same minimum protein content and a maximum water content for the products concerned.

(3) In the interests of simplification, those codes relating to products for which there is no longer a refund or for which no licence applications have been received since July 1995 should be deleted. In addition, the refund granted for skimmed milk powder incorporated in certain compound feedingstuffs should be abolished (and the relevant codes deleted), since those products are eligible for aid when skimmed milk powder is incorporated.

(4) Annex II to Commission Regulation (EC) No 174/1999 [5], as last amended by Regulation (EC) No 1961/2000 [6], lays down the product groups for which, on certain conditions, a refund is granted for a product different from that for which the refund was fixed in advance. That Annex should be adjusted in line with the proposed amendments.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Sector 9 of Annex I to Regulation (EEC) No 3846/87 is amended as follows:

1. the information relating to CN codes 0401 to 0405 is replaced by that given in Annex I hereto;

2. the information relating to CN code 2309 is deleted;

3. footnote 8 is replaced by the following:

   '(8) Where, for products falling within this code, the milk-protein content (nitrogen content × 6,38) in non-fat milk solids is less than 34 %, no refund is payable. Where, for powdered products falling within this code, the water content in product weight is more than 5 %, no refund is payable.'

4. footnotes 2 and 9 are deleted.

Article 2

Annex II to Regulation (EC) No 174/1999 is replaced by Annex II hereto.

Article 3

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

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 193, 29.7.2000, p. 10.
[3] OJ L 366, 24.12.1987, p. 1.
[4] OJ L 114, 13.5.2000, p. 10.
[5] OJ L 20, 27.1.1999, p. 8.
[6] OJ L 234, 16.9.2000, p. 10.

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

Done at Brussels, 13 October 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

'9. **Milk and milk products**

CN code	Description of goods	Product code
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter [15]:	
0401 10	– Of a fat content, by weight, not exceeding 1 %:	
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000
0401 10 90	– – Other	0401 10 90 9000
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:	
	– – Not exceeding 3 %:	
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:	
	– – – – Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100
	– – – – Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500
0401 20 19	– – – Other:	
	– – – – Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100
	– – – – Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500
	– – Exceeding 3 %:	
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres	
0401 20 99	– – – Other:	
0401 30	– Of a fat content, by weight, exceeding 6 %:	
	– – Not exceeding 21 %:	
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:	
	– – – – Of a fat content, by weight:	
	– – – – – Exceeding 10 % but not exceeding 17 %	0401 30 11 9400
	– – – – – Exceeding 17 %	0401 30 11 9700
0401 30 19	– – – Other:	
	– – – – Of a fat content, by weight, exceeding 17 %:	0401 30 19 9700
	– – Exceeding 21 % but not exceeding 45 %:	
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:	
	– – – – Of a fat content, by weight:	
	– – – – – Not exceeding 35 %	0401 30 31 9100
	– – – – – Exceeding 35 % but not exceeding 39 %	0401 30 31 9400
	– – – – – Exceeding 39 %	0401 30 31 9700
0401 30 39	– – – Other:	
	– – – – Of a fat content, by weight:	
	– – – – – Not exceeding 35 %	0401 30 39 9100
	– – – – – Exceeding 35 % but not exceeding 39 %	0401 30 39 9400
	– – – – – Exceeding 39 %	0401 30 39 9700
	– – Exceeding 45 %:	
0401 30 91	– – – In immediate packings of a net content not exceeding 2 litres:	
	– – – – Of a fat content, by weight:	
	– – – – – Not exceeding 68 %	0401 30 91 9100
	– – – – – Exceeding 68 %	0401 30 91 9500

CN code	Description of goods	Product code
0401 30 99	– – – Other:	
	– – – – Of a fat content, by weight:	
	– – – – – Not exceeding 68 %	0401 30 99 9100
	– – – – – Exceeding 68 %	0401 30 99 9500
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter ([8]):	
ex 0402 10	– In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % ([11]):	
	– – Not containing added sugar or other sweetening matter ([13]):	
0402 10 11	– – – In immediate packings of a net content exceeding 2,5 kg	0402 10 11 9000
0402 10 19	– – – Other	0402 10 19 9000
	– – Other ([14]):	
0402 10 91	– – – In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000
0402 10 99	– – – Other	0402 10 99 9000
	– In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % ([11]):	
ex 0402 21	– – Not containing added sugar or other sweetening matter ([13]):	
	– – – Of a fat content, by weight, not exceeding 27 %:	
0402 21 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:	
	– – – – – Of a fat content, by weight:	
	– – – – – – Not exceeding 11 %	0402 21 11 9200
	– – – – – – Exceeding 11 % but not exceeding 17 %	0402 21 11 9300
	– – – – – – Exceeding 17 % but not exceeding 25 %	0402 21 11 9500
	– – – – – – Exceeding 25 %	0402 21 11 9900
	– – – – Other:	
0402 21 17	– – – – – Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000
0402 21 19	– – – – – Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:	
	– – – – – – Not exceeding 17 %	0402 21 19 9300
	– – – – – – Exceeding 17 % but not exceeding 25 %	0402 21 19 9500
	– – – – – – Exceeding 25 %	0402 21 19 9900
	– – – Of a fat content, by weight, not exceeding 27 %:	
0402 21 91	– – – – In immediate packings of a net content not exceeding 2,5 kg:	
	– – – – – Of a fat content, by weight:	
	– – – – – – Not exceeding 28 %	0402 21 91 9100
	– – – – – – Exceeding 28 % but not exceeding 29 %	0402 21 91 9200
	– – – – – – Exceeding 29 % but not exceeding 45 %	0402 21 91 9350
	– – – – – – Exceeding 45 %	0402 21 91 9500
0402 21 99	– – – – Other:	
	– – – – – Of a fat content, by weight:	
	– – – – – – Not exceeding 28 %	0402 21 99 9100
	– – – – – – Exceeding 28 % but not exceeding 29 %	0402 21 99 9200
	– – – – – – Exceeding 29 % but not exceeding 41 %	0402 21 99 9300
	– – – – – – Exceeding 41 % but not exceeding 45 %	0402 21 99 9400
	– – – – – – Exceeding 45 % but not exceeding 59 %	0402 21 99 9500
	– – – – – – Exceeding 59 % but not exceeding 69 %	0402 21 99 9600
	– – – – – – Exceeding 69 % but not exceeding 79 %	0402 21 99 9700
	– – – – – – Exceeding 79 %	0402 21 99 9900

CN code	Description of goods	Product code
ex 0402 29	– – Other (14):	
	– – – Of a fat content, by weight, not exceeding 27 %:	
	– – – – Other:	
0402 29 15	– – – – – In immediate packings of a net content not exceeding 2,5 kg:	
	– – – – – – Of a fat content, by weight:	
	– – – – – – – Not exceeding 11 %	0402 29 15 9200
	– – – – – – – Exceeding 11 % but not exceeding 17 %	0402 29 15 9300
	– – – – – – – Exceeding 17 % but not exceeding 25 %	0402 29 15 9500
	– – – – – – – Exceeding 25 %	0402 29 15 9900
0402 29 19	– – – – – Other:	
	– – – – – – Of a fat content, by weight:	
	– – – – – – – Exceeding 11 % but not exceeding 17 %	0402 29 19 9300
	– – – – – – – Exceeding 17 % but not exceeding 25 %	0402 29 19 9500
	– – – – – – – Exceeding 25 %	0402 29 19 9900
	– – – Of a fat content, by weight, not exceeding 27 %:	
0402 29 91	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 29 91 9000
0402 29 99	– – – – Other:	
	– – – – – Of a fat content, by weight:	
	– – – – – – Not exceeding 41 %	0402 29 99 9100
	– – – – – – Exceeding 41 %	0402 29 99 9500
	– Other:	
0402 91	– – Not containing added sugar or other sweetening matter (13):	
	– – – Of a fat content, by weight, not exceeding 8 %:	
	– – – – In immediate packings of a net content not exceeding 2,5 kg:	
	– – – – – Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 7,4 %	0402 91 11 9370
0402 91 19	– – – – Other:	
	– – – – – Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 7,4 %	0402 91 19 9370
	– – – Of a fat content, by weight exceeding 8 % but not exceeding 10 %:	
0402 91 31	– – – – In immediate packings of a net content not exceeding 2,5 kg:	
	– – – – – Of a non-fat lactic dry matter content of 15 % or more	0402 91 31 9300
0402 91 39	– – – – Other:	
	– – – – – Of a non-fat lactic dry matter content of 15 % or more	0402 91 39 9300
	– – – Of a fat content, by weight exceeding 45 %	
0402 91 99	– – – – Other	0402 91 99 9000
0402 99	– – Other (14):	
	– – – Of a fat content, by weight, not exceeding 9,5 %:	
0402 99 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:	
	– – – – – Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight, exceeding 6,9 %	0402 99 11 9350
0402 99 19	– – – – Other:	
	– – – – – Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight exceeding 6,9 %	0402 99 19 9350
	– – – Of a fat content, by weight exceeding 9,5 % but not exceeding 45 %:	

CN code	Description of goods	Product code
0402 99 31	– – – – In immediate packings not exceeding 2,5 kg:	
	– – – – – Of a fat content, by weight, not exceeding 21 %:	
	– – – – – – Of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150
	– – – – – Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300
	– – – – – Of a fat content, by weight, exceeding 39 %	0402 99 31 9500
0402 99 39	– – – – Other:	
	– – – – – Of a fat content, by weight, not exceeding 21 %, of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150
ex 0403	Buttermilk, curdled milk and cream, yoghurt, 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 fruits, nuts or cocoa:	
ex 0403 90	– Other:	
	– – Not flavoured nor containing added fruit, nuts or cocoa:	
	– – – In powder, granules or other solid forms (8) (12):	
	– – – – Not containing added sugar or other sweetening matter, with a fat content by weight (1):	
0403 90 11	– – – – – Not exceeding 1,5 %	0403 90 11 9000
0403 90 13	– – – – – Exceeding 1,5 % but not exceeding 27 %:	0403 90 13 9200
	– – – – – – Not exceeding 11 %	0403 90 13 9300
	– – – – – – Exceeding 11 % but not exceeding 17 %	0403 90 13 9500
	– – – – – – Exceeding 17 % but not exceeding 25 %	0403 90 13 9900
	– – – – – – Exceeding 25 %	0403 90 19 9000
0403 90 19	– – – – – Exceeding 27 %	
	– – – – Other, of a fat content, by weight (4):	
0403 90 33	– – – – – Exceeding 1,5 % but not exceeding 27 %:	
	– – – – – – Exceeding 11 % but not exceeding 25 %	0403 90 33 9400
	– – – – – – Exceeding 25 %	0403 90 33 9900
	– – – Other:	
	– – – – Not containing added sugar or other sweetening matter, with a fat content by weight (1):	
0403 90 51	– – – – – Not exceeding 3 %:	
	– – – – – – Not exceeding 1,5 %	0403 90 51 9100
0403 90 59	– – – – – Exceeding 6 %:	
	– – – – – – Exceeding 17 % but not exceeding 21 %	0403 90 59 9170
	– – – – – – Exceeding 21 % but not exceeding 35 %	0403 90 59 9310
	– – – – – – Exceeding 35 % but not exceeding 39 %	0403 90 59 9340
	– – – – – – Exceeding 39 % but not exceeding 45 %	0403 90 59 9510
	– – – – – – Exceeding 45 %	
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included:	
0404 90	– Other:	
	– – Not containing added sugar or other sweetening matter, of a fat content by weight (1):	
0404 90 21	– – – Not exceeding 1,5 %:	
	– – – – In powder or granules, with a water content not exceeding 5 % and a milk protein content in milk solids-non-fat:	
	– – – – – Of 29 % or more but less than 34 %	0404 90 21 9120
	– – – – – Of 34 % or more	0404 90 21 9160

CN code	Description of goods	Product code
0404 90 23	– – – Exceeding 1,5 % but not exceeding 27 % ([8]):	
	– – – – In powder or granules:	
	– – – – – Of a fat content, by weight:	
	– – – – – – Not exceeding 11 %	0404 90 23 9120
	– – – – – – Exceeding 11 % but not exceeding 17 %	0404 90 23 9130
	– – – – – – Exceeding 17 % but not exceeding 25 %	0404 90 23 9140
	– – – – – – Exceeding 25 %	0404 90 23 9150
ex 0404 90 29	– – – Exceeding 27 % ([8]):	
	– – – – In powder or granules, of a fat content by weight:	
	– – – – – Not exceeding 28 %	0404 90 29 9110
	– – – – – Exceeding 28 % but not exceeding 29 %	0404 90 29 9115
	– – – – – Exceeding 29 % but not exceeding 45 %	0404 90 29 9125
	– – – – – Exceeding 45 %	0404 90 29 9140
	– – Other, of a fat content by weight ([4]) ([8]):	
0404 90 81	– – – Not exceeding 1,5 %:	
	– – – – In powder or granules:	0404 90 81 9100
ex 0404 90 83	– – – Exceeding 1,5 % but not exceeding 27 %:	
	– – – – In powder or granules:	
	– – – – – Of a fat content, by weight:	
	– – – – – – Not exceeding 11 %	0404 90 83 9110
	– – – – – – Exceeding 11 % but not exceeding 17 %	0404 90 83 9130
	– – – – – – Exceeding 17 % but not exceeding 25 %	0404 90 83 9150
	– – – – – – Exceeding 25 %	0404 90 83 9170
	– – – – Other than powder or granules:	
	– – – – – Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of not less than 15 % by weight and a fat content by weight exceeding 6,9 %	0404 90 83 9936
ex 0405	Butter and other fats and oils derived from milk, dairy spreads:	
0405 10	– Butter:	
	– – Of a fat content, by weight, not exceeding 85 %:	
	– – – Natural butter:	
0405 10 11	– – – – In immediate packings of a net content not exceeding 1 kg:	
	– – – – – Of a fat content, by weight:	
	– – – – – – Of 80 % or more but less than 82 %	0405 10 11 9500
	– – – – – – Of 82 % or more	0405 10 11 9700
0405 10 19	– – – – Other:	
	– – – – – Of a fat content by weight:	
	– – – – – – Of 80 % or more but less than 82 %	0405 10 19 9500
	– – – – – – Of 82 % or more	0405 10 19 9700
0405 10 30	– – – Recombined butter:	
	– – – – In immediate packings of a net content not exceeding 1 kg:	
	– – – – – Of a fat content by weight:	
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9100
	– – – – – – Of 82 % or more	0405 10 30 9300
	– – – – Other:	
	– – – – – Of a fat content by weight:	
	– – – – – – Of 82 % or more	0405 10 30 9700

CN code	Description of goods	Product code
0405 10 50	– – – Whey butter:	
	– – – – In immediate packings of a net content not exceeding 1 kg:	
	– – – – – Of a fat content by weight:	
	– – – – – – Of 82 % or more	0405 10 50 9300
	– – – – Other:	
	– – – – – Of a fat content by weight:	
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9500
	– – – – – – Of 82 % or more	0405 10 50 9700
0405 10 90	– – Other	0405 10 90 9000
ex 0405 20	– Dairy spreads:	
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %	
	– – – Of a fat content by weight:	
	– – – – Of more than 75 % but less than 78 %	0405 20 90 9500
	– – – – Of 78 % or more	0405 20 90 9700
0405 90	– Other:	
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %	0405 90 10 9000
0405 90 90	– – Other	0405 90 90 9000’

ANNEX II

'ANNEX II

Product groups set by Article 4(3)

Group No	Milk product code (nomenclature for export refunds)
1	0401 10 10 9000 0401 20 11 9100 0401 20 11 9500 0401 20 91 9000 0401 30 11 9400 0401 30 11 9700 0401 30 31 9100 0401 30 31 9400 0401 30 31 9700 0401 30 91 9100 0401 30 91 9500
2	0401 10 90 9000 0401 20 19 9100 0401 20 19 9500 0401 20 99 9000 0401 30 19 9700 0401 30 39 9100 0401 30 39 9400 0401 30 39 9700 0401 30 99 9100 0401 30 99 9500
3	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900 0402 21 91 9100 0402 21 91 9200 0402 21 91 9350 0402 21 91 9500
4	0402 21 17 9000 0402 21 19 9300 0402 21 19 9500 0402 21 19 9900 0402 21 99 9100 0402 21 99 9200 0402 21 99 9300 0402 21 99 9400 0402 21 99 9500 0402 21 99 9600 0402 21 99 9700 0402 21 99 9900
5	0402 29 15 9200 0402 29 15 9300 0402 29 15 9500 0402 29 15 9900 0402 29 91 9000
6	0402 29 19 9300 0402 29 19 9500 0402 29 19 9900 0402 29 99 9100 0402 29 99 9500
8	0402 91 11 9370 0402 91 31 9300 0402 91 51 9000
10	0402 91 19 9370 0402 91 39 9300 0402 91 59 9000 0402 91 99 9000
11	0402 99 31 9300 0402 99 31 9500
12	0402 99 11 9350 0402 99 31 9150 0402 99 31 9300 0402 99 31 9500 0402 99 91 9000
14	0402 99 19 9350 0402 99 39 9150 0402 99 39 9300 0402 99 39 9500 0402 99 39 9000
17	0403 90 11 9000 0403 90 13 9200 0403 90 13 9300 0403 90 13 9500 0403 90 13 9900 0403 90 19 9000
18	0403 90 33 9400 0403 90 33 9900
19	0403 90 51 9100 0403 90 59 9170 0403 90 59 9310 0403 90 59 9340 0403 90 59 9370 0403 90 59 9510
21	0404 90 21 9120 0404 90 21 9160 0404 90 23 9120 0404 90 23 9130 0404 90 23 9140 0404 90 23 9150

Group No	Milk product code (nomenclature for export refunds)
22	0404 90 81 9100
	0404 90 83 9110
	0404 90 83 9130
	0404 90 83 9150
	0404 90 83 9170
23	0405 10 11 9500
	0405 10 11 9700
	0405 10 19 9500
	0405 10 19 9700
	0405 10 30 9100
	0405 10 30 9300
	0405 10 30 9700
	0405 10 50 9300
	0405 10 50 9500
	0405 10 50 9700
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