



COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(95) 743 final

95/0365 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

amending Council Regulation (EEC) No 2658/87 on the tariff and statistical
nomenclature and on the Common Customs Tariff

(presented by the Commission)

Explanatory Memorandum

The European Court of Justice annulled, on 14 December 1995 in Case C-267/94, Commission Regulation (EC) N° 1641/94 on the grounds that the Commission did not have the competence to adopt the Regulation in question,

This Council Regulation would create a new tariff line for corn gluten feed as defined under the Blair House agreement.

This proposal has no consequences for the Community budget.

Proposal for a
COUNCIL REGULATION (EC) No ...
of

amending Council Regulation (EEC) No 2658/87 on the tariff and statistical
nomenclature and on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular
Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas residues from the manufacture of starch from maize fall within heading 2303
of the Combined Nomenclature as set out in Annex I to Regulation (EEC)
No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the
Common Customs Tariff¹, as last amended by Commission Regulation (EC) No...² ;
whereas some imports comprise a blend of residues from the manufacture of starch from maize with
certain other types of residue, in particular screenings from maize and residues of maize steep-water
used for the manufacture of alcohol or of other starch derived products; whereas those mixtures must
be classified in heading 2309;

Whereas, in accordance with the outcome of the negotiations with the United States, some of these
blends may be imported into the Community free of duty; whereas they should be described in an
additional note to Chapter 23 and an appropriate subheading should also be created; whereas
Regulation (EEC) No 2658/87 should be amended accordingly,

¹ OJ No L 256, 7.9.1987, p. 1.

² OJ No

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2658/87 is hereby amended as follows:

1. The following additional note is hereby incorporated in Chapter 23:

"Subheading 2309 90 40 includes only residues from the manufacture of starch from maize and does not cover blends of such residues with products derived from other plants or products derived from maize otherwise than in the course of the production of starch by the wet process, containing:

- screenings from maize used in the wet process in a proportion not exceeding 15 % by weight and/or

- residues of maize steep-water, from the wet process, including residues of steep-water used for the manufacture of alcohol or of other starch derived products.

These products may also contain residues from the extraction of maize germ oil by the wet milling process.

Their starch content may not exceed 28% by weight on the dry product in accordance with the method contained in Annex I.1 to Commission Directive 72/199/EEC and their fat content may not exceed 4.5% by weight on the dry product determined in accordance with method A contained in Annex I to Commission Directive 84/4/EEC."

2. The subheadings in heading 2309 are hereby amended as follows :

CN Code	Description	Rate autonomous %	of duties conventional %	Supplementary unit
(1)	(2)	(3)	(4)	(5)
2309 10 to 2309 90 39	unchanged — containing more than 10 % but not more than 30 % by weight of starch :			
2309 90 40	— Products referred to in Additional Note 5 to this Chapter — Other :	exemption	exemption	-
2309 90 41	— containing no milk products or containing less than 10% by weight of such products	86 ECU/t	80.8 ECU/t(1)	-
2309 90 43	— containing not less than 10% by weight but less than 50% by weight of milk products	828 ECU/t	778.3 ECU/t	-
2309 90 49	— containing not less than 50% by weight of milk products	1 387 ECU/t	1 303.8 ECU/t	-
2309 90 51 to 2309 90 98	unchanged			

(1) WTO tariff quota : see Annex 7.

Article 2

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

It shall apply from 1 July 1994.

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

Done at Brussels, ...

For the Council

The President

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