

COMMISSION IMPLEMENTING REGULATION (EU) No 1113/2012**of 23 November 2012****amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In the interest of legal certainty, it is necessary to clarify the scope of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, as regards subheading 2710 20 Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included containing by weight 70 % or more of petroleum oils or oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, containing biodiesel, other than waste oils.
- (2) According to Subheading Note 5 to Chapter 27, the term 'biodiesel' means mono-alkyl esters of fatty acids (FAMAE) of a kind used as a fuel, derived from animal or vegetable fats or oils whether or not used.
- (3) In order to permit classification of products under subheading 2710 20 it is necessary to define the value of the minimum content of biodiesel provided for in that subheading.
- (4) It is therefore appropriate to add a new paragraph to Additional Note 2 to Chapter 27 of the Combined Nomenclature which establishes the value of the minimum content of biodiesel at 0,5 % by volume (determination by EN 14078 method).
- (5) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (6) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

In Part Two, Section V, Chapter 27, Additional Notes, of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, the following point (g) is inserted between 'Such products fall in subheadings 2710 19 71 to 2710 19 99 or 2710 20 90' and Additional Note 3:

'(g) "containing biodiesel" means that the products of subheading 2710 20 have a minimum content of biodiesel, i.e. mono-alkyl esters of fatty acids (FAMAE) of a kind used as a fuel, of 0,5 % by volume (determination by EN 14078 method).'

Article 2

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

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

Done at Brussels, 23 November 2012.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.