

## COMMISSION DIRECTIVE

of 23 December 1977

amending Directive 72/108/EEC fixing standard rates of yield for certain inward processing arrangements

(78/77/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 69/73/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing<sup>(1)</sup>, as last amended by Directive 76/119/EEC<sup>(2)</sup>, and in particular Article 12 thereof,

Whereas Article 12 of the abovementioned Directive provides that standard rates of yield which are to be applied to all undertakings engaged in a particular type of processing may be fixed on the basis of data previously ascertained, where circumstances so warrant and, in particular, as regards processing customarily carried out under clearly defined technical conditions in relation to goods of substantially uniform characteristics resulting in the production of compensating products of substantially uniform quality;

Whereas, pursuant to Article 9 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 2560/77<sup>(4)</sup>, the quantity of goods used at the time of inward processing operations may not exceed the quantity taken into account for determining the variable component of the levy;

Whereas the establishment of rates of yield for the most important products referred to in the said Regulation should be facilitated and a uniform implementation should be assured by fixing standard rates of yield based on the actual data for these products, while complying with Article 9 of Regulation (EEC) No 2744/75;

Whereas a detailed examination has made it possible to set apart a certain number of operations for which the conditions of Article 12 of the abovementioned Directive are fulfilled, both as regards the technical conditions under which they are carried out and as regards the uniform characteristics of the goods which are the subject of the operations and the products obtained therefrom;

Whereas Commission Directive 72/108/EEC of 1 February 1972 fixing standard rates of yield for certain inward processing operations<sup>(5)</sup>, as amended by Directive 76/681/EEC<sup>(6)</sup>, should consequently be amended;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for Customs Processing Arrangements,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Article 1 of Directive 72/108/EEC is hereby amended as follows:

*'Article 1*

This Directive lays down, in column 3 of Annexes I, II and III, the standard rates of yield which the competent authorities of each Member State must apply where inward processing operations relate to goods listed in column 1 and result in the production of the compensating products listed in column 2.'

*Article 2*

The text set out in the Annex hereto is hereby added to Directive 72/108/EEC.

*Article 3*

In the title of Annex II to Directive 72/108/EEC the words 'goods covered by Annex II to the Treaty' shall read 'products obtained from the processing of eggs and of egg products'.

*Article 4*

1. Member States shall bring into force, not later than 1 February 1978, the measures required to comply with this Directive, and shall inform the Commission thereof.

(1) OJ No L 58, 8. 3. 1969, p. 1.

(2) OJ No L 24, 30. 1. 1976, p. 58.

(3) OJ No L 281, 1. 11. 1975, p. 65.

(4) OJ No L 303, 28. 11. 1977, p. 1.

(5) OJ No L 45, 21. 2. 1972, p. 10.

(6) OJ No L 231, 21. 8. 1976, p. 15.

2. The Commission shall communicate the information to the other Member States.

Done at Brussels, 23 December 1977.

*For the Commission*

Étienne DAVIGNON

*Member of the Commission*

*Article 5*

This Directive is addressed to the Member States.

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## ANNEX

## ANNEX III

## INWARD PROCESSING ARRANGEMENTS

Products covered by Annex II to the Treaty obtained from the processing of cereals and of rice

(Regulation (EEC) No 2744/75)

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods, in kg
1		2		3
CCT heading No	Description	Code (1)	Description	
10.01 A	Common wheat	11.02 B II a) (1)	Wheat, hulled (shelled or husked whether or not sliced or kibbled (2)) or	98.04
		11.07 A I a)	Malt, unroasted, obtained from wheat, in the form of flour or	56.18
		11.07 A I b)	Malt, unroasted, obtained from wheat, in forms other than flour or	75.19
		11.08 A III	Wheat starch	45.46
10.02	Rye	11.02 D II	Rye not otherwise worked than kibbled	98.04
10.03	Barley	11.01 C (I)	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 or	66.67
		11.02 A III (a)	Barley groats and meal, 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 or	64.52
		11.02 B I a) 1 (aa)	Hulled (shelled or husked) 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 (2) or	66.67
		11.02 B I b) 1 (aa)	Hulled and sliced or kibbled 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 ('Grütze' or 'Grutten')(2)	66.67

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods, in kg
1		2		3
CCT heading No	Description	Code (1)	Description	
10.03 (cont'd)		11.02 C III (a)	or Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) <sup>(3)</sup> — 1st category	50.00
		11.02 C III (b)	or Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) <sup>(3)</sup> — 2nd category	62.50
		11.07 A II a)	or Malt, unroasted, other than obtained from wheat, in the form of flour	56.18
		11.07 A II b)	or Malt, unroasted, other than obtained from wheat, in forms other than flour	75.19
		11.07 B	or Malt, roasted	64.52
10.04	Oats	11.01 D (I)	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 peroxydase is virtually inactivated	55.56
		11.02 A IV (a)	or Oat groats and meal, 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 peroxydase is virtually inactivated	55.56
		11.02 B I a) 2 aa)	or Clipped oats	98.04
		11.02 B I a) 2 bb) (11)	or Hulled (shelled or husked) oats, 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 11 % and of which the peroxydase is virtually inactivated <sup>(2)</sup>	62.50
		11.02 B I b) 2 (aa)	or Hulled and sliced or kibbled 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 peroxydase is virtually inactivated ('Grütze' or 'Grutten') <sup>(2)</sup>	58.82
		11.02 C IV	or Pearled oats <sup>(3)</sup>	98.04

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods, in kg
1		2		3
CCT heading No	Description	Code (1)	Description	
10.04 (cont'd)		11.02 E I b) 2 (aa)	or Flaked 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 12 % and of which the peroxydase is virtually inactivated	50.00
		11.02 E I b) 2 (bb)	or Flaked oats, 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 peroxydase is virtually inactivated	62.50
		11.02 E I b) 2 (cc)	or Flaked oats not included under subheadings 11.02 E I b) 2 (aa) and 11.02 E I b) 2 (bb)	98.04
10.05 B	Maize, other	11.01 E (I)	Maize flour, of a fat content, referred to dry matter, not exceeding 1.3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0.8 % by weight	71.43
		11.01 E (II)	or Maize flour, of a fat content, referred to dry matter, exceeding 1.3 % but not exceeding 1.7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	98.04
		11.02 A V (a)	or Maize groats and meal, of a fat content, referred to dry matter, not exceeding 0.9 % by weight and a crude fibre content, referred to dry matter, not exceeding 0.6 % by weight (4)	55.56
		11.02 A V (b)	or Maize groats and meal, of a fat content, referred to dry matter, not exceeding 1.3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0.8 % by weight (4)	71.43
		11.02 A V (c)	or Maize groats and meal, of a fat content, referred to dry matter, exceeding 1.3 % by weight but not exceeding 1.7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1.0 % by weight (4)	98.04

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods, in kg
1		2		3
CCT heading No	Description	Code (1)	Description	
10.05 B (cont'd)		ex 11.02 E II c) (1)	or Flaked 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	62.50
		ex 11.02 E II c) (2)	or Flaked maize, of a fat content, referred to dry matter, not exceeding 1.3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0.8 % by weight	76.92
		ex 11.02 E II c) (3)	or Flaked maize, of a fat content, referred to dry matter, exceeding 1.3 % but not exceeding 1.7 % by weight and of a crude fibre content, referred to dry matter, and exceeding 1 % by weight	90.91
		11.08 A I	or Maize starch	62.11
		17.02 B II a)	or Glucose, in the form of white crystalline powder, whether or not agglomerated, containing, in the dry state, less than 99 % by weight of the pure product	47.62
		ex 17.02 B II b)	or Glucose containing, in the dry state, less than 99 % by weight of the pure product, other than glucose in the form of white crystalline powder, whether or not agglomerated	62.11
		ex 23.03 A I	or Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on dry matter, not exceeding 63 % by weight (N × 6.25)	50.00
10.06 C	Broken rice	11.01 F	Rice flour	94.34
		11.02 A VI	or Rice groats and meal	94.34
		11.02 E II d) 1	or Rice, flaked	94.34
		11.08 A II	or Rice starch	65.79

(1) The subheadings in this column correspond to those in the CCT. When further subdivision has been necessary this is shown in brackets (). These subdivisions correspond to those used in the Regulations fixing export refunds.

(2) Hulled grains are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).

(3) Pearled grains are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).

(4) This concerns maize groats and meal:

— of which a percentage not exceeding 30 % passes through a sieve with an aperture of 315 micrometres,

— of which a percentage not exceeding 5 % of product passes through a sieve with an aperture of 150 micrometres.