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REGULATION No 189/66/EEC OF THE COUNCIL  
of 24 November 1966  
on glucose and lactose

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament<sup>1</sup>;

Whereas prior to the Council Decision of 12 December 1964,<sup>2</sup> glucose, glucose syrup, lactose and lactose syrup fell within heading No 17.02 of the Common Customs Tariff of the European Communities, except for chemically pure glucose and lactose falling within heading No 29.43;

Whereas classification under two separate tariff headings gave rise to technical difficulties of application such that the Customs Co-operation Council decided to recommend that these products be regrouped within the same tariff heading so that they could be given identical customs treatment; whereas these difficulties have been increased in the Community by the fact that glucose and lactose, hitherto falling within tariff heading No 17.02, are listed in Annex II to the Treaty and made subject to the levy system, while chemically pure glucose and lactose remain subject to the system of customs duties, the economic incidence of which can be appreciably different;

Whereas these difficulties are the greater in that the products in question, whatever their degree of purity, are derived from the same basic products; whereas the criterion for customs classification between those

products which are and those which are not chemically pure is a 99% degree of purity; whereas products with a slightly higher or slightly lower degree of purity may have the same economic use; whereas, therefore, the application of different systems leads to distortions of competition which are all the greater because of interchangeability;

Whereas the only solution to these difficulties is to follow the Council Decision of 12 December 1964 by giving the products the same economic treatment whatever their degree of purity or, to the extent that this would appear adequate, by harmonising the treatment given to the two groups of products;

Whereas the Treaty does not specifically provide the authority needed to take such action; in these circumstances the necessary measures should be taken on the basis of Article 235 of the Treaty; whereas the most appropriate measures are to extend to chemically pure glucose and lactose the treatment given to other glucose and lactose within the common organisation of agricultural markets and to permit, in connection with amendments to the treatment given to the latter products, amendments to the treatment given to the former;

Whereas if chemically pure glucose and lactose are made subject to the system of trade established respectively by Council Regulation No 19<sup>3</sup> on the progressive establishment of a common organisation of the market in cereals, and by Council Regulation No 13/64/EEC<sup>4</sup> on the progressive establishment of a common organisation of the market in milk and milk products, the provision under the Council Decision of 14 April 1962<sup>5</sup> for levying a countervailing duty to offset price differences for primary products serves no further purpose;

<sup>1</sup> OJ No 96, 2.6.1965, p. 1654/65.

<sup>2</sup> OJ No 220, 31.12.1964, p. 3741/64.

<sup>3</sup> OJ No 30, 20.4.1962, p. 933/62.

<sup>4</sup> OJ No 34, 27.2.1964, p. 549/64.

<sup>5</sup> OJ No 30, 20.4.1962, p. 999/62.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The treatment given to glucose and glucose syrup under Regulation No 19 and under the provisions adopted for the application of that Regulation shall be extended to glucose and glucose syrup whose dry weight contains not less than 99% of the pure product, which until 31 December 1964 fell within sub-heading No 29.43 A and thereafter within sub-heading No 17.02 B I of the Common Customs Tariff.

2. The treatment given to lactose and lactose syrup under Regulation No 13/64/EEC and under the provisions adopted for the application of that Regulation shall be extended to lactose and lactose syrup whose dry weight contains not less than 99% of the pure product, which until 31 December 1964 fell within sub-heading No 29.43 B and thereafter within sub-heading No 17.02 A I of the Common Customs Tariff.

*Article 2*

When the treatment given to glucose and glucose syrup or to lactose and lactose syrup is amended

pursuant to Article 43 of the Treaty or in accordance with procedures established for the application of that Article, such amendments shall extend respectively to glucose and glucose syrup or to lactose and lactose syrup whose dry weight contains not less than 99% of the pure product, unless, in accordance with the same procedures, other measures are taken for the harmonising of the treatment applicable to these products with the treatment applicable to those already mentioned.

*Article 3*

Article 1 of the Council Decision of 4 April 1962<sup>1</sup> establishing the list of goods to which the Council Decision of 4 April 1962 providing for a countervailing duty to be levied on certain goods processed from agricultural products is applicable, shall be amended by deleting sub-headings Nos 29.43 A glucose and 29.43 B lactose.

*Article 4*

This Regulation shall enter into force on 1 January 1967.

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

Done at Brussels, 24 November 1966.

*For the Council*

*The President*

B. W. BIESHEUVEL

<sup>1</sup> OJ No 30, 20.4.1962, p. 1000/62.