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REGULATION (EEC) No 2607/70 OF THE COMMISSION

of 22 December 1970

on the classification of goods under sub-heading No 23.02 A I (a) of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 97/69¹ of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff, and in particular Article 3 thereof;

Whereas provision must be made to ensure uniform application of the nomenclature of the Common Customs Tariff with a view to classification of products obtained by grinding or milling and then, where appropriate, by agglomeration (in pellets) or whole maize (cobs, grain, stalks and leaves), containing about 30% starch by weight (in the dry matter), 6% protein and 19% raw cellulose;

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68² of 28 June 1968, as last amended by Council Regulation (EEC) No 2376/70³ of 23 November 1970, includes under sub-heading No 23.02 A I (a) bran, sharps and other residues derived from the sifting, milling or working of, *inter alia*, maize with a starch content not exceeding 35% by weight;

Whereas heading No 11.01 comprises cereal flours referred to in Chapter 10 of the Common Customs

Tariff; whereas that Chapter also includes certain cereals in the sheaf in accordance with the Explanatory Notes to the Brussels Nomenclature, Chapter 10, General Section; whereas therefore heading No 11.01 covers also flour obtained from whole maize (cobs, grain, stalks and leaves);

Whereas, in accordance with the additional note to Chapter 11, in order to distinguish between products within Nos 11.01 and 11.02, on the one hand, and those within sub-heading No 23.02 A, on the other, the only products considered as falling within Nos 11.01 and 11.02 are those having at the same time a starch content exceeding 45% (by weight) in the dry matter and for maize an ash content not exceeding 2% (by weight) in the dry matter;

Whereas since the products in question have a starch content of only about 30% (by weight) in the dry matter they are to be classified under sub-heading No 23.02 A I (a);

Whereas heading No 23.02 covers also agglomerated products in the form of cylinders, spheres, etc. (pellets);

Whereas the provisions of this Regulation are in accordance with the Opinion of the Committee on the Common Customs Tariff Nomenclature;

HAS ADOPTED THIS REGULATION:

Article 1

Products obtained by grinding or milling and then, where appropriate, by agglomeration (in pellets) of

¹ OJ No L 14, 21.1.1969, p. 1.

² OJ No L 172, 22.7.1968, p. 1.

³ OJ No L 258, 27.11.1970, p. 1.

whole maize (cobs, grain, stalks and leaves), in particular those containing about 30% starch by weight in the dry matter, 6% protein and 19% raw cellulose shall fall within Common Customs Tariff sub-heading No:

A. Of cereals:

1. Of maize or rice:

- (a) With a starch content not exceeding 35% by weight.

Article 2

23.02 Bran, sharps and other residues derived from the sifting, milling, or working of cereals or of leguminous vegetables:

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

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

Done at Brussels, 22 December 1970.

For the Commission

The President

Franco M. Malfatti
