Commission Regulation (EC) No 388/2009 of 12 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the import and export system for products processed from cereals and rice (Codified version)

COMMISSION REGULATION (EC) No 388/2009

of 12 May 2009

laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the import and export system for products processed from cereals and rice

(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular Articles 143, 170 and 187 thereof, in conjunction with Article 4,

Whereas:

(1) Commission Regulation (EC) No 1518/95 of 29 June 1995 laying down detailed rules for the application of Council Regulations (EEC) No 1418/76 and (EEC) No 1766/92 as regards the import and export system for products processed from cereals and rice and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice[(2)] has been substantially amended[(3)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) In accordance with international obligations binding on the Community, rules should be laid down for the application of the system of import duties and refunds applicable in trade with third countries in products processed from cereals and from rice, excluding compound feedingstuffs, for which special rules have been laid down.

(3) The object of the refund should be to cover the difference between the prices for products within the Community and those charged on the world market. For that purpose, criteria should be established for determining the refund essentially by reference to prices of the basic products within and outside the Community, and to the outlets and conditions for the sale of processed products on the world market.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

(a) 'processed products' means the products or groups of products listed:

(i) in point (d) of part I of Annex I to Regulation (EC) No 1234/2007, except the products falling within CN code ex 2309;

(ii) in point (c) of part II of Annex I to Regulation (EC) No 1234/2007;

(b) 'basic products' means the cereals listed in points (a) and (b) of part I of Annex I to Regulation (EC) No 1234/2007, and broken rice referred to in point (b) of Part II of Annex I to that Regulation.

Article 2

1 The refund which may be granted on processed products shall be determined with particular reference to:

a the movements of prices for the basic products within the Community, compared with world market prices;

b the quantities of basic products needed for the manufacture of the product in question and, where applicable, their interchangeability;

c the possible cumulation of refunds applicable to various products obtained from one and the same process and one and the same basic product;

d outlets and conditions of sale for processed products on the world market.

2 The refunds shall be fixed at least once a month.

Article 3

1 The refund shall be adjusted in accordance with Articles 14 and 15 of Commission Regulation (EC) No 1342/2003[(4)]. The adjustment shall be made by increasing or decreasing the refund by the amount resulting from each of the adjustments referred to in Article 14(1) and (3) of Regulation (EC) No 1342/2003, per tonne of basic product, multiplied by the coefficient listed in column 4 of Annex I to this Regulation against the processed product in question.

2 For the purposes of Article 164(4) and the first paragraph of Article 166 of Regulation (EC) No 1234/2007, the amount zero shall not be considered to be a refund, and consequently the adjustment referred to in Article 15(1) of Regulation (EC) No 1342/2003 shall not apply.

Article 4

1 Member States shall inform the Commission, each day before 15.00 (Brussels time), of the quantities for which export licences have been applied for.

2 In the case of products processed from cereals and rice mentioned in Article 162 (1)(b) of Regulation (EC) No 1234/2007, Member States shall inform the Commission, by Wednesday of each week in respect of the preceding week and for each product code as defined in Annex I to Commission Regulation (EEC) No 3846/87[(5)], of the quantities for which licences have been issued, broken down into products exported with a refund and products exported without a refund.

Article 5

1 Where, for one or more products, the conditions referred to in Article 187 of Regulation (EC) No 1234/2007 are met, the following measures may be taken by the Commission:

a application of an export tax. This tax shall be fixed by the Commission once per week. It may be varied depending on the destination;

b total or partial suspension of the issuing of export licences;

c total or partial rejection of pending export licence applications.

2 The export tax referred to in paragraph 1(a) shall be that applicable on the day on which customs formalities are completed.

However, at the request of the applicant, submitted at the same time as the licence application, the export tax applicable on the day of lodging of the licence application shall apply to an export operation to be carried out during the period of validity of the licence.

3 The Commission shall notify the Member States of its decision and publish it.

Article 6

The methods used for assessing the ash content, the fat content and the starch content, the denaturing process, and any other method of analysis necessary for the application of this Regulation as regards the import and export system, shall be determined, if necessary, in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

Article 7

Regulation (EC) No 1518/95 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 8

This Regulation shall enter into force on the 20th day following 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, 12 May 2009.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 388/2009. (See end of Document for details)*

ANNEX I

CN code/**Product code**	**Description of goods**	**Basic product**	**Coefficient**
1	2	3	4
1102	**Cereal flours other than of wheat or meslin:**		
1102 20 10 9200	Maize (corn) flour, of a fat content not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	Maize	1,4
1102 20 10 9400	Maize (corn) flour, of a fat content exceeding 1,3 % but not exceeding 1,5 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	Maize	1,2
1102 20 90 9200	Maize (corn) flour, of a fat content exceeding 1,5 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	Maize	1,2
1102 90 10 9100	Other, 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	Barley	1,5
1102 90 10 9900	Other, barley flour, other	Barley	1,02
1102 90 30 9100	Other, oat flour, of an ash content, referred to dry matter, not exceeding 2,3 % by	Oats	1,8

	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 peroxidase is virtually inactivated		
1103	**Cereal groats, meal and pellets:**		
1103 13 10 9100	Groats and meal, of maize (corn), of a fat content not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight	Maize	1,8
1103 13 10 9300	Groats and meal, of maize (corn), of a fat content exceeding 0,9 % but not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	Maize	1,4
1103 13 10 9500	Groats and meal, of maize (corn), of a fat content exceeding 1,3 % but not exceeding 1,5 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	Maize	1,2
1103 13 90 9100	Groats and meal, of maize (corn), other, of a fat content exceeding 1,5 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	Maize	1,2