Commission Regulation (EC) No 508/2008 of 6 June 2008 on the definition, applicable to the granting of export refunds, of hulled grains and pearled grains of cereals (Codified version)

COMMISSION REGULATION (EC) No 508/2008

of 6 June 2008

on the definition, applicable to the granting of export refunds, of hulled grains and pearled grains of cereals

(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 the first paragraph of Article 170, in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EEC) No 821/68 of 28 June 1968 on the definition, applicable to the granting of export refunds, of hulled grains and pearled grains of cereals[(2)] has been substantially amended several times[(3)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) The export refund should take into account the quality of the product processed from cereals which qualifies for the refund lest public funds contribute to the export of goods of inferior quality. It is therefore necessary to establish a precise definition, applicable in each Member State, of cereal grains qualifying for the refund on ‘hulled grains’ and ‘pearled grains’.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the granting of export refunds, pearled grains and hulled grains of cereals shall be those which possess the characteristics listed in Annex I.

Article 2

Regulation (EEC) No 821/68 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.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 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2008.

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

Done at Brussels, 6 June 2008.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 508/2008. (See end of Document for details)*

ANNEX I

A.DEFINITION OF 'HULLED GRAINS' (SHELLED OR HUSKED) AND 'PEARLED GRAINS'

I. 'Hulled grains' includes shelled and husked grains

1. Shelled grains:

are cereal grains which have a large part of the pericarp removed or bracted cereal grains (see Explanatory Notes to tariff heading No 10.03: grains) with the bracts removed which cling to the pericarp (as for example with bearded barley) or which enclose the pericap so firmly that the bracts cannot be detached by threshing etc. (as with oats).

2. Husked grains

are grains (in the case of barley, with the bracts removed) which have the major part of the pericarp and tegument (testa) removed.

II. 'Pearled grains' include

1. First class grains:

(a) grains which correspond to the following definition:

pearled cereal grains, principally barley, which have the whole of the tegument, pericarp, germ and the major part of the outer layer and aleuronic layer removed, and which are of uniform size and rounded form, and

(b) which in addition meet the following requirements:

(i) regularity of the grains:

— 75 % of the grains must not exceed 20 % of the dm[(4)];

— 94 % of the grains added progressively between 3 % and 97 % must not exceed 30 % of the dm[(4)];

— 100 % of the grains must not exceed 50 % of the dm[(4)];

(ii) determination of regularity by sieve analysis using sieves with round holes.

2. Second class grains:

grains which correspond to the definition under II.1(a).

B. SIEVE ANALYSIS

I. Apparatus

1. Set of sieves with round hole (diameter 200 mm, diameter of holes: 4,0 to 1,0 mm, at 0,25 mm intervals);

2. Sieving apparatus — sieving should be done by hand; sieving aids (rubber cubes of 20 mm side);

3. Precision scales.

II. Method