

## COMMISSION DIRECTIVE

of 7 June 1979

fixing standard rates of yield for certain inward processing operations

(79/608/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 the said Article 12 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 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 standard rates of yield have therefore already been fixed for certain inward processing operations by Commission Directive 72/108/EEC of 1 February 1972 fixing standard rates of yield for certain inward processing operations <sup>(3)</sup>, as amended by Directives 76/681/EEC <sup>(4)</sup> and 78/77/EEC <sup>(5)</sup>;

Whereas it is now possible to fix standard rates of yield for certain other inward processing operations;

Whereas the text of Directive 78/77/EEC as published in the *Official Journal of the European Communities* contains certain errors which must be corrected;

Whereas, in the interests of clarity, having in mind the Council resolution of 26 November 1974 on the codification of legal Acts <sup>(6)</sup>, the text of Directive 72/108/EEC as a whole should be brought up to date, so that not only those parts which are to be or have been amended but also those parts which remain unchanged may be included in one text; whereas, therefore, the Articles of and Annexes to the said Directive 72/108/EEC, as amended by Directives 76/681/EEC and 78/77/EEC, should be replaced by the Articles and Annex set out in this Directive, which comprise all the provisions with which the Member States must comply;

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

This Directive lays down in column 3 of the Annex 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

If, in applying the standard rates of yield referred to in Article 1, a Member State decides that, in particular

<sup>(1)</sup> OJ No L 58, 8. 3. 1969, p. 1.

<sup>(2)</sup> OJ No L 24, 30. 1. 1976, p. 58.

<sup>(3)</sup> OJ No L 45, 21. 2. 1972, p. 10.

<sup>(4)</sup> OJ No L 231, 21. 8. 1976, p. 15.

<sup>(5)</sup> OJ No L 25, 31. 1. 1978, p. 52.

<sup>(6)</sup> OJ No C 20, 28. 1. 1975, p. 1.

cases, the conditions as referred to in Article 12 of Directive 69/73/EEC which were taken into account when fixing the rates of yield have not been satisfied, the Member State shall inform the Commission, which shall forthwith refer the matter to the Committee for Customs Processing Arrangements.

*Article 3*

Directive 72/108/EEC shall be repealed with effect from 15 July 1979.

*Article 4*

1. Member States shall take the necessary measures to ensure that this Directive is applied with effect from

15 July 1979. They shall forthwith inform the Commission thereof.

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 7 June 1979.

*For the Commission*

Étienne DAVIGNON

*Member of the Commission*

## ANNEX

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
04.05 A I b)	Eggs in shell	04.05 B I a) 2	1. Eggs, not in shell, liquid or frozen or	86
		04.05 B I b) 1 and 2	2. (a) Egg yolks, liquid or frozen and	33
		ex 35.02 A II a) 2	(b) Ovalbumin, liquid or frozen or	53
		04.05 B I a) 1	3. Eggs, not in shell, dried or	22.1
		04.05 B I b) 3	4. (a) Egg yolks, dried and	15.4
		ex 35.02 A II a) 1	(b) 1. Ovalbumin, dried (in crystals) or	7.4
		ex 35.02 A II a) 1	2. Ovalbumin, dried (in another form — for example leaves, flakes, powder, etc.)	6.5
04.05 B I a) 2	Eggs, not in shell, liquid or frozen	04.05 B I a) 1	Eggs, not in shell, dried	25.7
04.05 B I b) 1 and 2	Egg yolks, liquid or frozen	04.05 B I b) 3	Egg yolks, dried	46.6
ex 10.01 A	Common wheat	11.02 B II a)	1. Wheat, hulled (shelled or husked) whether or not sliced or kibbled (2)	98.04
		11.07 A I a)	or 2. Malt, unroasted, obtained from wheat, in the form of flour	56.18
		11.07 A I b)	or 3. Malt, unroasted, obtained from wheat, in forms other than flour	75.19
		11.08 A III	or 4. (a) Wheat starch and	45.46
		11.09	(b) Gluten	7.5
10.01 B	Durum wheat	19.03 B I	Macaroni, spaghetti and similar products containing no eggs and no common wheat flour or meal, with an ash content in the dry matter of:	

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
10.01 B (continued)		ex 19.03 B I	1. Less than 0.95% by weight: (a) Macaroni, spaghetti and similar products and	59.88
		ex 23.02 A II	(b) Coarse flour and	15
		ex 23.02 A II	(c) Bran or bran flour	20
			or	
		ex 19.03 B I	2. 0.95% or more but less than 1.30% by weight: (a) Macaroni, spaghetti and similar products and	66.67
		ex 23.02 A II	(b) Coarse flour and	8
		ex 23.02 A II	(c) Bran or bran flour	20
			or	
10.02	Rye	11.02 D II	3. 1.30% or more by weight: (a) Macaroni, spaghetti and similar products and	75.19
			(b) Bran or bran flour	19
10.03	Barley	11.01 C (I)	1. 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	66.67
			or	
		11.02 A III (a)	2. 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	64.52
			or	
11.02 B I a) 1 (aa)		11.02 B I a) 1 (aa)	3. 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)	66.67
			or	
11.02 B I b) 1 (aa)		11.02 B I b) 1 (aa)	4. 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 (kg)
1		2		3
CCT heading No	Description	Code <sup>(1)</sup>	Description	
10.03 (continued)		11.02 C III (a)	or 5. Pearled barley <sup>(3)</sup> , of an ash content, referred to dry matter, not exceeding 1% by weight (without talc) — First category	50.00
		11.02 C III (b)	or 6. Pearled barley <sup>(3)</sup> , of an ash content, referred to dry matter, not exceeding 1% by weight (without talc) — Second category	62.50
		11.07 A II a)	or 7. Malt, unroasted, other than obtained from wheat, in the form of flour	56.18
		11.07 A II b)	or 8. Malt, unroasted, other than obtained from wheat, in forms other than flour	75.19
		11.07 B	or 9. Malt, roasted	64.52
10.04	Oats	11.01 D (I)	1. 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% by weight and of which the peroxydase is virtually inactivated	55.56
		11.02 A IV (a)	or 2. 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% by weight, of a moisture content not exceeding 11% by weight and of which the peroxydase is virtually inactivated	55.56
		11.02 B I a) 2 aa)	or 3. Clipped oats	98.04
		11.02 B I a) 2 bb) (11)	or 4. 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% by weight, of a moisture content not exceeding 11% by weight and of which the peroxydase is virtually inactivated <sup>(2)</sup>	62.50
		11.02 B I b) 2 (aa)	or 5. 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% by weight, of a moisture content not exceeding 11% by weight and of which the peroxydase is virtually inactivated ('Grütze' or 'Grutten') <sup>(2)</sup>	58.82
		11.02 C IV	or 6. Pearled oats <sup>(3)</sup>	98.04