

COMMISSION REGULATION (EEC) No 2696/77

of 7 December 1977

determining the conditions of entry of goods under subheadings 04.05 B II, 11.04 ex B I and C I, 25.01 A II a) and 35.02 A I 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 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 280/77⁽²⁾, and in particular Articles 3 and 4 thereof,

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 of 28 June 1968⁽³⁾, as last amended by Regulation (EEC) No 2560/77⁽⁴⁾, refers to:

- eggs not in shell and egg yolks, other than suitable for human consumption, of subheading 04.05 B II;
- flour and meal of sago and of roots and tubers falling within heading No 07.06, denatured, of subheading 11.04 C I;
- common salt (including rock salt, sea salt and table salt) and pure sodium chloride, whether or not in aqueous solution, denatured, of subheading 25.01 A II a);
- albumins rendered unfit for human consumption, of subheading 35.02 A I;

Whereas entry under these subheadings is subject to conditions to be determined by the competent authorities;

Whereas banana flour of subheading 11.04 B I, imported under the scheme of generalized preferences, benefits from a favourable tariff arrangement if denatured; whereas this arrangement is subject to conditions to be determined by the competent authorities;

Whereas, in the circumstances, these conditions would inevitably involve denaturing with a view to rendering these products unfit for human consumption;

Whereas, for such denaturing, each Member State applies its own provisions, particularly in relation to

the different denaturants used; whereas this situation is liable to give rise to disparities in the application of the Common Customs Tariff and to deflections of trade and economic activity and also to prevent denatured products circulating freely within the Community;

Whereas, in the interests of all concerned and in order to lighten as far as possible the burden falling on national administrations, Community methods of denaturing should be established;

Whereas, to this end, a mandatory list should be drawn up of denaturants possessing, where necessary, specific properties; whereas this list should include an indication of the minimum quantity of denaturant to be used for the purpose of denaturing a specified quantity of the product; whereas, however, in order to allow for any unforeseen needs which might arise in a Member State, provision should be made to enable the State concerned to permit the temporary use of another denaturant;

Whereas the denatured products in question are normally used in industries other than the animal feed-manufacturing industry; whereas, moreover, when such products are used in the latter industry or are consumed as such by animals, it is necessary to ensure that denaturing takes place in accordance with the provisions of Council Directive 70/524/EEC of 23 November 1970 concerning additives in feeding-stuffs⁽⁵⁾, as last amended by Directive 77/512/EEC⁽⁶⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The entry of:

- eggs not in shell and egg yolks, other than suitable for human consumption;
- banana flour, denatured, imported under the generalized preference arrangements;

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 40, 11. 2. 1977, p. 1.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁵⁾ OJ No L 270, 14. 12. 1970, p. 1.

⁽⁶⁾ OJ No L 207, 13. 8. 1977, p. 53.

- flour and meal of sago and of roots and tubers falling within heading No 07.06 ;
- denatured common salt (including rock salt, sea salt and table salt) and pure sodium chloride, whether or not in aqueous solution, denatured ;
- albumins to be rendered unfit for human consumption ;

falling, respectively, within subheadings 04.05 B II, 11.04 ex B I and C I, 25.01 A II a) and 35.02 A I of the Common Customs Tariff shall be subject to the condition that these goods are denatured so as to make them unfit for human consumption by means of one of the denaturants referred to in Annexes A, B, C, D and E respectively.

Article 2

The denaturing of the products referred to in Article 1 shall be carried out by using the quantities of denaturant referred to in the Annexes to this Regulation in respect of each denaturant.

Denaturing shall be carried out in such a way as to ensure that the product to be denatured and the denaturant are homogeneously mixed and cannot be separated again in a manner which is economically viable.

Article 3

By way of derogation from Article 1, any Member State may temporarily approve the use of a denaturant not specified in the Annexes to this Regulation. In such a case, a notification shall be sent to the Commission within 30 days, giving detailed particulars of such

denaturants and of the quantities used. The Commission shall inform the other Member States as soon as possible.

The Common Customs Tariff Nomenclature Committee shall take up the question under the provisions of Article 2 and, if appropriate, Article 3 of Regulation (EEC) No 97/69.

If on the expiry of 18 months from the date of receipt by the Commission of the notification this Committee has not delivered an opinion to the effect that the denaturant in question be included in an Annex to this Regulation, then use of such denaturant shall forthwith cease in all Member States.

Article 4

This Regulation shall apply without prejudice to the provisions of Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs, as last amended by Directive 77/512/EEC.

Article 5

Each Member State shall inform the Commission of the steps taken by its central administration for the purposes of applying this Regulation.

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

Article 6

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 7 December 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission

ANNEX A

Product to be denatured	Denaturant	
	Name	Minimum quantity to be used in g per 100 kg of product to be denatured
1	2	3
Eggs not in shell and egg yolks, other than suitable for human consumption (subheading 04.05 B II)	Spirit of turpentine	500
	Essence of lavender	100
	Oil of rosemary	150
	Birch oil	100
	Fish meal of subheading 23.01 B of the Common Customs Tariff, having a characteristic odour and containing by weight in the dry matter at least : — 62.5 % crude protein and — 6 % crude lipids (fatty matter)	5 000

ANNEX B

Product to be denatured	Denaturant	
	Name	Minimum quantity to be used in g per 100 kg of product to be denatured
1	2	3
Banana flour, denatured, imported under the scheme of generalized preferences (subheading ex 11.04 B I)	Fish oil or fish liver oil, filtered but not deodorized or decolorized, with no additives	1 000
	Fish meal of subheading 23.01 B of the Common Customs Tariff, having a characteristic odour and containing by weight in the dry matter at least : — 62.5 % crude protein and — 6 % crude lipids (fatty matter)	5 000

ANNEX C

Product to be denatured	Denaturant	
	Name	Minimum quantity to be used in g per 100 kg of product to be denatured
1	2	3
Flour and meal of sago and of roots and tubers falling within heading No 07.06, denatured (subheading 11.04 C I)	Fish oil or fish liver oil, filtered but not deodorized or decolorized, with no additives	1 000
	Fish meal of subheading 23.01 B of the Common Customs Tariff, having a characteristic odour and containing by weight in the dry matter at least : — 62.5 % crude protein and — 6 % crude lipids (fatty matter)	5 000

ANNEX D

Product to be denatured	Denaturant			
	Name			Minimum quantity to be used in g per 100 kg of product to be denatured
	Chemical name or description	Common name	Colour index (1)	
1	2	3	4	5
Common salt (including rock salt, sea salt and table salt) and pure sodium chloride, whether or not in aqueous solution, denatured (subheading ex 25.01 A II a))	Sodium salt of 4-sulphobenzeneazoresorcinol, or 2, 4-dihydroxyazobenzene-4-sulphonic acid (colour: yellow)	Chrysoine S	14 270	6
	Disodium salt of 1-(4-sulpho-1-phenylazo)-4-aminobenzene-5-sulphonic acid (colour: yellow)	Fast yellow AB	13 015	6
	Tetrasodium salt of 1-4-sulpho-1-naphthylazo)-2-naphthol-3,6,8-trisulphonic acid (colour: red)	Ponceau 6R	16 290	1
	Tetrabromofluorescein (colour: fluorescent yellow)	Eosine	45 380	0.5
	Naphthalene	Naphthalene	—	250
	Powdered soap	Powdered soap	—	1 000
	Sodium or potassium dichromate (colour: yellow)	Sodium or potassium dichromate	—	30
	Iron oxide containing not less than 50 % of Fe ₂ O ₃ by weight. The iron oxide should be dark red to brown, and should take the form of a fine powder of which at least 90 % passes through a sieve having a mesh of 0.10 mm.	Iron oxide		250
Sodium hypochlorite	Sodium hypochlorite	—	3 000	

(1) This column contains the corresponding numbers of the 'Rowe Colour Index' third edition, 1971, Bradford, England.

ANNEX E

Product to be denatured	Denaturant	
	Name	Minimum quantity to be used in g per 100 kg of product to be denatured
1	2	3
Albumins to be rendered unfit for human consumption (subheading ex 35.02 A I)	Oil of rosemary (for liquid albumins only)	150
	Crude oil of camphor (for liquid and solid albumins)	2 000