

COMMISSION REGULATION (EC) No 1375/2007**of 23 November 2007****on imports of residues from the manufacture of starch from maize from the United States of America****(Codified version)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2019/94 of 2 August 1994 on imports of residues from the manufacture of starch from maize from the United States of America ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Within the framework of the GATT, the Community and the USA have agreed to clarify the tariff definition of residues from the manufacture of starch from maize. Imports of these products into the Community are subject to laboratory analysis to verify their conformity with the tariff definition. The Federal Grain Inspection Service (FGIS) of the United States Department of Agriculture and the USA wet milling industry, under the regular review of the USA authorities, will certify that imports of these products from the USA into the Community are in conformity with the agreed definition.
- (3) On the basis of the establishment of a system of accompanying certificates for checking the conformity of imports from the USA, it is appropriate that the customary measures for checking should continue to be applied to imports from the USA accompanied by these certificates.

(4) The regular communication by Member States to the Commission of the quantities and value of products imported under cover of these certificates is one of the elements agreed with the USA to enable a more effective monitoring of the implementation of the above agreement.

(5) The measures laid down in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. A laboratory analysis shall be carried out to verify the conformity of residues from the manufacture of starch from maize imported into the Community from the USA under CN code 2309 90 20 with the definition of this code for all shipments not accompanied by a certificate issued by the Federal Grain Inspection Service (FGIS) and a certificate issued by the USA wet milling industry as set out in the Annex I.

2. Shipments from the USA which are accompanied by the two certificates referred to in paragraph 1 are subject to the customary measures for checking imports.

Article 2

The Member States shall communicate to the Commission before the end of each month the quantities and value of products imported under the CN code 2309 90 20 during the previous month and accompanied by the certificates of conformity specified in Article 1(1).

Article 3

Regulation (EC) No 2019/94 is repealed.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Regulation (EC) No 735/2007 (OJ L 169, 29.6.2007, p. 6).

⁽²⁾ OJ L 203, 6.8.1994, p. 5. Regulation as last amended by Regulation (EC) No 2060/2002 (OJ L 317, 21.11.2002, p. 20).

⁽³⁾ See Annex II.

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 4

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, 23 November 2007.

For the Commission

The President

José Manuel BARROSO

ANNEX I

OMB NO.: 0580-0013
(For additional OMB information see reverse.)



U.S. DEPARTMENT OF AGRICULTURE
FEDERAL GRAIN INSPECTION SERVICE

ORIGINAL NOT
NEGOTIABLE

COMMODITY INSPECTION CERTIFICATE

B - 21646

DATE OF ISSUANCE	ISSUED AT	LEVEL OF INSPECTION
APPLICANT		LOCATION OF COMMODITY
IDENTIFICATION		QUANTITY AND CONTAINER

VOID

I CERTIFY THAT THE SERVICES SPECIFIED ABOVE WERE PERFORMED WITH THE RESULTS STATED.	INSPECTOR
---	-----------

This certificate is issued under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), and the regulations thereunder (7 CFR 68.1 et seq.), and is receivable in all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

WARNING: Sec. 203(h) of the Agricultural Marketing Act of 1946 provides that anyone who shall knowingly falsely make, issue, alter, forge, or counterfeit any official certificate, or aid, assist, or be a party to such actions, is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both.

The conduct of all services and the licensing of inspection/grading/sampling personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, national origin, age, or handicap.

FORM FGIS-992 (1-92) Replaces Form FGIS-993 (6-91) which may be used.

Public reporting burden for this collection of information is estimated to average 82.03 hrs. per recordkeeper, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to USDA, OIRM, Clearance Officer, Room 404-W, Washington, DC 20250. When replying refer to the OMB Number and Form Number in your letter.

FORMFCIS-993 (1-92) Reverse



U.S. DEPARTMENT OF AGRICULTURE
FEDERAL GRAIN INSPECTION SERVICE

ORIGINAL NOT
NEGOTIABLE

**COMMODITY CERTIFICATE SUBMITTED
SAMPLE INSPECTION**

A- 00403

DATE OF ISSUANCE	ISSUED AT	LEVEL OF INSPECTION
COMMODITY	QUANTITY IN SAMPLE	
IDENTIFICATION OF SAMPLE	SAMPLE SUBMITTED BY	

**VOID
NOT OFFICIALLY SAMPLED**

RESULTS OF THE ABOVE INSPECTION APPLY ONLY TO THE QUANTITY OF SAMPLE INDICATED AND NOT TO THE COMMODITY FROM WHICH THE SAMPLE MAY HAVE BEEN TAKEN.

CERTIFY THAT THE SERVICES SPECIFIED ABOVE WERE
PERFORMED WITH THE RESULTS STATED.

INSPECTOR

This certificate is issued under the authority of the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621 et. seg.), and the regulations thereunder (7 CFR 68.1 et. seg.), and is receivable in all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

WARNING: Sec. 203(h) of the Agricultural Marketing Act of 1946 provides that anyone who shall knowingly falsely make, issue, after, forge, or counterfeit any official certificate, or aid, assist, or be a party to such actions, is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both.

The conduct of all services and the licensing of inspecting/grading/sampling personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, national origin, age, or handicap.

CORN REFINERS ASSOCIATION, INC.
Washington, D.C.

Certificate of Conformity

On behalf of the Corn Refiners Association, Inc., the undersigned confirms receipt of Producer's Certificates affirming that _____ of corn gluten feed (CN 2309 9020:

Quantity (Metric Tons)

residues from the manufacture of starch from maize) aboard the vessel _____, departing the United

Name of Vessel

States on or about _____, (I) were obtained

Date

From the wet-mill maize-refining process, (II), contain not more than: (a) 28 percent starch content (dry basis), (b) 40 percent protein content (dry basis), (c) 4.5 percent fat (dry basis, as measured by test method A of the Directive 84/4/EEC of 20 December 1983), and (d) 15 percent by weight screenings/cleanings from corn subsequently used for the manufacture of starch and starch products, it being understood that, for the use of yellow number 2 corn, the figure is up to 10 percent, **AND (III)** may contain residues from steepwater derived from the wet milling process and used in the manufacture of alcohol or other starch derived products which utilize steepwater as part of their manufacturing process and which were in existence in 1992, (the presence of which does not result in an increase in the feed value of the corn gluten feed).

Signature

Issue Date

Association Services Group/VERIS Consulting, LLC
11710 Plaza America Drive
Suite 300
Reston, VA 20190-4745

The Corn Refiners Association, Inc., 1701 Pennsylvania Ave., N.W., Washington, D.C. 20006, provides blank Producer's Certificates upon request to any corn wet milling company operating in the United States. The Corn Refiners Association, Inc., provides these certificates as a service to facilitate the export of U.S. corn gluten feed to the European Union. The Corn Refiners Association, Inc., has retained Association Services Group, a practice of the independent firm of VERIS Consulting, LLC and Johnson Lambert & Co., to verify the Association's receipt of these Producer's Certificates on a per vessel basis, as gathered and submitted by shipping companies conveying corn gluten feed to any Member State of the Union. This is neither a weight certificate for commercial trade purposes, nor an independent certification of product quality by either the Corn Refiners Association, Inc., or VERIS Consulting, LLC; it is intended solely to describe product that has been certified by producers and any commercial handlers for customs clearance purposes.

AUDIT CONTROL NO. 0001 RR

ANNEX II

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 2019/94	(OJ L 203, 6.8.1994, p. 5).
Commission Regulation (EC) No 396/96	(OJ L 54, 5.3.1996, p. 22).
Commission Regulation (EC) No 2060/2002 ⁽¹⁾	(OJ L 317, 21.11.2002, p. 20).

⁽¹⁾ In accordance with the first paragraph of Article 2 of Commission Regulation (EC) No 2060/2002: 'Certificates issued in accordance with Regulation (EC) No 2019/94 before the date of entry into force of this Regulation shall continue to be valid.'

ANNEX III

Correlation Table

Regulation (EC) No 2019/94	This Regulation
Article 1	Article 1
Article 2	Article 2
—	Article 3
Article 3	Article 4
Annex	Annex I
—	Annex II
—	Annex III