

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1998

of 20 September 2022

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1) and Article 12 thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a goods nomenclature ('Combined Nomenclature' or 'CN') to meet, at one and the same time, the requirements of the Common Customs Tariff, the external trade statistics of the Union, and other Union policies concerning the importation or exportation of goods.
- (2) In the interests of legislative simplification, it is appropriate to modernise the CN and to adapt its structure.
- (3) It is necessary to amend the CN in order to implement the gradual reduction of duty rates for products covered by the agreement in the form of the Declaration on the Expansion of Trade in Information Technology Products, as required by Council Decision (EU) 2016/971 ⁽²⁾.
- (4) It is necessary to amend the CN in order to introduce the CN codes for products referred to in Commission Implementing Regulation (EU) 2022/859 ⁽³⁾.
- (5) It is also necessary to amend the CN in order to take account of changes in requirements relating to statistics and to commercial policy and to technological and commercial developments, by introducing new subheadings to facilitate the monitoring of specific goods ('flat peaches and nectarines' of Chapter 8; certain 'rice' of Chapter 10; certain 'critical raw materials' of Chapters 25, 26, 28 and 85; some chemicals products ('DOTP') of Chapter 29; and 'slabs and billets, of aluminium' of Chapter 76 of the CN).
- (6) It is necessary to amend the classification of some substances in the list of non-proprietary names of pharmaceutical substances in Annex 3 of Part Three (Tariff Annexes) of Annex I to Regulation (EEC) No 2658/87 and in the list of pharmaceutical intermediates in Annex 6 of Part Three (Tariff Annexes) of Annex I to that Regulation.
- (7) With effect from 1 January 2023, Annex I to Regulation (EEC) No 2658/87 should be replaced by a complete and up-to-date version of the CN, together with the autonomous and conventional rates of duty resulting from measures adopted by the Council or by the Commission.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.⁽²⁾ Council Decision (EU) 2016/971 of 17 June 2016 on the conclusion, on behalf of the European Union, of an agreement in the form of the Declaration on the Expansion of Trade in Information Technology Products (ITA) (OJ L 161, 18.6.2016, p. 2).⁽³⁾ Commission Implementing Regulation (EU) 2022/859 of 24 May 2022 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 151, 2.6.2022, p. 34).

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2658/87 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2023.

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

Done at Brussels, 20 September 2022.

*For the Commission,
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union*

CHAPTER 23

RESIDUES AND WASTE FROM THE FOOD INDUSTRIES; PREPARED ANIMAL FODDER

Note

1. Heading 2309 includes products of a kind used in animal feeding, not elsewhere specified or included, obtained by processing vegetable or animal materials to such an extent that they have lost the essential characteristics of the original material, other than vegetable waste, vegetable residues and by-products of such processing.

Subheading note

1. For the purposes of subheading 2306 41, the expression 'low erucic acid rape or colza seeds' means seeds as defined in subheading note 1 to Chapter 12.

Additional notes

1. Subheadings 2303 10 11 and 2303 10 19 include only residues from the manufacture of starch from maize and do not cover blends of such residues with products derived from other plants or products derived from maize otherwise than in the course of the production of starch by the wet process.

Their starch content may not exceed 28 % by weight on the dry product, in accordance with the method contained in Annex III, part L, to Commission Regulation (EC) No 152/2009, and their fat content cannot exceed 4,5 % by weight on the dry product, determined in accordance with the method contained in Annex III, part H, to Commission Regulation (EC) No 152/2009.

2. Subheading 2306 90 05 includes only residues from the extraction of oil of germs of maize and containing the following ingredients in the quantities specified, calculated by weight on the dry product:

(a) products of an oil content of less than 3 %:

— starch content: less than 45 %,

— protein content (nitrogen content $\times 6,25$): not less than 11,5 %;

(b) products of an oil content of not less than 3 % and not more than 8 %:

— starch content: less than 45 %,

— protein content (nitrogen content $\times 6,25$): not less than 13 %.

Moreover, such residues shall not contain ingredients which are not obtained from maize grains.

For the determination of the starch and protein content, the methods set out in Commission Regulation (EC) No 152/2009, Annex III, parts L and C, are to be applied.

For the determination of the oil and moisture content, the methods set out in Commission Regulation (EC) No 152/2009, Annex III, parts H and A, respectively, are to be applied.

Products containing components from parts of maize grains which have been added after processing and have not been subjected to the oil extraction process are excluded.

3. For the purposes of subheadings 2307 00 11, 2307 00 19, 2308 00 11 and 2308 00 19, the following expressions shall have the meanings hereby assigned to them:

- ‘actual alcoholic strength by mass’: the number of kilograms of pure alcohol contained in 100 kg of the product,
- ‘potential alcoholic strength by mass’: the number of kilograms of pure alcohol capable of being produced by total fermentation of the sugars contained in 100 kg of the product,
- ‘total alcoholic strength by mass’: the sum of the actual and potential alcoholic strengths by mass,
- ‘% mas’: the symbol for alcoholic strength by mass.

4. For the purposes of subheadings 2309 10 11 to 2309 10 70 and 2309 90 31 to 2309 90 70, the expression ‘milk products’ means the products of headings 0401, 0402, 0404, 0405 and 0406 and of subheadings 0403 20 11 to 0403 20 39, 0403 90 11 to 0403 90 69, 1702 11 00, 1702 19 00 and 2106 90 51.

5. Subheading 2309 90 20 includes only residues from the manufacture of starch from maize, and does not cover blends of such residues with products derived from other plants or products derived from maize otherwise than in the course of the production of starch by the wet process, containing:

- screenings from maize used in the wet process in a proportion not exceeding 15 % by weight, and/or
- residues of maize steep-water, from the wet process, including residues of steep-water used for the manufacture of alcohol or of other starch derived products.

These products may also contain residues from the extraction of maize germ oil by the wet milling process.

Their starch content may not exceed 28 % by weight on the dry product in accordance with the method contained in Annex III, part L, to Commission Regulation (EC) No 152/2009, their fat content may not exceed 4,5 % by weight on the dry product determined in accordance with the method contained in Annex III, part H, to Commission Regulation (EC) No 152/2009, and their protein content may not exceed 40 % on the dry product determined in accordance with the method contained in Annex III, part C, to Commission Regulation (EC) No 152/2009.

CN code	Description	Conventional rate of duty (%)	Supplementary unit
1	2	3	4
2301	Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:		
2301 10 00	– Flours, meals and pellets, of meat or meat offal; greaves	Free	—
2301 20 00	– Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates	Free	—
2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants:		
2302 10	– Of maize (corn):		
2302 10 10	-- With a starch content not exceeding 35 % by weight	44 €/t	—
2302 10 90	-- Other	89 €/t	—

CN code	Description	Conventional rate of duty (%)	Supplementary unit
1	2	3	4
2309	Preparations of a kind used in animal feeding:		
2309 10	– Dog or cat food, put up for retail sale:		
	--- Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup of subheadings 1702 30 50, 1702 30 90, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:		
	---- Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup:		
	----- Containing no starch or containing 10 % or less by weight of starch:		
2309 10 11	----- Containing no milk products or containing less than 10 % by weight of such products	Free	—
2309 10 13	----- Containing not less than 10 % but less than 50 % by weight of milk products	498 €/t ⁽¹⁾	—
2309 10 15	----- Containing not less than 50 % but less than 75 % by weight of milk products	730 €/t ⁽¹⁾	—
2309 10 19	----- Containing not less than 75 % by weight of milk products	948 €/t ⁽¹⁾	—
	---- Containing more than 10 % but not more than 30 % by weight of starch:		
2309 10 31	----- Containing no milk products or containing less than 10 % by weight of such products	Free	—
2309 10 33	----- Containing not less than 10 % but less than 50 % by weight of milk products	530 €/t ⁽¹⁾	—
2309 10 39	----- Containing not less than 50 % by weight of milk products	888 €/t ⁽¹⁾	—
	---- Containing more than 30 % by weight of starch:		
2309 10 51	----- Containing no milk products or containing less than 10 % by weight of such products	102 €/t ⁽¹⁾	—
2309 10 53	----- Containing not less than 10 % but less than 50 % by weight of milk products	577 €/t ⁽¹⁾	—
2309 10 59	----- Containing not less than 50 % by weight of milk products	730 €/t ⁽¹⁾	—
2309 10 70	--- Containing no starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup but containing milk products	948 €/t ⁽¹⁾	—
2309 10 90	-- Other	9,6	—
2309 90	– Other:		
2309 90 10	-- Fish or marine mammal solubles	3,8	—
2309 90 20	-- Products referred to in additional note 5 to this chapter	Free	—
	-- Other, including premixes:		
	--- Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup of subheadings 1702 30 50, 1702 30 90, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:		
	---- Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup:		
	----- Containing no starch or containing 10 % or less by weight of starch:		

⁽¹⁾ WTO tariff quota.

CN code	Description	Conventional rate of duty (%)	Supplementary unit
1	2	3	4
2309 90 31	----- Containing no milk products or containing less than 10 % by weight of such products	23 €/t ⁽¹⁾	—
2309 90 33	----- Containing not less than 10 % but less than 50 % by weight of milk products	498 €/t	—
2309 90 35	----- Containing not less than 50 % but less than 75 % by weight of milk products	730 €/t	—
2309 90 39	----- Containing not less than 75 % by weight of milk products	948 €/t	—
	----- Containing more than 10 % but not more than 30 % by weight of starch:		
2309 90 41	----- Containing no milk products or containing less than 10 % by weight of such products	55 €/t ⁽¹⁾	—
2309 90 43	----- Containing not less than 10 % but less than 50 % by weight of milk products	530 €/t	—
2309 90 49	----- Containing not less than 50 % by weight of milk products	888 €/t	—
	----- Containing more than 30 % by weight of starch:		
2309 90 51	----- Containing no milk products or containing less than 10 % by weight of such products	102 €/t ⁽¹⁾	—
2309 90 53	----- Containing not less than 10 % but less than 50 % by weight of milk products	577 €/t	—
2309 90 59	----- Containing not less than 50 % by weight of milk products	730 €/t	—
2309 90 70	---- Containing no starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup but containing milk products	948 €/t	—
	--- Other:		
2309 90 91	---- Beet-pulp with added molasses	12	—
2309 90 96	---- Other	9,6	—

⁽¹⁾ WTO tariff quota.