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TAXUD.B.5.001/DK

**SENSITIVE\***

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**CUSTOMS CODE COMMITTEE**  
**Tariff and Statistical Nomenclature Section**  
(Agriculture/Chemistry)

**COMITE DU CODE DES DOUANES**  
**Section de la nomenclature tarifaire et statistique**  
(Agriculture/Chimie)

**AUSSCHUSS FÜR DEN ZOLLKODEX**  
**Fachbereich Zolltarifliche und Statistische Nomenklatur**  
(Landwirtschaft/Chemie)

**Subject:** Amendment to the CNEN to subheadings 2306 90 11 and 2306 90 19 following the repealing of Commission Regulation (EEC) No 2568/91.

**Objet:** Modification des notes explicatives des sous-positions 2306 90 11 et 2306 90 19, suite à l'abrogation du Règlement (CEE) N° 2568/91 de la Commission.

**Betreff:** Mögliche Änderung der KN-Erläuterungen zu den Unterpositionen 2306 90 11 and 2306 90 19 nach Aufhebung der Verordnung (EWG) Nr. 2568/91 der Kommission.

The enclosed document is submitted to the Customs Code Committee for discussion at a forthcoming meeting.

Le document ci-joint est présenté au comité du code des douanes pour examen lors d'une prochaine réunion.

Das beiliegende Dokument wird dem Ausschuss für den Zollkodex zur Beratung in einer der nächsten Sitzungen vorgelegt.

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\* Handling instructions for SENSITIVE information are given at <https://europa.eu/ldb43PX>

### **Background information:**

The CNEN to subheadings 2306 90 11 and 2306 90 19 defines the expression ‘residues resulting from the extraction of olive oil’ based on a product fatty matter content, and further clarifies that for the determination of the fat content, the method set out in Commission Regulation (EEC) No 2568/91, Annex XV is to be applied.

Since Commission Regulation (EEC) No 2568/91 was repealed by Commission Delegated Regulation (EU) 2022/2104 of 29 July 2022 (OJ L 284, 4.11.2022, p. 1), the reference to the former Regulation in the subject CNEN needs to be amended to reflect the new legal situation. The method set out in Annex XV to Commission Regulation (EEC) No 2568/91 has been transferred to Commission Implementing Regulation (EU) 2022/2105 of 29 July 2022 laying down rules on conformity checks of marketing standards for olive oil and methods of analysis of the characteristics of olive oil (OJ L 284, 4.11.2022, p. 23) as Annex IV.

Consequently, the following draft amendment to the CNEN to subheadings 2306 90 11 and 2306 90 19 has been prepared for discussion in the Committee.

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### **Explanatory Notes to the Combined Nomenclature of the European Union**

Pursuant to Article 9(1)(a) of Council Regulation (EEC) No 2658/87<sup>(1)</sup>, the Explanatory Notes to the Combined Nomenclature of the European Union<sup>(2)</sup> are hereby amended as follows:

*On page 107, in Explanatory note to CN subheadings ‘2306 90 11 and 2306 90 19 Oilcake and other residues resulting from the extraction of olive oil’, delete the last paragraph and substitute with the following new last paragraph:*

‘For the determination of the fat content, the method set out in Commission Implementing Regulation (EU) 2022/2105, Annex IV (OJ L 284, 4.11.2022, p. 23) is to be applied.’

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<sup>(1)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

<sup>(2)</sup> OJ C 119, 29.3.2019, p. 1.