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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 356/92**  
**of 10 February 1992**  
**amending Regulation No 136/66/EEC on the establishment of a common**  
**organization of the market in oils and fats**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91 <sup>(2)</sup>, and in particular Article 35 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the Annex to Regulation No 136/66/EEC lays down descriptions and definitions for olive oils and olive residue oils;

Whereas experience has shown that the definitions of virgin oils present problems in verifying the organoleptic characteristics of these products and do not correspond precisely to the organoleptic assessment criteria defined by the methods adopted by the International Olive Oil Council and which were recently included in Community rules on the characteristics of olive oil and olive residue oils and on the relevant methods of analysis;

Whereas, in addition, for the virgin oils and for the other types of oils referred to in the Annex in question, the definitions should take into account all the characteristics laid down for each of these products by the abovementioned Community rules;

Whereas therefore the definitions given in the Annex to Regulation No 136/66/EEC should be adjusted,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation No 136/66/EEC is hereby replaced by the text annexed to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 November 1992.

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

Done at Brussels, 10 February 1992.

*For the Council*

*The President*

Arlindo MARQUES CUNHA

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

## ANNEX

## ANNEX

DESCRIPTIONS AND DEFINITIONS OF OLIVE OILS AND OLIVE-RESIDUE OILS  
REFERRED TO IN ARTICLE 35

## 1. Virgin olive oils :

Oils derived solely from olives using mechanical or other physical means under conditions, and particularly thermal conditions, that do not lead to deterioration of the oil, and which have undergone no treatment other than washing, decantation, centrifugation or filtration, but excluding oils obtained by means of solvents or of re-esterification and mixtures with other oils.

These oils are classified and described as follows :

(a) *extra virgin olive oil* :

virgin olive oil having an organoleptic grading of not less than 6,5, a free acid content expressed as oleic acid of not more than 1 g per 100 g and the other characteristics which comply with those laid down for this category ;

(b) *virgin olive oil* (the expression "fine" may be used at the production and wholesale stage) :

virgin olive oil having an organoleptic grading of not less than 5,5, a free acid content expressed as oleic acid of not more than 2 g per 100 g and the other characteristics which comply with those laid down for this category ;

(c) *ordinary virgin olive oil* :

virgin olive oil having an organoleptic grading of not less than 3,5, a free acid content expressed as oleic acid of not more than 3,3 g per 100 g and the other characteristics which comply with those laid down for this category ;

(d) *lampante virgin olive oil* :

virgin olive oil having an organoleptic grading of less than 3,5, and/or a free acid content expressed as oleic acid greater than 3,3 g per 100 g and the other characteristics which comply with those laid down for this category.

## 2. Refined olive oil :

Olive oil obtained by refining virgin olive oil, having a free acid content expressed as oleic acid of not more than 0,5 g per 100 g and the other characteristics which comply with those laid down for this category.

## 3. Olive oil :

Olive oil obtained by blending refined olive oil and virgin olive oil other than lampante oil, having a free acid content expressed as oleic acid of not more than 1,5 g per 100 g and the other characteristics which comply with those laid down for this category.

## 4. Crude olive-residue oil :

Oil obtained by treating olive residue with solvents, excluding oil obtained by means of re-esterification and mixtures with other types of oils, and the other characteristics which comply with those laid down for this category.

## 5. Refined olive-residue oil :

Oil obtained by refining crude olive-residue oil, having a free acid content expressed as oleic acid of not more than 0,5 g per 100 g and the other characteristics which comply with those laid down for this category.

## 6. Olive-residue oil :

Oil obtained by blending refined olive-residue oil and virgin olive oil other than lampante oil, having a free acid content expressed as oleic acid of not more than 1,5 g per 100 g and the other characteristics which comply with those laid down for this category.

## COMMISSION REGULATION (EEC) No 357/92

of 14 February 1992

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, and in particular Article 3 thereof,

Whereas the first subparagraph of Article 13 (1) of Regulation (EEC) No 2727/75 provides that a levy must be charged on imports of the products listed in Article 1 (a), (b) and (c) of that Regulation; whereas the levy is equal for each product to the threshold price less the cif price;

Whereas, the threshold prices for cereals and for wheat and rye flour, and wheat groats and meal, were fixed for the 1991/1992, marketing year by Council Regulations (EEC) No 2734/75<sup>(5)</sup>, (EEC) No 1704/91<sup>(6)</sup>, (EEC) No 1706/91<sup>(7)</sup> and Commission Regulation (EEC) No 1824/91<sup>(8)</sup>;

Whereas, for the purpose of calculating the cif prices used to determine the levies, the Commission must take into account the factors indicated in Commission Regulation No 156/67/EEC<sup>(9)</sup>, as last amended by Regulation (EEC) No 31/76<sup>(10)</sup>, and in particular the most favourable purchasing opportunities on the world market among those which are most representative of the real trend of the market, account being taken in particular of the need to prevent sudden variations likely to cause abnormal

disturbances on the Community market; whereas the quality of the goods offered must also be taken into account, whether this quality corresponds to the standard quality fixed in Council Regulations (EEC) No 2731/75<sup>(11)</sup>, as last amended by Regulation (EEC) No 2094/87<sup>(12)</sup>, and (EEC) No 2734/75, or whether adjustments need to be made by applying the coefficients of equivalence provided for in Commission Regulations No 158/67/EEC<sup>(13)</sup>, as last amended by Regulation (EEC) No 2644/91<sup>(14)</sup>, and No 159/67/EEC<sup>(15)</sup>;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned elements, offers for other ports being adjusted, account being taken of the corrections necessitated by the differences in transport charges in relation to Rotterdam;

Whereas Council Regulation (EEC) No 715/90<sup>(16)</sup>, as last amended by Regulation (EEC) No 523/91<sup>(17)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(18)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

(1) OJ No L 281, 1. 11. 1975, p. 1.

(2) OJ No L 353, 17. 12. 1990, p. 23.

(3) OJ No L 164, 24. 6. 1985, p. 1.

(4) OJ No L 201, 31. 7. 1990, p. 9.

(5) OJ No L 281, 1. 11. 1975, p. 34.

(6) OJ No L 162, 26. 6. 1991, p. 4.

(7) OJ No L 162, 26. 6. 1991, p. 7.

(8) OJ No L 166, 28. 6. 1991, p. 41.

(9) OJ No 128, 27. 6. 1967, p. 2533/67.

(10) OJ No L 5, 10. 1. 1976, p. 18.

(11) OJ No L 281, 1. 11. 1975, p. 22.

(12) OJ No L 196, 17. 7. 1987, p. 1.

(13) OJ No 128, 27. 6. 1967, p. 2536/67.

(14) OJ No L 247, 5. 9. 1991, p. 23.

(15) OJ No 128, 27. 6. 1967, p. 2542/67.

(16) OJ No L 84, 30. 3. 1990, p. 85.

(17) OJ No L 58, 5. 3. 1991, p. 1.

(18) OJ No L 263, 19. 9. 1991, p. 1.

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis :

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent ;

Whereas these exchange rates being those recorded on 13 February 1992 ;

Whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy ; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 (1) ;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be as

set out in the Annex thereto ; whereas these levies are altered only where variations in the components used to calculate them have the effect of increasing or reducing them by ECU 0,73 or more,

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies to be charged on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 February 1992.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 367, 29. 12. 1990, p. 1.

## ANNEX

## to the Commission Regulation of 14 February 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	130,44 (°) (°)
0712 90 19	130,44 (°) (°)
1001 10 10	166,78 (°) (°) (10)
1001 10 90	166,78 (°) (°) (10)
1001 90 91	150,95
1001 90 99	150,95
1002 00 00	163,88 (6)
1003 00 10	144,17
1003 00 90	144,17
1004 00 10	129,74
1004 00 90	129,74
1005 10 90	130,44 (°) (°)
1005 90 00	130,44 (°) (°)
1007 00 90	139,59 (4)
1008 10 00	56,90
1008 20 00	127,77 (4)
1008 30 00	67,78 (°)
1008 90 10	(7)
1008 90 90	67,78
1101 00 00	224,33 (8)
1102 10 00	242,44 (8)
1103 11 10	271,95 (8) (10)
1103 11 90	241,10 (8)

- (1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (2) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.
- (3) Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.
- (4) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.
- (5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.
- (7) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).
- (8) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.
- (9) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.
- (10) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

## COMMISSION REGULATION (EEC) No 358/92

of 14 February 1992

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, and in particular Article 3 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91<sup>(5)</sup> and subsequent amending Regulation;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 13 February 1992;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 February 1992.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 168, 29. 6. 1991, p. 4.



## ANNEX

to the Commission Regulation of 14 February 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	2,39
0712 90 19	0	0	0	2,39
1001 10 10	0	0	0	2,23
1001 10 90	0	0	0	2,23
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	2,39
1005 90 00	0	0	0	2,39
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

## B. Malt

*(ECU/tonne)*

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

**COMMISSION REGULATION (EEC) No 359/92**  
**of 14 February 1992**  
**fixing the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(1)</sup>, as last amended by Regulation (EEC) No 1806/89<sup>(2)</sup>, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 81/92 of 15 January 1992 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety<sup>(3)</sup>, and in particular Article 8 thereof,

Whereas Article 11 of Regulation (EEC) No 1418/76 provides for charging an import levy on paddy rice, husked rice, semi-milled rice, wholly milled rice and broken rice; whereas, in the case of husked rice, wholly milled rice and broken rice, the levy is equal to the difference between the threshold price and the cif price; whereas, in the case of paddy rice and semi-milled rice, the levy should be derived from the levies applicable to the corresponding husked rice and wholly milled rice;

Whereas the threshold prices for husked rice, wholly milled rice and broken rice were fixed for the 1991/92 marketing year by Commission Regulation (EEC) No 2149/91<sup>(4)</sup>;

Whereas, for the purpose of calculating cif prices, the Commission must take account of the factors indicated in Article 16 of Regulation (EEC) No 1418/76 and in Commission Regulation (EEC) No 1613/71 of 26 July 1971 laying down detailed rules for fixing cif prices and levies on rice and broken rice and the corrective amounts relating thereto<sup>(5)</sup>, as last amended by Regulation (EEC) No 2325/88<sup>(6)</sup>, and in particular the most favourable purchasing opportunities on the world market which are sufficiently representative of the real trend of the market, account being taken in particular of the need to prevent sudden variations likely to cause abnormal disturbances on the Community market; whereas the quality of the goods offered must also be taken into account, whether

this quality as fixed in Council Regulation (EEC) No 1423/76<sup>(7)</sup>, or whether adjustments need to be made by applying the corrective amounts provided for in Regulation (EEC) No 1613/71;

Whereas, furthermore, in the case of round grain and long grain husked rice and round grain and long grain wholly milled rice, the cif price is calculated on the basis of quotations or prices on the world market relating, for each type of rice, to the products specified in Article 4 of Regulation (EEC) No 1613/71; whereas, for this calculation, the conversion rates resulting from Commission Regulation No 467/67/EEC of 21 August 1967 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing<sup>(8)</sup>, as last amended by Regulation (EEC) No 2325/88, should be used where appropriate;

Whereas, when these conversions are being effected, the Commission must take account of the fact that certain offers are for rice containing a higher percentage of broken rice than that allowed for in the standard quality fixed by Regulation (EEC) No 1423/76 and, in that case, must adjust the offers so as to conform with the value of one kilogram of broken rice fixed by Regulation No 467/67/EEC; whereas no adjustment is made, however, if the prices for husked rice and semi-milled or wholly milled rice taken into consideration are lower than those provided for in the last subparagraph of Article 4 of Regulation No 467/67/EEC;

Whereas Regulation (EEC) No 1613/71 requires the Commission to take account of the fact that certain offers are for delivery cost and freight or relate to a product put up in bags and, if this is the case, to adjust such offers by applying the rates or amounts fixed by the abovementioned Regulation to make the offers comparable to offers for delivery cif or relating to a product presented in bulk;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned factors, offers made for other ports being adjusted, account being taken of the corrections necessitated by the difference in transport charges in relation to Rotterdam;

Whereas, if the conditions provided for in Article 1 (3) of Regulation (EEC) No 1613/71 obtain, the cif price may be calculated on the basis of offers for delivery during the following month or may be retained unaltered for a limited period;

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 10, 16. 1. 1992, p. 9.

<sup>(4)</sup> OJ No L 200, 23. 7. 1991, p. 10.

<sup>(5)</sup> OJ No L 168, 27. 7. 1971, p. 28.

<sup>(6)</sup> OJ No L 202, 27. 7. 1988, p. 41.

<sup>(7)</sup> OJ No L 166, 25. 6. 1976, p. 20.

<sup>(8)</sup> OJ No 204, 24. 8. 1967, p. 1.

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them must be reduced by a fixed amount and by an amount corresponding to 50 % of the levy relating to third countries; whereas, pursuant to Articles 12 and 13 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)<sup>(1)</sup>, as last amended by Regulation (EEC) No 523/91<sup>(2)</sup>, the levy must be further reduced in the case of semi-milled and wholly milled rice;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(3)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90<sup>(4)</sup>;

Whereas Regulation (EEC) No 1423/76 determined the standard qualities for rice and broken rice;

Whereas Council Regulation (EEC) No 3877/86<sup>(5)</sup>, as amended by Regulation (EEC) No 3130/91<sup>(6)</sup>, defined a special arrangement for the importation of certain quantities of Basmati rice into the Community; whereas this arrangement provides for a levy of 75 % of that calculated in accordance with Article 11 of Regulation (EEC) No 1418/76; whereas however this levy may not be less than the difference between the free-at-frontier price for Basmati rice and the threshold price for long-grain rice;

Whereas Council Regulation (EEC) No 3491/90<sup>(7)</sup> and Commission Regulation (EEC) No 862/91<sup>(8)</sup> made import arrangements for rice originating in Bangladesh;

Whereas levies are fixed once a week and are altered in the intervening period to take account of variations in threshold prices or in the factors used to determine cif prices; whereas, in the case of husked rice, wholly milled rice and broken rice, the levies are altered only if variations in the factors used to calculate the levy entail an increase or a reduction of at least ECU 1,21 per tonne in the amount of the levy in force;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(9)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(10)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying all the abovementioned provisions that the levies should be fixed as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 17 February 1992.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 58, 5. 3. 1991, p. 1.

<sup>(3)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(4)</sup> OJ No L 366, 29. 12. 1990, p. 1.

<sup>(5)</sup> OJ No L 361, 20. 12. 1986, p. 1.

<sup>(6)</sup> OJ No L 297, 29. 10. 1991, p. 1.

<sup>(7)</sup> OJ No L 337, 4. 12. 1990, p. 1.

<sup>(8)</sup> OJ No L 88, 9. 4. 1991, p. 7.

<sup>(9)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(10)</sup> OJ No L 201, 31. 7. 1990, p. 9.

## ANNEX

to the Commission Regulation of 14 February 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP ( <sup>1</sup> ) ( <sup>2</sup> ) ( <sup>3</sup> ) Bangladesh	Third countries (except ACP) ( <sup>4</sup> )
1006 10 21	—	154,97	317,14
1006 10 23	220,47	143,38	293,96
1006 10 25	220,47	143,38	293,96
1006 10 27	220,47	143,38	293,96
1006 10 92	—	154,97	317,14
1006 10 94	220,47	143,38	293,96
1006 10 96	220,47	143,38	293,96
1006 10 98	220,47	143,38	293,96
1006 20 11	—	194,61	396,43
1006 20 13	275,59	180,12	367,45
1006 20 15	275,59	180,12	367,45
1006 20 17	275,59	180,12	367,45
1006 20 92	—	194,61	396,43
1006 20 94	275,59	180,12	367,45
1006 20 96	275,59	180,12	367,45
1006 20 98	275,59	180,12	367,45
1006 30 21	—	241,14	506,14 ( <sup>5</sup> )
1006 30 23	441,68 ( <sup>6</sup> )	282,56	588,90 ( <sup>6</sup> )
1006 30 25	441,68 ( <sup>6</sup> )	282,56	588,90 ( <sup>6</sup> )
1006 30 27	441,68 ( <sup>6</sup> )	282,56	588,90 ( <sup>6</sup> )
1006 30 42	—	241,14	506,14 ( <sup>5</sup> )
1006 30 44	441,68 ( <sup>6</sup> )	282,56	588,90 ( <sup>6</sup> )
1006 30 46	441,68 ( <sup>6</sup> )	282,56	588,90 ( <sup>6</sup> )
1006 30 48	441,68 ( <sup>6</sup> )	282,56	588,90 ( <sup>6</sup> )
1006 30 61	—	257,17	539,04 ( <sup>5</sup> )
1006 30 63	473,48 ( <sup>6</sup> )	303,90	631,31 ( <sup>6</sup> )
1006 30 65	473,48 ( <sup>6</sup> )	303,30	631,31 ( <sup>6</sup> )
1006 30 67	473,48 ( <sup>6</sup> )	303,30	631,31 ( <sup>6</sup> )
1006 30 92	—	257,17	539,04 ( <sup>5</sup> )
1006 30 94	473,48 ( <sup>6</sup> )	303,30	631,31 ( <sup>6</sup> )
1006 30 96	473,48 ( <sup>6</sup> )	303,30	631,31 ( <sup>6</sup> )
1006 30 98	473,48 ( <sup>6</sup> )	303,30	631,31 ( <sup>6</sup> )
1006 40 00	—	65,14	136,28

(<sup>1</sup>) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

(<sup>2</sup>) In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(<sup>3</sup>) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(<sup>4</sup>) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(<sup>5</sup>) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

(<sup>6</sup>) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in Regulation (EEC) No 3877/86, as amended by Regulation (EEC) No 3130/91.

(<sup>7</sup>) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

**COMMISSION REGULATION (EEC) No 360/92**

of 14 February 1992

**fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(2)</sup>, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2591/91 <sup>(3)</sup>, as last amended by Regulation (EEC) No 300/92 <sup>(4)</sup>;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which

are to be added to the levies, should be altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 17 February 1992.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.<sup>(2)</sup> OJ No L 177, 24. 6. 1989, p. 1.<sup>(3)</sup> OJ No L 243, 31. 8. 1991, p. 8.<sup>(4)</sup> OJ No L 32, 8. 2. 1992, p. 7.

## ANNEX

to the Commission Regulation of 14 February 1992 fixing the premiums to be added to the import levies on rice and broken rice

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period
	2	3	4	5
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

## COMMISSION REGULATION (EEC) No 361/92

of 13 February 1992

authorizing the Italian intervention agency to put up for sale by invitation to tender 100 000 tonnes of paddy rice with a view to export in the form of milled rice to the Republics resulting from the dissolution of the Soviet Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

*Article 2*

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(2)</sup>, and in particular Article 5 (3) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1424/76 of 21 June 1976 laying down general rules for intervention on the market in rice <sup>(3)</sup>, as last amended by Regulation (EEC) No 794/91 <sup>(4)</sup>, provides that sales of rice held by intervention agencies are to be organized by invitation to tender;

Whereas Commission Regulation (EEC) No 75/91 <sup>(5)</sup> lays down the procedures and the conditions for the sale of paddy rice held by intervention agencies;

Whereas on 30 January 1992 Italy notified the Commission of its wish to sell 100 000 tonnes of paddy rice held by its intervention agency with a view to export to the Republics resulting from the dissolution of the Soviet Union in the form of milled rice; whereas that request can be acceded to;

Whereas the quantity of milled rice to be exported following treatment of the paddy rice should be specified;

Whereas Italy is to take all further action compatible with the provisions in force to ensure that the operation runs smoothly and to inform the Commission thereof;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Italian intervention agency is hereby authorized to put up for sale on the Community market by invitation to tender 80 000 tonnes of round grain paddy rice and 20 000 tons of medium grain and long grain A paddy rice held by it.

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 24.

<sup>(4)</sup> OJ No L 82, 28. 3. 1991, p. 5.

<sup>(5)</sup> OJ No L 9, 12. 1. 1991, p. 15.

1. The invitation to tender shall be open from 27 February to 31 March 1992.

2. The paddy rice awarded must be converted into milled rice for human consumption and exported to the Republics resulting from the dissolution of the Soviet Union.

Tenders shall not be valid unless accompanied by:

— an application for an export licence for milled rice in bulk and/or in packages of more than five kilograms, falling within CN codes 1006 30 92, 1006 30 94 and 1006 30 96 together with an application for advance fixing of the refund for the product in question,

— evidence that the tenderer has lodged the security provided for in Article 13 (4) of Regulation (EEC) No 75/91,

— a written undertaking by the tenderer to lodge, on payment of the goods at the latest, the security provided for in the fifth paragraph of Article 17 of Regulation (EEC) No 75/91.

*Article 3*

The minimum selling price shall be ECU 235,86 per tonne.

*Article 4*

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 <sup>(6)</sup>, export licences issued shall be deemed, for the purposes of determining their term of validity, to have been issued on the day of submission of the tender.

2. Export licences issued within the framework of this invitation to tender shall carry the following entry in section 22:

'Invitation to tender opened by Regulation (EEC) No 361/92 — Tender of.....'

*Article 5*

For the purposes of determining the quantity of milled rice to be exported, the quantity of paddy rice awarded shall be multiplied by a coefficient based on the milling

<sup>(6)</sup> OJ No L 331, 2. 12. 1988, p. 1.

yields in whole grains recorded when the rice was taken into intervention and indicated for each lot in the notice of invitation to tender published by the intervention agency.

*Article 6*

The Italian intervention agency shall take all necessary action to ensure compliance with the provisions of this

Regulation and shall immediately inform the Commission thereof.

It shall inform the Commission each week, through the Management Committee for Cereals, of progress in the sale by invitation to tender.

*Article 7*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 13 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 362/92**

of 14 February 1992

**derogating, for the 1992/93 marketing year, from Regulation (EEC) No 1558/91 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables in so far as the time limit for concluding delivery of preliminary contracts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 1943/91 <sup>(2)</sup>, and in particular Article 3 (4) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1558/91 <sup>(3)</sup> provides in respect of tomatoes for a preliminary contract between the producer and the processor to be concluded by 16 February at the latest; whereas, because of particular climatic conditions in principal production areas of the Community, the time limits for concluding preliminary contracts between producers and processors, for the 1992/93 marketing year, as well as the time limits for forwarding them to the national organization concerned, should be postponed by one and a half months;

Whereas, due to the urgency, this Regulation shall enter into force on the day of its publication;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 5 (1) and (2) of Regulation (EEC) No 1558/91, for the 1992/93 marketing year, the time limit for concluding preliminary contracts is fixed at 31 March 1992, and that for forwarding copies of the preliminary contracts to the organization concerned at 10 April 1992.

*Article 2*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 175, 4. 7. 1991, p. 1.

<sup>(3)</sup> OJ No L 144, 8. 6. 1991, p. 31.

## COMMISSION REGULATION (EEC) No 363/92

of 14 February 1992

fixing the maximum buying-in price and the quantities of beef bought in for the 62nd partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 1628/91 <sup>(2)</sup>, and in particular Article 6 (8) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector <sup>(3)</sup>, as last amended by Regulation (EEC) No 3560/91 <sup>(4)</sup>, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender <sup>(5)</sup>, as last amended by Regulation (EEC) No 302/92 <sup>(6)</sup>;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted, without, however, exceeding the average national or regional market price plus the amount mentioned in paragraph 1; whereas, however, pursuant to Article 5 of that Regulation, where the intervention agencies in Member States are offered meat in quantities greater than they are able to take over forthwith, such intervention agencies may limit buying in to the quantities they can take over;

Whereas, after the tenders submitted for the 62nd partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing

coefficient or, where appropriate depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 62nd partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 265,50 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 16 613 tonnes; the quantities offered are hereby reduced by 90 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

- the maximum buying-in price is hereby fixed at ECU 265,00 per 100 kilograms of carcasses or half-carcasses of quality R3,
- tenders in Ireland exceeding ECU 260,81 shall not be taken into consideration,
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 9 140 tonnes; the quantities offered are hereby reduced by 75 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89.

*Article 2*

This Regulation shall enter into force on 17 February 1992.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 16.

<sup>(3)</sup> OJ No L 91, 4. 4. 1989, p. 5.

<sup>(4)</sup> OJ No L 336, 7. 12. 1991, p. 28.

<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(6)</sup> OJ No L 32, 8. 2. 1992, p. 11.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 364/92**  
**of 14 February 1992**  
**fixing the import levies on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 1630/91 <sup>(2)</sup>, and in particular Article 14 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EEC) No 3798/91 <sup>(4)</sup>;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1991/1992 milk year by Council Regulation (EEC) No 1633/91 <sup>(5)</sup>;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 12 of that Regulation respectively;

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or

coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 <sup>(6)</sup>, as last amended by Regulation (EEC) No 1502/90 <sup>(7)</sup>;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14 (3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

Whereas Commission Regulation (EEC) No 1073/68 <sup>(8)</sup>, as amended by Regulation (EEC) No 222/88 <sup>(9)</sup>, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 19.

<sup>(3)</sup> OJ No L 329, 24. 12. 1979, p. 1.

<sup>(4)</sup> OJ No L 357, 28. 12. 1991, p. 3.

<sup>(5)</sup> OJ No L 150, 15. 6. 1991, p. 25.

<sup>(6)</sup> OJ No L 196, 5. 7. 1982, p. 1.

<sup>(7)</sup> OJ No L 141, 2. 6. 1990, p. 5.

<sup>(8)</sup> OJ No L 180, 26. 7. 1968, p. 25.

<sup>(9)</sup> OJ No L 28, 1. 2. 1988, p. 1.

Whereas Commission Regulation (EEC) No 788/86<sup>(1)</sup>, as last amended by Regulation (EEC) No 1525/90<sup>(2)</sup>, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

<sup>(1)</sup> OJ No L 74, 19. 3. 1986, p. 20.

<sup>(2)</sup> OJ No L 144, 7. 6. 1990, p. 15.

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose<sup>(3)</sup>, as amended by Regulation (EEC) No 222/88, stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas Council Regulation (EEC) No 715/90<sup>(4)</sup>, as last amended by Regulation (EEC) No 523/91<sup>(5)</sup>, lays down the arrangements applicable to agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(6)</sup>, no levies shall apply on products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas, if the levy system is to operate normally, refunds should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(7)</sup>, last amended by Regulation (EEC) No 2205/90<sup>(8)</sup>,

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 20.

<sup>(4)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(5)</sup> OJ No L 58, 5. 3. 1991, p. 1.

<sup>(6)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> OJ No L 201, 31. 7. 1990, p. 9.

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

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

Done at Brussels, 14 February 1992.

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 16 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX

## to the Commission Regulation of 14 February 1992 fixing the import levies on milk and milk products

*(ECU/100 kg net weight, unless otherwise indicated)*

CN code	Note	Import levy
0401 10 10		17,83
0401 10 90		16,62
0401 20 11		24,45
0401 20 19		23,24
0401 20 91		29,71
0401 20 99		28,50
0401 30 11		75,74
0401 30 19		74,53
0401 30 31		145,24
0401 30 39		144,03
0401 30 91		243,21
0401 30 99		242,00
0402 10 11	(*)	126,87
0402 10 19	(*)	119,62
0402 10 91	(*)(*)	1,1962/kg + 30,26
0402 10 99	(*)(*)	1,1962/kg + 23,01
0402 21 11	(*)	174,66
0402 21 17	(*)	167,41
0402 21 19	(*)	167,41
0402 21 91	(*)	211,13
0402 21 99	(*)	203,88
0402 29 11	(*)(*)(*)	1,6741/kg + 30,26
0402 29 15	(*)(*)	1,6741/kg + 30,26
0402 29 19	(*)(*)	1,6741/kg + 23,01
0402 29 91	(*)(*)	2,0388/kg + 30,26
0402 29 99	(*)(*)	2,0388/kg + 23,01
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	145,24
0402 91 59	(*)	144,03
0402 91 91	(*)	243,21
0402 91 99	(*)	242,00
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*)(*)	1,4161/kg + 26,64
0402 99 39	(*)(*)	1,4161/kg + 25,43
0402 99 91	(*)(*)	2,3958/kg + 26,64
0402 99 99	(*)(*)	2,3958/kg + 25,43
0403 10 02		126,87
0403 10 04		174,66

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 06		211,13
0403 10 12	( <sup>1</sup> )	1,1962/kg + 30,26
0403 10 14	( <sup>1</sup> )	1,6741/kg + 30,26
0403 10 16	( <sup>1</sup> )	2,0388/kg + 30,26
0403 10 22		26,86
0403 10 24		32,12
0403 10 26		78,15
0403 10 32	( <sup>1</sup> )	0,2082/kg + 29,05
0403 10 34	( <sup>1</sup> )	0,2608/kg + 29,05
0403 10 36	( <sup>1</sup> )	0,7211/kg + 29,05
0403 90 11		126,87
0403 90 13		174,66
0403 90 19		211,13
0403 90 31	( <sup>1</sup> )	1,1962/kg + 30,26
0403 90 33	( <sup>1</sup> )	1,6741/kg + 30,26
0403 90 39	( <sup>1</sup> )	2,0388/kg + 30,26
0403 90 51		26,86
0403 90 53		32,12
0403 90 59		78,15
0403 90 61	( <sup>1</sup> )	0,2082/kg + 29,05
0403 90 63	( <sup>1</sup> )	0,2608/kg + 29,05
0403 90 69	( <sup>1</sup> )	0,7211/kg + 29,05
0404 10 11 * 11		23,91
0404 10 11 * 14		174,66
0404 10 11 * 17		211,13
0404 10 11 * 21		126,87
0404 10 11 * 24		174,66
0404 10 11 * 27		211,13
0404 10 19 * 11	( <sup>1</sup> )	0,2391/kg + 23,01
0404 10 19 * 14	( <sup>1</sup> )	1,6741/kg + 30,26
0404 10 19 * 17	( <sup>1</sup> )	2,0388/kg + 30,26
0404 10 19 * 21	( <sup>1</sup> )	1,1962/kg + 30,26
0404 10 19 * 24	( <sup>1</sup> )	1,6741/kg + 30,26
0404 10 19 * 27	( <sup>1</sup> )	2,0388/kg + 30,26
0404 10 91 * 11	( <sup>2</sup> )	0,2391/kg
0404 10 91 * 14	( <sup>2</sup> )	1,6741/kg + 6,04
0404 10 91 * 17	( <sup>2</sup> )	2,0388/kg + 6,04
0404 10 91 * 21	( <sup>2</sup> )	1,1962/kg + 6,04
0404 10 91 * 24	( <sup>2</sup> )	1,6741/kg + 6,04
0404 10 91 * 27	( <sup>2</sup> )	2,0388/kg + 6,04
0404 10 99 * 11	( <sup>2</sup> )	0,2391/kg + 23,01
0404 10 99 * 14	( <sup>2</sup> )	1,6741/kg + 29,05
0404 10 99 * 17	( <sup>2</sup> )	2,0388/kg + 29,05
0404 10 99 * 21	( <sup>2</sup> )	1,1962/kg + 29,05
0404 10 99 * 24	( <sup>2</sup> )	1,6741/kg + 29,05
0404 10 99 * 27	( <sup>2</sup> )	2,0388/kg + 29,05
0404 90 11		126,87
0404 90 13		174,66
0404 90 19		211,13
0404 90 31		126,87
0404 90 33		174,66
0404 90 39		211,13
0404 90 51	( <sup>1</sup> )	1,1962/kg + 30,26
0404 90 53	( <sup>1</sup> )( <sup>1</sup> )	1,6741/kg + 30,26
0404 90 59	( <sup>1</sup> )	2,0388/kg + 30,26
0404 90 91	( <sup>1</sup> )	1,1962/kg + 30,26
0404 90 93	( <sup>1</sup> )( <sup>1</sup> )	1,6741/kg + 30,26
0404 90 99	( <sup>1</sup> )	2,0388/kg + 30,26



*(ECU/100 kg net weight, unless otherwise indicated)*

CN code	Note	Import levy
0405 00 10		250,76
0405 00 90		305,93
0406 10 20	(*)	244,79
0406 10 80	(*)	296,37
0406 20 10	(*) (*)	400,63
0406 20 90	(*)	400,63
0406 30 10	(*) (*)	192,06
0406 30 31	(*) (*)	184,35
0406 30 39	(*) (*)	192,06
0406 30 90	(*) (*)	288,78
0406 40 00	(*) (*)	148,14
0406 90 11	(*) (*)	225,91
0406 90 13	(*) (*)	173,37
0406 90 15	(*) (*)	173,37
0406 90 17	(*) (*)	173,37
0406 90 19	(*) (*)	400,63
0406 90 21	(*) (*)	225,91
0406 90 23	(*) (*)	199,65
0406 90 25	(*) (*)	199,65
0406 90 27	(*) (*)	199,65
0406 90 29	(*) (*)	199,65
0406 90 31	(*) (*)	199,65
0406 90 33	(*)	199,65
0406 90 35	(*) (*)	199,65
0406 90 37	(*) (*)	199,65
0406 90 39	(*) (*)	199,65
0406 90 50	(*) (*)	199,65
0406 90 61	(*)	400,63
0406 90 63	(*)	400,63
0406 90 69	(*)	400,63
0406 90 73	(*)	199,65
0406 90 75	(*)	199,65
0406 90 77	(*)	199,65
0406 90 79	(*)	199,65
0406 90 81	(*)	199,65
0406 90 85	(*)	199,65
0406 90 89	(*) (*)	199,65
0406 90 93	(*)	244,79
0406 90 99	(*)	296,37
1702 10 10		24,98
1702 10 90		24,98
2106 90 51		24,98
2309 10 15		92,14
2309 10 19		119,65
2309 10 39		112,24
2309 10 59		92,91
2309 10 70		119,65
2309 90 35		92,14
2309 90 39		119,65
2309 90 49		112,24
2309 90 59		92,91
2309 90 70		119,65

- 
- (1) The levy on 100 kg of product falling within this code is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
  - (b) the other amount indicated.
- (2) The levy on 100 kg of product falling within this code is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
  - (b) the other amount indicated.
- (3) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
- (5) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
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## COMMISSION REGULATION (EEC) No 365/92

of 14 February 1992

fixing the number of young male bovine animals which may be imported on special terms in the first quarter of 1992 derogating from Regulation (EEC) No 2377/80 in respect of that quarter and repealing Regulation (EEC) No 3702/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 1628/91 <sup>(2)</sup>, and in particular Articles 13 (4), 15 (2) and 25 thereof,

Whereas the Council has drawn up an estimated supply balance of 198 000 head under the new import arrangements applicable to young male bovine animals for fattening for the period 1 January to 31 December 1992; whereas, pursuant to Article 13 (4) (a) of Regulation (EEC) No 805/68, the number which may be imported each quarter and the rate of reduction in the import levy on such animals must be determined;

Whereas detailed rules for the application of these special arrangements were laid down in Commission Regulation (EEC) No 612/77 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1121/87 <sup>(4)</sup>, and in Commission Regulation (EEC) No 2377/80 <sup>(5)</sup>, as last amended by Regulation (EEC) No 815/91 <sup>(6)</sup>;

Whereas the supply requirements of certain regions of the Community which have a serious shortfall in bovine animals for fattening must be taken into account; whereas those requirements are apparent in Italy and Greece and may be estimated for the first quarter of 1992 at 42 120 head and 6 435 head respectively in those Member States;

Whereas Council Regulation (EEC) No 3300/91 <sup>(7)</sup> suspended the trade concessions provided for by the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia; whereas, therefore, that country should be excluded from the present arrangements, without prejudice to new legislation adopted in the light of the decisions taken by the Council on 2 December 1991 and 3 February 1992 in favour of the Republics contributing to progress towards peace in Yugoslavia;

Whereas, in the light of the results of negotiations between the Community and the Czech and Slovak

Federal Republic on an association agreement, that country should be allowed to benefit forthwith from the arrangements provided for herein;

Whereas the supply requirements in young bovine animals for fattening justify, for the first quarter of 1992, a higher rate of reduction in the levy on animals weighing from 220 to 300 kilograms per head, originating in and coming from Hungary, Poland or the Czech and Slovak Federal Republic;

Whereas the quantities available must be shared between the traditional trade and other potential applicants;

Whereas, in order to simplify the procedure for allocating the quantities available it is necessary to derogate from Regulation (EEC) No 2377/80; whereas in the case of the traditional trade the quantities available should be allocated directly in proportion to the number of head imported during the last three years; whereas in the case of other applicants the quantities available should be allocated in proportion to the number of head for which application is made;

Whereas, in the case of other applicants, the maximum quantity which each application for an import licence may cover must be limited in order to permit a more equitable distribution of the quantities available; whereas for financial reasons a minimum number of head should be set for these applications;

Whereas this estimated supply balance was only decided at the end of January 1992 in respect of 1992 and a derogation must therefore be provided for from Regulation (EEC) No 2377/80 as regards the time limits for the submission of applications and the issue of import licences under these special arrangements;

Whereas, in order to permit regular imports, the term of validity of licences as referred to in Article 4 (b) of Regulation (EEC) No 2377/80 should be extended;

Whereas, owing to the implementation of these special import arrangements, Commission Regulation (EEC) No 3702/91 <sup>(8)</sup> must be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 16.

<sup>(3)</sup> OJ No L 77, 25. 3. 1977, p. 18.

<sup>(4)</sup> OJ No L 109, 24. 4. 1987, p. 12.

<sup>(5)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(6)</sup> OJ No L 83, 3. 4. 1991, p. 6.

<sup>(7)</sup> OJ No L 315, 15. 11. 1991, p. 1.

<sup>(8)</sup> OJ No L 350, 19. 12. 1991, p. 37.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the period 1 January to 31 March 1992, the maximum number referred to in Article 13 (4) (a) of Regulation (EEC) No 805/68 shall be 52 335 head of young male bovine animals for fattening comprising:

- (a) 6 805 of a live weight of not more than 300 kilograms per head and subject to a 65 % reduction in the levy, and
- (b) 45 530 of a live weight of 220 to 300 kilograms per head, originating in and coming from Hungary, Poland or the Czech and Slovak Federal Republic and subject to a 75 % reduction in the levy.

2. The reductions referred to in 1 shall be in respect of the levy applicable on the day of acceptance of the declaration of release for free circulation.

3. The quantities referred to in 1 shall be distributed as follows:

	<i>Italy</i>	<i>Greece</i>	<i>Other Member States</i>
(a) 6 805 head	5 480	835	490
(b) 45 530 head	36 640	5 600	3 290

4. Applications for licences and licences shall, in accordance with Article 9 (1) (c) of Regulation (EEC) No 2377/80, relate to:

- either young bovine animals weighing not more than 300 kilograms per head,
- or young bovine animals weighing from 220 to 300 kilograms per head, originating in and coming from Hungary, Poland or the Czech and Slovak Federal Republic.

In the latter case, Sections 7 and 8 of applications for licences and licences shall include one of the following entries:

- 'Hungria y/o Polonia y/o República Federativa Checa y Eslovaca',
- 'Ungarn og/eller Polen og/eller Den Tjekkiske og Slovakiske Føderative Republik',
- 'Ungarn und/oder Polen und/oder Tschechische und Slowakische Föderative Republik',
- Ουγγαρία ή/και Πολωνία, ή/και Τσεχική και Σλοβακική Ομοσπονδιακή Δημοκρατία
- 'Hungary and/or Poland and/or Czech and Slovak Federal Republic',
- 'Hongrie et/ou Pologne et/ou République fédérative tchèque et slovaque',
- 'Ungheria e/o Polonia e/o Repubblica federativa ceca e slovacca',
- 'Hongarije en/of Polen en/of Tsjechische en Slowaakse Federatieve Republik',
- 'Hungria e/ou Polónia e/ou República Federativa Checa e Eslovaca'.

Licences shall carry with them an obligation to import from one or more of the countries indicated.

5. In the information referred to in Article 15 (4) (a) of Regulation (EEC) No 2377/80, Member States shall specify the category of live weight and the origin of the products in the case referred to in the second indent of the first subparagraph of 4.

6. Of the number of head reserved for Italy and Greece for each category notwithstanding Article 15 (6) (a) of Regulation (EEC) No 2377/80:

- (a) 90 % may be allocated directly to applicants who provide proof of having imported animals qualifying under this scheme during the last three calendar years. Numbers covered by licences shall be allocated in proportion to the number of head imported in the three years concerned;

(b) 10 % may be allocated to other applicants.

7. The proof referred to in 6 shall be provided by the customs document of release for free circulation.

8. Import licences shall only be issued for a number equal to or more than 10 head.

*Article 2*

1. As regards the quantities referred to in Article 1 (6) (b) and the quantities for Member States other than Italy and Greece applications for import licences shall:

- (a) relate to a number equal to or more than 50 head, and
- (b) relate to a quantity not exceeding 10 % of the quantities available except where the said 10 % results in a figure less than 50 head; in the latter case the maximum figure shall also be 50 head.

2. In case where applications for import licences state quantities in excess of those provided for by the Regulation, those applications shall only be considered within the limits of the said quantities.

3. Numbers shall be allocated in proportion to the number of head for which application is made. If, because of the numbers for which application is made, the percentage reduction results in fewer than 10 head per import licence, the Member States shall, by drawing lots, allocate licences covering 10 head.

*Article 3*

In the case of quantities imported under the terms of Article 8 (4) of Commission Regulation (EEC) No 3719/88<sup>(1)</sup>, the levy shall be collected in full in respect of quantities in excess of those stated on the import licence.

<sup>(1)</sup> OJ No L 331, 2. 12. 1988, p. 1.

*Article 4*

For the purposes of Article 15 (3) of Regulation (EEC) No 2377/80, all applications from one applicant which relate to the same category of weight and the same rate of reduction in the levy shall be treated as one application.

*Article 5*

For the first quarter of 1992, notwithstanding Article 15 of Regulation (EEC) No 2377/80, as regards the arrangements referred to in Article 9 of that Regulation:

- (a) application may only be lodged from 17 to 21 February 1992;
- (b) applications information referred to in Article 15 (4) (a) of that Regulation shall be communicated on 2 March 1992 at the latest;
- (c) licences as provided for in Article 15 (5) (a) of that Regulation shall be issued on 12 March 1992.

*Article 6*

By way of derogation from Article 4 (b) of Regulation (EEC) No 2377/80, the term of validity of licences issued

under this Regulation shall extend for four months from their actual date of issue.

*Article 7*

Three weeks at the latest after import of the livestock referred to in this Regulation, imports shall inform the competent authorities which issued the import licences, of the number and origin of the animals imported. Those authorities shall forward that information to the Commission at the beginning of each month.

*Article 8*

Regulation (EEC) No 3702/91 is hereby repealed.

*Article 9*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 366/92**  
**of 14 February 1992**  
**fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the import levy on white sugar and raw sugar must be equal to the threshold price less the cif price; whereas the threshold price for each of these products was fixed by Council Regulation (EEC) No 1718/91 of 13 June 1991 fixing, for the 1991/92 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal<sup>(3)</sup>;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(4)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas the cif price for raw sugar and white sugar is calculated by the Commission for a Community frontier crossing point which was fixed at Rotterdam by Regulation (EEC) No 431/68 of the Council of 9 April 1968 determining the standard quality for raw sugar and fixing

the Community frontier crossing point for calculating cif prices for sugar<sup>(5)</sup>;

Whereas this price must be based on the most favourable purchasing opportunities on the world market established for each product on the basis of quotations or prices on that market adjusted for any deviation from the standard quality for which the threshold price is fixed; whereas the standard quality for raw sugar was defined by Regulation (EEC) No 431/68 and that for white sugar by Regulation (EEC) No 793/72<sup>(6)</sup>;

Whereas, when the most favourable purchasing opportunities on the world market are being established, the Commission must take account of all available information on offers on the world market, on quotations on the exchanges which are important for world trade, on prices recorded on important third-country markets, and on sales concluded in international trade of which it has knowledge either directly or through the agency of the Member States;

Whereas, however, pursuant to Regulation (EEC) No 784/68 of the Commission of 26 June 1968 laying down detailed rules for calculating cif prices for white sugar and raw sugar<sup>(7)</sup>, the Commission must disregard information if the goods concerned are not of sound and fair marketable quality or if the price quoted in an offer relates to small quantities and is not representative of the market; whereas offer prices which can be assumed not to be representative of the actual market trends must also be disregarded;

Whereas any offer or prices taken into consideration which are not for goods delivered in bulk cif Rotterdam must be adjusted; whereas when this adjustment is being made account must be taken of the difference in the cost of transporting the goods between the port of loading and the port of destination and between the port of loading and Rotterdam; whereas, if the price or the offer relates to goods in bags, it must be reduced by ECU 0,73 per 100 kilograms under the terms of Article 4 of Regulation (EEC) No 784/68;

Whereas, if information on sugar of the standard quality is to be comparable, the price increases or reductions fixed pursuant to Article 15 of Regulation (EEC) No 1785/81 must be added to or deducted from the offers taken into consideration in the case of white sugar; whereas, in the case of raw sugar, the corrective factors provided for in Article 5 of Regulation (EEC) No 784/68 must be applied;

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 6, 11. 1. 1992, p. 19.

<sup>(3)</sup> OJ No L 162, 26. 6. 1991, p. 23.

<sup>(4)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(5)</sup> OJ No L 89, 10. 4. 1968, p. 3.

<sup>(6)</sup> OJ No L 94, 21. 4. 1972, p. 1.

<sup>(7)</sup> OJ No L 145, 27. 6. 1968, p. 10.

Whereas, pursuant to Article 7 of Regulation (EEC) No 784/68, a special cif price may be established for sugar which has been specially treated or specially packed if the offer price for such sugar is lower than the cif price established pursuant to the provisions referred to above ;

Whereas a cif price may, by way of exception, be left unchanged for a limited period if the offer price which served as a basis for the previous calculation of the cif price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the cif price ;

Whereas the levy is altered only if the variation in the elements used to calculate it would entail an increase or a reduction of not less than ECU 0,24 per 100 kilograms in relation to the levy previously fixed ;

Whereas, in accordance with Article 21 (1) of Regulation (EEC) No 1785/81, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff ;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis :

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regu-

lation (EEC) No 1676/85 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(2)</sup>,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent ;

Whereas these exchange rates being those recorded on 13 February 1992 ;

Whereas it follows from applying these provisions that the levies for white sugar and raw sugar should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

#### *Article 1*

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

#### *Article 2*

This Regulation shall enter into force on 15 February 1992.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(2)</sup> OJ No L 201, 31. 7. 1990, p. 9.

## ANNEX

## to the Commission Regulation of 14 February 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (°)
1701 11 10	41,19 (°)
1701 11 90	41,19 (°)
1701 12 10	41,19 (°)
1701 12 90	41,19 (°)
1701 91 00	46,19
1701 99 10	46,19
1701 99 90	46,19 (°)

(°) The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

(°) In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

(°) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.



**COMMISSION REGULATION (EEC) No 367/92**  
**of 14 February 1992**  
**fixing the amount of the subsidy on oil seeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91 <sup>(2)</sup>, and in particular Article 27 <sup>(4)</sup> thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture <sup>(3)</sup>, as last amended by Regulation (EEC) No 3696/91 <sup>(4)</sup>,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed <sup>(5)</sup>, as last amended by Regulation (EEC) No 2206/90 <sup>(6)</sup>, and in particular Article 2 <sup>(3)</sup> thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 307/92 <sup>(7)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3198/91 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amounts of the subsidy and the exchange rates referred to in Article 33 <sup>(2)</sup> and <sup>(3)</sup> of Commission Regulation (EEC) No 2681/83 <sup>(8)</sup> shall be as set out in the Annexes hereto.

*Article 2*

This Regulation shall enter into force on 15 February 1992.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(4)</sup> OJ No L 350, 19. 12. 1991, p. 22.

<sup>(5)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 11.

<sup>(7)</sup> OJ No L 32, 1. 2. 1992, p. 20.

<sup>(8)</sup> OJ No L 266, 28. 9. 1983, p. 1.

## ANNEX I

## Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
<b>1. Gross aids (ECU):</b>					
— Spain	17,814	18,076	18,243	18,441	16,871
— Portugal	26,894	27,156	27,323	27,521	25,951
— Other Member States	17,814	18,076	18,243	18,441	16,871
<b>2. Final aids:</b>					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	41,94	42,55	42,95	43,41	39,72
— Netherlands (Fl)	47,25	47,95	48,39	48,92	44,75
— BLEU (Bfrs/Lfrs)	864,98	877,70	885,81	895,43	819,19
— France (FF)	140,65	142,72	144,04	145,60	133,21
— Denmark (Dkr)	159,97	162,32	163,82	165,60	151,50
— Ireland (£ Irl)	15,655	15,885	16,032	16,206	14,826
— United Kingdom (£)	13,897	14,106	14,237	14,394	13,114
— Italy (Lit)	31 378	31 840	32 134	32 483	29 717
— Greece (Dr)	4 242,40	4 288,19	4 288,76	4 302,01	3 866,86
— Spain (Pta)	2 731,50	2 770,95	2 796,38	2 824,61	2 592,70
— Portugal (Esc)	5 687,74	5 742,29	5 768,38	5 801,80	5 481,46

## ANNEX II

## Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
<b>1. Gross aids (ECU):</b>					
— Spain	19,064	19,326	19,493	19,691	18,121
— Portugal	28,144	28,406	28,573	28,771	27,201
— Other Member States	19,064	19,326	19,493	19,691	18,121
<b>2. Final aids:</b>					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	44,88	45,50	45,89	46,36	42,66
— Netherlands (Fl)	50,57	51,26	51,71	52,23	48,07
— BLEU (Bfrs/Lfrs)	925,68	938,40	946,51	956,12	879,89
— France (FF)	150,52	152,59	153,91	155,47	143,08
— Denmark (Dkr)	171,19	173,55	175,04	176,82	162,72
— Ireland (£ Irl)	16,753	16,983	17,130	17,304	15,924
— United Kingdom (£)	14,892	15,100	15,232	15,388	14,109
— Italy (Lit)	33 580	34 042	34 336	34 685	31 919
— Greece (Dr)	4 557,55	4 603,34	4 603,91	4 617,16	4 182,01
— Spain (Pta)	2 920,04	2 959,49	2 984,92	3 013,14	2 781,23
— Portugal (Esc)	5 948,58	6 003,13	6 029,22	6 062,65	5 742,31

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
<b>1. Gross aids (ECU):</b>					
— Spain	30,579	31,866	32,606	32,638	31,638
— Portugal	37,623	38,596	39,336	39,368	38,368
— Other Member States	19,193	20,166	20,906	20,938	19,938
<b>2. Final aids:</b>					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	45,18	47,47	49,22	49,29	46,94
— Netherlands (Fl)	50,91	53,49	55,45	55,54	52,89
— BLEU (Bfrs/Lfrs)	931,94	979,19	1 015,12	1 016,67	968,12
— France (FF)	151,54	159,22	165,07	165,32	157,42
— Denmark (Dkr)	172,35	181,09	187,73	188,02	179,04
— Ireland (£ Irl)	16,866	17,721	18,372	18,400	17,521
— United Kingdom (£)	14,953	15,741	16,338	16,359	15,543
— Italy (Lit)	33 808	35 521	36 825	36 881	35 120
— Greece (Dr)	4 552,54	4 787,49	4 940,27	4 904,08	4 626,91
— Portugal (Esc)	7 931,79	8 130,72	8 273,46	8 273,44	8 069,40
— Spain (Pta)	4 705,98	4 850,52	4 960,66	4 964,59	4 816,88

## ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
DM	2,042030	2,040780	2,039600	2,038510	2,038510
Fl	2,298990	2,297770	2,296580	2,295490	2,295490
Bfrs/Lfrs	42,041400	42,019100	41,990500	41,965000	41,965000
FF	6,961480	6,959740	6,958300	6,957070	6,957070
Dkr	7,917610	7,915230	7,914420	7,911800	7,911800
£Irl	0,766617	0,766087	0,765050	0,764320	0,764320
£	0,711935	0,711981	0,712013	0,712021	0,712021
Lit	1 537,31	1 539,39	1 541,37	1 543,33	1 543,33
Dr	236,23400	238,82100	241,53700	243,94800	243,94800
Esc	176,04700	176,82300	177,54200	178,08200	178,08200
Pta	128,64300	128,88800	129,14900	129,39600	129,39600

## COMMISSION REGULATION (EEC) No 368/92

of 14 February 1992

fixing the amount of aid for peas, field beans and sweet lupins

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins<sup>(1)</sup>, as last amended by Regulation (EEC) No 1624/91<sup>(2)</sup>, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins<sup>(3)</sup>, as last amended by Regulation (EEC) No 3685/91<sup>(4)</sup>, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82<sup>(5)</sup>, as last amended by Regulation (EEC) No 2206/90<sup>(6)</sup>;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1991/92 marketing year was fixed by Council Regulation (EEC) No 1625/91<sup>(7)</sup>; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased

monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1626/91<sup>(8)</sup>;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1991/92 year, has been fixed by Commission Regulation (EEC) No 2607/91<sup>(9)</sup>;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82<sup>(10)</sup>, as last amended by Regulation (EEC) No 1238/87<sup>(11)</sup>, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86<sup>(12)</sup> delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

Whereas, if the aid system is to operate normally, refunds should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85<sup>(13)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(14)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

<sup>(1)</sup> OJ No L 162, 12. 6. 1982, p. 28.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 10.

<sup>(3)</sup> OJ No L 342, 19. 12. 1985, p. 1.

<sup>(4)</sup> OJ No L 349, 18. 12. 1991, p. 40.

<sup>(5)</sup> OJ No L 219, 28. 7. 1982, p. 1.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 11.

<sup>(7)</sup> OJ No L 150, 15. 6. 1991, p. 11.

<sup>(8)</sup> OJ No L 150, 15. 6. 1991, p. 13.

<sup>(9)</sup> OJ No L 243, 31. 8. 1991, p. 55.

<sup>(10)</sup> OJ No L 219, 28. 7. 1982, p. 36.

<sup>(11)</sup> OJ No L 117, 5. 5. 1987, p. 9.

<sup>(12)</sup> OJ No L 133, 21. 5. 1986, p. 21.

<sup>(13)</sup> OJ No L 164, 24. 6. 1985, p. 6.

<sup>(14)</sup> OJ No L 201, 31. 7. 1990, p. 9.

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1899/91<sup>(1)</sup>; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article

12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

*Article 2*

This Regulation shall enter into force on 16 February 1992.

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

Done at Brussels, 14 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 169, 29. 6. 1991, p. 29.

## ANNEX I

## Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
Peas used :							
— in Spain	8,106	8,264	8,422	8,422	8,422	—	—
— in Portugal	8,114	8,272	8,430	8,430	8,430	—	—
— in another Member State	8,178	8,336	8,494	8,494	8,494	—	—
Field beans used :							
— in Spain	8,178	8,336	8,494	8,494	8,494	—	—
— in Portugal	8,114	8,272	8,430	8,430	8,430	—	—
— in another Member State	8,178	8,336	8,494	8,494	8,494	—	—

Products used in animal feed :

(ECU per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
A. Peas used :							
— in Spain	9,740	10,207	10,457	10,581	10,581	—	—
— in Portugal	9,780	10,245	10,495	10,618	10,618	—	—
— in another Member State	9,780	10,245	10,495	10,618	10,618	—	—
B. Field beans used :							
— in Spain	9,740	10,207	10,457	10,581	10,581	—	—
— in Portugal	9,780	10,245	10,495	10,618	10,618	—	—
— in another Member State	9,780	10,245	10,495	10,618	10,618	—	—
C. Sweet lupins harvested in Spain and used :							
— in Spain	11,814	12,227	12,351	12,517	12,517	—	—
— in Portugal	11,868	12,278	12,401	12,566	12,566	—	—
— in another Member State	11,868	12,278	12,401	12,566	12,566	—	—
D. Sweet lupins harvested in another Member State and used :							
— in Spain	11,814	12,227	12,351	12,517	12,517	—	—
— in Portugal	11,868	12,278	12,401	12,566	12,566	—	—
— in another Member State	11,868	12,278	12,401	12,566	12,566	—	—









## ANNEX VIII

## Corrective amount to be added to amounts in Annex VII

*(in national currency per 100 kg)*

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	6,60	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	1,22	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,32	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	35,04	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	20,52	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	1,07	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,120	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	240	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,36	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	28,38	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,108	0,000	0,000	0,000	0,000	0,000	0,000	0,000

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## ANNEX IX

## Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	235,957	128,883	6,89509	0,767417	1 538,24	2,31643	176,988	0,711900

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 10 February 1992

amending Decision 90/218/EEC concerning the placing on the market and administration of Bovine Somatotrophin (BST)

(92/98/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas, by Decision 90/218/EEC <sup>(3)</sup>, the Council called on Member States to prohibit, until 31 December 1991, the administration of bovine somatotrophin on their territory by any means whatsoever to dairy cows in view of the fact that the effects and consequences of the administration of this product were not sufficiently clear at the time;

Whereas the time set for studying these effects and consequences has proved too short; whereas the research undertaken has only been partially completed; whereas sufficiently representative results have not yet been obtained, in particular from the point of view of animal health and welfare; whereas in-depth studies should therefore continue in order to secure the additional data needed;

Whereas the possibility of a common approach by the principal countries involved in producing, exporting and importing dairy products should be investigated; whereas, finally, further deliberation is necessary regarding some aspects of consistency with other Community policies;

Whereas, in order not to anticipate the results of the studies in question, the prohibition regarding the placing on the market and administration of bovine somatotrophin should be extended until a later date,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 90/218/EEC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

*Article 1*

Member States shall ensure that, until 31 December 1993, the placing on the market of bovine somatotrophin and its administration on their territory to dairy cows by any means whatsoever will not be authorized.

2. Article 4 shall be replaced by the following:

*Article 4*

The Commission shall, before 1 July 1993, present the European Parliament and the Council with a report on the situation together with proposals for future arrangements. The Council shall act upon these proposals not later than 31 December 1993.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 10 February 1992.

*For the Council*

*The President*

Arlindo MARQUES CUNHA

<sup>(1)</sup> OJ No C 24, 31. 1. 1992, p. 9.

<sup>(2)</sup> Opinion delivered on 17 January 1992 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 116, 8. 5. 1990, p. 27. Decision amended by Decision 91/61/EEC (OJ No L 37, 9. 2. 1991, p. 39).

# COMMISSION

## COMMISSION DECISION

of 22 January 1992

amending Decision 86/473/EEC as regards the list of establishments in Uruguay approved for the purpose of importing meat products into the Community

(92/99/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 91/497/EEC<sup>(2)</sup>, and in particular Article 4 (1) thereof,

Whereas a list of establishments in Uruguay, approved for the purpose of importing meat products into the Community, was drawn up initially by Commission Decision 86/473/EEC<sup>(3)</sup>, as last amended by Decision 91/608/EEC<sup>(4)</sup>;

Whereas a Community on-the-spot visit to meat product establishments in Uruguay has revealed that the level of hygiene in one establishment was altered since the last inspection; whereas the list of establishments should be amended accordingly;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Annex to Decision 86/473/EEC is hereby replaced by the Annex to this Decision.

### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 268, 24. 9. 1991, p. 69.

<sup>(3)</sup> OJ No L 279, 30. 9. 1986, p. 53.

<sup>(4)</sup> OJ No L 331, 3. 12. 1991, p. 17.

*ANNEX***LIST OF ESTABLISHMENTS**

Approval No	Establishment	Address
2	Colonia	Tararias, Colonia
8	Canelones	Canelones, Canelones
30	Incur	Fray Bentos, Rio Negro
35	Brincofor	Pando, Canelones
92	Kumis	Montevideo

## COMMISSION DECISION

of 22 January 1992

amending Decision 87/131/EEC authorizing a method for grading pig carcasses in the Netherlands

(Only the Dutch text is authentic)

(92/100/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 5 (2) thereof,Whereas the Commission, by Decision 87/131/EEC<sup>(3)</sup>, as last amended by Decision 87/395/EEC<sup>(4)</sup>, has authorized a method for grading pig carcasses in the Netherlands;

Whereas the Government of the Netherlands has requested the Commission to authorize the application of a new formula for the calculation of the lean meat content of carcasses in the framework of the grading method provided for in Decision 87/131/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS DECISION:

*Article 1*

The text of Article 1 (3) of Decision 87/131/EEC is replaced by the following text:

'3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{Y} = p \hat{Y}_{\text{gilt}} + (1-p) \hat{Y}_{\text{castrate}} (\%)$$

where:

$\hat{Y}$  = the estimated percentage of lean meat in the carcass,

$\hat{Y}_{\text{gilt}}$  =  $61,38 - 0,74 X_1 + 0,13 X_2$  (%),

$\hat{Y}_{\text{castrate}}$  =  $59,35 - 0,67 X_1 + 0,13 X_2$  (%),

where:

$X_1$  = the thickness of backfat (including rind) in millimetres, measured at six centimetres off the midline of the split carcass, between the third and fourth last ribs,

$X_2$  = the thickness of muscle in millimetres, measured at the same time and in the same place as  $X_1$ .

$$p = 1 / (1 + \exp(-\eta)),$$

where:  $\eta = -3,277 - 0,4580 X_1 + 0,3038 X_2$

$$+ 0,007777 (X_1)^2 - 0,001792 (X_2)^2 - 0,002557 X_1 \cdot X_2$$

This formula shall be valid for carcasses weighing between 50 and 120 kg.'

(1) OJ No L 301, 20. 11. 1984, p. 1.

(2) OJ No L 353, 17. 12. 1990, p. 23.

(3) OJ No L 51, 20. 2. 1987, p. 50.

(4) OJ No L 208, 30. 7. 1987, p. 43.

*Article 2*

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 22 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION DECISION

of 28 January 1992

determining the period of the year during which Spain may dispatch certain equidae from the part of its territory considered to be infected with African horse sickness

(92/101/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae<sup>(1)</sup>, and in particular Article 5 (3) (a) thereof,

Whereas, pursuant to Article 5 (3) of Directive 90/426/EEC, a Member State may dispatch equidae from the part of its territory considered to be infected during certain periods of the year only, depending on the activity of vector insects;

Whereas scientific studies carried out by the Spanish authorities on the geographical distribution and population density of vector insects show that because of vector activity the danger period is from 1 July to 30 November;

Whereas this makes it possible, taking into account the requirements in connection with the quarantine period, to determine the period of the year during which Spain may dispatch certain equidae from the part of its territory considered to be infected;

Whereas on the dispatch of certain equidae Spain must observe all the requirements of Directive 90/426/EEC, and in particular those laid down in Article 5 (3) thereof;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Spain may dispatch equidae from the part of its territory considered to be infected with African horse sickness from 1 February to 30 April.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 28 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 224, 18. 8. 1990, p. 42.



## COMMISSION DECISION

of 31 January 1992

approving the plan concerning infectious haemopoietic necrosis and viral haemorrhagic septicaemia presented by France

(Only the French text is authentic)

(92/102/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 90/495/EEC of 24 September 1990 introducing a Community financial measure with a view to the eradication of infectious haemopoietic necrosis of salmonids in the Community<sup>(1)</sup>, and in particular Article 4 thereof,

Whereas, in accordance with Article 1 of Decision 90/495/EEC, Member States must submit a plan for assessing the rate of infection of infectious haemopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) in their territory;

Whereas by letter dated 14 June 1991, France has notified the Commission of its plan;

Whereas, after examination, the plan was found to comply with Decision 90/495/EEC, and in particular with Article 3 thereof;

Whereas the conditions for financial participation by the Community as foreseen in Article 7 of Decision 90/495/EEC, are therefore met;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The plan for assessing the rate of infection of IHN and VHS within its territory, presented by France, is hereby approved.

*Article 2*

France shall bring into force by 1 February 1992 the laws, regulations and administrative provisions for implementing the plan referred to in Article 1.

*Article 3*

The financial participation of the Community for France is fixed at 50 % of the expenditure incurred pursuant to point 5 of Article 3 of Decision 90/495/EEC.

*Article 4*

The Community financial participation is granted upon presentation of the supporting documents.

*Article 5*

This Decision is addressed to France.

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(<sup>1</sup>) OJ No L 276, 6. 10. 1990, p. 37.

**COMMISSION DECISION**

of 31 January 1992

**amending for the third time Decision 80/775/EEC, on laying down methods of control for maintaining the officially brucellosis-free status of bovine herds in certain regions of the Federal Republic of Germany**

(Only the German text is authentic)

(92/103/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine <sup>(1)</sup>, as last amended by Directive 90/425/EEC <sup>(2)</sup>, and in particular Article 3 (13) thereof,Whereas Commission Decision 80/775/EEC <sup>(3)</sup>, as last amended by Decision 90/29/EEC <sup>(4)</sup>, has already laid down methods of control for maintaining the officially brucellosis-free status of bovine herds in certain regions of the Federal Republic of Germany;

Whereas, due to reunification, certain additional areas of the Federal Republic of Germany have fulfilled the requirements for decreasing the frequency of testing and increasing the age at which animals are tested for the maintenance of official freedom from brucellosis;

Whereas, if this qualification is to be maintained, it is necessary to lay down control measures ensuring that it is effectively justified and which are adapted to the special

health situation of bovine herds in certain regions of the Federal Republic of Germany;

Whereas the additional measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 1 of Commission Decision 80/775/EEC, 'Berlin, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia' is added after 'Bremen' and 'Berlin (West)' is removed.

*Article 2*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No 121, 29. 7. 1964, p. 1977/64.<sup>(2)</sup> OJ No L 224, 18. 8. 1990, p. 29.<sup>(3)</sup> OJ No L 224, 27. 8. 1980, p. 14.<sup>(4)</sup> OJ No L 16, 20. 1. 1990, p. 34.