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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 477/92
of 25 February 1992**

amending Regulation (EEC) No 4007/87 extending the period referred to in Articles 90 (1) and 257 (1) of the Act of Accession of Spain and Portugal, as regards Spain

THE COUNCIL 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 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Articles 90 (1) and 257 (1) of the Act of Accession provide for a period during which transitional measures may be adopted to facilitate the passage from the arrangements existing in Spain and in Portugal before accession to those resulting from the application of the common organization of the markets under the conditions laid down in the Act of Accession and in particular to cope with appreciable difficulties in implementing the new arrangements on the date laid down; whereas the date of expiry of that period, set at 31 December 1987 in the Act of Accession, was extended by Regulation (EEC)

No 4007/87⁽²⁾, as last amended by Regulation (EEC) No 3836/90⁽³⁾, to 31 December 1991 for Spain and to 31 December 1992 for Portugal;

Whereas, despite progress made in recent years, certain difficulties are unlikely to be overcome by 31 December 1991 in Spain; whereas the period in question should therefore be extended by one year for that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

In the first paragraph of Article 1 of Regulation (EEC) No 4007/87, the date '31 December 1991' is hereby replaced by '31 December 1992'.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 25 February 1992.

For the Council

The President

Vitor MARTINS

⁽¹⁾ Opinion delivered on 14 February 1992 (not yet published in the Official Journal).

⁽²⁾ OJ No L 378, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 1.

COUNCIL REGULATION (EEC) No 478/92
of 25 February 1992

opening an annual Community tariff quota for dog or cat food, put up for retail sale and falling within CN code 2309 10 11 and an annual Community tariff quota for fish food falling within CN code ex 2309 90 41, originating in, and coming from, the Faroe Islands

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Government of Denmark and the local Government of the Faroe Islands was approved by Decision 91/668/EEC⁽¹⁾;

Whereas that Agreement provides for an annual quota of 1 000 tonnes for dog or cat food, put up for retail sale and falling within CN code 2309 10 11 and for an annual quota of 5 000 tonnes for fish food falling within CN code ex 2309 90 41, originating in, and coming from, the Faroe Islands, with a reduction to zero of the levy; whereas these annual quotas should be opened on a permanent basis from 1992 and provision made for operational rules for them to be set by an implementing Regulation,

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

Done at Brussels, 25 February 1992.

HAS ADOPTED THIS REGULATION:

Article 1

The import levy on dog or cat food, put up for retail sale and falling within CN code 2309 10 11 and on fish food falling within CN code ex 2309 90 41, originating in, and coming from, the Faroe Islands, shall be set at ECU 0 per tonne, within the limit of an annual quota of 1 000 tonnes for CN code 2309 10 11 and of 5 000 tonnes for CN code ex 2309 90 41.

Article 2

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75⁽²⁾.

Article 3

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

This Regulation shall apply from 1 January 1992.

For the Council

The President

Vitor MARTINS

⁽¹⁾ OJ No L 371, 31. 12. 1991, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1. Regulation last amended by Regulation (EEC) No 3653/90 (OJ No L 362, 27. 12. 1990, p. 28).

COUNCIL REGULATION (EEC) No 479/92

of 25 February 1992

on the application of Article 85 (3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 87 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 85 (1) of the Treaty may in accordance with Article 85 (3) thereof be declared inapplicable to categories of agreements, decisions and concerted practices which fulfil the conditions contained in Article 85 (3);

Whereas, pursuant to Article 87 of the Treaty, the provisions for the application of Article 85 (3) of the Treaty should be adopted by way of Regulation; whereas, according to Article 87 (2) (b), such a Regulation must lay down detailed rules for the application of Article 85 (3), taking into account the need to ensure effective supervision, on the one hand, and to simplify administration to the greatest possible extent on the other; whereas, according to Article 87 (2) (d), such a Regulation is required to define the respective functions of the Commission and of the Court of Justice;

Whereas liner shipping is a capital intensive industry; whereas containerization has increased pressures for cooperation and rationalization; whereas the Community shipping industry needs to attain the necessary economies of scale in order to compete successfully on the world liner shipping market;

Whereas joint-service agreements between liner shipping companies with the aim of rationalizing their operations by means of technical, operational and/or commercial arrangements (described in shipping circles as consortia) can help to provide the necessary means for improving

the productivity of liner shipping services and promoting technical and economic progress;

Having regard to the importance of maritime transport for the development of the Community's trade and the role which consortia agreements can fulfil in this respect, taking account of the special features of international liner shipping;

Whereas the legalization of these agreements is a measure which can make a positive contribution to improving the competitiveness of shipping in the Community;

Whereas users of the shipping services offered by consortia can obtain a share of the benefits resulting from the improvements in productivity and service, by means of, *inter alia*, regularity, cost reductions derived from higher levels of capacity utilization, and better service quality stemming from improved vessels and equipment;

Whereas the Commission should be enabled to declare by way of Regulation that the provisions of Article 85 (1) of the Treaty do not apply to certain categories of consortia agreements, decisions and concerted practices, in order to make it easier for undertakings to cooperate in ways which are economically desirable and without adverse effect from the point of view of competition policy;

Whereas the Commission, in close and constant liaison with the competent authorities of the Member States, should be able to define precisely the scope of these exemptions and the conditions attached to them;

Whereas consortia in liner shipping are a specialized and complex type of joint venture; whereas there is a great variety of different consortia agreements operating in different circumstances; whereas the scope, parties, activities or terms of consortia are frequently altered; whereas the Commission should therefore be given the responsibility of defining from time to time the consortia to which a group exemption should apply;

Whereas, in order to ensure that all the conditions of Article 85 (3) of the Treaty are met, conditions should be attached to group exemptions to ensure in particular that a fair share of the benefits will be passed on to shippers and that competition is not eliminated;

Whereas pursuant to Article 11 (4) of Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of

⁽¹⁾ OJ No C 167, 10. 7. 1990, p. 9.

⁽²⁾ OJ No C 305, 25. 11. 1991, p. 39.

⁽³⁾ OJ No C 69, 18. 3. 1991, p. 16.

the Treaty to maritime transport⁽¹⁾ the Commission may provide that a decision taken in accordance with Article 85 (3) of the Treaty shall apply with retroactive effect; whereas it is desirable that the Commission be empowered to adopt, by Regulation, provisions to that effect;

Whereas notification of agreements, decisions and concerted practices falling within the scope of this Regulation must not be made compulsory, it being primarily the responsibility of undertakings to see to it that they conform to the rules on competition, and in particular to the conditions laid down by the subsequent Commission Regulation implementing this Regulation;

Whereas there can be no exemption if the conditions set out in Article 85 (3) of the Treaty are not satisfied; whereas the Commission should therefore have power to take the appropriate measures where an agreement proves to have effects incompatible with Article 85 (3) of the Treaty; whereas the Commission should be able first to address recommendations to the parties and then to take decisions,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to the application of Regulation (EEC) No 4056/86, the Commission may by regulation and in accordance with Article 85 (3) of the Treaty, declare that Article 85 (1) of the Treaty shall not apply to certain categories of agreements between undertakings, decisions of associations of undertakings and concerted practices that have as an object to promote or establish cooperation in the joint operation of maritime transport services between liner shipping companies, for the purpose of rationalizing their operations by means of technical, operational and/or commercial arrangements — with the exception of price fixing (consortia).

2. Such regulation adopted pursuant to paragraph 1 shall define the categories of agreements, decisions and concerted practices to which it applies and shall specify the conditions and obligations under which, pursuant to Article 85 (3) of the Treaty, they shall be considered exempted from the application of Article 85 (1) of the Treaty.

Article 2

1. The regulation adopted pursuant to Article 1 shall apply for a period of five years, calculated as from the date of its entry into force.

2. It may be repealed or amended where circumstances have changed with respect to any of the facts which were basic to its adoption.

Article 3

The regulation adopted pursuant to Article 1 may include a provision stating that it applies with retroactive effect to agreements, decisions and concerted practices which were in existence at the date of entry into force of such regulation, provided they comply with the conditions established in that regulation.

Article 4

Before adopting its regulation, the Commission shall publish a draft thereof to enable all the persons and organizations concerned to submit their comments within such reasonable time limit as the Commission shall fix, but in no case less than one month.

Article 5

1. Before publishing the draft regulation and before adopting the regulation, the Commission shall consult the Advisory Committee on Agreements and Dominant Positions in Maritime Transport established by Article 15 (3) of Regulation (EEC) No 4056/86.

2. Paragraphs 5 and 6 of Article 15 of Regulation (EEC) No 4056/86 relating to consultation with the Advisory Committee, shall apply, it being understood that joint meetings with the Commission shall take place not earlier than one month after dispatch of the notice convening them.

Article 6

1. Where the persons concerned are in breach of a condition or obligation attaching to an exemption granted by the Regulation adopted pursuant to Article 1, the Commission may, in order to put an end to such a breach:

- address recommendations to the persons concerned, and
- in the event of failure by such persons to observe those recommendations, and depending on the gravity of the breach concerned, adopt a decision that either prohibits them from carrying out, or requires them to perform specific acts or, while withdrawing the benefit of the group exemption which they enjoyed, grants them an individual exemption in accordance with Article 11 (4) of Regulation (EEC) No 4056/86, or withdraws the benefit of the group exemption which they enjoyed.

2. Where the Commission, either on its own initiative or at the request of a Member State or of natural or legal persons claiming a legitimate interest, finds that in a particular case an agreement, decision or concerted practice to which the group exemption granted by the Regulation adopted pursuant to Article 1 applies, nevertheless has effects which are incompatible with Article 85 (3) of the Treaty or with the prohibition laid down in Article 86 of the Treaty, it may withdraw the benefit of the group exemption from those agreements, decisions or concerted

⁽¹⁾ OJ No L 378, 31. 12. 1986, p. 4.

practices and take all appropriate measures for the purpose of bringing these infringements to an end, pursuant to Article 13 of Regulation (EEC) No 4056/86.

3. Before taking a decision under paragraph 2, the Commission may address recommendations for termination of the infringement to the persons concerned.

Article 7

This Regulation shall enter into force on the day following 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, 25 February 1992.

For the Council

The President

Vitor MARTINS

COMMISSION REGULATION (EEC) No 480/92

of 28 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 ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, 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 ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 357/92 ⁽⁵⁾ and subsequent amending Regulations;

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 27 February 1992;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 357/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on 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 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽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 39, 15. 2. 1992, p. 3.

ANNEX

to the Commission Regulation of 28 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	131,87 ⁽²⁾ ⁽³⁾
0712 90 19	131,87 ⁽²⁾ ⁽³⁾
1001 10 10	166,35 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 10 90	166,35 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	146,82
1001 90 99	146,82
1002 00 00	163,89 ⁽⁶⁾
1003 00 10	143,64
1003 00 90	143,64
1004 00 10	125,60
1004 00 90	125,60
1005 10 90	131,87 ⁽²⁾ ⁽³⁾
1005 90 00	131,87 ⁽²⁾ ⁽³⁾
1007 00 90	139,45 ⁽⁴⁾
1008 10 00	55,26
1008 20 00	127,58 ⁽⁴⁾
1008 30 00	66,14 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	66,14
1101 00 00	218,55 ⁽⁸⁾
1102 10 00	242,45 ⁽⁸⁾
1103 11 10	271,35 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	234,69 ⁽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 481/92

of 28 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⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, 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⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, 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⁽⁵⁾ 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 27 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 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽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 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 28 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	1st period	2nd period	3rd period
	3	4	5	6
0709 90 60	0	0,43	0,43	1,41
0712 90 19	0	0,43	0,43	1,41
1001 10 10	0	4,96	4,96	4,96
1001 10 90	0	4,96	4,96	4,96
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	0,43	0,43	1,41
1005 90 00	0	0,43	0,43	1,41
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	1st period	2nd period	3rd period	4th period
	3	4	5	6	7
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 482/92
of 28 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 359/92 ⁽⁵⁾, as amended by Regulation (EEC) No 422/92 ⁽⁶⁾,

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 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 39, 15. 2. 1992, p. 8.

⁽⁶⁾ OJ No L 47, 22. 2. 1992, p. 5.

ANNEX

to the Commission Regulation of 28 February 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (7)		
	Arrangement in Regulation (EEC) No 3877/86 (8)	ACP (1) (2) (3) (4) Bangladesh	Third countries (except ACP) (5)
1006 10 21	—	153,48	314,16
1006 10 23	—	143,38	293,96
1006 10 25	—	143,38	293,96
1006 10 27	220,47	143,38	293,96
1006 10 92	—	153,48	314,16
1006 10 94	—	143,38	293,96
1006 10 96	—	143,38	293,96
1006 10 98	220,47	143,38	293,96
1006 20 11	—	192,75	392,70
1006 20 13	—	180,12	367,45
1006 20 15	—	180,12	367,45
1006 20 17	275,59	180,12	367,45
1006 20 92	—	192,75	392,70
1006 20 94	—	180,12	367,45
1006 20 96	—	180,12	367,45
1006 20 98	275,59	180,12	367,45
1006 30 21	—	238,74	501,34 (6)
1006 30 23	—	282,28	588,34 (6)
1006 30 25	—	282,28	588,34 (6)
1006 30 27	441,26 (6)	282,28	588,34 (6)
1006 30 42	—	238,74	501,34 (6)
1006 30 44	—	282,28	588,34 (6)
1006 30 46	—	282,28	588,34 (6)
1006 30 48	441,26 (6)	282,28	588,34 (6)
1006 30 61	—	254,61	533,93 (6)
1006 30 63	—	303,00	630,70 (6)
1006 30 65	—	303,00	630,70 (6)
1006 30 67	473,03 (6)	303,00	630,70 (6)
1006 30 92	—	254,61	533,93 (6)
1006 30 94	—	303,00	630,70 (6)
1006 30 96	—	303,00	630,70 (6)
1006 30 98	473,03 (6)	303,00	630,70 (6)
1006 40 00	—	63,22	132,45

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

(2) 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.

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

(4) 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.

(5) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91.

(6) The levy 3778/91 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.

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

COMMISSION REGULATION (EEC) No 483/92

of 28 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, 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 ⁽³⁾, as last amended by Regulation (EEC) No 423/92 ⁽⁴⁾;

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 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 243, 31. 8. 1991, p. 8.

⁽⁴⁾ OJ No L 47, 22. 2. 1992, p. 7.

ANNEX

to the Commission Regulation of 28 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
	3	4	5	6
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 484/92

of 28 February 1992

fixing the import levies on products processed from cereals and 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 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined,

increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; 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⁽⁹⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 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)⁽¹⁰⁾, as last amended by Regulation (EEC) No 444/92⁽¹¹⁾;

Whereas Article 3 (4) of Council Regulation (EEC) No 3763/91⁽¹²⁾ allows that within the limit of an annual quantity of 8 000 tonnes, the levy shall not be applied to imports into the French department of Réunion of wheat bran falling within CN code 2302 30 from the African, Caribbean and Pacific (ACP) States;

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⁽¹³⁾ 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;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽¹⁰⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹¹⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽¹²⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽¹³⁾ OJ No L 263, 19. 9. 1991, p. 1.

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries ⁽¹⁾ prolonged by Regulation (EEC) No 3588/91 ⁽²⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries ⁽³⁾, as last amended by Regulation (EEC) No 3842/90 ⁽⁴⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose ⁽⁵⁾, as amended by Regulation (EEC) No 222/88 ⁽⁶⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; 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, 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 ⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁸⁾,

- 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, 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,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 6.

⁽³⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽⁴⁾ OJ No L 367, 29. 12. 1990, p. 8.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 February 1992 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
0714 10 10 (1)	141,64	148,29
0714 10 91	145,27 (3) (7)	145,27
0714 10 99	143,46	148,29
0714 90 11	145,27 (3) (7)	145,27
0714 90 19	143,46 (3)	148,29
1102 20 10	237,24	243,28
1102 20 90	134,44	137,46
1102 30 00	142,58	145,60
1102 90 10	261,49	267,53
1102 90 30	235,87	241,91
1102 90 90	143,48	146,50
1103 12 00	235,87	241,91
1103 13 10	237,24	243,28
1103 13 90	134,44	137,46
1103 14 00	142,58	145,60
1103 19 10	299,59	305,63
1103 19 30	261,49	267,53
1103 19 90	143,48	146,50
1103 21 00	270,83	276,87
1103 29 10	299,59	305,63
1103 29 20	261,49	267,53
1103 29 30	235,87	241,91
1103 29 40	237,24	243,28
1103 29 50	142,58	145,60
1103 29 90	143,48	146,50
1104 11 10	148,18	151,20
1104 11 90	290,54	296,58
1104 12 10	133,66	136,68
1104 12 90	262,08	268,12
1104 19 10	270,83	276,87
1104 19 30	299,59	305,63
1104 19 50	237,24	243,28
1104 19 91	242,12	248,16
1104 19 99	253,21	259,25
1104 21 10	232,43	235,45
1104 21 30	232,43	235,45
1104 21 50	363,18	369,22
1104 21 90	148,18	151,20
1104 22 10 10 (4)	133,66	136,68
1104 22 10 90 (4)	235,87	238,89
1104 22 30	235,87	238,89
1104 22 50	209,66	212,68
1104 22 90	133,66	136,68
1104 23 10	210,88	213,90
1104 23 30	210,88	213,90

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
1104 23 90	134,44	137,46
1104 29 11	200,11	203,13
1104 29 15	221,37	224,39
1104 29 19	225,07	228,09
1104 29 31	240,74	243,76
1104 29 35	266,30	269,32
1104 29 39	225,07	228,09
1104 29 91	153,47	156,49
1104 29 95	169,77	172,79
1104 29 99	143,48	146,50
1104 30 10	112,85	118,89
1104 30 90	98,85	104,89
1106 20 10	141,64 (°)	148,29
1106 20 90	208,57 (°)	232,75
1107 10 11	267,82	278,70
1107 10 19	200,11	210,99
1107 10 91	258,58	269,46 (°)
1107 10 99	193,21	204,09
1107 20 00	225,17	236,05 (°)
1108 11 00	331,01	351,56
1108 12 00	212,20	232,75
1108 13 00	212,20	232,75 (°)
1108 14 00	106,10	232,75
1108 19 10	204,46	235,29
1108 19 90	106,10 (°)	232,75
1109 00 00	601,84	783,18
1702 30 51	276,78	373,50
1702 30 59	212,20	278,69
1702 30 91	276,78	373,50
1702 30 99	212,20	278,69
1702 40 90	212,20	278,69
1702 90 50	212,20	278,69
1702 90 75	289,96	386,68
1702 90 79	201,65	268,14
2106 90 55	212,20	278,69
2302 10 10	59,85	65,85
2302 10 90	128,26	134,26
2302 20 10	59,85	65,85
2302 20 90	128,26	134,26
2302 30 10	59,85 (10)	65,85
2302 30 90	128,26 (10)	134,26
2302 40 10	59,85	65,85
2302 40 90	128,26	134,26
2303 10 11	263,60	444,94

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- (¹) 6 % *ad valorem*, subject to certain conditions.
- (²) In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (³) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States :
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (⁴) Taric code : clipped oats.
- (⁵) Taric code : CN code 1104 22 10, other than 'clipped oats'.
- (⁶) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.
- (⁷) 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.
- (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 import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
- (¹⁰) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.
-

COMMISSION REGULATION (EEC) No 485/92
of 28 February 1992
fixing the import levies on compound feedingstuffs

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 ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 14 (4) thereof,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs ⁽³⁾, as last amended by Regulation (EEC) No 944/87 ⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75; 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 ⁽⁵⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 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 African, Caribbean and Pacific

States or in the overseas countries and territories ⁽⁶⁾, as last amended by Regulation (EEC) No 444/92 ⁽⁷⁾;

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 ⁽⁸⁾, 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, 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 ⁽⁹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽¹⁰⁾,
- 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, 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,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 March 1992.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽⁸⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁰⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 February 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1992 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies ⁽¹⁾	
	ACP	Third countries (other than ACP) ⁽¹⁾
2309 10 11	21,09	31,97
2309 10 13	615,49	626,37
2309 10 31	65,90	76,78
2309 10 33	660,30	671,18
2309 10 51	131,80	142,68
2309 10 53	726,20	737,08
2309 90 31	21,09	31,97
2309 90 33	615,49	626,37
2309 90 41	65,90	76,78
2309 90 43	660,30	671,18
2309 90 51	131,80	142,68
2309 90 53	726,20	737,08

⁽¹⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

⁽²⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 486/92

of 28 February 1992

fixing the export refunds on products processed from cereals and rice

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⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 353, 17. 12. 1990, p. 23.
(3) OJ No L 166, 25. 6. 1976, p. 1.
(4) OJ No L 177, 24. 6. 1989, p. 1.
(5) OJ No L 281, 1. 11. 1975, p. 78.
(6) OJ No L 166, 25. 6. 1976, p. 36.

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

(7) OJ No L 281, 1. 11. 1975, p. 65.
(8) OJ No L 182, 3. 7. 1987, p. 49.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas, if the refund 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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁾, as last amended by Regulation (EEC) No 2205/90⁽²⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 February 1992 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 100	117,71	1104 23 10 900	—
1102 20 10 300	100,90	1104 29 11 000	79,25
1102 20 10 900	—	1104 29 15 000	—
1102 20 90 100	100,90	1104 29 19 000	—
1102 20 90 900	—	1104 29 91 000	77,70
1102 30 00 000	—	1104 29 95 000	109,46
1102 90 10 100	134,03	1104 30 10 000	19,43
1102 90 10 900	91,14	1104 30 90 000	21,02
1102 90 30 100	182,05	1107 10 11 000	138,31
1102 90 30 900	—	1107 10 91 000	159,04
1103 12 00 100	182,05	1108 11 00 200	155,40
1103 12 00 900	—	1108 11 00 300	155,40
1103 13 10 100	151,34	1108 11 00 800	—
1103 13 10 300	117,71	1108 12 00 200	134,53
1103 13 10 500	100,90	1108 12 00 300	134,53
1103 13 10 900	—	1108 12 00 800	—
1103 13 90 100	100,90	1108 13 00 200	134,53
1103 13 90 900	—	1108 13 00 300	134,53
1103 14 00 000	—	1108 13 00 800	—
1103 19 10 000	109,46	1108 14 00 200	—
1103 19 30 100	138,49	1108 14 00 300	—
1103 19 30 900	—	1108 14 00 800	—
1103 21 00 000	79,25	1108 19 10 200	217,38
1103 29 20 000	91,14	1108 19 10 300	217,38
1103 29 30 000	—	1108 19 10 800	—
1103 29 40 000	—	1108 19 90 200	—
1104 11 90 100	134,03	1108 19 90 300	—
1104 11 90 900	—	1108 19 90 800	—
1104 12 90 100	202,28	1109 00 00 100	0,00
1104 12 90 300	161,82	1109 00 00 900	—
1104 12 90 900	—	1702 30 51 000	175,73
1104 19 10 000	79,25	1702 30 59 000	134,53
1104 19 50 110	134,53	1702 30 91 000	175,73
1104 19 50 130	109,30	1702 30 99 000	134,53
1104 19 50 150	—	1702 40 90 000	134,53
1104 19 50 190	—	1702 90 50 100	175,73
1104 19 50 900	—	1702 90 50 900	134,53
1104 19 91 000	—	1702 90 75 000	184,14
1104 21 10 100	134,03	1702 90 79 000	127,80
1104 21 10 900	—	2106 90 55 000	134,53
1104 21 30 100	134,03	2302 10 10 000	20,09
1104 21 30 900	—	2302 10 90 100	20,09
1104 21 50 100	178,70	2302 10 90 900	—
1104 21 50 300	142,96	2302 20 10 000	20,09
1104 21 50 900	—	2302 20 90 100	20,09
1104 22 10 100	161,82	2302 20 90 900	—
1104 22 10 900	—	2302 30 10 000	20,09
1104 22 30 100	171,94	2302 30 90 000	20,09
1104 22 30 900	—	2302 40 10 000	20,09
1104 22 50 000	—	2302 40 90 000	20,09
1104 23 10 100	126,12	2303 10 11 100	67,26
1104 23 10 300	96,69	2303 10 11 900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 487/92

of 28 February 1992

fixing the export refunds on cereal-based compound feedingstuffs

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 ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs ⁽⁴⁾, as last amended by Regulation (EEC) No 944/87 ⁽⁵⁾, provides that, when export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used

in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs ⁽⁶⁾, as last amended by Regulation (EEC) No 3630/91 ⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice ⁽⁸⁾, as last amended by Regulation (EEC) No 3049/89 ⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 344, 14. 12. 1991, p. 40.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 292, 11. 10. 1989, p. 10.

Whereas, if the refund 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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 the refund must be fixed once a month ;
whereas it may be altered in the intervening period ;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 February 1992 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

Product code	Amount of refund
2309 10 11 110	4,20
2309 10 13 110	4,20
2309 10 31 110	4,20
2309 10 33 110	4,20
2309 10 51 110	4,20
2309 10 53 110	4,20
2309 90 31 110	4,20
2309 90 33 110	4,20
2309 90 41 110	4,20
2309 90 43 110	4,20
2309 90 51 110	4,20
2309 90 53 110	4,20
2309 10 11 190	3,99
2309 10 13 190	3,99
2309 10 31 190	3,99
2309 10 33 190	3,99
2309 10 51 190	3,99
2309 10 53 190	3,99
2309 90 31 190	3,99
2309 90 33 190	3,99
2309 90 41 190	3,99
2309 90 43 190	3,99
2309 90 51 190	3,99
2309 90 53 190	3,99
2309 10 11 210	8,41
2309 10 13 210	8,41
2309 10 31 210	8,41
2309 10 33 210	8,41
2309 10 51 210	8,41
2309 10 53 210	8,41
2309 90 31 210	8,41
2309 90 33 210	8,41
2309 90 41 210	8,41
2309 90 43 210	8,41
2309 90 51 210	8,41
2309 90 53 210	8,41
2309 10 11 290	7,98
2309 10 13 290	7,98
2309 10 31 290	7,98
2309 10 33 290	7,98
2309 10 51 290	7,98
2309 10 53 290	7,98
2309 90 31 290	7,98
2309 90 33 290	7,98
2309 90 41 290	7,98
2309 90 43 290	7,98
2309 90 51 290	7,98
2309 90 53 290	7,98
2309 10 11 310	16,82
2309 10 13 310	16,82
2309 10 31 310	16,82
2309 10 33 310	16,82

<i>(ECU / tonne)</i>	
Product code	Amount of refund
2309 10 51 310	16,82
2309 10 53 310	16,82
2309 90 31 310	16,82
2309 90 33 310	16,82
2309 90 41 310	16,82
2309 90 43 310	16,82
2309 90 51 310	16,82
2309 90 53 310	16,82
2309 10 11 390	15,95
2309 10 13 390	15,95
2309 10 31 390	15,95
2309 10 33 390	15,95
2309 10 51 390	15,95
2309 10 53 390	15,95
2309 90 31 390	15,95
2309 90 33 390	15,95
2309 90 41 390	15,95
2309 90 43 390	15,95
2309 90 51 390	15,95
2309 90 53 390	15,95
2309 10 31 410	25,22
2309 10 33 410	25,22
2309 10 51 410	25,22
2309 10 53 410	25,22
2309 90 41 410	25,22
2309 90 43 410	25,22
2309 90 51 410	25,22
2309 90 53 410	25,22
2309 10 31 490	23,93
2309 10 33 490	23,93
2309 10 51 490	23,93
2309 10 53 490	23,93
2309 90 41 490	23,93
2309 90 43 490	23,93
2309 90 51 490	23,93
2309 90 53 490	23,93
2309 10 31 510	33,63
2309 10 33 510	33,63
2309 10 51 510	33,63
2309 10 53 510	33,63
2309 90 41 510	33,63
2309 90 43 510	33,63
2309 90 51 510	33,63
2309 90 53 510	33,63
2309 10 31 590	31,91
2309 10 33 590	31,91
2309 10 51 590	31,91
2309 10 53 590	31,91
2309 90 41 590	31,91
2309 90 43 590	31,91
2309 90 51 590	31,91
2309 90 53 590	31,91
2309 10 31 610	42,04
2309 10 33 610	42,04
2309 10 51 610	42,04
2309 10 53 610	42,04
2309 90 41 610	42,04
2309 90 43 610	42,04

(ECU/tonne)

Product code	Amount of refund
2309 90 51 610	42,04
2309 90 53 610	42,04
2309 10 31 690	39,89
2309 10 33 690	39,89
2309 10 51 690	39,89
2309 10 53 690	39,89
2309 90 41 690	39,89
2309 90 43 690	39,89
2309 90 51 690	39,89
2309 90 53 690	39,89
2309 10 51 710	50,45
2309 10 53 710	50,45
2309 90 51 710	50,45
2309 90 53 710	50,45
2309 10 51 790	47,86
2309 10 53 790	47,86
2309 90 51 790	47,86
2309 90 53 790	47,86
2309 10 51 810	58,86
2309 10 53 810	58,86
2309 90 51 810	58,86
2309 90 53 810	58,86
2309 10 51 890	55,84
2309 10 53 890	55,84
2309 90 51 890	55,84
2309 90 53 890	55,84

The refunds in the above table are valid for the following destinations :

Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77 and Greenland.

NB : The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

There are no refunds for products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 not included in the above table.

COMMISSION REGULATION (EEC) No 488/92

of 28 February 1992

fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

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⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 2727/75 and Article 17 (1) of Regulation (EEC) No 1418/76 provides that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EEC) No 3381/90⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas in the absence of evidence that no production refund was granted pursuant to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sector⁽⁷⁾, as last amended by Regulation (EEC) No 3655/90⁽⁸⁾, the export refund should be reduced by the amount of the production refund applicable on the day of acceptance of the export declaration; whereas this system is the only one which avoids the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁹⁾, as amended by Regulation (EEC) No 2026/83⁽¹⁰⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽¹¹⁾, as last amended by Regulation (EEC) No 1615/90⁽¹²⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

Whereas, now that a settlement has been reached between the European Economic Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽¹³⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁷⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁸⁾ OJ No L 362, 27. 12. 1990, p. 33.

⁽⁹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽¹⁰⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽¹¹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹²⁾ OJ No L 152, 16. 6. 1990, p. 33.

⁽¹³⁾ OJ No L 275, 29. 9. 1987, p. 36.

Whereas, for the application of Article 4 (2) (b) of Regulation (EEC) No 3035/80, it is necessary to differentiate the refunds;

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

1. Without prejudice to paragraphs 2 and 3 the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 2727/75 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. For the products listed in the Annex to Regulation (EEC) No 1009/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the products to be exported have not benefited from the production refund provided

for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1009/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund:

(a) applicable on the date of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, where the rate is not fixed in advance;

(b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable pursuant to Regulation (EEC) No 1009/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission
Martin BANGEMANN
Vice-President

ANNEX

to the Commission Regulation of 28 February 1992 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 90	Durum wheat :	
	– used unprocessed :	
	– – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	6,113
	– – in all other cases	11,114
	– used in the form of :	
	– – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104	4,662
	– – hulled grains of CN code 1104 and starch of CN code 1108	6,993
	– – germ of CN code 1104	2,720
	– – gluten of CN code 1109	—
	– – other (except flours of CN code 1101 and groats and meal of CN code 1103)	7,770
1001 90 99	Common wheat and meslin :	
	– used unprocessed :	
	– – on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America	4,274
	– – in all other cases	7,770
	– used in the form of :	
	– – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104	4,662
	– – hulled grains of CN code 1104 and starch of CN code 1108	6,993
	– – germ of CN code 1104	2,720
	– – gluten of CN code 1109	—
	– – other (except flours of CN code 1101, and groats and meal of CN code 1103)	7,770
1002 00 00	Rye :	
	– used unprocessed	10,946
	– used in the form of :	
	– – pellets of CN code 1103, or pearled grains of CN code 1104	6,568
	– – rolled or flaked grains and hulled grains of CN code 1104	9,851
	– – germ of CN code 1104	2,943
	– – starch of CN code 1108 19 90	8,408
	– – gluten of CN code 2303 10 90	—
	– – other (except flours of CN code 1102)	10,946
1003 00 90	Barley :	
	– used unprocessed	9,315
	– used in the form of :	
	– – flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104	6,520
	– – pellets of CN code 1103	5,589
	– – germs of CN code 1104	2,943
	– – starch of CN code 1108 19 90	8,408
	– – gluten of CN code 2303 10 90	—
	– – other	9,315

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1004 00 90	Oats : – used unprocessed – used in the form of : – – pellets of CN code 1103, and pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	10,114 6,068 9,102 2,943 8,408 — 10,114
1005 90 00	Maize (Corn): – used unprocessed – used in the form of : – – flours of CN codes 1102 20 10 and 1102 20 90 – – groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 – – pellets of CN code 1103 – – hulled or perled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 12 00 – – gluten of CN code 2303 10 11 – – other	8,408 5,885 6,726 5,045 7,567 2,943 8,408 3,363 8,408
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	23,854 19,095 19,095
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	30,905 35,730 35,730
1006 40 00	Broken rice : – used unprocessed – used in the form of : – – flour of CN code 1102, groats and meal or pellets of CN code 1103 – – flaked grains of CN 1104 – – starch of CN code 1108 19 10 – – other	14,301 14,301 8,581 14,301 —
1007 00 90	Sorghum	6,014
1101 00 00	Wheat or meslin flour : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	5,036 9,156
1102 10 00	Rye flour	21,032
1103 11 10	Durum wheat groats and meal : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	9,475 17,227
1103 11 90	Common wheat groats and meal : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	5,036 9,156

⁽¹⁾ The quantities of semi-processed products used must be multiplied, as the case may be by the coefficients shown in Annex I to Regulation (EEC) No 2744/75.

COMMISSION REGULATION (EEC) No 489/92
of 28 February 1992

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular the second subparagraph of Article 17 ⁽⁴⁾ thereof,

Whereas the first subparagraph of Article 17 ⁽⁴⁾ of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence ;

Whereas Commission Regulation No 474/67/EEC ⁽³⁾, as amended by Regulation (EEC) No 1397/68 ⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice ;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than ECU 0,30 per tonne ; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than ECU 0,30 per tonne ;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76 ; whereas the cif forward delivery price is that determined in accordance with Article 3 ⁽²⁾ of Council Regulation (EEC) No

1428/76 ⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation ;

Whereas, if the refund 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 corrective factor provided for in the last paragraph of Article 3 ⁽¹⁾ of Council Regulation (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁷⁾,
- 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 the provisions set out above that the corrective amount must be as set out in the Annex hereto ;

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 corrective amount referred to in Article 17 ⁽⁴⁾ of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 February 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1992 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (1)	Current 3	1st period 4	2nd period 5	3rd period 6
1006 20 11 000	—	—	—	—	—
1006 20 13 000	01	0	0	0	0
1006 20 15 000	01	0	0	0	0
1006 20 17 000	—	—	—	—	—
1006 20 92 000	—	—	—	—	—
1006 20 94 000	01	0	0	0	0
1006 20 96 000	01	0	0	0	0
1006 20 98 000	—	—	—	—	—
1006 30 21 000	—	—	—	—	—
1006 30 23 000	01	0	0	0	0
1006 30 25 000	01	0	0	0	0
1006 30 27 000	—	—	—	—	—
1006 30 42 000	—	—	—	—	—
1006 30 44 000	01	0	0	0	0
1006 30 46 000	01	0	0	0	0
1006 30 48 000	—	—	—	—	—
1006 30 61 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 61 900	01	0	0	0	0
	04	0	0	0	0
1006 30 63 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 63 900	01	0	0	0	0
	04	0	0	0	0
1006 30 65 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 65 900	01	0	0	0	0
	04	0	0	0	0
1006 30 67 100	—	—	—	—	—
1006 30 67 900	—	—	—	—	—
1006 30 92 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 92 900	01	0	0	0	0
	04	0	0	0	0

(ECU/tonne)

Product code	Destination (1)	Current 3	1st period 4	2nd period 5	3rd period 6
1006 30 94 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 94 900	01	0	0	0	0
	04	0	0	0	0
1006 30 96 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 96 900	01	0	0	0	0
	04	0	0	0	0
1006 30 98 100	—	—	—	—	—
1006 30 98 900	—	—	—	—	—
1006 40 00 000	—	—	—	—	—

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Canary Islands, Ceuta and Melilla,
- 03 Zones IV, V a), VII c), Canada and zone VIII, except Suriname, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77, as last amended by Regulation (EEC) No 3049/89.

COMMISSION REGULATION (EEC) No 490/92

of 28 February 1992

fixing the corrective amount applicable to the refund on 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⁽¹⁾, as last amended by Council Regulation (EEC) No 3577/90⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- 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 the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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 corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 491/92

of 28 February 1992

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

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 ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁴⁾, and in particular Article 11 (2) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

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

Done at Brussels, 28 February 1992.

Whereas Article 3 of Council Regulation (EEC) No 2746/75 ⁽⁶⁾ and Article 6 of Council Regulation (EEC) No 2744/75 ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76 ⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for March 1992 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 28 February 1992 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

<i>(ECU/tonne)</i>	
Product code	Refund
1001 10 90 000	118,00
1001 90 99 000	70,00
1002 00 00 000	70,00
1003 00 90 000	86,00
1004 00 90 000	—
1005 90 00 000	86,00
1006 20 92 000	206,40
1006 20 94 000	206,40
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 100	258,00
1006 30 92 900	258,00
1006 30 94 100	258,00
1006 30 94 900	258,00
1006 30 96 100	258,00
1006 30 96 900	258,00
1006 40 00 000	—
1007 00 90 000	86,00
1101 00 00 100	92,00
1101 00 00 130	92,00
1102 20 10 100	117,71
1102 20 10 300	100,90
1102 30 00 000	—
1102 90 10 100	134,03
1103 11 10 500	174,00
1103 11 90 100	92,00
1103 13 10 100	151,34
1103 14 00 000	—
1104 12 90 100	202,28
1104 21 50 100	178,70

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 492/92

of 28 February 1992

fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries

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 markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas, in accordance with Article 303 of the Act of Accession, a reduced levy is applied during the period of seven years following accession on imports into Portugal of certain quantities of raw sugar originating in certain third countries;

Whereas Commission Regulation (EEC) No 599/86 ⁽³⁾, as last amended by Regulation (EEC) No 243/92 ⁽⁴⁾, fixes the reduced levy applicable on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries;

Whereas the levy should, in the light of the application of the detailed rules and arrangements specified in Regulation (EEC) No 599/86 to the data available to the Commission, be fixed as shown in Article 1 of this 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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of raw sugar intended for refining (CN codes 1701 11 10 and 1701 12 10) is fixed for this quality type at ECU 30,31 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 18.

⁽⁴⁾ OJ No L 24, 1. 2. 1992, p. 72.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 493/92

of 28 February 1992

fixing the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, 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 levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar ; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT ;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1428/78 ⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content ;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed ; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average ;

Whereas the basic amount must be fixed each month ; whereas it must, however, be altered during the period between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by

at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount ; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration ;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application ; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68 ;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 14 (1) of Council Regulation (EEC) No 2727/75 ⁽⁵⁾, as last amended by Regulation (EEC) No 3577/90 ⁽⁶⁾, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 ; whereas the levy must be fixed each month ;

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 ⁽⁷⁾, 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 ;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁶⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽⁷⁾ 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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1992 fixing the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4570	—
1702 20 90	0,4570	—
1702 30 10	—	55,37
1702 40 10	—	55,37
1702 60 10	—	55,37
1702 60 90	0,4570	—
1702 90 30	—	55,37
1702 90 60	0,4570	—
1702 90 71	0,4570	—
1702 90 90	0,4570	—
2106 90 30	—	55,37
2106 90 59	0,4570	—

⁽¹⁾ 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.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 494/92

of 28 February 1992

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EEC) No 1714/88⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1400/78 of 20 June 1978 laying down general

rules for the production refund on sugar used in the chemical industry⁽⁷⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75⁽⁸⁾, as amended by Regulation (EEC) No 1714/88;

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

- 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 Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 February 1992 fixing the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
1702 40 10 100		38,87
1702 60 10 000		38,87
1702 60 90 000	0,3887	
1702 90 30 000		38,87
1702 90 60 000	0,3887	
1702 90 71 000	0,3887	
1702 90 90 900	0,3887	
2106 90 30 000		38,87
2106 90 59 000	0,3887	

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 495/92

of 28 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 Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 366/92 ⁽³⁾, as last amended by Regulation (EEC) No 473/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) 366/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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 Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

- 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 27 February 1992,

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 29 February 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 39, 15. 2. 1992, p. 28.

⁽⁴⁾ OJ No L 53, 28. 2. 1992, p. 42.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 February 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (°)
1701 11 10	40,17 (°)
1701 11 90	40,17 (°)
1701 12 10	40,17 (°)
1701 12 90	40,17 (°)
1701 91 00	45,57
1701 99 10	45,57
1701 99 90	45,57 (°)

(°) 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 496/92

of 28 February 1992

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 394/92 ⁽³⁾, as amended by Regulation (EEC) No 448/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 394/92 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 394/92 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 44, 20. 2. 1992, p. 5.

⁽⁴⁾ OJ No L 52, 27. 2. 1992, p. 16.

ANNEX

to the Commission Regulation of 28 February 1992 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	35,76 ⁽¹⁾	
1701 11 90 910	35,73 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	35,76 ⁽¹⁾	
1701 12 90 910	35,73 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3887
1701 99 10 100	38,87	
1701 99 10 910	38,87	
1701 99 10 950	38,87	
1701 99 90 100		0,3887

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85, as amended by Regulation (EEC) No 3251/85.

COMMISSION REGULATION (EEC) No 497/92
of 28 February 1992
fixing the export refunds 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⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds⁽³⁾, as last amended by the Act of Accession of Greece, and in particular the first sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽⁴⁾, as last amended by Regulation (EEC) No 3696/91⁽⁵⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁶⁾, as last amended by Regulation (EEC) No 2206/90⁽⁷⁾, and in particular Article 2 (3) thereof,

Having regard to Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats⁽⁸⁾, as last amended by Regulation (EEC) No 557/91⁽⁹⁾, and in particular Article 13 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1991/92 marketing year were fixed by Council Regulations (EEC) No 1722/91⁽¹⁰⁾ and (EEC) No 1723/91⁽¹¹⁾;

Whereas the abatement of the subsidy for colza and rape seed which arises, where appropriate, from the system of

maximum guaranteed quantities for the 1991/92 marketing year, has been fixed by Commission Regulation (EEC) No 3207/91⁽¹²⁾;

Whereas Article 27a (3) of Regulation No 136/66/EEC provides that the adjustment of the amount of aid for rape seed produced in Spain for the 1991/92 marketing year shall be fixed so that the adjusted target price is the same in Spain as in the Community as constituted at 31 December 1985;

Whereas Article 28 of Regulation No 136/66/EEC provides that a refund may be granted on exports to third countries of oil seeds harvested within the Community; whereas the amount of this refund may not exceed the difference between prices within the Community and prices on the world market where the former are higher than the latter; whereas Article 21 of Regulation No 136/66/EEC provides that, at present, Article 28 of that Regulation applies only to colza, rape and sunflower seeds;

Whereas the refund for colza and rape seeds produced in Spain or Portugal is adjusted in accordance with Council Regulation (EEC) No 478/86⁽¹³⁾;

Whereas Article 3 of Regulation No 142/67/EEC provides that when the refund is being calculated account must be taken of prices ruling on the various Community markets which are representative from the point of view of processing and exportation; the most favourable quotations recorded on the various markets of importing third countries and costs incurred in placing the goods on the world market; whereas, when the amount of the refund is being fixed, account must also be taken of the level of market prices within the Community for the oil seeds referred to in Article 21 of Regulation No 136/66/EEC and the future trend of these prices; whereas, furthermore, account should be taken of the economic aspect of the proposed exports and the situation in the Community regarding the supply of and demand for these seeds;

Whereas the abatement of the subsidy for colza and rape seed which arises from the system of maximum guaranteed quantities for the 1990/91 marketing year has been fixed by Commission Regulation (EEC) No 2509/90⁽¹⁴⁾;

Whereas Article 1 of Commission Regulation (EEC) No 651/71 of 29 March 1971 on certain detailed rules for the

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁵⁾ OJ No L 350, 19. 12. 1991, p. 22.

⁽⁶⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁸⁾ OJ No L 213, 11. 8. 1975, p. 1.

⁽⁹⁾ OJ No L 62, 8. 3. 1991, p. 23.

⁽¹⁰⁾ OJ No L 162, 26. 6. 1991, p. 31.

⁽¹¹⁾ OJ No L 162, 26. 6. 1991, p. 33.

⁽¹²⁾ OJ No L 328, 30. 11. 1991, p. 68.

⁽¹³⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽¹⁴⁾ OJ No L 237, 1. 9. 1990, p. 7.

application of export refunds on oil seeds⁽¹⁾, as last amended by Regulation (EEC) No 1815/84⁽²⁾, provides that the amount of the refund must be calculated on the basis of the weight of exported seeds; whereas this weight must be adjusted to take account of any differences between the percentages of moisture and impurities found to exist and those used to define the standard quality for which the target price is fixed; whereas, when this adjustment is being made, the weight of the exported seeds must be increased by the amount of the difference between the actual moisture and impurities content and that used to define the standard quality if the former is lower than the latter; whereas, if the opposite applies, the weight of the exported seeds must be reduced by the same amount;

Whereas the standard quality referred to above was defined in Article 2 of Council Regulation (EEC) No 1102/84⁽³⁾;

Whereas Article 2 of Regulation No 142/67/EEC provides that the refund may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 4 of Regulation (EEC) No 651/71 provides for the publication of the amount of the final refund obtained from the conversion into each of the national currencies of the amount of the refund in ecus plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84⁽⁴⁾, as last amended by Regulation (EEC) No 1539/90⁽⁵⁾, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price reduced by 7,5 % or the refund of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate of the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾.

(b) In the case of Member States other than those referred to in (a), the difference between:

- the agricultural conversion rate, and
- the average rate of the ecu as published in the C Series of the *Official Journal of the European Communities* during a period to be determined, multiplied by the factor referred to in the second indent of (a);

Whereas pursuant to Article 2 (2) of Regulation (EEC) No 1569/72 forward differential amounts are to be determined where the forward exchange rate for one or more currencies differs from the spot rate by at least a given percentage; whereas this percentage has been fixed at 0,5 by Regulation (EEC) No 1813/84;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas it follows from applying these provisions to the current situation of the oil seeds market and to the rates or prices of these products that, pursuant to Article 4 of Regulation (EEC) No 651/71, the amount of the refund in ecus and the amount of the final refund in each of the national currencies must, in the case of colza and rape seed, be fixed in accordance with the Annex to this Regulation; whereas it is not necessary to fix a refund for sunflower seed;

Whereas Article 13 of Regulation (EEC) No 2041/75 makes provision for the period of validity of certificates fixing refunds in advance to be reduced if the market situation warrants; whereas in the interests of sound market management a reduction should be made;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 shall be as set out in the Annex hereto.
2. There shall be no refund on sunflower seed.
3. Certificates fixing the export refund in advance shall be valid from their date of issue until the end of the following month.

Article 2

This Regulation shall enter into force on 1 March 1992.

⁽¹⁾ OJ No L 75, 30. 3. 1971, p. 16.

⁽²⁾ OJ No L 170, 29. 6. 1984, p. 46.

⁽³⁾ OJ No L 113, 28. 4. 1984, p. 8.

⁽⁴⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽⁵⁾ OJ No L 145, 8. 6. 1990, p. 20.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 February 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1992 fixing the export refunds on oil seeds

(amounts per 100 kilograms)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
1. Gross refunds (ECU):						
— Spain	12,500	12,778	—	—	—	—
— Portugal	21,580	21,858	—	—	—	—
— other Member States	12,500	12,778	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	29,43	30,08	—	—	—	—
— Netherlands (Fl)	33,16	33,89	—	—	—	—
— BLEU (Bfrs/Lfrs)	606,95	620,45	—	—	—	—
— France (FF)	98,70	100,89	—	—	—	—
— Denmark (Dkr)	112,25	114,75	—	—	—	—
— Ireland (£ Irl)	10,985	11,229	—	—	—	—
— United Kingdom (£)	9,557	9,778	—	—	—	—
— Italy (Lit)	22 018	22 508	—	—	—	—
— Greece (Dr)	2 798,93	2 844,49	—	—	—	—
— Spain (Pta)	1 948,61	1 990,54	—	—	—	—
— Portugal (Esc)	4 613,29	4 671,30	—	—	—	—

COMMISSION REGULATION (EEC) No 498/92
of 28 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⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾, and in particular Article 27 (4) thereof,

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

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

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commis-

sion Regulation (EEC) No 307/92⁽⁷⁾, as last amended by Regulation (EEC) No 442/92⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 307/92 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 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ shall be as set out in the Annexes hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 350, 19. 12. 1991, p. 22.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 32, 1. 2. 1992, p. 20.

⁽⁸⁾ OJ No L 51, 26. 2. 1992, p. 9.

⁽⁹⁾ 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 3	1st period 4	2nd period 5	3rd period 6
1. Gross aids (ECU):				
— Spain	17,344	17,822	18,180	18,185
— Portugal	26,424	26,902	27,260	27,265
— Other Member States	17,344	17,822	18,180	18,185
2. Final aids:				
Seed harvested and processed in:				
— Federal Republic of Germany (DM)	40,83	41,96	42,80	42,81
— Netherlands (Fl)	46,01	47,27	48,22	48,24
— BLEU (Bfrs/Lfrs)	842,16	865,37	882,75	883,00
— France (FF)	136,94	140,72	143,54	143,58
— Denmark (Dkr)	155,75	160,04	163,25	163,30
— Ireland (£ Irl)	15,241	15,662	15,976	15,981
— United Kingdom (£)	13,509	13,894	14,181	14,185
— Italy (Lit)	30 551	31 393	32 023	32 032
— Greece (Dr)	4 111,04	4 217,90	4 269,84	4 240,83
— Spain (Pta)	2 662,92	2 734,25	2 787,87	2 787,19
— Portugal (Esc)	5 593,94	5 692,26	5 764,60	5 757,45

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6
1. Gross aids (ECU):				
— Spain	18,594	19,072	19,430	19,435
— Portugal	27,674	28,152	28,510	28,515
— Other Member States	18,594	19,072	19,430	19,435
2. Final aids:				
Seed harvested and processed in:				
— Federal Republic of Germany (DM)	43,77	44,90	45,74	45,75
— Netherlands (Fl)	49,32	50,59	51,54	51,55
— BLEU (Bfrs/Lfrs)	902,86	926,07	943,45	943,69
— France (FF)	146,81	150,59	153,41	153,45
— Denmark (Dkr)	166,97	171,26	174,48	174,52
— Ireland (£ Irl)	16,340	16,760	17,075	17,079
— United Kingdom (£)	14,504	14,889	15,176	15,180
— Italy (Lit)	32 752	33 594	34 225	34 234
— Greece (Dr)	4 426,19	4 533,05	4 584,99	4 555,98
— Spain (Pta)	2 851,46	2 922,79	2 976,41	2 975,73
— Portugal (Esc)	5 854,78	5 953,11	6 025,44	6 018,29

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6
1. Gross aids (ECU):				
— Spain	30,644	31,140	31,262	31,262
— Portugal	37,374	37,870	37,992	37,992
— Other Member States	18,944	19,440	19,562	19,562
2. Final aids:				
Seed harvested and processed in:				
— Federal Republic of Germany (DM)	44,60	45,77	46,05	46,05
— Netherlands (Fl)	50,25	51,57	51,89	51,89
— BLEU (Bfrs/Lfrs)	919,85	943,93	949,86	949,86
— France (FF)	149,57	153,49	154,45	154,45
— Denmark (Dkr)	170,12	174,57	175,66	175,66
— Ireland (£ Irl)	16,648	17,083	17,191	17,191
— United Kingdom (£)	14,744	15,143	15,237	15,237
— Italy (Lit)	33 369	34 243	34 457	34 457
— Greece (Dr)	4 480,05	4 588,52	4 569,15	4 534,00
— Portugal (Esc)	7 883,06	7 985,31	8 009,97	8 001,17
— Spain (Pta)	4 670,17	4 744,30	4 763,24	4 761,76

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 3	1st period 4	2nd period 5	3rd period 6
DM	2,045260	2,044140	2,043050	2,042260
Fl	2,302750	2,301620	2,300420	2,299470
Bfrs/Lfrs	42,108800	42,084700	42,060100	42,038500
FF	6,958320	6,956540	6,954930	6,954180
Dkr	7,930850	7,927510	7,924640	7,924090
£Irl	0,766182	0,765997	0,765319	0,764925
£	0,709431	0,709425	0,709344	0,709257
Lit	1 535,21	1 537,43	1 539,67	1 540,78
Dr	235,93900	238,29600	240,98300	242,99600
Esc	176,00300	176,48300	176,99200	177,52400
Pta	128,31200	128,55000	128,79800	129,03900

COMMISSION REGULATION (EEC) No 499/92

of 28 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⁽¹⁾, as last amended by Regulation (EEC) No 1624/91⁽²⁾, 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⁽³⁾, as last amended by Regulation (EEC) No 3685/91⁽⁴⁾, 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⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾;

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⁽⁷⁾; 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⁽⁸⁾;

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⁽⁹⁾;

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⁽¹⁰⁾, as last amended by Regulation (EEC) No 1238/87⁽¹¹⁾, 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⁽¹²⁾ 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⁽¹³⁾, as last amended by Regulation (EEC) No 2205/90⁽¹⁴⁾,
- 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;

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 10.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 349, 18. 12. 1991, p. 40.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 150, 15. 6. 1991, p. 11.

⁽⁸⁾ OJ No L 150, 15. 6. 1991, p. 13.

⁽⁹⁾ OJ No L 243, 31. 8. 1991, p. 55.

⁽¹⁰⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹¹⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹²⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽¹⁴⁾ 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⁽¹⁾; 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 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 169, 29. 6. 1991, p. 29.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
Peas used :							
— in Spain	8,264	8,422	8,422	8,422	—	—	—
— in Portugal	8,272	8,430	8,430	8,430	—	—	—
— in another Member State	8,336	8,494	8,494	8,494	—	—	—
Field beans used :							
— in Spain	8,336	8,494	8,494	8,494	—	—	—
— in Portugal	8,272	8,430	8,430	8,430	—	—	—
— in another Member State	8,336	8,494	8,494	8,494	—	—	—

Products used in animal feed :

(ECU per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
A. Peas used :							
— in Spain	9,884	10,233	10,393	10,393	—	—	—
— in Portugal	9,924	10,272	10,431	10,431	—	—	—
— in another Member State	9,924	10,272	10,431	10,431	—	—	—
B. Field beans used :							
— in Spain	9,884	10,233	10,393	10,393	—	—	—
— in Portugal	9,924	10,272	10,431	10,431	—	—	—
— in another Member State	9,924	10,272	10,431	10,431	—	—	—
C. Sweet lupins harvested in Spain and used :							
— in Spain	11,796	12,052	12,265	12,265	—	—	—
— in Portugal	11,850	12,104	12,316	12,316	—	—	—
— in another Member State	11,850	12,104	12,316	12,316	—	—	—
D. Sweet lupins harvested in another Member State and used :							
— in Spain	11,796	12,052	12,265	12,265	—	—	—
— in Portugal	11,850	12,104	12,316	12,316	—	—	—
— in another Member State	11,850	12,104	12,316	12,316	—	—	—

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
Products harvested in :							
— BLEU (Bfrs/Lfrs)	404,77	412,44	412,44	412,44	—	—	—
— Denmark (Dkr)	74,86	76,28	76,28	76,28	—	—	—
— Federal Republic of Germany (DM)	19,62	20,00	20,00	20,00	—	—	—
— Greece (Dr)	2 017,01	2 056,89	2 056,89	2 056,89	—	—	—
— Spain (Pta)	1 257,30	1 281,13	1 281,13	1 281,13	—	—	—
— France (FF)	65,82	67,07	67,07	67,07	—	—	—
— Ireland (£ Irl)	7,325	7,464	7,464	7,464	—	—	—
— Italy (Lit)	14 683	14 962	14 962	14 962	—	—	—
— Netherlands (Fl)	22,11	22,53	22,53	22,53	—	—	—
— Portugal (Esc)	1 739,52	1 772,49	1 772,49	1 772,49	—	—	—
— United Kingdom (£)	6,631	6,756	6,756	6,756	—	—	—

Amounts to be deducted in the case of :

- Peas used in Spain (Pta): 10,86,
- Peas, and field beans used in Portugal (Esc): 13,36.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
Products harvested in :							
— BLEU (Bfrs/Lfrs)	481,87	498,77	506,49	506,49	—	—	—
— Denmark (Dkr)	89,12	92,24	93,67	93,67	—	—	—
— Federal Republic of Germany (DM)	23,36	24,18	24,56	24,56	—	—	—
— Greece (Dr)	2 426,06	2 514,89	2 555,85	2 555,85	—	—	—
— Spain (Pta)	1 496,82	1 549,31	1 573,29	1 573,29	—	—	—
— France (FF)	78,36	81,10	82,36	82,36	—	—	—
— Ireland (£ Irl)	8,721	9,027	9,167	9,167	—	—	—
— Italy (Lit)	17 481	18 094	18 374	18 374	—	—	—
— Netherlands (Fl)	26,32	27,25	27,67	27,67	—	—	—
— Portugal (Esc)	2 070,90	2 143,52	2 176,70	2 176,70	—	—	—
— United Kingdom (£)	7,894	8,171	8,297	8,297	—	—	—
Amounts to be deducted in the case of use :							
— Spain (Pta)	6,03	5,88	5,73	5,73	—	—	—
— Portugal (Esc)	0,00	0,00	0,00	0,00	—	—	—

ANNEX IV

Corrective amount to be added to the amounts in Annex III

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	9,08	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	1,68	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	0,44	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	48,18	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	28,21	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	1,48	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,164	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	329	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,50	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	39,03	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,149	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX V

Partial aids

Field beans intended for animal feed :

(in national currency per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
Products harvested in :							
— BLEU (Bfrs/Lfrs)	481,87	498,77	506,49	506,49	—	—	—
— Denmark (Dkr)	89,12	92,24	93,67	93,67	—	—	—
— Federal Republic of Germany (DM)	23,36	24,18	24,56	24,56	—	—	—
— Greece (Dr)	2 426,06	2 514,89	2 555,85	2 555,85	—	—	—
— Spain (Pta)	1 496,82	1 549,31	1 573,29	1 573,29	—	—	—
— France (FF)	78,36	81,10	82,36	82,36	—	—	—
— Ireland (£ Irl)	8,721	9,027	9,167	9,167	—	—	—
— Italy (Lit)	17 481	18 094	18 374	18 374	—	—	—
— Netherlands (Fl)	26,32	27,25	27,67	27,67	—	—	—
— Portugal (Esc)	2 070,90	2 143,52	2 176,70	2 176,70	—	—	—
— United Kingdom (£)	7,894	8,171	8,297	8,297	—	—	—
Amounts to be deducted in the case of use :							
— Spain (Pta)	6,03	5,88	5,73	5,73	—	—	—
— Portugal (Esc)	0,00	0,00	0,00	0,00	—	—	—

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	9,08	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	1,68	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	0,44	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	48,18	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	28,21	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	1,48	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,164	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	329	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,50	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	39,03	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,149	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX VII

Partial aid

Sweet lupins intended for use in animal feed :

(in national currency per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
Products harvested in :							
— BLEU (Bfrs/Lfrs)	575,39	587,73	598,02	598,02	—	—	—
— Denmark (Dkr)	106,41	108,69	110,60	110,60	—	—	—
— Federal Republic of Germany (DM)	27,90	28,49	28,99	28,99	—	—	—
— Greece (Dr)	2 914,65	2 980,08	3 034,69	3 034,69	—	—	—
— Spain (Pta)	1 787,31	1 825,62	1 857,60	1 857,60	—	—	—
— France (FF)	93,56	95,57	97,24	97,24	—	—	—
— Ireland (£ Irl)	10,413	10,637	10,823	10,823	—	—	—
— Italy (Lit)	20 873	21 321	21 694	21 694	—	—	—
— Netherlands (Fl)	31,43	32,11	32,67	32,67	—	—	—
— Portugal (Esc)	2 472,81	2 525,81	2 570,05	2 570,05	—	—	—
— United Kingdom (£)	9,426	9,628	9,796	9,796	—	—	—
Amounts to be deducted in the case of use in :							
— Spain (Pta)	8,14	7,84	7,69	7,69	—	—	—
— Portugal (Esc)	0,00	0,00	0,00	0,00	—	—	—

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

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

COMMISSION REGULATION (EEC) No 500/92
of 28 February 1992
fixing the rate of the aid for dried fodder

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 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 2275/89⁽²⁾, and in particular Article 5 (3) thereof,

Whereas, under Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas this percentage and the guide price were fixed by Council Regulation (EEC) No 1627/91⁽³⁾ for the 1991/92 marketing year;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁴⁾, as last amended by Regulation (EEC) No 1110/89⁽⁵⁾, the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to

above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁶⁾, as last amended by Regulation (EEC) No 1757/90⁽⁷⁾;

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced, adjusted by the percentage fixed under Article 5 (2) of Regulation (EEC) No 1117/78; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero;

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 given moment within a band of 2,25 %, a conversion rate 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⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽³⁾ OJ No L 150, 15. 6. 1991, p. 15.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁵⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁶⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁷⁾ OJ No L 162, 28. 6. 1990, p. 21.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ 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 the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing;

Whereas, pursuant to Articles 120 (2) and 306 (2) of the Act of Accession, the additional aid applicable in these two Member States is to be adjusted by an amount equal to the amount of customs duties on imports of these products from third countries; whereas, in addition, in Spain the amount is to be adjusted by the difference, multiplied by the percentage referred to in Article 5 (2) of Regulation (EEC) No 1117/78, between the guide price applied in Spain and the common guide price;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the

Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1992 fixing the rate of the aid for dried fodder

Aid applicable from 1st March 1992 to dried fodder:

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates			Fodder otherwise dried	
	Spain	Portugal	Other Member States	Portugal	Other Member States
Aid	74,056	73,730	74,056	40,790	41,116

Aid in case of advance fixing for the month of:

(ECU/tonne)

April 1992	74,105	73,780	74,105	40,840	41,165
May 1992 (1)	0,000	0,000	0,000	0,000	0,000
June 1992 (1)	0,000	0,000	0,000	0,000	0,000
July 1992 (1)	0,000	0,000	0,000	0,000	0,000
August 1992 (1)	0,000	0,000	0,000	0,000	0,000
September 1992 (1)	0,000	0,000	0,000	0,000	0,000
October 1992 (1)	0,000	0,000	0,000	0,000	0,000

(1) In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

COMMISSION REGULATION (EEC) No 501/92
of 28 February 1992
fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 1724/91 ⁽²⁾, and in particular Article 2 (7) thereof,

Whereas the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 404/92 ⁽³⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 404/92 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the aid provided for in Article 2 of Regulation (EEC) No 1491/85 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 February 1992 fixing the aid for soya beans

(ECU/100 kg)

	Current period 3	First period 4	Second period 5	Third period 6
Seed harvested	27,197	27,356	27,073	27,055

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 35.

⁽³⁾ OJ No L 44, 20. 2. 1992, p. 27.

COMMISSION REGULATION (EEC) No 502/92
of 28 February 1992
fixing the aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 791/89⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2880/91⁽⁴⁾, as last amended by Regulation (EEC) No 459/92⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2880/91 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginmed cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 73,138 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 274, 1. 10. 1991, p. 48.

⁽⁵⁾ OJ No L 52, 27. 2. 1992, p. 44.

COMMISSION REGULATION (EEC) No 503/92

of 28 February 1992

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

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⁽¹⁾, as last amended by Commission Regulation (EEC) No 374/92⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c) and (e) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward-processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EEC) No 124/92⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 41, 18. 2. 1992, p. 9.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 14, 21. 1. 1992, p. 28.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

Where Article 8 (2) of Regulation (EEC) No 3035/80 is applied to exports of one of the goods referred to in

Article 4 (1), (2) or (3) of Regulation (EEC) No 570/88, the rate of the refund on milk products shall be that applicable to the use of reduced price butter, unless the exporter provides proof that the product does not contain reduced-price butter.

Article 3

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission
Martin BANGEMANN
Vice-President

ANNEX

to the Commission Regulation of 28 February 1992 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

		<i>(ECU/100 kg)</i>
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2):	
	a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 70,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	56,56 112,00
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	15,00 174,00 168,00

COMMISSION REGULATION (EEC) No 504/92
of 28 February 1992
altering the corrective amount applicable to the refund on cereals

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⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16(4) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 419/92⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16(4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 419/92 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 46, 21. 2. 1992, p. 23.

ANNEX

to the Commission Regulation of 28 February 1992 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	- 50,00	- 50,00	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	- 30,00	- 30,00	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 00 130	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 00 150	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 00 170	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 00 180	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	- 35,00	- 35,00	—	—
1102 10 00 700	01	0	0	0	- 35,00	- 35,00	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 400	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 90 200	01	0	0	0	- 35,00	- 35,00	- 35,00	- 35,00
1103 11 90 800	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/74, as last amended by Regulation (EEC) No 3049/89.

COMMISSION REGULATION (EEC) No 505/92

of 28 February 1992

for the 1991/92 wine year the percentages of table wine production to be delivered for compulsory distillation as provided for in Article 39 of Council Regulation (EEC) No 822/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1734/91 ⁽²⁾, and in particular Article 39 ⁽³⁾, ⁽⁴⁾ and ⁽⁵⁾ thereof,

Whereas Commission Regulation (EEC) No 441/88 ⁽⁶⁾, as last amended by Regulation (EEC) No 2070/92 ⁽⁷⁾, lays down detailed rules for the application of compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87;

Whereas Commission Regulation (EEC) No 3720/91 ⁽⁸⁾ opens for the 1991/92 wine year compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87 and fixes the total quantity to be distilled in the Community and the quantities to be distilled in the various regions;

Whereas production in the various regions should be allocated among the various yield classes;

Whereas Article 39 ⁽⁴⁾ of Regulation (EEC) No 822/87 provides that, in the case of producers who are required to distil, the quantity to be distilled must equal a percentage to be fixed of their table wine production, such percentage being obtained from a graduated scale based on yield per hectare; whereas the percentages of the production of each such producer which must be delivered for distillation should therefore be fixed; whereas, while being based on objective criteria, those percentages must be adapted to the situation of each region and must take account of the exemptions from compulsory distillation provided for in Article 8 ⁽¹⁾ or Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of winegrowing areas ⁽⁹⁾; as amended by Regulation (EEC) No 1327/90 ⁽⁷⁾; whereas the scale used must allow a quantity of table wine corresponding to the obligation provided for in Article 1 ⁽³⁾ of

Regulation (EEC) No 3720/91 to be deducted from a region's quantity; whereas that obligation applied only in the case of producers who are required to submit a production declaration and who market the products concerned; whereas the yield classes should accordingly set out only the quantities covered by the production declarations, on which the scale is based;

Whereas, in accordance with the provisions on the fixing of the scale provided for in the fourth subparagraph of Article 39 ⁽⁴⁾ of Regulation (EEC) No 822/87, reference must be made to the average yield of each production region in which the scales are drawn up;

Whereas adverse weather prior to the 1991 harvest affected yields per hectare in different ways; whereas, despite a very poor harvest on the whole, certain winegrowing plots in Region 3 avoided frost and produced high yields injurious to product quality which should therefore be penalized; whereas, in contrast, weather conditions in Region 4 do not have such a direct effect on quality of production; whereas products obtained with high yields are of good quality and of good commercial potential while on the other hand certain wines obtained with low yields do not meet market requirements; whereas, therefore, provision should be made in that region for a scale which is graduated but applies to the entire production; whereas yields in region 6 are on average below those of other regions; whereas the yield has relatively little impact on the product's quality in that region; whereas provision may be made in that region for a scale which would exclude only what is produced on the basis of the lowest yields, in other words yields which would tend to result in an obligation to deliver for distillation only very small quantities which would qualify for exemption under Regulation (EEC) No 441/88;

Whereas the scale to be established must be incremental, thus penalizing the highest yields, and ensure that, the quantitative limits laid down in Regulation (EEC) No 3720/91 for the various production regions should not be exceeded;

Whereas, in view of the derogation provided for in Article 39 ⁽¹⁰⁾ of Regulation (EEC) No 822/87, it must be specified that the quantity for preventive distillation is to be deducted from the quantity for compulsory distillation in Greece;

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

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 6.

⁽³⁾ OJ No L 45, 18. 2. 1988, p. 15.

⁽⁴⁾ OJ No L 191, 16. 7. 1991, p. 25.

⁽⁵⁾ OJ No L 351, 20. 12. 1991, p. 27.

⁽⁶⁾ OJ No L 132, 28. 5. 1988, p. 3.

⁽⁷⁾ OJ No L 132, 23. 5. 1990, p. 23.

HAS ADOPTED THIS REGULATION :

Article 1

1. Pursuant to Article 5 (1) of Regulation (EEC) No 441/88, production from the 1991/92 harvest shall be broken down into the following yield classes :

(a) Region 3 :

Production obtained with a yield, expressed in hectolitres per hectare :

— up to 90 :	19 189 927 hectolitres,
— 90 or more, but not more than 110 :	615 096 hectolitres,
— of more than 110, but not more than 140 :	84 259 hectolitres,
— of more than 140, but not more than 200 :	60 314 hectolitres,
— exceeding 200 :	118 493 hectolitres ;

(b) Region 4 :

Production obtained with a yield, expressed in hectolitres per hectare :

— not exceeding 50 :	3 379 540 hectolitres,
— of more than 51, but not more than 55 :	1 041 731 hectolitres,
— of more than 56, but not more than 90 :	16 786 083 hectolitres,
— of more than 90, but not more than 110 :	11 738 202 hectolitres,
— of more than 110, but not more than 125 :	3 059 591 hectolitres,
— of more than 125, but not more than 140 :	3 827 863 hectolitres,
— of more than 140, but not more than 170 :	1 325 097 hectolitres,
— of more than 170, but not more than 200 :	87 318 hectolitres,
— exceeding 200 : but not more than 300	121 510 hectolitres ;

(c) Region 6 :

— Part A : production	75 262 hectolitres,
— Part B :	18 446 791 hectolitres.

Production obtained with a yield, expressed in hectolitres per hectare :

— not exceeding 9 :	294 190 hectolitres,
— of more than 9, but not more than 12 :	378 670 hectolitres,
— of more than 12, but not more than 24 :	7 480 697 hectolitres,
— of more than 24, but not more than 34 :	8 075 873 hectolitres,
— of more than 34, but not more than 44 :	1 904 265 hectolitres,
— of more than 44, but not more than 69 :	184 901 hectolitres,
— exceeding 69 :	128 195 hectolitres ;

2. The average yield in production Region 3 shall be 59,1 hectolitres per hectare ; in Region 4 it shall be 75 hectolitres per hectare ; in Region 6 it shall be 25,70 hectolitres per hectare.

Article 2

The quantity that each producer shall be required to deliver for distillation shall be determined by multiplying the quantity referred to in Article 6 of Regulation (EEC) No 441/88 by the percentage shown in the table in the Annex which corresponds to the yield determined in accordance with Article 7 of the said Regulation. The yield shall, where appropriate, be rounded down to the nearest unit (hectolitres per hectare).

Article 3

In the case of Region 5 as referred to in Article 4 (2) of Regulation (EEC) No 441/88, the quantity for preventive distillation in that region pursuant to Commission Regulation (EEC) No 2287/91⁽¹⁾ shall be deducted from the quantity referred to in Article 1 (3) of Regulation (EEC) No 3720/91.

Article 4

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, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 209, 31. 7. 1991, p. 8.

ANNEX

Percentage of the quantity referred to in Article 2

Yield (hectolitres per hectare)	%			Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6, Part B		Region 3	Region 4	Region 6, Part B
not more than				57	0	10,9	40,8
9	0	0	0	58	0	11,4	40,9
10	0	0	7,2	59	0	11,8	41,0
11	0	0	13,1	60	0	12,3	41,1
12	0	0	18,0	61	0	12,7	41,2
13	0	0	19,8	62	0	13,2	41,4
14	0	0	21,4	63	0	13,7	41,5
15	0	0	22,8	64	0	14,1	41,6
16	0	0	24,0	65	0	14,6	41,7
17	0	0	25,1	66	0	15,0	41,8
18	0	0	26,0	67	0	15,5	41,9
19	0	0	26,8	68	0	15,9	41,9
20	0	0	27,6	69	0	16,4	42,0
21	0	0	28,3	70	0	16,9	42,1
22	0	0	28,9	71	0	17,3	42,2
23	0	0	29,5	72	0	17,8	42,3
24	0	0	30,0	73	0	18,2	42,4
25	0	0	30,7	74	0	18,7	42,4
26	0	0	31,4	75	0	19,1	42,5
27	0	0	32,0	76	0	19,6	42,6
28	0	0	32,6	77	0	20,1	42,6
29	0	0	33,1	78	0	20,5	42,7
30	0	0	33,6	79	0	21,0	42,8
31	0	0	34,1	80	0	21,4	42,9
32	0	0	34,5	81	0	21,9	42,9
33	0	0	34,9	82	0	22,3	43,0
34	0	0	35,3	83	0	22,8	43,0
35	0	0	35,7	84	0	23,3	43,1
36	0	0	36,1	85	0	23,7	43,2
37	0	0	36,5	86	0	24,2	43,2
38	0	0	36,8	87	0	24,6	43,3
39	0	0	37,2	88	0	25,1	43,3
40	0	0	37,5	89	0	25,5	43,4
41	0	0	37,8	90	0	26,0	43,4
42	0	0	38,1	91	10,0	26,5	43,5
43	0	0	38,4	92	12,0	26,9	43,5
44	0	0	38,6	93	14,0	27,4	43,6
45	0	0	38,8	94	16,0	27,8	43,6
46	0	0	39,0	95	18,0	28,3	43,7
47	0	0	39,2	96	19,8	28,7	43,7
48	0	0	39,4	97	21,6	29,2	43,8
49	0	0	39,6	98	23,4	29,6	43,8
50	0	0	39,8	99	25,2	30,1	43,8
51	0	2,0	39,9	100	27,0	30,5	43,9
52	0	4,0	40,1	101	28,8	31,0	43,9
53	0	6,0	40,2	102	30,6	31,4	44,0
54	0	8,0	40,4	103	32,4	31,9	44,0
55	0	10,0	40,5	104	34,2	32,3	44,0
56	0	10,5	40,6	105	36,0	32,8	44,1

Yield (hectolitres per hectare)	%			Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6, Part B		Region 3	Region 4	Region 6, Part B
106	37,8	33,2	44,1	160	100,0	60,5	
107	39,6	33,7	44,1	161	100,0	61,1	
108	41,4	34,1	44,2	162	100,0	61,6	
109	43,2	34,6	44,2	163	100,0	62,2	
110	45,0	35,0	44,3	164	100,0	62,7	
111	46,3	35,5	44,3	165	100,0	63,3	
112	47,5	35,9	44,3	166	100,0	63,8	
113	48,8	36,4	44,4	167	100,0	64,4	
114	50,0	36,9	44,4	168	100,0	64,9	
115	51,3	37,3	44,4	169	100,0	65,5	
116	52,5	37,8	44,4	170	100,0	66,0	
117	53,8	38,3	44,5	171	100,0	66,3	
118	55,0	38,7	44,5	172	100,0	66,7	
119	56,3	39,2	44,5	173	100,0	67,0	
120	57,5	39,7		174	100,0	67,3	
121	58,8	40,1		175	100,0	67,7	
122	60,0	40,6		176	100,0	68,0	
123	61,3	41,1		177	100,0	68,3	
124	62,5	41,5		178	100,0	68,7	
125	63,8	42,0		179	100,0	69,0	
126	65,0	42,5		180	100,0	69,3	
127	66,3	43,0		181	100,0	69,7	
128	67,5	43,5		182	100,0	70,0	
129	68,8	44,0		183	100,0	70,3	
130	70,0	44,5		184	100,0	70,7	
131	71,3	45,0		185	100,0	71,0	
132	72,5	45,5		186	100,0	71,3	
133	73,8	46,0		187	100,0	71,7	
134	75,0	46,5		188	100,0	72,0	
135	76,3	47,0		189	100,0	72,3	
136	77,5	47,5		190	100,0	72,7	
137	78,8	48,0		191	100,0	73,0	
138	80,0	48,5		192	100,0	73,3	
139	81,3	49,0		193	100,0	73,7	
140	82,5	49,5		194	100,0	74,0	
141	83,5	50,1		195	100,0	74,3	
142	84,5	50,6		196	100,0	74,7	
143	85,5	51,2		197	100,0	75,0	
144	86,5	51,7		198	100,0	75,3	
145	87,5	52,3		199	100,0	75,7	
146	88,5	52,8		200	100,0	76,0	
147	89,5	53,4		201	100,0	76,1	
148	90,5	53,9		202	100,0	76,2	
149	91,5	54,5		203	100,0	76,3	
150	92,5	55,0		204	100,0	76,4	
151	93,5	55,6		205	100,0	76,5	
152	94,5	56,1		206	100,0	76,5	
153	95,5	56,7		207	100,0	76,6	
154	96,5	57,2		208	100,0	76,7	
155	97,5	57,8		209	100,0	76,8	
156	98,5	58,3		210	100,0	76,9	
157	99,5	58,9		211	100,0	77,0	
158	100,0	59,4		212	100,0	77,1	
159	100,0	60,0		213	100,0	77,2	

Yield (hectolitres per hectare)	%			Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6, Part B		Region 3	Region 4	Region 6, Part B
214	100,0	77,3		257	100,0	81,1	
215	100,0	77,4		258	100,0	81,2	
216	100,0	77,4		259	100,0	81,3	
217	100,0	77,5		260	100,0	81,4	
218	100,0	77,6		261	100,0	81,5	
219	100,0	77,7		262	100,0	81,6	
220	100,0	77,8		263	100,0	81,7	
221	100,0	77,9		264	100,0	81,8	
222	100,0	78,0		265	100,0	81,9	
223	100,0	78,1		266	100,0	81,9	
224	100,0	78,2		267	100,0	82,0	
225	100,0	78,3		268	100,0	82,1	
226	100,0	78,3		269	100,0	82,2	
227	100,0	78,4		270	100,0	82,3	
228	100,0	78,5		271	100,0	82,4	
229	100,0	78,6		272	100,0	82,5	
230	100,0	78,7		273	100,0	82,6	
231	100,0	78,8		274	100,0	82,7	
232	100,0	78,9		275	100,0	82,8	
233	100,0	79,0		276	100,0	82,8	
234	100,0	79,1		277	100,0	82,9	
235	100,0	79,2		278	100,0	83,0	
236	100,0	79,2		279	100,0	83,1	
237	100,0	79,3		280	100,0	83,2	
238	100,0	79,4		281	100,0	83,3	
239	100,0	79,5		282	100,0	83,4	
240	100,0	79,6		283	100,0	83,5	
241	100,0	79,7		284	100,0	83,6	
242	100,0	79,8		285	100,0	83,7	
243	100,0	79,9		286	100,0	83,7	
244	100,0	80,0		287	100,0	83,8	
245	100,0	80,1		288	100,0	83,9	
246	100,0	80,1		289	100,0	84,0	
247	100,0	80,2		290	100,0	84,1	
248	100,0	80,3		291	100,0	84,2	
249	100,0	80,4		292	100,0	84,3	
250	100,0	80,5		293	100,0	84,4	
251	100,0	80,6		294	100,0	84,5	
252	100,0	80,7		295	100,0	84,6	
253	100,0	80,8		296	100,0	84,6	
254	100,0	80,9		297	100,0	84,7	
255	100,0	81,0		298	100,0	84,8	
256	100,0	81,0		299	100,0	84,9	
				300	100,0	85,0	

For higher yields :

in Region 4 : the percentage of the volume produced to be distilled is obtained by the formula : $\text{yield} \times 0,09 + 58$.

in Region 6 : the volume to be distilled is obtained by applying a coefficient of 0,48 to each additional hl.

COMMISSION REGULATION (EEC) No 506/92

of 28 February 1992

on transitional measures regarding the total acidity content of wines produced in Spain and released to the Spanish market for 1992

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⁽¹⁾, and in particular Article 90 thereof, whose period of validity has been extended to 31 December 1992 by Council Regulation (EEC) No 4007/87⁽²⁾, as last amended by Regulation (EEC) No 477/92⁽³⁾,

Whereas a table wine must have a total acidity content, expressed as tartaric acid, of not less than 4,5 grams per litre in accordance with point 13 of Annex I to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽⁴⁾, as last amended by Regulation (EEC) No 1734/91⁽⁵⁾; whereas Article 127 of the Act of Accession of Spain and Portugal lays down that, until 31 December 1990, table wines produced in Spain and released on the Spanish market may have a total acidity content of not less than 3,5 grams per litre; whereas the conditions justifying this derogation are connected, in addition to the climatic conditions, with the structure of the wine sector, the development of which is relatively slow;

Whereas, in order to avoid serious imbalance on the market for table wine in Spain, provision should be made for a derogation in respect of the total acidity content of table wine produced and placed on the market in Spain; whereas Commission Regulation (EEC) No 2276/91⁽⁶⁾ made provision for a similar derogation until 31 December 1991; whereas, for the same reasons, that derogation should be extended and its effect limited to 31 December 1992;

Whereas there should be a gradual process of alignment with the total acidity contents of table wines from the other Member States; whereas, therefore, the derogation should be restricted to Part B of Region 6 as provided for in Article 1 (4) of Commission Regulation (EEC) No 3720/91⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Until 31 December 1992, table wines produced in Part B of Region 6 in Spain, as referred to in Article 1 (4) of Regulation (EEC) No 3720/91 and released on the Spanish market may have a total acidity content, expressed as tartaric acid, of not less than 3,5 grams per litre.

Article 2

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

It shall apply from 1 January 1992.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 15. 11. 1985, p. 9.

⁽²⁾ OJ No L 378, 31. 12. 1987, p. 1.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁵⁾ OJ No L 163, 26. 6. 1991, p. 6.

⁽⁶⁾ OJ No L 208, 30. 7. 1991, p. 47.

⁽⁷⁾ OJ No L 351, 20. 12. 1991, p. 27.

COMMISSION REGULATION (EEC) No 507/92**of 28 February 1992****adopting definitive measures on the issuing of STM licences for milk and milk products in regard to Spain**

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 85 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten⁽³⁾, as last amended by Regulation (EEC) No 63/92⁽⁴⁾, fixes the indicative ceiling for imports into Spain of certain products in the milk and milk products sector for 1992;

Whereas applications for STM licences lodged solely in the Community of Ten during the period 1 to 4 January 1992 for cheese categories 5 and 6 relate to quantities in excess of that fraction of the indicative ceiling set aside for the first quarter of 1992;

Whereas the Commission accordingly adopted, by an emergency procedure, suitable interim protective measures by Regulations (EEC) No 64/92⁽⁵⁾; whereas definitive measures must be adopted; whereas, in view of the market situation in Spain, an increase in indicative ceilings cannot be contemplated at present;

Whereas, as part of the definitive measures referred to in Article 85 (3) of the Act, the suspension of the issuing of STM licences provided for in the abovementioned Regulation until the end of the first quarter of 1992 should be confirmed;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The issuing of STM licences applied for in the Community of Ten for products in the milk and milk products sector as referred to in Regulation (EEC) No 64/92 is hereby definitively suspended for the first quarter of 1992.
2. Further applications for STM licences may be lodged from 23 March 1992 for all products in respect of the fraction of the indicative ceiling applicable.

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, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 6, 11. 1. 1992, p. 17.

⁽⁵⁾ OJ No L 6, 11. 1. 1992, p. 27.

COMMISSION REGULATION (EEC) No 508/92

of 28 February 1992

amending Regulation (EEC) No 3421/91 laying down detailed rules for the application of Council Regulation (EEC) No 597/91 as regards the supply of infant milk and whole-milk powder to Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 597/91 of 5 March 1991 on urgent action for the supply of agricultural and medical products intended for the people of Romania and Bulgaria⁽¹⁾, and in particular Article 5 (2) thereof,

Whereas Article 1 (2) of Commission Regulation (EEC) No 3421/91⁽²⁾ stipulates that the products must be delivered and unloaded before 31 January 1992; whereas it appears that the Romanian authorities were not able to guarantee receipt of all the products prior to the above date; whereas, therefore, the said time limit should be extended by one month;

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

Article 1

In Article 1 (2) (b) of Regulation (EEC) No 3421/91, '31 January 1992' is hereby replaced by '29 February 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, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 7.

⁽²⁾ OJ No L 324, 26. 11. 1991, p. 19.

COMMISSION REGULATION (EEC) No 509/92

of 28 February 1992

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Commission Regulation (EEC) No 396/92⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined nomenclature and which do not conform to the rights

established by this Regulation, can continue to be invoked under the provisions in Article 6 of Commission Regulation (EEC) No 3896/90⁽³⁾, for a period of three months by the holder if a binding contract has been concluded such as is envisaged in Article 14 (3) (a) or (b) of Commission Regulation (EEC) No 1715/90⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 6 of Regulation (EEC) No 3796/90 for a period of three months by the holder if a binding contract has been concluded as envisaged in Article 14 (3) (a) or (b) of Regulation (EEC) No 1715/90.

*Article 3*This Regulation shall enter into force on the 21st day following 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, 28 February 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.
⁽²⁾ OJ No L 44, 20. 2. 1992, p. 9.

⁽³⁾ OJ No L 365, 28. 12. 1990, p. 17.
⁽⁴⁾ OJ No L 160, 26. 6. 1990, p. 1.

ANNEX

Description of goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>1. Product, consisting of a mixture of residues from the manufacture of starch from maize (approximately 40 %), residues from the extraction of oil from maize germs by the wet method (approximately 30 %) and of residues of the distillation of alcohol from maize ('corn distillers') (approximately 30 %), presenting the following analytical characteristics, weight on dry matter:</p> <p>— starch 18 % determined in accordance with the method contained in Annex I.1 to Commission Directive 72/199/EEC⁽¹⁾</p> <p>— proteins (N x 6,25) 28 % determined in accordance with the method contained in Annex I.2 to Commission Directive 72/199/EEC</p> <p>— fats 4,4 % determined in accordance with method A contained in Annex I to Commission Directive 84/4/EEC⁽²⁾</p> <p>It is used in animal feed.</p>	2309 90 41	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, by additional note 1 to chapter 23 and by the wording of CN codes 2309, 2309 90 en 2309 90 41.
<p>2. Preparation consisting mainly of a mixture of approximately 60 % calcium hydrogen-orthophosphate [dicalcium phosphate], by weight, and approximately 40 % calcium bis (dihydrogenorthophosphate) [monocalcium phosphate], by weight, used in animal feed.</p>	2309 90 99	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 2309, 2309 90 and 2309 90 99 (see also the Explanatory Notes to the HS, heading 23.09, part II. C).

⁽¹⁾ OJ No L 123, 29. 5. 1972, p. 6.

⁽²⁾ OJ No L 15, 18. 1. 1984, p. 28.

COMMISSION REGULATION (EEC) No 510/92

of 28 February 1992

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 1551/91⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 2995/91⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as amended by Regulation (EEC) No 3556/88⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- 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, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel; whereas the Common Customs Tariff duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 1551/91 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

Article 2

This Regulation shall enter into force on 29 February 1992.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 144, 8. 6. 1991, p. 3.

⁽⁴⁾ OJ No L 285, 15. 10. 1991, p. 18.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 511/92

of 28 February 1992

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 1551/91⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 2995/91⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as amended by Regulation (EEC) No 3556/88⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- 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, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 1551/91 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

Article 2

This Regulation shall enter into force on 29 February 1992.

⁽⁴⁾ OJ No L 285, 15. 10. 1991, p. 18.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 144, 8. 6. 1991, p. 3.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 512/92

of 28 February 1992

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 1551/91⁽³⁾ opened and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 2995/91⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as amended by Regulation (EEC) No 3556/88⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- 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, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (standard) carnations originating in Israel; whereas the Common Customs Tariff duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (standard) carnations (CN code ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 1551/91 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

Article 2

This Regulation shall enter into force on 29 February 1992.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 144, 8. 6. 1991, p. 3.

⁽⁴⁾ OJ No L 285, 15. 10. 1991, p. 18.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 February 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 513/92

of 28 February 1992

re-establishing the levying of customs duties on products falling within CN codes 6401, 6402, 6404 and 6405 90 10, originating in Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the countries and territories concerned may at any time be re-established;

Having regard to the Treaty establishing the European Economic Community,

Whereas, in the case of products falling within CN codes 6401, 6402, 6404 and 6405 90 10, originating in Thailand, the individual ceilings were fixed respectively at ECU 1 213 000 and 3 126 000; whereas, on 5 February 1992, imports of these products into the Community originating in Thailand reached the ceilings in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Thailand,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries⁽¹⁾, extended into 1992 by Regulation (EEC) No 3587/91⁽²⁾, as last amended by Regulation (EEC) No 282/92⁽³⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

HAS ADOPTED THIS REGULATION:

Article 1

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of

As from 3 March 1992 the levying of customs duties, suspended for 1992 pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in Thailand:

Order No	CN code	Description
10.0660	6401	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes
	6402	Other footwear with outer soles and uppers of rubber or plastics
10.0680	6404	Footwear with outer soles of rubber, plastics, leather or composition leather, and uppers of textiles materials
	6405 90 10	Other footwear, with outer soles of rubber, of plastics, of leather or of composition leather

Article 2

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

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 1.

⁽³⁾ OJ No L 31, 7. 2. 1992, p. 1.

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

Done at Brussels, 28 February 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 514/92

of 28 February 1992

re-establishing the levying of customs duties on products of category 61 (order No 40.0610), originating in China, to which the preferential tariff arrangement set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3587/91⁽²⁾, as last amended by Regulation (EEC) No 282/92⁽³⁾ and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded, for 1992, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the

products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 61 (order No 40.0610), originating in China, the relevant ceiling amounts to 10 tonnes;

Whereas on 5 February 1992 imports of the products in question into the Community, originating in China, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 3 March 1992 the levying of customs duties, suspended for 1992 pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in China:

Order No	Category (unit)	CN code	Description
40.0610	61 (tonnes)	ex 5806 10 00	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than lables and similar articles of category 62
		5806 20 00	
		5806 31 10	
		5806 31 90	
		5806 32 10	Elastic fabrics and trimmings (not knitted or crocheted), made from textile materials assembled from rubber thread
		5806 32 90	
		ex 5806 39 00	
		ex 5806 40 00	

Article 2

This Regulation shall enter into force on the third day following 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, 28 February 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 1.

⁽³⁾ OJ No L 31, 7. 2. 1992, p. 1.

COMMISSION REGULATION (EEC) No 515/92

of 28 February 1992

fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 19 (4) (a) and (7) thereof,

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provides that, for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation, an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month; and whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products on the Community market and the prices ruling on the world market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas Article 4(3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where appropriate, of refunds, aids or other measures having equivalent effect, applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question, to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Council Regulation (EEC) No 1010/86 of 26 March 1986 laying down general rules for production refunds on certain products of the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) 464/91⁽⁶⁾, provides for the granting of production refunds of white sugar, raw sugar, certain sucrose syrups falling within CN codes ex 1702 60 90 and ex 1702 90 90 having a certain purity, and unprocessed isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, which are used in the manufacture of the chemical products listed in the Annex thereto; whereas this production refunds' scheme has been established in particular to bring the conditions under which Community processors operate progressively into line with those of processors employing sugar at world market prices; whereas, therefore, in the absence of proof that the basic product has not benefited from the production refund, the amount of the export refund must be reduced by the amount of the production refund applicable to the basic product on the day of acceptance of the export declaration; whereas this system is the only one which discards the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁷⁾, as amended by Regulation (EEC) No 2026/83⁽⁸⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁹⁾, as last amended by Regulation (EEC) No 1615/90⁽¹⁰⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

⁽¹⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁴⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 152, 16. 6. 1990, p. 33.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Without prejudice to paragraphs 2 and 3, the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

2. For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the chemical products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1010/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund :

- (a) applicable on the date of export of the goods, when the rate is not fixed in advance ; or
- (b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1010/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 3 (2) of Commission Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

Article 2

This Regulation shall enter into force on 1 March 1992.

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

Done at Brussels, 28 February 1992.

For the Commission
Martin BANGEMANN
Vice-President

ANNEX

to the Commission Regulation of 28 February 1992 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Rate of refund in ECU/100 kg:

White sugar:	38,87
Raw sugar:	35,76
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$38,87 \times \frac{S^{(1)}}{100}$ or
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
Molasses:	—
Isoglucose ⁽²⁾ :	38,87 ⁽³⁾

(¹) 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(³) Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 516/92

of 28 February 1992

fixing the maximum buying-in price and the quantities of beef bought in for the 63rd 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, 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 ⁽³⁾, as last amended by Regulation (EEC) No 3560/91 ⁽⁴⁾, 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 ⁽⁵⁾, as last amended by Regulation (EEC) No 424/92 ⁽⁶⁾;

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 63rd 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 63rd 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 265,5 per 100 kilograms of carcasses or half-carcasses of quality R3,
- tenders in Spain exceeding ECU 256,12 shall not be taken into consideration,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 16 560 tonnes; the quantities offered at a price greater than ECU 264 per 100 kilograms are hereby reduced by 95 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price lower than or equal to ECU 264 per 100 kilograms are hereby reduced by 90 %;

(b) for category C:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 265,00 per 100 kilograms of carcasses of half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 12 097 tonnes; the quantities offered at a price greater than ECU 263,5 per 100 kilograms are hereby reduced by 80 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price lower than or equal to ECU 263,5 per 100 kilograms are hereby reduced by 75 %.

Article 2

This Regulation shall enter into force on 2 March 1992.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.⁽⁴⁾ OJ No L 336, 7. 12. 1991, p. 28.⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.⁽⁶⁾ OJ No L 47, 22. 2. 1992, p. 9.

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

Done at Brussels, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE 92/4/EEC

of 10 February 1992

amending Council Directive 78/663/EEC laying down specific criteria of purity for emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption⁽¹⁾, and in particular Article 3 (3) thereof,

Whereas taking into account the specifications as adopted by the *Codex Alimentarius* and to take into account new production techniques, it is necessary to amend Council Directive 78/663/EEC⁽²⁾, as last amended by Commission Directive 90/612/EEC⁽³⁾;

Whereas, in pursuance of Article 6 of Directive 89/107/EEC, the Scientific Committee of Foodstuffs was consulted on the provisions likely to affect public health;

Whereas, the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 78/663/EEC is hereby amended as set out in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 June 1993, at the latest, and shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The procedure for such reference shall be laid down by Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 10 February 1992.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27.

⁽²⁾ OJ No L 223, 14. 8. 1978, p. 7.

⁽³⁾ OJ No L 326, 24. 11. 1990, p. 58.

ANNEX

The Annex to Directive 78/663/EEC is amended as follows:

Under E 473 — Sucrose esters:

(a) the final sentence in the item on the chemical description is replaced by the following sentence:

'No organic solvent other than dimethylsulphoxide, diméthylformamide, ethyl acetate, isopropanol, isobutanol and methylethylketon may be used in their preparation.'

(b) below the point concerning the isobutanol content, the following point is added:

'Methylethylketon content / not more than 10 mg/kg.'
