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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 218/92**

**of 27 January 1992**

**on administrative cooperation in the field of indirect taxation (VAT)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas the establishment of the internal market in accordance with Article 8a of the Treaty requires the creation of an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured; whereas the internal market requires changes in the legislation on value added tax as provided in Article 99 of the Treaty;

Whereas in order to avoid tax revenue losses for Member States the tax harmonization measures taken to complete the internal market and for the transitional period must include the establishment of a common system for the exchange of information on intra-Community transactions between the competent authorities of the Member States;

Whereas in order to permit the abolition of fiscal controls at internal frontiers in accordance with the aims set out in Article 8a of the Treaty the transitional value added tax system introduced by Directive 91/680/EEC <sup>(4)</sup>, amending Directive 77/388/EEC <sup>(5)</sup>, must be effectively established without the risk of fraud which might cause distortions of competition;

Whereas this Regulation provides for a common system for the exchange of information on intra-Community transactions, supplementing Directive 77/799/EEC <sup>(6)</sup>, as last amended by Directive 79/1070/EEC <sup>(7)</sup>, and intended to serve tax purposes;

Whereas the Member States should provide the Commission with any value added tax information which may be of interest at Community level;

Whereas the establishment of a common system of administrative cooperation may affect individuals' legal positions, in particular because of the exchange of information concerning their tax positions;

Whereas care must be taken to ensure that the provisions concerning the control of indirect taxes are in balance with administrations' needs for effective control and the administrative burdens imposed on taxable persons;

Whereas the operation of such a system requires the establishment of a standing committee on administrative cooperation;

Whereas the Member States and the Commission must establish an effective system for the electronic storage and transmission of certain data for value added tax control purposes;

Whereas care must be taken to ensure that information provided in the course of such collaboration is not disclosed to unauthorized persons, so that the basic rights of citizens and undertakings are safeguarded; whereas it is therefore necessary that an authority receiving such information should not, without the authorization of the authority supplying it, use it for purposes other than taxation or to facilitate legal proceedings for failure to comply with the tax laws of the Member States concerned; whereas the receiving authority must also accord such information the same degree of confidentiality as it enjoyed in the Member State which provided it, if the latter so requires;

<sup>(6)</sup> OJ No L 336, 27. 12. 1977, p. 15.

<sup>(7)</sup> OJ No L 331, 27. 12. 1979, p. 8.

<sup>(1)</sup> OJ No C 187, 27. 7. 1990, p. 23 and

OJ No C 131, 22. 5. 1991, p. 5.

<sup>(2)</sup> OJ No C 328, 24. 12. 1990, p. 265 and opinion delivered on 17 January 1992. (not yet published in the Official Journal).

<sup>(3)</sup> OJ No C 332, 31. 12. 1990, p. 124.

<sup>(4)</sup> OJ No L 376, 31. 12. 1991, p. 1.

<sup>(5)</sup> OJ No L 145, 13. 6. 1977, p. 1.

Whereas the Member States and the Commission must collaborate on the continuous analysis of cooperation procedures and the pooling of the experience gained in the fields in question, with the aims of improving those procedures and drawing up appropriate Community rules,

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down the ways in which the administrative authorities in the Member States responsible for the application of laws on value added tax shall cooperate with each other and with the Commission to ensure compliance with those laws.

To that end it lays down procedures for the exchange of value added tax information on intra-Community transactions by electronic means and any subsequent exchange of information between Member States' competent authorities.

#### Article 2

1. For the purposes of this Regulation:

- 'competent authority' shall mean the authority appointed to act as correspondent as defined in paragraph 2,
- 'applicant authority' shall mean the competent authority of a Member State which makes a request for assistance,
- 'requested authority' shall mean the competent authority of a Member State to which a request for assistance is made,
- 'person' shall mean:
  - a natural person,
  - a legal person or,
  - where the possibility is provided for under the legislation in force, an association of persons recognized as having the capacity to perform legal acts but lacking the legal status of a legal person,
- 'to grant access' shall mean authorizing access to the relevant electronic data base and providing data by electronic means,
- 'value added tax identification number' shall mean the number provided for in with Article 22 (1) (c), (d) and (e) of Directive 77/388/EEC,
- 'intra-Community transactions' shall mean the intra-Community supply of goods and the intra-Community supply of services as defined in this paragraph,
- 'intra-Community supply of goods' shall mean any supply of goods which must be declared in the recapitulative statement provided for in Article 22 (6) (b) of Directive 77/388/EEC,

— 'intra-Community supply of services' shall mean any supply of services covered by Article 28b (C), (D) or (E) of Directive 77/388/EEC,

— 'intra-Community acquisition of goods' shall mean acquisition of the right to dispose as owner of movable tangible property as defined in Article 28a (3) of Directive 77/388/EEC.

2. Each Member State shall notify the other Member States and the Commission of the competent authorities appointed to act as correspondents for the purpose of applying this Regulation. In addition, each Member State shall nominate a central office with principal responsibility for liaison with other Member States in the field of administrative cooperation.

3. The Commission shall publish a list of competent authorities in the *Official Journal of the European Communities* and, where necessary, update it.

### TITLE I

#### Exchange of information — General provisions

#### Article 3

1. The obligation to give assistance provided for in this Regulation shall not cover the provision of information or documents obtained by the administrative authorities referred to in Article 1 at the request of a judicial authority.

However, in cases of applications for assistance, such information and documents shall be provided whenever the judicial authority, to which reference must be made, gives its consent.

2. This Regulation shall not restrict the application of provisions of other agreements or instruments relating to cooperation on tax matters.

3. This Regulation shall not affect the application in the Member States of the rules on mutual assistance in criminal matters.

### TITLE II

#### Exchange of information relating to value added tax in connection with intra-Community transactions

#### Article 4

1. The competent authority of each Member State shall maintain an electronic data base in which it shall store and process the information that it collects in accordance with Article 22 (6) (b) of Directive 77/388/EEC. To allow the use of this information in the procedures provided for in this Regulation the information shall be stored for at least five years after the end of the calendar year in which access to the information was to be granted. Member

States shall ensure that their data bases are kept up to date, complete and accurate. Under the procedure laid down in Article 10 criteria shall be defined to determine what amendments that are not significant, material or useful need not be made.

2. From the data collected in accordance with paragraph 1, the competent authority of a Member State shall obtain directly and without delay from each Member State, or may have direct access to, the following information :

- the value added tax identification numbers issued by the Member State receiving the information, and
- the total value of all intra-Community supplies of goods made to the persons to whom those numbers were issued by all operators identified for the purposes of value added tax in the Member State providing the information; the values shall be expressed in the currency of the Member State providing the information and shall relate to calendar quarters.

3. From the data collected in accordance with paragraph 1 and solely in order to combat tax fraud, the competent authority of a Member State shall, wherever it considers it necessary for the control of intra-Community acquisitions of goods, obtain directly and without delay, or have direct access to, the following information :

- the value added tax identification numbers of all persons who have made the supplies referred to in the second indent of paragraph 2, and
- the total value of such supplies from each such person to each person to whom one of the value added tax identification numbers referred to in the first indent of paragraph 2 has been issued; the values shall be expressed in the currency of the Member State providing the information and shall relate to calendar quarters.

4. Where the competent authority of a Member State is obliged to grant access to information under this Article it shall, as regards the information referred to in paragraphs 2 and 3, do so within three months of the end of the calendar quarter to which the information relates. By way of derogation from this rule, where information is added to a data base in the circumstances provided for in paragraph 1, access to such additions shall be granted as quickly as possible and in any event no more than three months after the end of the quarter in which the additional information was collected; the conditions under which access to the corrected information may be granted shall be defined by means of the procedure laid down in Article 10.

5. Where, for purposes of the application of this Article, the competent authorities of the Member States

keep information in electronic data bases and exchange such information by electronic means they shall take all measures necessary to ensure compliance with Article 9.

#### *Article 5*

1. Where the information provided under Article 4 is insufficient, the competent authority of a Member State may at any time and in specific cases request further information. The requested authority shall provide the information as quickly as possible and in any event no more than three months after receipt of the request.

2. In the circumstances described in paragraph 1 the requested authority shall at least provide the applicant authority with invoice numbers, dates and values in relation to individual transactions between persons in the Member States concerned.

#### *Article 6*

1. The competent authority of each Member State shall maintain an electronic data base which shall contain a register of persons to whom value added tax identification numbers have been issued in that Member State.

2. At any time the competent authority of a Member State may obtain directly or have communicated to it, from the data collected in accordance with Article 4 (1), confirmation of the validity of the value added tax identification number under which a person effected or received an intra-Community supply of goods or of services. On specific request the requested authority shall also communicate the date of issue and, where appropriate, the date of cessation of the validity of the value added tax identification number.

3. Where it is so requested a competent authority shall also provide without delay the name and address of the person to whom a number has been issued, provided that such information is not stored by the applicant authority with a view to its possible use at some future time.

4. The competent authority of each Member State shall ensure that persons involved in the intra-Community supply of goods or of services are allowed to obtain confirmation of the validity of the value added tax identification number of any specified person.

5. Where, for purposes of the application of this Article, the competent authorities of the Member States keep information in electronic data bases and exchange such information by electronic means they shall take all measures necessary to ensure compliance with Article 9.

## TITLE III

**Conditions governing the exchange of information***Article 7*

1. A requested authority in one Member State shall provide an applicant authority in another Member State with the information referred to in Article 5 (2) provided that:

- the number and the nature of the requests for information made by the applicant authority within a specific period of time do not impose a disproportionate administrative burden on that requested authority,
- that applicant authority exhausts the usual sources of information which it can use in the circumstances to obtain the information requested, without running the risk of jeopardizing the achievement of the desired end,
- that applicant authority requests assistance only if it would be able to provide similar assistance to the applicant authority of another Member State.

In accordance with the procedure laid down in Article 10 and taking into account experience of the new administrative cooperation system during its first year of operation, the Commission shall submit general criteria for the definition of the scope of these commitments before July 1994.

2. If an applicant authority is unable to comply with the general provisions of paragraph 1 it shall notify the requested authority accordingly without delay, stating its reasons. If a requested authority considers that the general provisions of paragraph 1 are not complied with and that it is therefore not obliged to provide the information, it shall notify the applicant authority accordingly without delay, stating its reasons. The applicant authority and the requested authority shall attempt to reach agreement. If they fail to reach agreement within one month of notification either authority may request that the matter be examined under Article 11.

3. This Article shall be without prejudice to the application of Directive 77/799/EEC as regards the exchange of information referred to in Article 5 (1).

*Article 8*

In cases of exchanges of information as defined in Article 5, where the national legislation in force in a Member State provides for notification of the person concerned of the exchange of information, those provisions may continue to apply except where their application would prejudice the investigation of tax evasion in another Member State. In the latter event, at the express

request of the applicant authority, the requested authority shall refrain from such notification.

*Article 9*

1. Any information communicated in whatever form pursuant to this Regulation shall be of a confidential nature. It shall be covered by the obligation of professional secrecy and shall enjoy the protection extended to similar information under both the national law of the Member State which received it and the corresponding provisions applicable to Community authorities.

In any case, such information:

- may be made available only to the persons directly concerned with the bases of assessment, collection or administrative control of taxes for the purpose of the assessment of taxes, or to persons employed by Community institutions whose duties require that they have access to it,
- may in addition be used in connection with judicial or administrative proceedings that may involve sanctions, initiated as a result of infringements of tax law.

2. By way of derogation from paragraph 1, the competent authority of the Member State providing the information shall permit its use for other purposes in the Member State of the applicant authority, if, under the legislation of the Member State of the requested authority, the information could be used in the Member State of the requested authority for similar purposes.

3. Where the applicant authority considers that information which it has received from the requested authority is likely to be useful to the competent authority of a third Member State, it may transmit it to the latter with the agreement of the requested authority.

## TITLE IV

**Consultation and coordination procedures***Article 10*

1. The Commission shall be assisted by a Standing Committee on Administrative Cooperation in the field of Indirect Taxation, hereinafter referred to as 'the Committee'. It shall consist of representatives of the Member States and have a representative of the Commission as chairman.

2. The measures required for the application of Articles 4 and 7 (1) shall be adopted in accordance with the procedure laid down in paragraphs 3 and 4 of this Article.

3. The Commission representative shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on that draft within a time limit which the chairman may lay down according to the urgency of the matter. The Committee's opinion

shall be delivered by a majority, the Member States' votes being weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

4. The Commission shall adopt the measures contemplated where they are in accordance with the Committee's opinion.

Where those measures are not in accordance with the Committee's opinion or if the Committee does not deliver an opinion, the Commission shall without delay submit to the Council a proposal on the measures to be adopted. The Council shall act by a qualified majority.

If within three months of the proposal's being submitted to it the Council has not acted, the proposed measures shall be adopted by the Commission, unless the Council has decided against those measures by a simple majority.

#### *Article 11*

The Member States and the Commission shall examine and evaluate the operation of the arrangements for administrative cooperation provided for in this Regulation and the Commission shall pool the Member States' experience, in particular that concerning new means of tax avoidance and evasion, with the aim of improving the operation of those arrangements. To that end the Member States shall also communicate to the Commission any value added tax information on intra-Community transactions that may be of interest at Community level.

#### *Article 12*

1. On matters of bilateral interest, the competent authorities of the Member States may communicate directly with each other. The competent authorities of the Member States may by mutual agreement permit authorities designated by them to communicate directly with each other in specified cases or categories of cases.

2. For the purpose of applying this Regulation, member States shall take all necessary steps to:

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

Done at Brussels, 27 January 1992.

- (a) ensure efficient internal coordination between the competent authorities referred to in Article 1;
  - (b) establish direct cooperation between the authorities specially empowered for the purposes of such coordination;
  - (c) make suitable arrangements to ensure the smooth operation of the arrangements for the exchange of information provided for in this Regulation.
3. The Commission shall communicate to the competent authority of each Member State, as quickly as possible, any information which it receives and which it is able to supply.

### TITLE V

#### Final provisions

#### *Article 13*

Member States shall waive all claims for the reimbursement of expenses incurred in applying this Regulation except, as appropriate, in respect of fees paid to experts.

#### *Article 14*

1. Every two years after the date of entry into force of this Regulation, the Commission shall report to the European Parliament and the Council on the conditions of application of this Regulation on the basis, in particular, of the continuous monitoring procedures provided for in Article 11.

2. Member States shall communicate to the Commission the texts of any provisions of national law which they adopt in the field governed by this Regulation.

#### *Article 15*

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

No exchange of information under this Regulation shall take place before 1 January 1993.

*For the Council*

*The President*

A. MARQUES DA CUNHA



**COUNCIL REGULATION (EEC) No 219/92**

of 27 January 1992

**repealing Regulation (EEC) No 3302/86 suspending imports of gold coins from the Republic of South Africa**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas, in response to the deteriorating situation in South Africa and the refusal of its Government to take specific measures leading to the abolition of apartheid, the Council, by means of Regulation (EEC) No 3302/86<sup>(1)</sup>, suspended, on 27 October 1986, the import of gold coins from the Republic of South Africa;

Whereas the present Government of the Republic of South Africa has taken steps to abolish apartheid, *inter alia*, by proposing to the South African Parliament the repeal of the laws that provided the basis for apartheid; whereas the way is now open for the negotiation of a constitution for a united, democratic and non-racial South Africa;

Whereas, in the context of European political cooperation, it has therefore been possible to reach a consensus on relaxing the restrictions adopted in 1986 in order to encourage that process;

Whereas Regulation (EEC) No 3302/86 should therefore be repealed;

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

Having regard to the proposal from the Commission,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3302/86 is hereby repealed.

*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, 27 January 1992.

*For the Council*

*The President*

A. MARQUES DA CUNHA

<sup>(1)</sup> OJ No L 305, 31. 10. 1986, p. 11.

**COUNCIL REGULATION (EEC) No 220/92**

of 27 January 1992

**amending Regulation (EEC) No 3285/83 laying down general rules for the extension of certain rules issued by producers' organizations in the fruit and vegetables sector**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1603/91<sup>(2)</sup>, and in particular Article 15b (10) thereof,

Having regard to the proposal from the Commission,

Whereas Article 3 of Regulation (EEC) No 3285/83<sup>(3)</sup>, as amended by Regulation (EEC) No 1011/89<sup>(4)</sup>, lays down the criteria for producers' organizations to be considered representative in terms of both number of producers and quantity of marketed production for the purposes of applying the system for extending the rules; whereas, on the expiry of an initial period of three years, that provision requires producers' organizations to meet higher requirements relating to representativeness in order for an extension of their rules to be authorized;

Whereas, on the expiry of the said initial period, it transpired that a large number of producers' organizations could not meet the higher requirements relating to representativeness laid down for the second stage of the arrangements for extending the rules; whereas, in order to take into account the positive contribution in regulating supply and expanding markets of the most dynamic organizations, Regulation (EEC) No 1011/89 maintains, for an additional period of several marketing years, the degree of representativeness laid down for the initial period for those organizations which had stepped up their degree of representativeness since the implementation of the arrangements and had obtained an extension of certain of their rules to non-members; whereas the same derogation was applied with a view to encouraging a positive contribution in Spain and Portugal by producers' organizations recognized since the accession of these countries;

Whereas, on the expiry of that second period, the reasons which justified an extension of the provisional arrangements regarding requirements relating to representative-

ness may be invoked solely with a view to encouraging the development of the activities of producers' organizations in the new Member States which still qualify under the arrangements laid down for the second phase or the second stage of the transitional period following accession; whereas, as a result, the transitional arrangements relating to representativeness should apply only to their producers' organizations,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3285/83 is hereby amended as follows:

1. Article 3 (2) shall be deleted,
2. Article 3 (3) shall be replaced by the following:

'3. A producers' organization or association thereof set up in Spain or Portugal shall be considered representative, for the purposes of applying this system, where it covers more than 50 % of the producers in the economic area in which it operates and more than 50 % of the production of that area.

The rules referred to in Article 15b of Regulation (EEC) No 1035/72 issued by producers' organizations or associations thereof, considered representative pursuant to the first subparagraph, may not be made binding on non-member producers established in the economic area if, after all the producers in that area have been consulted, at least one third of them have expressed opposition.

This paragraph shall apply until the end of the fifth marketing year for the relevant product(s) which follows, depending on the Member State concerned, the end of the first phase or of the first stage of the transitional period following accession.'

3. Article 4 shall be repealed.

*Article 2*

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

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 149, 14. 6. 1991, p. 12.

<sup>(3)</sup> OJ No L 325, 22. 11. 1983, p. 8.

<sup>(4)</sup> OJ No L 109, 20. 4. 1989, p. 4.

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

Done at Brussels, 27 January 1992.

*For the Council*  
*The President*  
A. MARQUES DA CUNHA

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**COUNCIL REGULATION (EEC) No 221/92**

of 27 January 1992

**laying down derogating provisions as regards storage contracts for olive oil in Greece, Spain and Portugal**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, and in particular Article 36 thereof,

Having regard to the proposal from the Commission,

Whereas Article 20d (3) of Regulation No 136/66/EEC provides that where prices on the Community market for olive oil are close to the intervention price over a period to be determined, it may be decided to permit the conclusion of storage contracts; whereas such contracts may be concluded solely with recognized producer groups or recognized associations thereof within the meaning of Regulation (EEC) No 1360/78<sup>(2)</sup>;

Whereas, in the case of Greece, Spain and Portugal, their special structural conditions in recent years have not permitted the setting up of a sufficient number of organizations necessary for the conclusions of storage contracts within the meaning of Regulation (EEC) No 1360/78; whereas, at present, the situation has not changed significantly; whereas, as a consequence, in those Member States a very small number of producers would be able to conclude storage contracts; whereas, until such time as

the application of the abovementioned Regulation in Greece, Spain and Portugal achieves its full effects and in order not to prejudice the producers in those Member States, a derogation should be laid down for a limited period from Article 20d of Regulation No 136/66/EEC by providing, in addition, for the possibility of storage contracts to be concluded with bodies other than those laid down in Regulation (EEC) No 1360/78,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 20d (3) of Regulation No 136/66/EEC, for the 1991/92 and 1992/93 marketing years, storage contracts for olive oil may also be concluded in Greece, Spain and Portugal by recognized producers' organizations or recognized associations thereof within the meaning of that Regulation, who hold olive oil of Community origin, produced by their own members and who have suitable facilities for its storage.

*Article 2*This Regulation shall enter into force on the third day following that 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, 27 January 1992.

*For the Council**The President*

A. MARQUES DA CUNHA

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EEC) No 1720/91 (OJ No L 162, 26. 6. 1991, p. 27).

<sup>(2)</sup> OJ No L 166, 23. 6. 1978, p. 1; as last amended by Regulation (EEC) No 3808/89 (OJ No L 371, 20. 12. 1989, p. 1).

## COMMISSION REGULATION (EEC) No 222/92

of 31 January 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 34.

<sup>(6)</sup> OJ No L 162, 26. 6. 1991, p. 4.

<sup>(7)</sup> OJ No L 162, 26. 6. 1991, p. 7.

<sup>(8)</sup> OJ No L 166, 28. 6. 1991, p. 41.

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

<sup>(10)</sup> OJ No L 5, 10. 1. 1976, p. 18.

<sup>(11)</sup> OJ No L 281, 1. 11. 1975, p. 22.

<sup>(12)</sup> OJ No L 196, 17. 7. 1987, p. 1.

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

<sup>(14)</sup> OJ No L 247, 5. 9. 1991, p. 23.

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

<sup>(16)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(17)</sup> OJ No L 58, 5. 3. 1991, p. 1.

<sup>(18)</sup> OJ No L 263, 19. 9. 1991, p. 1.

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

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

Whereas these exchange rates being those recorded on 5 September 1991 ;

Whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional

amount is added to the levy ; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 (1) ;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be as set out in the Annex thereto ; whereas these levies are altered only where variations in the components used to calculate them have the effect of increasing or reducing them by ECU 0,73 or more,

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

## ANNEX

## to the Commission Regulation of 31 January 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Levy (°)
0709 90 60	130,25 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	130,25 <sup>(2)</sup> <sup>(3)</sup>
1001 10 10	173,44 <sup>(1)</sup> <sup>(3)</sup> <sup>(10)</sup>
1001 10 90	173,44 <sup>(1)</sup> <sup>(3)</sup> <sup>(10)</sup>
1001 90 91	148,05
1001 90 99	148,05
1002 00 00	166,86 <sup>(6)</sup>
1003 00 10	144,76
1003 00 90	144,76
1004 00 10	133,21
1004 00 90	133,21
1005 10 90	130,25 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	130,25 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	139,46 <sup>(4)</sup>
1008 10 00	63,27
1008 20 00	127,11 <sup>(4)</sup>
1008 30 00	67,36 <sup>(5)</sup>
1008 90 10	(7)
1008 90 90	67,36
1101 00 00	221,13 <sup>(8)</sup>
1102 10 00	246,61 <sup>(8)</sup>
1103 11 10	282,28 <sup>(8)</sup> <sup>(10)</sup>
1103 11 90	237,64 <sup>(8)</sup>

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(2)</sup> 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.

<sup>(3)</sup> Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

<sup>(8)</sup> On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

<sup>(9)</sup> No import 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.

<sup>(10)</sup> 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 223/92

of 31 January 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 30 January 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.  
<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.  
<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.  
<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.  
<sup>(5)</sup> OJ No L 168, 29. 6. 1991, p. 4.



## ANNEX

to the Commission Regulation of 31 January 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
	2	3	4	5
0709 90 60	0	0	0	2,62
0712 90 19	0	0	0	2,62
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	2,62
1005 90 00	0	0	0	2,62
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
	2	3	4	5	6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

**COMMISSION REGULATION (EEC) No 224/92**  
**of 31 January 1992**  
**fixing the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

than the difference between the free-at-frontier price for Basmati rice and the threshold price for long-grain rice;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

#### Article 1

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

#### Article 2

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

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

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

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

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

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

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

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

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

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

## ANNEX

to the Commission Regulation of 31 January 1992 fixing the import levies on rice and broken rice

(ECU / tonne)

CN code	Levies (7)		
	Arrangement in Regulation (EEC) No 3877/86 (6)	ACP (1) (2) (3) (4) Bangladesh	Third countries (except ACP) (5)
1006 10 21	—	153,81	314,82
1006 10 23	219,44	142,69	292,58
1006 10 25	219,44	142,69	292,58
1006 10 27	219,44	142,69	292,58
1006 10 92	—	153,81	314,82
1006 10 94	219,44	142,69	292,58
1006 10 96	219,44	142,69	292,58
1006 10 98	219,44	142,69	292,58
1006 20 11	—	193,16	393,53
1006 20 13	274,30	179,26	365,73
1006 20 15	274,30	179,26	365,73
1006 20 17	274,30	179,26	365,73
1006 20 92	—	193,16	393,53
1006 20 94	274,30	179,26	365,73
1006 20 96	274,30	179,26	365,73
1006 20 98	274,30	179,26	365,73
1006 30 21	—	239,28	502,42 (7)
1006 30 23	438,72 (6)	280,59	584,96 (6)
1006 30 25	438,72 (6)	280,59	584,96 (6)
1006 30 27	438,72 (6)	280,59	584,96 (6)
1006 30 42	—	239,28	502,42 (7)
1006 30 44	438,72 (6)	280,59	584,96 (6)
1006 30 46	438,72 (6)	280,59	584,96 (6)
1006 30 48	438,72 (6)	280,59	584,96 (6)
1006 30 61	—	255,19	535,08 (7)
1006 30 63	470,31 (6)	301,19	627,08 (6)
1006 30 65	470,31 (6)	301,19	627,08 (6)
1006 30 67	470,31 (6)	301,19	627,08 (6)
1006 30 92	—	255,19	535,08 (7)
1006 30 94	470,31 (6)	301,19	627,08 (6)
1006 30 96	470,31 (6)	301,19	627,08 (6)
1006 30 98	470,31 (6)	301,19	627,08 (6)
1006 40 00	—	64,00	134,00

(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 3808/90.

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

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

**COMMISSION REGULATION (EEC) No 225/92**

of 31 January 1992

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

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(2)</sup>, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2591/91 <sup>(3)</sup>, as last amended by Regulation (EEC) No 159/92 <sup>(4)</sup>;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 243, 31. 8. 1991, p. 8.

<sup>(4)</sup> OJ No L 18, 25. 1. 1992, p. 7.

## ANNEX

to the Commission Regulation of 31 January 1992 fixing the premiums to be added to the import levies on rice and broken rice

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

## COMMISSION REGULATION (EEC) No 226/92

of 31 January 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1906/87<sup>(6)</sup>, 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<sup>(7)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(8)</sup>, 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<sup>(9)</sup>;

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)<sup>(10)</sup>, as last amended by Regulation (EEC) No 523/91<sup>(11)</sup>;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(12)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

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

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

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(6)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(7)</sup> OJ No L 168, 25. 6. 1974, p. 7.

<sup>(8)</sup> OJ No L 202, 26. 7. 1978, p. 8.

<sup>(9)</sup> OJ No L 366, 29. 12. 1990, p. 1.

<sup>(10)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(11)</sup> OJ No L 58, 5. 3. 1991, p. 1.

<sup>(12)</sup> 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 <sup>(1)</sup> prolonged by Regulation (EEC) No 3588/91 <sup>(2)</sup> reduces by 50 % the levy or 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3842/90 <sup>(4)</sup>, 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 <sup>(5)</sup>, as amended by Regulation (EEC) No 222/88 <sup>(6)</sup>, 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 it 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 <sup>(7)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(8)</sup>,

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

Whereas, 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 31. 12. 1990, p. 121.

<sup>(2)</sup> OJ No L 341, 12. 12. 1991, p. 6.

<sup>(3)</sup> OJ No L 43, 13. 2. 1987, p. 9.

<sup>(4)</sup> OJ No L 367, 29. 12. 1990, p. 8.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 20.

<sup>(6)</sup> OJ No L 28, 1. 2. 1988, p. 1.

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

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



## ANNEX

to the Commission Regulation of 31 January 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)	141,83	148,48
0714 10 91	145,46 (°) (7)	145,46
0714 10 99	143,65	148,48
0714 90 11	145,46 (°) (7)	145,46
0714 90 19	143,65 (°)	148,48
1102 20 10	243,05	249,09
1102 20 90	137,73	140,75
1102 30 00	154,94	157,96
1102 90 10	261,83	267,87
1102 90 30	245,30	251,34
1102 90 90	147,61	150,63
1103 12 00	245,30	251,34
1103 13 10	243,05	249,09
1103 13 90	137,73	140,75
1103 14 00	154,94	157,96
1103 19 10	302,92	308,96
1103 19 30	261,83	267,87
1103 19 90	147,61	150,63
1103 21 00	289,31	295,35
1103 29 10	302,92	308,96
1103 29 20	261,83	267,87
1103 29 30	245,30	251,34
1103 29 40	243,05	249,09
1103 29 50	154,94	157,96
1103 29 90	147,61	150,63
1104 11 10	148,37	151,39
1104 11 90	290,92	296,96
1104 12 10	139,01	142,03
1104 12 90	272,56	278,60
1104 19 10	289,31	295,35
1104 19 30	302,92	308,96
1104 19 50	243,05	249,09
1104 19 91	263,11	269,15
1104 19 99	260,50	266,54
1104 21 10	232,74	235,76
1104 21 30	232,74	235,76
1104 21 50	363,65	369,69
1104 21 90	148,37	151,39
1104 22 10 10 (4)	139,01	142,03
1104 22 10 90 (5)	245,30	248,32
1104 22 30	245,30	248,32
1104 22 50	218,05	221,07
1104 22 90	139,01	142,03
1104 23 10	216,05	219,07
1104 23 30	216,05	219,07

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
1104 23 90	137,73	140,75
1104 29 11	213,77	216,79
1104 29 15	223,83	226,85
1104 29 19	231,55	234,57
1104 29 31	257,17	260,19
1104 29 35	269,26	272,28
1104 29 39	231,55	234,57
1104 29 91	163,94	166,96
1104 29 95	171,66	174,68
1104 29 99	147,61	150,63
1104 30 10	120,55	126,59
1104 30 90	101,27	107,31
1106 20 10	141,83 (°)	148,48
1106 20 91	213,77 (°)	237,95
1106 20 99	213,77 (°)	237,95
1107 10 11	286,10	296,98
1107 10 19	213,77	224,65
1107 10 91	258,92	269,80 (°)
1107 10 99	193,46	204,34
1107 20 00	225,46	236,34 (°)
1108 11 00	353,61	374,16
1108 12 00	217,40	237,95
1108 13 00	217,40	237,95 (°)
1108 14 00	108,70	237,95
1108 19 10	222,18	253,01
1108 19 90	108,70 (°)	237,95
1109 00 00	642,92	824,26
1702 30 51	283,56	380,28
1702 30 59	217,40	283,89
1702 30 91	283,56	380,28
1702 30 99	217,40	283,89
1702 40 90	217,40	283,89
1702 90 50	217,40	283,89
1702 90 75	297,07	393,79
1702 90 79	206,60	273,09
2106 90 55	217,40	283,89
2302 10 10	61,77	67,77
2302 10 90	132,37	138,37
2302 20 10	61,77	67,77
2302 20 90	132,37	138,37
2302 30 10	61,77	67,77
2302 30 90	132,37	138,37
2302 40 10	61,77	67,77
2302 40 90	132,37	138,37
2303 10 11	270,06	451,40

(ECU/tonne)

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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.
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**COMMISSION REGULATION (EEC) No 227/92**  
**of 31 January 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 944/87<sup>(4)</sup>, 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<sup>(5)</sup>;

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<sup>(6)</sup>, as last amended by Regulation (EEC) No 523/91<sup>(7)</sup>;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(8)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

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

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

Whereas, 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 February 1992.

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

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

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 60.

<sup>(4)</sup> OJ No L 90, 2. 4. 1987, p. 2.

<sup>(5)</sup> OJ No L 366, 29. 12. 1990, p. 1.

<sup>(6)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(7)</sup> OJ No L 58, 5. 3. 1991, p. 1.

<sup>(8)</sup> OJ No L 263, 19. 9. 1991, p. 1.

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

<sup>(10)</sup> 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, 31 January 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

ANNEX

to the Commission Regulation of 31 January 1992 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies (°)	
	ACP	Third countries (other than ACP) (°)
2309 10 11	21,60	32,48
2309 10 13	628,55	639,43
2309 10 31	67,52	78,40
2309 10 33	674,47	685,35
2309 10 51	135,03	145,91
2309 10 53	741,98	752,86
2309 90 31	21,60	32,48
2309 90 33	628,55	639,43
2309 90 41	67,52	78,40
2309 90 43	674,47	685,35
2309 90 51	135,03	145,91
2309 90 53	741,98	752,86

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

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

## COMMISSION REGULATION (EEC) No 228/92

of 31 January 1992

fixing the export refunds 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 Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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 in the Community may be covered by an export refund;

Whereas export possibilities exist for a quantity of 250 000 tonnes of soft wheat flour to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89<sup>(3)</sup>, as last amended by Regulation (EEC) No 3562/91<sup>(4)</sup>, should be used; whereas account should be taken of this when the refunds are fixed;

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<sup>(5)</sup> 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 world market 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 cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals

required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC<sup>(6)</sup>, as last amended by Regulation (EEC) No 2849/91<sup>(7)</sup>;

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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

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<sup>(8)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(9)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should 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 export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

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

<sup>(3)</sup> OJ No L 94, 7. 4. 1989, p. 13.

<sup>(4)</sup> OJ No L 336, 7. 12. 1991, p. 30.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(6)</sup> OJ No 128, 27. 6. 1967, p. 2574/67.

<sup>(7)</sup> OJ No L 272, 28. 9. 1991, p. 62.

<sup>(8)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(9)</sup> 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, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 31 January 1992 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

*(ECU / tonne)*

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	110,00
	05	40,00
	06	35,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	62,00
	05	32,00
	06	79,00 (2)
	02	20,00
1002 00 00 000	03	31,00
	07	85,00
	02	30,00
1003 00 10 000	—	—
1003 00 90 000	04	31,00
	05	32,00
	02	30,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	60,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	98,00
1101 00 00 130	01	92,00
1101 00 00 150	01	85,00
1101 00 00 170	01	78,00
1101 00 00 180	01	73,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 500	01	98,00
1102 10 00 700	—	0
1102 10 00 900	—	—
1103 11 10 200	01	184,00
1103 11 10 400	01	0
1103 11 10 900	01	0
1103 11 90 200	01	98,00
1103 11 90 800	—	—



(<sup>1</sup>) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Countries on the territory of the former USSR,
- 06 Algeria,
- 07 Zone II b).

(<sup>2</sup>) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 250 000 tonnes of soft wheat flour destined for Algeria.

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*NB* : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

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## COMMISSION REGULATION (EEC) No 229/92

of 31 January 1992

## fixing 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>,

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<sup>(3)</sup>,

Having regard to the opinion of the Monetary Committee,

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<sup>(4)</sup>, as last amended by Regulation (EEC) No 1906/87<sup>(5)</sup>, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75<sup>(6)</sup> 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, account must be taken of the exist-

ing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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<sup>(7)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(8)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

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

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(6)</sup> OJ No L 131, 22. 5. 1975, p. 15.

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

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

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

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

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

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX

## to the Commission Regulation of 31 January 1992 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (*)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		2	3	4	5	6	7	8
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	0	- 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	0	- 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	- 35,00	- 35,00	- 35,00	—	—
1101 00 00 130	01	0	0	- 35,00	- 35,00	- 35,00	—	—
1101 00 00 150	01	0	0	- 35,00	- 35,00	- 35,00	—	—
1101 00 00 170	01	0	0	- 35,00	- 35,00	- 35,00	—	—
1101 00 00 180	01	0	0	- 35,00	- 35,00	- 35,00	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	- 35,00	- 35,00	- 35,00	—	—
1102 10 00 700	01	0	0	- 35,00	- 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	- 35,00	- 35,00	- 35,00	- 35,00	- 35,00
1103 11 90 800	—	—	—	—	—	—	—	—

(\*) For the following destinations:

01 all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

## COMMISSION REGULATION (EEC) No 230/92

of 31 January 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<sup>(1)</sup>, as last amended by Council Regulation (EEC) No 3577/90<sup>(2)</sup>,

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<sup>(3)</sup>,

Having regard to the opinion of the Monetary Committee,

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<sup>(4)</sup>, as last amended by Regulation (EEC) No 1906/87<sup>(5)</sup>, 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<sup>(6)</sup> 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<sup>(7)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(8)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying 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 February 1992.

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

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

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(6)</sup> OJ No L 131, 22. 5. 1975, p. 15.

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

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



## COMMISSION REGULATION (EEC) No 231/92

of 31 January 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(4)</sup>, 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 <sup>(5)</sup> 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, 31 January 1992.

Whereas Article 3 of Council Regulation (EEC) No 2746/75 <sup>(6)</sup> and Article 6 of Council Regulation (EEC) No 2744/75 <sup>(7)</sup>, as last amended by Regulation (EEC) No 1906/87 <sup>(8)</sup>, 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 <sup>(9)</sup>;

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 February 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 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(5)</sup> OJ No L 288, 25. 10. 1974, p. 1.

<sup>(6)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(7)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(8)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(9)</sup> OJ No L 166, 25. 6. 1976, p. 36.

## ANNEX

to the Commission Regulation of 31 January 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	123,00
1001 90 99 000	72,00
1002 00 00 000	110,00
1003 00 90 000	90,00
1004 00 90 000	—
1005 90 00 000	90,00
1006 20 92 000	211,00
1006 20 94 000	211,00
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 100	264,00
1006 30 92 900	264,00
1006 30 94 100	264,00
1006 30 94 900	264,00
1006 30 96 100	264,00
1006 30 96 900	264,00
1006 40 00 000	—
1007 00 90 000	90,00
1101 00 00 100	92,00
1101 00 00 130	92,00
1102 20 10 100	122,00
1102 20 10 300	104,57
1102 30 00 000	—
1102 90 10 100	134,30
1103 11 10 500	184,00
1103 11 90 100	98,00
1103 13 10 100	156,85
1103 14 00 000	—
1104 12 90 100	203,64
1104 21 50 100	179,06

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



**COMMISSION REGULATION (EEC) No 232/92**  
**of 31 January 1992**  
**fixing the export refunds 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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 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 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds<sup>(3)</sup> 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 world market 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 cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

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<sup>(4)</sup>, as last amended by Regulation (EEC) No 1906/87<sup>(5)</sup>, defines the specific criteria to be taken into account when the refund on these products is being calculated;

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 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(7)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 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 February 1992.

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

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

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

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

<sup>(7)</sup> 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, 31 January 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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*ANNEX*

to the Commission Regulation of 31 January 1992 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	82,00
1107 10 99 000	124,00
1107 20 00 000	145,00

*NB:* The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

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## COMMISSION REGULATION (EEC) No 233/92

of 31 January 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(4)</sup>, 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 <sup>(5)</sup>, and Article 2 of Council Regulation (EEC) No 1431/76 <sup>(6)</sup> 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;

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 <sup>(7)</sup>, as last amended by Regulation (EEC) No 1906/87 <sup>(8)</sup>, 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;

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

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

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(6)</sup> OJ No L 166, 25. 6. 1976, p. 36.

<sup>(7)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(8)</sup> 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(2)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over

a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

## ANNEX

to the Commission Regulation of 31 January 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	122,00	1104 23 10 900	—
1102 20 10 300	104,57	1104 29 11 000	—
1102 20 10 900	—	1104 29 15 000	—
1102 20 90 100	104,57	1104 29 19 000	—
1102 20 90 900	—	1104 29 91 000	80,03
1102 30 00 000	—	1104 29 95 000	111,22
1102 90 10 100	134,30	1104 30 10 000	20,01
1102 90 10 900	91,32	1104 30 90 000	21,79
1102 90 30 100	183,28	1107 10 11 000	142,45
1102 90 30 900	—	1107 10 91 000	159,36
1103 12 00 100	183,28	1108 11 00 200	160,06
1103 12 00 900	—	1108 11 00 300	160,06
1103 13 10 100	156,85	1108 11 00 800	—
1103 13 10 300	122,00	1108 12 00 200	139,42
1103 13 10 500	104,57	1108 12 00 300	139,42
1103 13 10 900	—	1108 12 00 800	—
1103 13 90 100	104,57	1108 13 00 200	139,42
1103 13 90 900	—	1108 13 00 300	139,42
1103 14 00 000	—	1108 13 00 800	—
1103 19 10 000	111,22	1108 14 00 200	—
1103 19 30 100	138,77	1108 14 00 300	—
1103 19 30 900	—	1108 14 00 800	—
1103 21 00 000	81,63	1108 19 10 200	210,44
1103 29 20 000	91,32	1108 19 10 300	210,44
1103 29 30 000	—	1108 19 10 800	—
1103 29 40 000	—	1108 19 90 200	—
1104 11 90 100	134,30	1108 19 90 300	—
1104 11 90 900	—	1108 19 90 800	—
1104 12 90 100	203,64	1109 00 00 100	0,00
1104 12 90 300	162,91	1109 00 00 900	—
1104 12 90 900	—	1702 30 51 000	182,12
1104 19 10 000	81,63	1702 30 59 000	139,42
1104 19 50 110	139,42	1702 30 91 000	182,12
1104 19 50 130	113,28	1702 30 99 000	139,42
1104 19 50 150	—	1702 40 90 000	139,42
1104 19 50 190	—	1702 90 50 100	182,12
1104 19 50 900	—	1702 90 50 900	139,42
1104 19 91 000	—	1702 90 75 000	190,84
1104 21 10 100	134,30	1702 90 79 000	132,45
1104 21 10 900	—	2106 90 55 000	139,42
1104 21 30 100	134,30	2302 10 10 000	20,54
1104 21 30 900	—	2302 10 90 100	20,54
1104 21 50 100	179,06	2302 10 90 900	—
1104 21 50 300	143,25	2302 20 10 000	20,54
1104 21 50 900	—	2302 20 90 100	20,54
1104 22 10 100	162,91	2302 20 90 900	—
1104 22 10 900	—	2302 30 10 000	20,54
1104 22 30 100	173,09	2302 30 90 000	20,54
1104 22 30 900	—	2302 40 10 000	20,54
1104 22 50 000	—	2302 40 90 000	20,54
1104 23 10 100	130,71	2303 10 11 100	69,71
1104 23 10 300	100,21	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 234/92

of 31 January 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 <sup>(2)</sup> thereof,

Having regard to the opinion of the Monetary Committee,

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 <sup>(3)</sup>, 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 <sup>(4)</sup>, as last amended by Regulation (EEC) No 944/87 <sup>(5)</sup>, 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 <sup>(6)</sup>, as last amended by Regulation (EEC) No 3630/91 <sup>(7)</sup>, 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 <sup>(8)</sup>, as last amended by Regulation (EEC) No 3049/89 <sup>(9)</sup>, should be used;

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

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

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 60.

<sup>(5)</sup> OJ No L 90, 2. 4. 1987, p. 2.

<sup>(6)</sup> OJ No L 246, 30. 9. 1969, p. 11.

<sup>(7)</sup> OJ No L 344, 14. 12. 1991, p. 40.

<sup>(8)</sup> OJ No L 134, 28. 5. 1977, p. 53.

<sup>(9)</sup> 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(2)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent ;

Whereas 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

## ANNEX

to the Commission Regulation of 31 January 1992 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

Product code	Amount of refund
2309 10 11 110	4,36
2309 10 13 110	4,36
2309 10 31 110	4,36
2309 10 33 110	4,36
2309 10 51 110	4,36
2309 10 53 110	4,36
2309 90 31 110	4,36
2309 90 33 110	4,36
2309 90 41 110	4,36
2309 90 43 110	4,36
2309 90 51 110	4,36
2309 90 53 110	4,36
2309 10 11 190	4,05
2309 10 13 190	4,05
2309 10 31 190	4,05
2309 10 33 190	4,05
2309 10 51 190	4,05
2309 10 53 190	4,05
2309 90 31 190	4,05
2309 90 33 190	4,05
2309 90 41 190	4,05
2309 90 43 190	4,05
2309 90 51 190	4,05
2309 90 53 190	4,05
2309 10 11 210	8,71
2309 10 13 210	8,71
2309 10 31 210	8,71
2309 10 33 210	8,71
2309 10 51 210	8,71
2309 10 53 210	8,71
2309 90 31 210	8,71
2309 90 33 210	8,71
2309 90 41 210	8,71
2309 90 43 210	8,71
2309 90 51 210	8,71
2309 90 53 210	8,71
2309 10 11 290	8,1
2309 10 13 290	8,1
2309 10 31 290	8,1
2309 10 33 290	8,1
2309 10 51 290	8,1
2309 10 53 290	8,1
2309 90 31 290	8,1
2309 90 33 290	8,1
2309 90 41 290	8,1
2309 90 43 290	8,1
2309 90 51 290	8,1
2309 90 53 290	8,1
2309 10 11 310	17,43
2309 10 13 310	17,43
2309 10 31 310	17,43
2309 10 33 310	17,43



*(ECU/tonne)*

Product code	Amount of refund
2309 10 51 310	17,43
2309 10 53 310	17,43
2309 90 31 310	17,43
2309 90 33 310	17,43
2309 90 41 310	17,43
2309 90 43 310	17,43
2309 90 51 310	17,43
2309 90 53 310	17,43
2309 10 11 390	16,2
2309 10 13 390	16,2
2309 10 31 390	16,2
2309 10 33 390	16,2
2309 10 51 390	16,2
2309 10 53 390	16,2
2309 90 31 390	16,2
2309 90 33 390	16,2
2309 90 41 390	16,2
2309 90 43 390	16,2
2309 90 51 390	16,2
2309 90 53 390	16,2
2309 10 31 410	26,14
2309 10 33 410	26,14
2309 10 51 410	26,14
2309 10 53 410	26,14
2309 90 41 410	26,14
2309 90 43 410	26,14
2309 90 51 410	26,14
2309 90 53 410	26,14
2309 10 31 490	24,31
2309 10 33 490	24,31
2309 10 51 490	24,31
2309 10 53 490	24,31
2309 90 41 490	24,31
2309 90 43 490	24,31
2309 90 51 490	24,31
2309 90 53 490	24,31
2309 10 31 510	34,86
2309 10 33 510	34,86
2309 10 51 510	34,86
2309 10 53 510	34,86
2309 90 41 510	34,86
2309 90 43 510	34,86
2309 90 51 510	34,86
2309 90 53 510	34,86
2309 10 31 590	32,41
2309 10 33 590	32,41
2309 10 51 590	32,41
2309 10 53 590	32,41
2309 90 41 590	32,41
2309 90 43 590	32,41
2309 90 51 590	32,41
2309 90 53 590	32,41
2309 10 31 610	43,57
2309 10 33 610	43,57
2309 10 51 610	43,57
2309 10 53 610	43,57
2309 90 41 610	43,57
2309 90 43 610	43,57

*(ECU/tonne)*

Product code	Amount of refund
2309 90 51 610	43,57
2309 90 53 610	43,57
2309 10 31 690	40,51
2309 10 33 690	40,51
2309 10 51 690	40,51
2309 10 53 690	40,51
2309 90 41 690	40,51
2309 90 43 690	40,51
2309 90 51 690	40,51
2309 90 53 690	40,51
2309 10 51 710	52,28
2309 10 53 710	52,28
2309 90 51 710	52,28
2309 90 53 710	52,28
2309 10 51 790	48,61
2309 10 53 790	48,61
2309 90 51 790	48,61
2309 90 53 790	48,61
2309 10 51 810	61
2309 10 53 810	61
2309 90 51 810	61
2309 90 53 810	61
2309 10 51 890	56,71
2309 10 53 890	56,71
2309 90 51 890	56,71
2309 90 53 890	56,71

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 235/92**  
**of 31 January 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1724/91 <sup>(2)</sup>, and in particular Article 2 (7) thereof,

Whereas, pursuant to Article 2 (1) of Regulation (EEC) No 1491/85, aid is to be granted for soya beans harvested within the Community where the guide price for a marketing year exceeds the world price; whereas the said aid is to be equal to the difference between those two prices;

Whereas the guide price for soya beans was fixed for the 1991/92 marketing year by Council Regulation (EEC) No 1726/91 <sup>(3)</sup>;

Whereas, pursuant to Council Regulation (EEC) No 2194/85 of 25 July 1985 adopting general rules concerning special measures for soya beans <sup>(4)</sup>, as last amended by Regulation (EEC) No 1725/91 <sup>(5)</sup>, the world price for soya beans is to be determined on the basis of the most favourable actual purchasing possibility, with the exception of offers and prices which may not be considered as representative of the actual market trend; whereas account is to be taken of offers made on the world market as well as the prices quoted on exchanges which are important in terms of international trade; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the identification

day; whereas such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 33 of Commission Regulation (EEC) No 2537/89 of 8 August 1989 laying down detailed rules for the application of the special measure for soya beans <sup>(6)</sup>, as last amended by Regulation (EEC) No 2692/91 <sup>(7)</sup>;

Whereas, pursuant to Regulation (EEC) No 2537/89, the world market price is to be fixed per 100 kilograms and calculated on the basis of the most favourable offers and quotations for delivery within 30 days following the date when the said offers and quotations were recorded;

Whereas, where the offers and quotations do not comply with the said conditions, the necessary adjustments must be carried out, particularly those referred to in Article 40 of Regulation (EEC) No 2537/89;

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 250/92 <sup>(8)</sup>;

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

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

<sup>(1)</sup> OJ No L 151, 10. 6. 1985, p. 15.

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 35.

<sup>(3)</sup> OJ No L 162, 26. 6. 1991, p. 39.

<sup>(4)</sup> OJ No L 204, 2. 8. 1985, p. 1.

<sup>(5)</sup> OJ No L 162, 26. 6. 1991, p. 37.

<sup>(6)</sup> OJ No L 245, 22. 8. 1989, p. 8.

<sup>(7)</sup> OJ No L 255, 12. 9. 1991, p. 12.

<sup>(8)</sup> See page 86 of this Official Journal.

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

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

Whereas the aid shall be fixed as often as the market situation so requires and so that it can be applied at least twice a month, one of which times shall be from the first day of each month ;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that the subsidy on soya beans should be 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

**ANNEX**

to the Commission Regulation of 31 January 1992 fixing the aid for soya beans

(ECU/100 kg)

	Current period 2	First period 3	Second period 4	Third period 5	Fourth period 6
Seed harvested	27,525	27,473	27,577	27,559	27,559

**COMMISSION REGULATION (EEC) No 236/92**  
**of 31 January 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<sup>(1)</sup>,

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<sup>(2)</sup>, as last amended by Regulation (EEC) No 791/89<sup>(3)</sup>, 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<sup>(4)</sup>, as last amended by Regulation (EEC) No 165/92<sup>(5)</sup>;

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 unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 73,499 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 377, 31. 12. 1987, p. 49.

<sup>(2)</sup> OJ No L 211, 31. 7. 1981, p. 2.

<sup>(3)</sup> OJ No L 85, 30. 3. 1989, p. 7.

<sup>(4)</sup> OJ No L 274, 1. 10. 1991, p. 48.

<sup>(5)</sup> OJ No L 18, 25. 1. 1992, p. 21.

**COMMISSION REGULATION (EEC) No 237/92**  
**of 31 January 1992**  
**fixing the amount of the subsidy on oil seeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

Having regard to the opinion of the Monetary Committee,

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

sion Regulation (EEC) No 3198/91<sup>(7)</sup>, as last amended by Regulation (EEC) No 169/92<sup>(8)</sup>;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83<sup>(9)</sup> shall be as set out in the Annexes hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

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

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

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

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

<sup>(7)</sup> OJ No L 303, 1. 11. 1991, p. 34.

<sup>(8)</sup> OJ No L 18, 25. 1. 1992, p. 28.

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

## ANNEX I

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

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1. Gross aids (ECU):					
— Spain	17,269	17,689	17,967	18,165	16,665
— Portugal	26,349	26,769	27,047	27,245	25,745
— Other Member States	17,269	17,689	17,967	18,165	16,665
2. Final aids:					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	40,65	41,64	42,30	42,76	39,23
— Netherlands (Fl)	45,81	46,92	47,66	48,18	44,20
— BLEU (Bfrs/Lfrs)	838,52	858,91	872,41	882,03	809,19
— France (FF)	136,35	139,67	141,86	143,42	131,58
— Denmark (Dkr)	155,07	158,85	161,34	163,12	149,65
— Ireland (£ Irl)	15,176	15,545	15,789	15,963	14,645
— United Kingdom (£)	13,453	13,791	14,012	14,169	12,946
— Italy (Lit)	30 418	31 158	31 648	31 997	29 355
— Greece (Dr)	4 132,80	4 224,23	4 260,09	4 271,07	3 860,15
— Spain (Pta)	2 651,07	2 713,84	2 755,65	2 783,93	2 562,36
— Portugal (Esc)	5 577,28	5 663,86	5 711,02	5 742,52	5 436,12

## ANNEX II

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

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1. Gross aids (ECU):					
— Spain	18,519	18,939	19,217	19,415	17,915
— Portugal	27,599	28,019	28,297	28,495	26,995
— Other Member States	18,519	18,939	19,217	19,415	17,915
2. Final aids:					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	43,60	44,59	45,24	45,71	42,18
— Netherlands (Fl)	49,12	50,24	50,97	51,50	47,52
— BLEU (Bfrs/Lfrs)	899,21	919,61	933,11	942,72	869,89
— France (FF)	146,22	149,54	151,73	153,29	141,45
— Denmark (Dkr)	166,30	170,07	172,57	174,34	160,87
— Ireland (£ Irl)	16,274	16,643	16,887	17,061	15,743
— United Kingdom (£)	14,447	14,785	15,007	15,163	13,941
— Italy (Lit)	32 620	33 360	33 850	34 199	31 556
— Greece (Dr)	4 447,95	4 539,38	4 575,25	4 586,22	4 175,30
— Spain (Pta)	2 839,60	2 902,37	2 944,19	2 972,46	2 750,90
— Portugal (Esc)	5 838,13	5 924,70	5 971,87	6 003,36	5 696,96

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
<b>1. Gross aids (ECU):</b>					
— Spain	30,313	31,178	31,509	31,615	30,600
— Portugal	37,361	38,218	38,549	38,658	37,658
— Other Member States	18,931	19,788	20,119	20,228	19,228
<b>2. Final aids:</b>					
(a) Seed harvested and processed in:					
— Federal Republic of Germany (DM)	44,57	46,58	47,36	47,62	45,27
— Netherlands (Fl)	50,22	52,49	53,37	53,66	51,00
— BLEU (Bfrs/Lfrs)	919,22	960,83	976,90	982,20	933,64
— France (FF)	149,47	156,24	158,85	159,71	151,82
— Denmark (Dkr)	170,00	177,69	180,67	181,65	172,67
— Ireland (£ Irl)	16,636	17,389	17,680	17,776	16,897
— United Kingdom (£)	14,740	15,432	15,697	15,780	14,965
— Italy (Lit)	33 346	34 856	35 439	35 631	33 869
— Greece (Dr)	4 524,12	4 730,06	4 775,95	4 757,78	4 483,83
— Portugal (Esc)	7 878,69	8 054,11	8 112,15	8 125,53	7 921,26
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 620,44	4 749,01	4 798,79	4 813,55	4 663,65
— in another Member State (Pta)	4 667,32	4 794,73	4 844,51	4 859,80	4 712,09

## ANNEX IV

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

(value of ECU 1)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
DM	2,042310	2,041040	2,039750	2,038770	2,038770
Fl	2,298970	2,297630	2,296280	2,294900	2,294900
Bfrs/Lfrs	42,107500	42,078800	42,53700	42,027400	42,027400
FF	6,964300	6,962550	6,961710	6,960500	6,960500
Dkr	7,918610	7,916340	7,914810	7,912600	7,912600
£Irl	0,766459	0,766084	0,765296	0,764708	0,764708
£	0,711638	0,711807	0,711964	0,711961	0,711961
Lit	1 532,86	1 534,88	1 536,70	1 538,46	1 538,46
Dr	236,09600	238,41700	240,73000	243,25300	243,25300
Esc	176,01500	176,86800	177,58900	178,24300	178,24300
Pta	128,87200	129,12400	129,37400	129,62100	129,62100



## COMMISSION REGULATION (EEC) No 238/92

of 31 January 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted

into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

## ANNEX I

## Gross aid

Products intended for human consumption :

	<i>(ECU per 100 kg)</i>						
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
Peas used :							
— in Spain	8,106	8,264	8,422	8,422	8,422	—	—
— in Portugal	8,114	8,272	8,430	8,430	8,430	—	—
— in another Member State	8,178	8,336	8,494	8,494	8,494	—	—
Field beans used :							
— in Spain	8,178	8,336	8,494	8,494	8,494	—	—
— in Portugal	8,114	8,272	8,430	8,430	8,430	—	—
— in another Member State	8,178	8,336	8,494	8,494	8,494	—	—

Products used in animal feed :

	<i>(ECU per 100 kg)</i>						
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
A. Peas used :							
— in Spain	9,296	9,765	10,203	10,389	10,389	—	—
— in Portugal	9,339	9,806	10,242	10,428	10,428	—	—
— in another Member State	9,339	9,806	10,242	10,428	10,428	—	—
B. Field beans used :							
— in Spain	9,296	9,765	10,203	10,389	10,389	—	—
— in Portugal	9,339	9,806	10,242	10,428	10,428	—	—
— in another Member State	9,339	9,806	10,242	10,428	10,428	—	—
C. Sweet lupins harvested in Spain and used :							
— in Spain	11,222	11,637	12,012	12,261	12,261	—	—
— in Portugal	11,280	11,692	12,064	12,311	12,311	—	—
— in another Member State	11,280	11,692	12,064	12,311	12,311	—	—
D. Sweet lupins harvested in another Member State and used :							
— in Spain	11,222	11,637	12,012	12,261	12,261	—	—
— in Portugal	11,280	11,692	12,064	12,311	12,311	—	—
— in another Member State	11,280	11,692	12,064	12,311	12,311	—	—







## 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	3,46	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,64	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	0,17	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	18,18	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	10,76	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,56	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,063	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	126	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,19	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	14,88	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,057	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	233,659	128,883	6,89509	0,767417	1 538,24	2,31643	176,988	0,711900

## COMMISSION REGULATION (EEC) No 239/92

of 31 January 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 2275/89<sup>(2)</sup>, and in particular Article 5 (3) thereof,

Having regard to the opinion of the Monetary Committee,

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<sup>(3)</sup> 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<sup>(4)</sup>, as last amended by Regulation (EEC) No 1110/89<sup>(5)</sup>, 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 1757/90<sup>(7)</sup>;

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<sup>(8)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(9)</sup>,

<sup>(1)</sup> OJ No L 142, 30. 5. 1978, p. 1.

<sup>(2)</sup> OJ No L 218, 28. 7. 1989, p. 1.

<sup>(3)</sup> OJ No L 150, 15. 6. 1991, p. 15.

<sup>(4)</sup> OJ No L 171, 28. 6. 1978, p. 1.

<sup>(5)</sup> OJ No L 118, 29. 4. 1989, p. 1.

<sup>(6)</sup> OJ No L 179, 1. 7. 1978, p. 10.

<sup>(7)</sup> OJ No L 162, 28. 6. 1990, p. 21.

<sup>(8)</sup> OJ No L 164, 24. 6. 1985, p. 1.

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



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

Whereas 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX

## to the Commission Regulation of 31 January 1992 fixing the rate of the aid for dried fodder

Aid applicable from 1st February 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	76,298	75,981	76,298	43,041	43,358

Aid in case of advance fixing for the month of:

(ECU/tonne)

March 1992	76,285	75,968	76,285	43,028	43,345
April 1992	75,716	75,397	75,716	42,457	42,776
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 240/92

of 31 January 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds<sup>(3)</sup>, 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<sup>(4)</sup>, as last amended by Regulation (EEC) No 3696/91<sup>(5)</sup>,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed<sup>(6)</sup>, as last amended by Regulation (EEC) No 2206/90<sup>(7)</sup>, 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<sup>(8)</sup>, as last amended by Regulation (EEC) No 557/91<sup>(9)</sup>, 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<sup>(10)</sup> and (EEC) No 1723/91<sup>(11)</sup>;

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<sup>(12)</sup>;

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<sup>(13)</sup>;

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<sup>(14)</sup>;

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

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

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

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

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(5)</sup> OJ No L 350, 19. 12. 1991, p. 22.

<sup>(6)</sup> OJ No L 167, 25. 7. 1972, p. 9.

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

<sup>(8)</sup> OJ No L 213, 11. 8. 1975, p. 1.

<sup>(9)</sup> OJ No L 62, 8. 3. 1991, p. 23.

<sup>(10)</sup> OJ No L 162, 26. 6. 1991, p. 31.

<sup>(11)</sup> OJ No L 162, 26. 6. 1991, p. 33.

<sup>(12)</sup> OJ No L 328, 30. 11. 1991, p. 68.

<sup>(13)</sup> OJ No L 53, 1. 3. 1986, p. 55.

<sup>(14)</sup> OJ No L 237, 1. 9. 1990, p. 7.

application of export refunds on oil seeds<sup>(1)</sup>, as last amended by Regulation (EEC) No 1815/84<sup>(2)</sup>, 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<sup>(3)</sup>;

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<sup>(4)</sup>, as last amended by Regulation (EEC) No 1539/90<sup>(5)</sup>, 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(7)</sup>.

(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 February 1992.

<sup>(1)</sup> OJ No L 75, 30. 3. 1971, p. 16.

<sup>(2)</sup> OJ No L 170, 29. 6. 1984, p. 46.

<sup>(3)</sup> OJ No L 113, 28. 4. 1984, p. 8.

<sup>(4)</sup> OJ No L 170, 29. 6. 1984, p. 41.

<sup>(5)</sup> OJ No L 145, 8. 6. 1990, p. 20.

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

<sup>(7)</sup> 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, 31 January 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

ANNEX

to the Commission Regulation of 31 January 1992 fixing the export refunds on oil seeds

(amounts per 100 kilograms)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7
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 (£)	9,562	9,784	—	—	—	—
— Italy (Lit)	22 018	22 508	—	—	—	—
— Greece (Dr)	2 854,55	2 901,22	—	—	—	—
— Spain (Pta)	1 947,70	1 989,63	—	—	—	—
— Portugal (Esc)	4 611,62	4 669,63	—	—	—	—

**COMMISSION REGULATION (EEC) No 241/92**

of 31 January 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 <sup>(4)</sup> thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 139/92 <sup>(3)</sup>, as amended by Regulation (EEC) No 193/92 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 139/92 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 139/92 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.<sup>(2)</sup> OJ No L 6, 11. 1. 1992, p. 19.<sup>(3)</sup> OJ No L 16, 23. 1. 1992, p. 5.<sup>(4)</sup> OJ No L 21, 30. 1. 1992, p. 15.

## ANNEX

to the Commission Regulation of 31 January 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	35,92 <sup>(1)</sup>	
1701 11 90 910	35,74 <sup>(1)</sup>	
1701 11 90 950	<sup>(2)</sup>	
1701 12 90 100	35,92 <sup>(1)</sup>	
1701 12 90 910	35,74 <sup>(1)</sup>	
1701 12 90 950	<sup>(2)</sup>	
1701 91 00 000		0,3905
1701 99 10 100	39,05	
1701 99 10 910	39,05	
1701 99 10 950	39,05	
1701 99 90 100		0,3905

<sup>(1)</sup> 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.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

## COMMISSION REGULATION (EEC) No 242/92

of 31 January 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1489/76<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1714/88<sup>(6)</sup>;

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<sup>(7)</sup>, 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<sup>(8)</sup>, 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:

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

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

<sup>(3)</sup> OJ No L 143, 25. 6. 1968, p. 6.

<sup>(4)</sup> OJ No L 167, 26. 6. 1976, p. 13.

<sup>(5)</sup> OJ No L 50, 4. 3. 1970, p. 1.

<sup>(6)</sup> OJ No L 152, 18. 6. 1988, p. 23.

<sup>(7)</sup> OJ No L 170, 27. 6. 1978, p. 9.

<sup>(8)</sup> 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(2)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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

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

## ANNEX

to the Commission Regulation of 31 January 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		39,05
1702 60 10 000		39,05
1702 60 90 000	0,3905	
1702 90 30 000		39,05
1702 90 60 000	0,3905	
1702 90 71 000	0,3905	
1702 90 90 900	0,3905	
2106 90 30 000		39,05
2106 90 59 000	0,3905	

(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 (OJ No L 366, 24. 12. 1987, p. 1).

## COMMISSION REGULATION (EEC) No 243/92

of 31 January 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3825/91 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(6)</sup>,

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

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 29,36 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 58, 1. 3. 1986, p. 18.

<sup>(4)</sup> OJ No L 357, 28. 12. 1991, p. 94.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 9.

## COMMISSION REGULATION (EEC) No 244/92

of 31 January 1992

fixing the rates of the refunds applicable to eggs and egg yolks 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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs <sup>(1)</sup>, as last amended by Regulation (EEC) No 1235/89 <sup>(2)</sup>, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) 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 the criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EEC) No 3381/90 <sup>(4)</sup>, 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 2771/75;

Whereas, in accordance with the second 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 a period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas, in accordance with paragraph 2 of that Article, when that rate is being determined particular account should be taken of:

- (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 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; and
- (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 a specific rate of refund should be fixed for eggs in shell, exported in the form of egg albumin, taking into account the difference between the prices of such eggs on the Community market and on the world market;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Martin BANGEMANN

*Vice-President*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 29.

<sup>(3)</sup> OJ No L 323, 29. 11. 1980, p. 27.

<sup>(4)</sup> OJ No L 327, 27. 11. 1990, p. 4.

## ANNEX

to the Commission Regulation of 31 January 1992 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)

CN code	Description	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	– Of poultry :	
0407 00 30	– – Other :	
	a) On exportation of ovalbumin of CN code 3502 10	30,00
	b) On exportation of other goods	18,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	– Egg yolks :	
0408 11	– – Dried :	
ex 0408 11 10	– – – Suitable for human consumption : not sweetened	96,00
0408 19	– – Other :	
	– – – Suitable for human consumption :	
ex 0408 19 11	– – – – Liquid : not sweetened	47,00
ex 0408 19 19	– – – – Frozen : not sweetened	51,00
	– Other :	
0408 91	– – Dried :	
ex 0408 91 10	– – – Suitable for human consumption : not sweetened	90,00
0408 99	– – Other :	
ex 0408 99 10	– – – Suitable for human consumption : not sweetened	15,00

## COMMISSION REGULATION (EEC) No 245/92

of 31 January 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1630/91<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 3381/90<sup>(4)</sup>, 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;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.  
<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 19.  
<sup>(3)</sup> OJ No L 323, 29. 11. 1980, p. 27.  
<sup>(4)</sup> OJ No L 327, 27. 11. 1990, p. 4.

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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1435/90<sup>(6)</sup>;

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<sup>(7)</sup>, as last amended by Regulation (EEC) No 124/92<sup>(8)</sup>, 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.

<sup>(5)</sup> OJ No L 169, 18. 7. 1968, p. 6.  
<sup>(6)</sup> OJ No L 138, 31. 5. 1990, p. 8.  
<sup>(7)</sup> OJ No L 55, 1. 3. 1988, p. 31.  
<sup>(8)</sup> 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Martin BANGEMANN

*Vice-President*

ANNEX

to the Commission Regulation of 31 January 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

		(ECU/100 kg)
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	15,00 174,00
	c) On exportation of other goods	168,00

## COMMISSION REGULATION (EEC) No 246/92

of 31 January 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,

which use third-country products under inward processing arrangements ;

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3381/90 <sup>(4)</sup>, 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

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 <sup>(5)</sup>, as last amended by Regulation (EEC) 464/91, 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 <sup>(6)</sup>, as amended by Regulation (EEC) No 2026/83 <sup>(7)</sup>, 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 <sup>(8)</sup>, as last amended by Regulation (EEC) No 1615/90 <sup>(9)</sup>, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted ;

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

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

<sup>(3)</sup> OJ No L 323, 29. 11. 1980, p. 27.

<sup>(4)</sup> OJ No L 327, 27. 11. 1990, p. 4.

<sup>(5)</sup> OJ No L 94, 9. 4. 1986, p. 9.

<sup>(6)</sup> OJ No L 62, 7. 3. 1980, p. 5.

<sup>(7)</sup> OJ No L 199, 22. 7. 1983, p. 12.

<sup>(8)</sup> OJ No L 351, 14. 12. 1987, p. 1.

<sup>(9)</sup> OJ No L 152, 16. 6. 1990, p. 33.



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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Martin BANGEMANN

*Vice-President*

## ANNEX

to the Commission Regulation of 31 January 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

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Rate of refund in ECU/100 kg:

White sugar:	39,05	
Raw sugar:	35,92	
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):	$39,05 \times \frac{S^{(1)}}{100}$	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 <sup>(2)</sup> :	39,05 <sup>(3)</sup>	

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(<sup>1</sup>) '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.

(<sup>2</sup>) 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 %.

(<sup>3</sup>) Amount of refund per 100 kilograms of dry matter.

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## COMMISSION REGULATION (EEC) No 247/92

of 31 January 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EEC) No 3381/90 <sup>(6)</sup>, 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 <sup>(7)</sup>, as last amended by Regulation (EEC) No 3655/90 <sup>(8)</sup>, 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 <sup>(9)</sup>, as amended by Regulation (EEC) No 2026/83 <sup>(10)</sup>, 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 <sup>(11)</sup>, as last amended by Regulation (EEC) No 1615/90 <sup>(12)</sup>, 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 <sup>(13)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

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

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

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(5)</sup> OJ No L 323, 29. 11. 1980, p. 27.

<sup>(6)</sup> OJ No L 327, 27. 11. 1990, p. 4.

<sup>(7)</sup> OJ No L 94, 9. 4. 1986, p. 6.

<sup>(8)</sup> OJ No L 362, 27. 12. 1990, p. 33.

<sup>(9)</sup> OJ No L 62, 7. 3. 1980, p. 5.

<sup>(10)</sup> OJ No L 199, 22. 7. 1983, p. 12.

<sup>(11)</sup> OJ No L 351, 14. 12. 1987, p. 1.

<sup>(12)</sup> OJ No L 152, 16. 6. 1990, p. 33.

<sup>(13)</sup> 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 Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Martin BANGEMANN

*Vice-President*

## ANNEX

to the Commission Regulation of 31 January 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 – – in all other cases – used in the form of : – – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – – hulled grains of CN code 1104 and starch of CN code 1108 – – germ of CN code 1104 – – gluten of CN code 1109 – – other (except flours of CN code 1101 and groats and meal of CN code 1103)	   6,822 12,403  4,802 7,203 2,801 — 8,003
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 – – in all other cases – used in the form of : – – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – – hulled grains of CN code 1104 and starch of CN code 1108 – – germ of CN code 1104 – – gluten of CN code 1109 – – other (except flours of CN code 1101, and groats and meal of CN code 1103)	   4,402 8,003  4,802 7,203 2,801 — 8,003
1002 00 00	Rye : – used unprocessed – used in the form of : – – pellets of CN code 1103, or pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germ of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other (except flours of CN code 1102)	  11,122  6,673 10,009 3,050 8,714 — 11,122
1003 00 90	Barley : – used unprocessed – 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 – – pellets of CN code 1103 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	  9,333  6,533 5,600 3,050 8,714 — 9,333

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	10,182   6,109 9,164 3,050 8,714 — 10,182
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	8,714   6,100 6,971 5,229 7,843 3,050 8,714 3,486 8,714
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	24,482 20,207 20,207
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	31,761 37,123 37,123
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	13,845   13,845 8,307 13,845 —
1007 00 90	Sorghum	6,187
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	 5,192 9,440
1102 10 00	Rye flour	21,250
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	 10,574 19,225
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	 5,192 9,440

(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 248/92**  
**of 31 January 1992**  
**fixing production refunds on 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular Article 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors <sup>(3)</sup>, as last amended by Regulation (EEC) No 3655/90 <sup>(4)</sup> and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors <sup>(5)</sup>, as last amended by Regulation (EEC) No 1398/91 <sup>(6)</sup>, provides that the production refund is to be fixed one per month; whereas the same Article provides for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

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 production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with Regulation (EEC) No 2169/86 as amended shall be as follows in ECU 129,98 per tonne.

*Article 2*

This Regulation shall enter into force on 1 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.  
<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.  
<sup>(3)</sup> OJ No L 94, 9. 4. 1986, p. 6.  
<sup>(4)</sup> OJ No L 362, 27. 12. 1990, p. 33.  
<sup>(5)</sup> OJ No L 189, 11. 7. 1986, p. 12.  
<sup>(6)</sup> OJ No L 134, 29. 5. 1991, p. 19.

## COMMISSION REGULATION (EEC) No 249/92

of 31 January 1992

on the direct import of maize for animal feed into Réunion during January and February 1992

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments<sup>(1)</sup>, and in particular Article 2 (6) thereof,

Whereas Article 2 of Regulation (EEC) No 3763/91 introduced a scheme for the exemption from the levy on direct import into the French overseas departments of cereals for animal feed originating in developing countries; whereas that Regulation provides that, in the event of exceptional cereals supply difficulties, the exemption may be extended to products originating in other third countries;

Whereas at present the supply to Réunion of maize for animal feed is impossible from developing countries as a result of the unavailability of these products; whereas supply from the rest of the Community cannot be made at very short notice due to the non-existence of public intervention stocks, or transport times which cannot be shortened; whereas, as a result of the urgency of requirements and the exceptional difficulties mentioned above, provision should be made to allow the exemption from the levy of products originating in third countries other than developing countries, in order to satisfy part of animal consumption needs in the first two months of 1992;

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*

Pursuant to the second subparagraph of Article 2 (2) of Council Regulation (EEC) No 3763/91, during January and February 1992 the levies fixed pursuant to Article 13 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(2)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(3)</sup>, shall not apply to the direct import into Réunion of maize falling within CN code 1005 90 00 for animal feed, originating in third countries other than developing countries, up to a maximum quantity of 5 000 tonnes.

*Article 2*

This Regulation shall enter into force on the day following 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, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 356, 24. 12. 1991, p. 1.

<sup>(2)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(3)</sup> OJ No L 353, 17. 12. 1990, p. 23.



## COMMISSION REGULATION (EEC) No 250/92

of 31 January 1992

fixing the estimated soya bean production for the 1991/92 marketing year, the actual soya bean production for the 1990/91 marketing year and the adjustment to be made in the aid for soya beans for the 1991/92 marketing year

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

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans <sup>(1)</sup>, as last amended by Regulation (EEC) No 1724/91 <sup>(2)</sup>, and in particular Article 3a (6) thereof,

Whereas Article 41 of Commission Regulation (EEC) No 2537/89 of 8 August 1989 laying down detailed rules for the application of the special measures for soya beans <sup>(3)</sup>, as last amended by Regulation (EEC) No 2692/91 <sup>(4)</sup>, specifies the items to be fixed pursuant to the maximum guaranteed quantities system; whereas the estimated production of soya beans for the 1991/92 marketing year, the actual production of such beans for the 1990/91 marketing year and the adjustment to be made to the aid for soya beans for the 1991/92 marketing year as given by the figures available should be fixed;

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*

The estimated production of soya beans for the 1991/92 marketing year is hereby fixed at 1 547 000 tonnes, for

the Community excluding the territory of the former German Democratic Republic.

*Article 2*

The actual production of soya beans for the 1990/91 marketing year is hereby fixed at 2 139 000 tonnes, for the Community excluding the territory of the former German Democratic Republic.

*Article 3*

The adjustment to be made to the aid for soya beans for the 1991/92 marketing year is hereby fixed at:

- — ECU 4,67 per 100 kilograms for Spain,
- — ECU 11,07 per 100 kilograms for the other Member States;

*Article 4*

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

It shall apply with effect from 1 September 1991.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 151, 10. 6. 1985, p. 15.

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 35.

<sup>(3)</sup> OJ No L 245, 22. 8. 1989, p. 8.

<sup>(4)</sup> OJ No L 255, 12. 9. 1991, p. 12.

## COMMISSION REGULATION (EEC) No 251/92

of 31 January 1992

laying down certain additional detailed rules for the application of the supplementary trade mechanism (STM) to fruit and vegetable trade between Spain and the Community as constituted at 31 December 1985 as regards tomatoes, lettuce, broad-leaf endives, carrots, artichokes, table grapes, melons and strawberries

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables <sup>(1)</sup>, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89 <sup>(2)</sup> establishes the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas tomatoes, cabbage lettuce, lettuce other than cabbage lettuce, broad-leaf endives, carrots, artichokes, table grapes, melons and strawberries are included on the list;

Whereas Commission Regulation (EEC) No 3944/89 <sup>(3)</sup>, as amended by Regulation (EEC) No 3308/91 <sup>(4)</sup>, lays down detailed rules for applying the supplementary trade mechanism, hereinafter called the 'STM', to fresh fruit and vegetables;

Whereas Commission Regulation (EEC) No 3612/91 <sup>(5)</sup> lays down that the periods referred to in Article 2 of Regulation (EEC) No 3210/89 shall be up to 2 February 1992 for the above products; whereas, in view of expected exports from Spain to the rest of the Community, with the exception of Portugal, and of the Community market, a period I should be fixed up to 22 March 1992 for the products in question, in accordance with the Annex;

Whereas it should be recalled that the provisions of Regulation (EEC) No 3944/89 on statistical monitoring and various communications from the Member States apply to guarantee the functioning of the STM;

Whereas, on application of Article 2 of Council Regulation (EEC) No 1911/91 of 26 June 1991 on the application of the provisions of Community law to the Canary

Islands <sup>(6)</sup> the rules in force for mainland Spain shall apply to products originating in the Canary Islands and sent to other parts of the Community from 1 July 1991; consequently the information concerning produce from the Canary Islands should be taken into account for the application of the supplementary trade mechanisms;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tomatoes, cabbage lettuce, lettuce other than cabbage lettuce, broad-leaf endives, carrots, artichokes, table grapes, melons and strawberries covered by CN codes set out in the Annex, one of the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex hereto.

*Article 2*

For consignments from Spain to the rest of the Community market with the exception of Portugal of the products listed in Article 1, the provisions of Regulation (EEC) No 3944/89 shall apply.

However, the notification referred to in Article 2 (2) of the said Regulation shall be made each Tuesday at the latest for the quantities consigned during the preceding week.

The communications referred to in the first paragraph of Article 9 of Regulation (EEC) No 3944/89 shall be made once a month by the fifth of each month at the latest for information referring to the previous month; where appropriate, this communication shall bear the word 'nil'.

*Article 3*

This Regulation shall enter into force on the 3 February 1992.

<sup>(6)</sup> OJ No L 171, 29. 6. 1991, p. 1.

<sup>(1)</sup> OJ No L 312, 27. 10. 1989, p. 6.

<sup>(2)</sup> OJ No L 86, 31. 3. 1989, p. 35.

<sup>(3)</sup> OJ No L 379, 28. 12. 1989, p. 20.

<sup>(4)</sup> OJ No L 313, 14. 11. 1991, p. 13.

<sup>(5)</sup> OJ No L 343, 13. 12. 1991, p. 18.

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

Done at Brussels, 31 January 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

ANNEX

Determination of the periods provided for in Article 2 of Regulation (EEC) No 3210/89

Period from 3 February to 22 March 1992

Description	CN code	Period
Tomatoes	0702 00 10	I
Cabbage lettuce	0705 11 90	I
Lettuce other than cabbage lettuce	0705 19 00	I
Broad-leaf endives	ex 0705 29 00	I
Carrots	ex 0706 10 00	I
Artichokes	0709 10 00	I
Table grapes	0806 10 15	I
Melons	0807 10 90	I
Strawberries	0810 10 90	I

## COMMISSION REGULATION (EEC) No 252/92

of 31 January 1992

**amending Council Regulation (EEC) No 206/91 concerning the exclusion of milk products from inward processing arrangements and of recourse to certain usual forms of handling**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1630/91<sup>(2)</sup>, and in particular Article 19 thereof,

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products<sup>(3)</sup>, as amended by Regulation (EEC) No 3209/89<sup>(4)</sup>, and in particular Article 2 thereof,

Whereas Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and the Common Customs Tariff<sup>(5)</sup> was amended by Regulation (EEC) No 3798/91<sup>(6)</sup> to take account of the fact that from 1 January 1992 the wording of CN code 0404 10 is to be amended to include modified whey;

Whereas Council Regulation (EEC) No 206/91<sup>(7)</sup> provides for exemptions from the exclusion of milk products from inward processing arrangements, notably for unmodified whey; whereas, in order to take account of the amendments to the Combined Nomenclature, the relevant CN codes listed in Article 1 (2) of that Regulation should be amended accordingly;

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

Done at Brussels, 31 January 1992.

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*

Article 1 (2) of Regulation (EEC) No 206/91 is replaced by the following:

'2. However, the use of inward processing arrangements shall not be prohibited for electro-dialysed whey powder falling within CN code ex 0404 10 02<sup>(8)</sup> (with the exception of modified whey) and for unmodified whey falling within CN code ex 0404 10 48<sup>(9)</sup> for use in the manufacture of unmodified whey powder falling within CN code ex 0404 10 02, of the products falling within CN codes 1702 10, 1901 10, 1901 90 90 and 2106 90 51 and of lactalbumin falling within CN codes 3502 90 51 and 3502 90 59.

<sup>(8)</sup> 1992 Taric subdivision 0404 10 11 11.

<sup>(9)</sup> 1992 Taric subdivision 0404 10 91 11.'

*Article 2*

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

It shall apply from 1 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 34, 9. 2. 1979, p. 2.

<sup>(4)</sup> OJ No L 312, 27. 10. 1989, p. 5.

<sup>(5)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(6)</sup> OJ No L 357, 28. 12. 1991, p. 3.

<sup>(7)</sup> OJ No L 24, 30. 1. 1991, p. 1.

## COMMISSION REGULATION (EEC) No 253/92

of 31 January 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

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

Whereas the 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1428/78 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(6)</sup>, 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 <sup>(7)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

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

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

<sup>(3)</sup> OJ No L 151, 30. 6. 1968, p. 42.

<sup>(4)</sup> OJ No L 171, 28. 6. 1978, p. 34.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(6)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(7)</sup> 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(2)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas 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 February 1992.

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

Done at Brussels, 31 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX

to the Commission Regulation of 31 January 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 <sup>(1)</sup>	Amount of levy per 100 kg of dry matter <sup>(1)</sup>
1702 20 10	0,4602	—
1702 20 90	0,4602	—
1702 30 10	—	55,69
1702 40 10	—	55,69
1702 60 10	—	55,69
1702 60 90	0,4602	—
1702 90 30	—	55,69
1702 90 60	0,4602	—
1702 90 71	0,4602	—
1702 90 90	0,4602	—
2106 90 30	—	55,69
2106 90 59	0,4602	—

<sup>(1)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC of 25 July 1991.

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

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

## COMMISSION REGULATION (EEC) No 254/92

of 31 January 1992

fixing the maximum buying-in price and the quantities of beef bought in for the 61st partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector<sup>(3)</sup>, as last amended by Regulation (EEC) No 3560/91<sup>(4)</sup>, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender<sup>(5)</sup>, as last amended by Regulation (EEC) No 179/92<sup>(6)</sup>;

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

Whereas, after the tenders submitted for the 61st 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 slaughtering, 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 61st 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 265,99 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 12 673 tonnes; the quantities offered are hereby reduced by 80 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

- the maximum buying-in price is hereby fixed at ECU 265,50 per 100 kilograms of carcasses or half-carcasses of quality R3,
- tenders in Ireland exceeding ECU 261,52 shall not be taken into consideration,
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 8 710 tonnes; the quantities offered are hereby reduced by 70 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89.

*Article 2*

This Regulation shall enter into force on 3 February 1992.

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

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

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

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

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

<sup>(6)</sup> OJ No L 19, 28. 1. 1992, p. 24.

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

Done at Brussels, 31 January 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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## II

(Acts whose publication is not obligatory)

## COUNCIL

**DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES MEETING WITHIN THE COUNCIL**

of 27 January 1992

repealing Decision 86/459/ECSC suspending imports of certain iron and steel  
products originating in South Africa

(92/56/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF  
THE MEMBER STATES OF THE EUROPEAN COAL AND  
STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission,

Whereas, in response to the deteriorating situation in  
South Africa and the refusal of its Government to take  
specific measures leading to the abolition of apartheid,  
the Representatives of the Governments of the Member  
States of the European Coal and Steel Community,  
meeting within the Council, decided, on 16 September  
1986, to suspend imports of certain iron and steel  
products originating in South Africa;

Whereas the present Government of the Republic of  
South Africa has taken steps to abolish apartheid, *inter  
alia*, by proposing to the South African Parliament the  
repeal of the laws that provided the basis for apartheid;  
whereas the way is now open for the negotiation of a  
constitution for a united, democratic and non-racial South  
Africa;

Whereas it has therefore been possible to reach a  
consensus in the context of European political

cooperation on relaxing the restrictions adopted in 1986  
in order to encourage that process;

Whereas, therefore Decision 86/459/ECSC<sup>(1)</sup>, as amended  
by Decision 88/280/ECSC<sup>(2)</sup>, should therefore be  
repealed,

HAVE DECIDED AS FOLLOWS:

*Article 1*

Decision 86/459/ECSC is hereby repealed.

*Article 2*

This Decision shall take effect on the day of its  
publication in the *Official Journal of the European  
Communities*.

Done at Brussels, 27 January 1992.

*The President*

A. MARQUES DA CUNHA

<sup>(1)</sup> OJ No L 268, 19. 9. 1986, p. 1.

<sup>(2)</sup> OJ No L 120, 7. 5. 1988, p. 1.

# COMMISSION

## COMMISSION DECISION

of 27 January 1992

**adopting the 1992 plan allocating to the Member States resources to be charged to the 1992 budget year for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community**

(92/57/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community <sup>(1)</sup>,

Having regard to Commission Regulation (EEC) No 3744/87 of 14 December 1987 laying down the detailed rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community <sup>(2)</sup>, as last amended by Regulation (EEC) No 583/91 <sup>(3)</sup>, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy <sup>(4)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(5)</sup>, and in particular Article 2 (4) thereof,

Whereas in order to implement the scheme for the supply of such food to the most deprived section of the population, to be financed from resources available in the 1992 budget year, the Commission must adopt a plan; whereas this plan should indicate in particular the quantity of products by type that may be withdrawn from intervention stock for distribution in each Member State

and the financial resources made available to implement the plan in each Member State; whereas this plan should also indicate the level of appropriations to be reserved to cover costs of intra-Community transport of intervention products as referred to in Article 7 of Regulation (EEC) No 3744/87;

Whereas for the 1992 scheme all Member States, except Germany, have provided the information required in accordance with the provisions of Article 1 (3) of Regulation (EEC) No 3744/87;

Whereas in order to facilitate the implementation of this scheme it is necessary to specify the rates of exchange to be employed in converting the ecu into national currencies and to do so at rates which reflect economic reality;

Whereas the Commission has already taken several decisions allocating resources to be charged to the 1992 budget to a number of Member States;

Whereas the appropriations available to implement the plan in 1992 are now known; whereas it is necessary in order to help optimize the utilization of budget appropriations to take account of the degree to which the various Member States used the resources allocated to them in 1989, 1990 and 1991 but to do so in a manner which does not prejudice any possible further allocations relating to 1992;

Whereas in accordance with the provisions of Article 1 (4) of Regulation (EEC) No 3744/87 the Commission has sought the advice of major organizations familiar with the problems of the most deprived persons in the Community when drawing up this plan;

Whereas the measures provided for in this Decision are in accordance with the opinions of the relevant management committees,

<sup>(1)</sup> OJ No L 352, 15. 12. 1987, p. 1.

<sup>(2)</sup> OJ No L 352, 15. 12. 1987, p. 33.

<sup>(3)</sup> OJ No L 65, 12. 3. 1991, p. 32.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(5)</sup> OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS DECISION :

*Article 1*

The plan referred to in Article 2 (1) of Regulation (EEC) No 3744/87 for 1992 is adopted as set out in the following Articles :

*Article 2*

1. Subject to a limit of ECU 2 422 000, the following quantities of produce may be withdrawn from intervention for distribution in Belgium :

- 1 800 tonnes of common wheat,
- 900 tonnes of milk powder,
- 600 tonnes of beef.

2. The quantities and the resources already allocated for 1992 to Belgium by Commission Decision 91/528/EEC<sup>(1)</sup> are included in this Article.

*Article 3*

1. Subject to a limit of ECU 2 000 000, the following quantities of produce may be withdrawn from intervention for distribution in Denmark :

- 30 tonnes of butter,
- 250 tonnes of beef.

2. The quantities and the resources already allocated for 1992 to Denmark by Commission Decision 91/529/EEC<sup>(2)</sup> are included in this Article.

*Article 4*

Subject to a limit of ECU 12 000 000, the following quantities of produce may be withdrawn from intervention for distribution in Greece :

- 4 000 tonnes of beef.

*Article 5*

1. Subject to a limit of ECU 35 400 000, the following quantities of produce may be withdrawn from intervention for distribution in Spain :

- 4 500 tonnes of rice,
- 25 500 tonnes of durum wheat,
- 5 000 tonnes of butter,
- 6 000 tonnes of beef,
- 2 000 tonnes of olive oil.

2. The quantities and the resources already allocated for 1992 to Spain by Commission Decision 91/530/EEC<sup>(3)</sup> are included in this Article.

*Article 6*

1. Subject to a limit of ECU 28 560 000, the following quantities of produce may be withdrawn from intervention for distribution in France :

- 6 000 tonnes of common wheat,
- 7 000 tonnes of durum wheat,
- 4 000 tonnes of butter,
- 5 000 tonnes of beef,
- 2 000 tonnes of rice,
- 2 000 tonnes of milk powder.

2. The quantities and the resources already allocated for 1992 to France by Commission Decision 91/527/EEC<sup>(4)</sup> are included in this Article.

*Article 7*

Subject to a limit of ECU 4 600 000 the following quantities of produce may be withdrawn from intervention for distribution in Ireland :

- 25 tonnes of butter,
- 1 450 tonnes of beef.

*Article 8*

1. Subject to a limit of ECU 24 500 000, the following quantities of produce may be withdrawn from intervention for distribution in Italy :

- 3 000 tonnes of common wheat,
- 8 000 tonnes of durum wheat,
- 2 000 tonnes of rice,
- 1 000 tonnes of butter,
- 7 000 tonnes of beef,
- 1 000 tonnes of olive oil.

2. The quantities and the resources already allocated for 1992 to Italy by Commission Decision 91/557/EEC<sup>(5)</sup> are included in this Article.

*Article 9*

Subject to a limit of ECU 78 000, the following quantities of produce may be withdrawn from intervention for distribution in Luxembourg :

- 30 tonnes of common wheat,
- 25 tonnes of milk powder,
- 15 tonnes of beef.

*Article 10*

1. Subject to a limit of ECU 3 000 000, the following quantities of produce may be withdrawn from intervention for distribution in the Netherlands :

- 150 tonnes of butter,
- 538 tonnes of beef.

<sup>(1)</sup> OJ No L 284, 12. 10. 1991, p. 29.

<sup>(2)</sup> OJ No L 284, 12. 10. 1991, p. 30.

<sup>(3)</sup> OJ No L 284, 12. 10. 1991, p. 31.

<sup>(4)</sup> OJ No L 284, 12. 10. 1991, p. 27.

<sup>(5)</sup> OJ No L 304, 5. 11. 1991, p. 16.

2. The quantities and the resources already allocated for 1992 to the Netherlands by Commission Decision 91/563/EEC<sup>(1)</sup> are included in this Article.

#### *Article 11*

Subject to a limit of ECU 10 440 000, the following quantities of produce may be withdrawn from intervention for distribution in Portugal:

- 1 500 tonnes of common wheat,
- 1 700 tonnes of durum wheat,
- 1 000 tonnes of rice,
- 1 200 tonnes of butter,
- 2 500 tonnes of beef,
- 700 tonnes of olive oil,
- 600 tonnes of milk powder.

#### *Article 12*

Subject to a limit of ECU 25 000 000, the following quantities of produce may be withdrawn from intervention for distribution in the United Kingdom:

- 3 705 tonnes of butter,
- 2 965 tonnes of beef.

#### *Article 13*

ECU 2 million are reserved to cover the costs of intra-Community transport referred to in Article 2 (1) of Regulation (EEC) No 3744/87.

#### *Article 14*

1. The withdrawals referred to in Article 2 to 12 may be made from 1 October 1991 until 31 August 1992.
2. All amounts in ecus shall be converted into national currencies at the rates applicable on 2 January 1992 and published in the *Official Journal of the European Communities*, C series on 4 January 1992.

#### *Article 15*

This Decision is addressed to the Member States.

Done at Brussels, 27 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 306, 7. 11. 1991, p. 34.

**CORRIGENDA**

**Corrigendum to Council Regulation (EEC) No 3882/91 of 18 December 1991 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1992 and certain conditions under which they may be fished**

*(Official Journal of the European Communities No L 367 of 31 December 1991)*

On page 6, in the first and third subparagraphs of Article 13 (1):

*for:* 'Areas IV and VI',

*read:* 'Areas IV and VI a'.

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