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## Legislation

### Contents

#### I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 3185/91 of 22 October 1991 adopting measures for the import of fruit and vegetables from certain countries affected by cholera** ..... 1
- Commission Regulation (EEC) No 3186/91 of 31 October 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal ..... 6
- Commission Regulation (EEC) No 3187/91 of 31 October 1991 fixing the premiums to be added to the import levies on cereals, flour and malt ..... 8
- Commission Regulation (EEC) No 3188/91 of 31 October 1991 fixing the import levies on rice and broken rice ..... 10
- Commission Regulation (EEC) No 3189/91 of 31 October 1991 fixing the premiums to be added to the import levies on rice and broken rice ..... 12
- Commission Regulation (EEC) No 3190/91 of 31 October 1991 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products ..... 14
- Commission Regulation (EEC) No 3191/91 of 31 October 1991 fixing the corrective amount applicable to the refund on cereals ..... 17
- Commission Regulation (EEC) No 3192/91 of 31 October 1991 altering the export refunds on white sugar and raw sugar exported in the natural state ..... 20
- Commission Regulation (EEC) No 3193/91 of 31 October 1991 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 ..... 22
- Commission Regulation (EEC) No 3194/91 of 31 October 1991 fixing the import levies on syrups and certain other products in the sugar sector ..... 25
- Commission Regulation (EEC) No 3195/91 of 31 October 1991 fixing the export refunds on syrups and certain other sugar products exported in the natural state ..... 27

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(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

|                                                                                                                                                                                                                                                                                                                                               |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Commission Regulation (EEC) No 3196/91 of 31 October 1991 fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries .....                                                                                                                                                        | 30 |
| Commission Regulation (EEC) No 3197/91 of 31 October 1991 fixing the export refunds on oil seeds .....                                                                                                                                                                                                                                        | 31 |
| Commission Regulation (EEC) No 3198/91 of 31 October 1991 fixing the amount of the subsidy on oil seeds .....                                                                                                                                                                                                                                 | 34 |
| Commission Regulation (EEC) No 3199/91 of 31 October 1991 fixing the amount of aid for peas, field beans and sweet lupins .....                                                                                                                                                                                                               | 40 |
| Commission Regulation (EEC) No 3200/91 of 31 October 1991 fixing the rate of the aid for dried fodder .....                                                                                                                                                                                                                                   | 47 |
| Commission Regulation (EEC) No 3201/91 of 31 October 1991 fixing the aid for cotton .....                                                                                                                                                                                                                                                     | 50 |
| Commission Regulation (EEC) No 3202/91 of 31 October 1991 fixing the aid for soya beans .....                                                                                                                                                                                                                                                 | 51 |
| Commission Regulation (EEC) No 3203/91 of 31 October 1991 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 .....                                                                                                                                       | 52 |
| Commission Regulation (EEC) No 3204/91 of 31 October 1991 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 .....                                                                                                                            | 54 |
| Commission Regulation (EEC) No 3205/91 of 30 October 1991 opening invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb .....                                                                                                                                                           | 58 |
| * Commission Regulation (EEC) No 3206/91 of 31 October 1991 on applications for commitment of, advances on and payment of the balance of aid granted by the EAGGF Guidance Section for operational programmes involving investments to improve the conditions under which agricultural and forestry products are processed and marketed ..... | 59 |
| * Commission Regulation (EEC) No 3207/91 of 31 October 1991 fixing the level of estimated rape seed production for the 1991/92 marketing year, the level of actual rape seed production for the 1990/91 marketing year, and the adjustment to be made to the amount of the aid .....                                                          | 68 |
| * Commission Regulation (EEC) No 3208/91 of 31 October 1991 fixing the level of estimated sunflower seed production for the 1991/92 marketing year, the level of actual sunflower seed production for the 1990/91 marketing year, and the adjustment to be made to the amount of the aid .....                                                | 69 |
| Commission Regulation (EEC) No 3209/91 of 31 October 1991 adjusting the corrective amount on the import of cucumbers into the Community of Ten from Spain .....                                                                                                                                                                               | 70 |
| Commission Regulation (EEC) No 3210/91 of 31 October 1991 fixing the export refunds on cereals and on wheat or rye flour, groats and meal .....                                                                                                                                                                                               | 71 |
| Commission Regulation (EEC) No 3211/91 of 31 October 1991 fixing the export refunds on malt .....                                                                                                                                                                                                                                             | 75 |
| Commission Regulation (EEC) No 3212/91 of 31 October 1991 fixing the import levies on white sugar and raw sugar .....                                                                                                                                                                                                                         | 77 |

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3185/91**

of 22 October 1991

**adopting measures for the import of fruit and vegetables from certain countries affected by cholera**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the incidence of cholera is rapidly increasing in certain parts of South America; whereas this disease is a serious threat to public health and the *cholera vibrio* can, *inter alia*, contaminate fruit and vegetables;

Whereas Community experts have visited the regions in question to look at the situation and decide what safeguards are required to prevent any risk of introduction of the disease into the Community;

Whereas their findings indicate that Community measures are required; whereas national measures have been adopted in a number of Member States on imports of fruit and vegetables from certain South American third countries; whereas it is incumbent upon the Council therefore to adopt common rules which will protect the health of consumers, maintain market unity without unduly affecting trade between the third countries and the Community and prevent deflection of trade;

Whereas requirements to be met for imports of fruit and vegetables originating in, or consigned from, regions affected by cholera should be specified; whereas the list of these regions should therefore be determined and provision should be made for the origin or place of consignment of the products to be mentioned on the accompanying document;

Whereas these requirements should not be made applicable to products which, because of their characteristics,

the treatment they are given or the length of time spent in transport present no risk of contamination;

Whereas, further, these requirements should not be made applicable to consignments of fruit and vegetables covered by suitable guarantees from the official authorities of the exporting third country; whereas it is necessary therefore to specify the recognized health authorities of the third countries in question;

Whereas Member States must be able to require presentation of health certificates made out by the authorities of the exporting third country; whereas the requirements pertaining to the drawing up and issuing of certificates must be specified;

Whereas experts from the Member States and from the Commission should make checks to see whether the health safeguards offered by the third countries concerned are applied effectively;

Whereas the aforementioned safeguards will apply without prejudice to normal requirements pertaining to imports from the third countries in question;

Whereas documentary or identification checks, as appropriate in each case, must be carried out on products intended for import when they first arrive in the Community; whereas such a check is required in order to guarantee free circulation within the Community; whereas sample checks may also be made in the Member State of consumption to ensure the absence of *cholera vibrio*;

Whereas a simplified procedure should be set up that will permit continual rapid updating of Community rules in line with changes in the epidemiological situation as regards cholera; whereas, to this end, a Commission *ad hoc* committee should be set up;

Whereas bananas should be excluded from the scope of this Regulation since the ripening processes which these products undergo cancels out all risk of the *cholera vibrio* being introduced into the Community,

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation sets rules applying to imports of:

- fruit and vegetables covered by Regulation (EEC) No 1035/72 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1623/91 <sup>(2)</sup>, and Regulation (EEC) No 827/68 <sup>(3)</sup>, as last amended by Regulation (EEC) No 789/89 <sup>(4)</sup>,
- processed fruit and vegetable products covered by Regulation (EEC) No 426/86 <sup>(5)</sup>, as last amended by Regulation (EEC) No 1943/91 <sup>(6)</sup>,
- other fruit and vegetables falling within Chapters 7, 8 and 20 of the combined nomenclature and not covered by the abovementioned Regulations, with the exception of bananas,

originating in, or consigned from, the countries listed in Annex I which are affected by a cholera epidemic caused by the *cholera vibrio* of the 01 *El Tor* biotype, *Inaba* serotype.

#### Article 2

1. Products as indicated in Article 1 must be accompanied by a certificate showing the administrative unit of origin or consignment.
2. Products originating in, or consigned from, administrative units referred to in Annex I shall be admitted for import only if they are accompanied by an official certificate issued by the health authority specified in Annex II and giving the entries provided for in Annex III.
3. No certificate shall be required for products covered by Annex IV if they fulfil the conditions specified therein and providing an accompanying document specifies:
  - the date of embarkation of the products, and
  - as appropriate, one of the treatments referred to in Annex IV, Part A.1 or Part B.1, 2 or 3.

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

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 8.

<sup>(3)</sup> OJ No L 151, 30. 6. 1968, p. 16.

<sup>(4)</sup> OJ No L 85, 30. 3. 1989, p. 3.

<sup>(5)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(6)</sup> OJ No L 175, 4. 7. 1991, p. 1.

4. The products originating in, or consigned from, certain third countries appearing in Annex V must comply with the additional conditions specified therein.

#### Article 3

Checks may be made on the spot by experts from the Member States or the Commission to see whether the health protection and control guarantees offered by third countries are applied effectively.

#### Article 4

When products indicated in Article 1 enter the territory of the Community, the competent authorities of the Member State concerned shall, as appropriate, check

- that the certificate referred to in Article 2 (2) meets the requirements set out in Annex III,
- the identity of products exempt from certification pursuant to Article 2 (3).

#### Article 5

Member States in which products are to be consumed may carry out sample examinations on products indicated in Article 1. If *cholera vibrio* is found by the competent authorities, they shall immediately inform the Commission and the other Member States thereof, irrespective of what is to be done with the contaminated consignment.

#### Article 6

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by a representative of the Commission.
2. Detailed rules for application of this Regulation and any changes to the Annexes shall be adopted in accordance with the procedure laid down in paragraph 3.
3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of one month from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

*Article 7*

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

It shall expire two years after its entry into force. However, six months before this Regulation expires, the Commission shall present to the Council a report on the situation of the cholera epidemic with a view to deciding whether this Regulation should be extended should this prove necessary.

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

Done at Luxembourg, 22 October 1991.

*For the Council*

*The President*

P. BUKMAN

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**ANNEX I****Affected areas**

| <i>Country</i> | <i>Administrative units affected</i>                                                                                                                                                                           |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Colombia       | Departments of Amazonas, Antioquia, Caldas, Cauca, Chocó, Córdoba, Cundinamarca, Huila, Meta, Nariño, Guaviare, Santa Fé de Bogotá, Santander, Tolima and Valle del Cauca.                                     |
| Ecuador        | The provinces of Azuay, Bolívar, Cañar, Carchi, Chimborazo, Cotopaxi, El Oro, Esmeraldas, Galápagos, Guayas, Imbabura, Loja, Los Ríos, Manabí, Pastaza, Pichincha, Sucumbios, Tungurahua and Zamora-Chinchipe. |
| Peru           | All provinces.                                                                                                                                                                                                 |

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**ANNEX II****Recognized certifying health authorities**

| <i>Country</i> | <i>Name of recognized health authority</i>                                                                                        |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Colombia       | 1. Instituto Nacional de la Salud (INS), Bogota.<br>2. Servicio Seccional de Salud (SSS) of the Departments mentioned in Annex I. |
| Ecuador        | Instituto Nacional de Higiene y Medicina tropical (INHMT) 'Leopoldo Izqueta Pérez', Guayaquil.                                    |
| Peru           | 1. Centro de Certificaciones Pesqueras (Cerper), El Callao.<br>2. Ministerio de Salud, Lima.                                      |

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**ANNEX III****Entries to be made on official certificates issued by recognized health authorities**

- Name of recognized health authority and, if appropriate, of the delegated authority or authorities,
  - Place of issue, number and date,
  - Description of consignment and type of treatment,
  - Name and address of establishment,
  - Attestation that the establishment meets the health conditions required to ensure proper standards of hygiene in handling operations and in particular that the establishment employs a system whereby the water used is treated with chlorine or uses some other equivalent process,
  - Attestation that the establishment is subjected to stringent inspection by officials of the recognized health authority and that all hygienic requirements for processing, presentation and packaging are complied with,
  - The health authority's stamp and the signature of the person or persons authorized to sign.
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*ANNEX IV***A. List of products not subject to restrictions**

1. Dried vegetables, dried leguminous vegetables, nuts and dried fruit falling within CN codes 0712, 0713, 0802 and 0813 respectively, and any fruit and vegetable dried to an  $a_w$  value below 0,85.
2. All fruit and vegetables transported under normal conditions, including controlled temperature and moisture conditions, when the journey time is at least 21 days.

**B. List of products given a specific treatment and not subject to restriction**

1. Fruit and vegetables and juices or pulps of these in hermetically sealed tins, jars and bottles heated for preservation to more than 70 °C throughout after sealing.
2. Fruit and vegetables in tins, jars and bottles preserved in an acid medium of pH below 4,5.
3. Frozen fruit and vegetables previously heat-treated to more than 70 °C throughout and packaged under proper hygienic conditions in the countries concerned.

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*ANNEX V***Special requirements referred to in Article 2 (4)***Country of consignment      Additional requirements***Peru**

The certificate indicated in Article 2 (2) must be accompanied by an official numbered and dated attestation, issued by the Ministry of Health, that there is no *cholera vibrio* on the products making up the consignment.

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**COMMISSION REGULATION (EEC) No 3186/91**  
**of 31 October 1991**

**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,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2661/91 <sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 30 October 1991;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2661/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 31 October 1991.

*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 250, 7. 9. 1991, p. 1.

## ANNEX

to the Commission Regulation of 31 October 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code    | Levy                                 |
|------------|--------------------------------------|
| 0709 90 60 | 122,22 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 122,22 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 175,75 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 175,75 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 151,27                               |
| 1001 90 99 | 151,27                               |
| 1002 00 00 | 163,53 <sup>(4)</sup>                |
| 1003 00 10 | 139,14                               |
| 1003 00 90 | 139,14                               |
| 1004 00 10 | 126,53                               |
| 1004 00 90 | 126,53                               |
| 1005 10 90 | 122,22 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 122,22 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 135,34 <sup>(4)</sup>                |
| 1008 10 00 | 52,23                                |
| 1008 20 00 | 124,08 <sup>(4)</sup>                |
| 1008 30 00 | 73,87 <sup>(2)</sup>                 |
| 1008 90 10 | <sup>(7)</sup>                       |
| 1008 90 90 | 73,87                                |
| 1101 00 00 | 224,78 <sup>(8)</sup>                |
| 1102 10 00 | 241,95 <sup>(8)</sup>                |
| 1103 11 10 | 285,67 <sup>(8)</sup>                |
| 1103 11 90 | 242,09 <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 or in the 'overseas countries and territories'.

<sup>(3)</sup> Where maize originating in the ACP or OCT 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 or OCT 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 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

<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.

**COMMISSION REGULATION (EEC) No 3187/91**  
**of 31 October 1991**

**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 October 1991;

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 November 1991.

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

Done at Brussels, 31 October 1991.

*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 October 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

| CN code    | Current | 1st period | 2nd period | 3rd period |
|------------|---------|------------|------------|------------|
|            | 11      | 12         | 1          | 2          |
| 0709 90 60 | 0       | 0          | 0          | 0          |
| 0712 90 19 | 0       | 0          | 0          | 0          |
| 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          | 3,59       |
| 1004 00 90 | 0       | 0          | 0          | 3,59       |
| 1005 10 90 | 0       | 0          | 0          | 0          |
| 1005 90 00 | 0       | 0          | 0          | 0          |
| 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

| CN code    | Current | 1st period | 2nd period | 3rd period | 4th period |
|------------|---------|------------|------------|------------|------------|
|            | 11      | 12         | 1          | 2          | 3          |
| 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 3188/91**  
**of 31 October 1991**  
**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 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30<sup>(3)</sup>, as last amended by Regulation (EEC) No 674/91<sup>(4)</sup>, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2590/91<sup>(5)</sup>, as last amended by Regulation (EEC) No 3114/91<sup>(6)</sup>,

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 November 1991.

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

Done at Brussels, 31 October 1991.

*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 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 243, 31. 8. 1991, p. 5.

<sup>(6)</sup> OJ No L 296, 26. 10. 1991, p. 5.

## ANNEX

to the Commission Regulation of 31 October 1991 fixing the import levies on rice and broken rice

(ECU/tonne)

| CN code    | Arrangement<br>in Regulation (EEC)<br>No 3877/86 | ACP or OCT<br>( <sup>(1)</sup> ) ( <sup>(2)</sup> ) ( <sup>(3)</sup> )<br>Bangladesh | Third countries<br>(except ACP or OCT)<br>( <sup>(4)</sup> ) |
|------------|--------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------|
| 1006 10 21 | —                                                | 146,83                                                                               | 300,86                                                       |
| 1006 10 23 | 208,59                                           | 135,46                                                                               | 278,12                                                       |
| 1006 10 25 | 208,59                                           | 135,46                                                                               | 278,12                                                       |
| 1006 10 27 | 208,59                                           | 135,46                                                                               | 278,12                                                       |
| 1006 10 92 | —                                                | 146,83                                                                               | 300,86                                                       |
| 1006 10 94 | 208,59                                           | 135,46                                                                               | 278,12                                                       |
| 1006 10 96 | 208,59                                           | 135,46                                                                               | 278,12                                                       |
| 1006 10 98 | 208,59                                           | 135,46                                                                               | 278,12                                                       |
| 1006 20 11 | —                                                | 184,44                                                                               | 376,08                                                       |
| 1006 20 13 | 260,74                                           | 170,22                                                                               | 347,65                                                       |
| 1006 20 15 | 260,74                                           | 170,22                                                                               | 347,65                                                       |
| 1006 20 17 | 260,74                                           | 170,22                                                                               | 347,65                                                       |
| 1006 20 92 | —                                                | 184,44                                                                               | 376,08                                                       |
| 1006 20 94 | 260,74                                           | 170,22                                                                               | 347,65                                                       |
| 1006 20 96 | 260,74                                           | 170,22                                                                               | 347,65                                                       |
| 1006 20 98 | 260,74                                           | 170,22                                                                               | 347,65                                                       |
| 1006 30 21 | —                                                | 228,46                                                                               | 480,78 ( <sup>(5)</sup> )                                    |
| 1006 30 23 | 422,51 ( <sup>(5)</sup> )                        | 269,79                                                                               | 563,35 ( <sup>(5)</sup> )                                    |
| 1006 30 25 | 422,51 ( <sup>(5)</sup> )                        | 269,79                                                                               | 563,35 ( <sup>(5)</sup> )                                    |
| 1006 30 27 | 422,51 ( <sup>(5)</sup> )                        | 269,79                                                                               | 563,35 ( <sup>(5)</sup> )                                    |
| 1006 30 42 | —                                                | 228,46                                                                               | 480,78 ( <sup>(5)</sup> )                                    |
| 1006 30 44 | 422,51 ( <sup>(5)</sup> )                        | 269,79                                                                               | 563,35 ( <sup>(5)</sup> )                                    |
| 1006 30 46 | 422,51 ( <sup>(5)</sup> )                        | 269,79                                                                               | 563,35 ( <sup>(5)</sup> )                                    |
| 1006 30 48 | 422,51 ( <sup>(5)</sup> )                        | 269,79                                                                               | 563,35 ( <sup>(5)</sup> )                                    |
| 1006 30 61 | —                                                | 243,66                                                                               | 512,03 ( <sup>(5)</sup> )                                    |
| 1006 30 63 | 452,93 ( <sup>(5)</sup> )                        | 289,60                                                                               | 603,91 ( <sup>(5)</sup> )                                    |
| 1006 30 65 | 452,93 ( <sup>(5)</sup> )                        | 289,60                                                                               | 603,91 ( <sup>(5)</sup> )                                    |
| 1006 30 67 | 452,93 ( <sup>(5)</sup> )                        | 289,60                                                                               | 603,91 ( <sup>(5)</sup> )                                    |
| 1006 30 92 | —                                                | 243,66                                                                               | 512,03 ( <sup>(5)</sup> )                                    |
| 1006 30 94 | 452,93 ( <sup>(5)</sup> )                        | 289,60                                                                               | 603,91 ( <sup>(5)</sup> )                                    |
| 1006 30 96 | 452,93 ( <sup>(5)</sup> )                        | 289,60                                                                               | 603,91 ( <sup>(5)</sup> )                                    |
| 1006 30 98 | 452,93 ( <sup>(5)</sup> )                        | 289,60                                                                               | 603,91 ( <sup>(5)</sup> )                                    |
| 1006 40 00 | —                                                | 73,29                                                                                | 152,59                                                       |

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

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

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

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

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

**COMMISSION REGULATION (EEC) No 3189/91****of 31 October 1991****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 3115/91 <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 November  
1991.

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

Done at Brussels, 31 October 1991.

*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 296, 26. 10. 1991, p. 7.

## ANNEX

to the Commission Regulation of 31 October 1991 fixing the premiums to be added to the import levies on rice and broken rice

| CN code    | (ECU/tonne)   |                  |                 |                 |
|------------|---------------|------------------|-----------------|-----------------|
|            | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 |
| 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 3190/91****of 31 October 1991****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

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 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria<sup>(3)</sup>, as last amended by Regulation (EEC) No 728/91<sup>(4)</sup>, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco<sup>(5)</sup>, as last amended by Regulation (EEC) No 729/91<sup>(6)</sup>, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia<sup>(7)</sup>, as last amended by Regulation (EEC) No 413/86<sup>(8)</sup>, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey<sup>(9)</sup>, as last amended by Regulation (EEC) No 730/91<sup>(10)</sup>, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon<sup>(11)</sup>,Whereas by Regulation (EEC) No 3131/78<sup>(12)</sup>, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender<sup>(13)</sup> specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 28 and 29 October 1991 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum levies on olive oil imports are fixed in Annex I.

*Article 2*

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

*Article 3*

This Regulation shall enter into force on 1 November 1991.

<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 169, 28. 6. 1976, p. 24.<sup>(4)</sup> OJ No L 80, 27. 3. 1991, p. 1.<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.<sup>(6)</sup> OJ No L 80, 27. 3. 1991, p. 2.<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.<sup>(10)</sup> OJ No L 80, 27. 3. 1991, p. 3.<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 31 October 1991.

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

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## ANNEX I

## Minimum import levies on olive oil

| (ECU/100 kg) |                       |
|--------------|-----------------------|
| CN code      | Non-member countries  |
| 1509 10 10   | 60,00 <sup>(1)</sup>  |
| 1509 10 90   | 60,00 <sup>(1)</sup>  |
| 1509 90 00   | 70,00 <sup>(2)</sup>  |
| 1510 00 10   | 77,00 <sup>(1)</sup>  |
| 1510 00 90   | 122,00 <sup>(2)</sup> |

<sup>(1)</sup> For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

- (a) Lebanon: ECU 0,60 per 100 kg;
- (b) Tunisia: ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (c) Turkey: ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (d) Algeria and Morocco: ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

<sup>(2)</sup> For imports of oil falling within this CN code:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

<sup>(3)</sup> For imports of oil falling within this CN code:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

## ANNEX II

## Import levies on other olive oil sector products

| (ECU/100 kg) |                      |
|--------------|----------------------|
| CN code      | Non-member countries |
| 0709 90 39   | 13,20                |
| 0711 20 90   | 13,20                |
| 1522 00 31   | 30,00                |
| 1522 00 39   | 48,00                |
| 2306 90 19   | 6,16                 |

## COMMISSION REGULATION (EEC) No 3191/91

of 31 October 1991

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 2*

*Article 1*

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 31 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 31 October 1991 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

| Product code   | Destination (1) | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 | 6th period<br>5 |
|----------------|-----------------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 0709 90 60 000 | —               | —             | —                | —               | —               | —               | —               | —               |
| 0712 90 19 000 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1001 10 10 000 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1001 10 90 000 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 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 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1003 00 90 000 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1004 00 10 000 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1004 00 90 000 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1005 10 90 000 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1005 90 00 000 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1007 00 90 000 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1008 20 00 000 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1101 00 00 100 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 00 130 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 00 150 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 00 170 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 00 180 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1101 00 00 190 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1101 00 00 900 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1102 10 00 600 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1102 10 00 900 | —               | —             | —                | —               | —               | —               | —               | —               |
| 1103 11 10 100 | 01              | 0             | 0                | 0               | 0               | 0               | 0               | 0               |
| 1103 11 10 200 | 01              | 0             | 0                | 0               | 0               | 0               | 0               | 0               |
| 1103 11 10 500 | 01              | 0             | 0                | 0               | 0               | 0               | 0               | 0               |
| 1103 11 10 900 | 01              | 0             | 0                | 0               | 0               | 0               | 0               | 0               |
| 1103 11 90 100 | 01              | 0             | 0                | 0               | 0               | 0               | —               | —               |
| 1103 11 90 900 | —               | —             | —                | —               | —               | —               | —               | —               |

(1) 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 3192/91****of 31 October 1991****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 464/91 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 3096/91 <sup>(3)</sup>, as amended by Regulation (EEC) No 3179/91 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3096/91 to the infor-

mation 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 3096/91 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 31 October 1991.

*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 54, 28. 2. 1991, p. 22.

<sup>(3)</sup> OJ No L 293, 24. 10. 1991, p. 18.

<sup>(4)</sup> OJ No L 300, 31. 10. 1991, p. 35.

## ANNEX

to the Commission Regulation of 31 October 1991 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 | 33,60 <sup>(1)</sup> |                                                                                       |
| 1701 11 90 910 | 33,60 <sup>(1)</sup> |                                                                                       |
| 1701 11 90 950 | <sup>(2)</sup>       |                                                                                       |
| 1701 12 90 100 | 33,60 <sup>(1)</sup> |                                                                                       |
| 1701 12 90 910 | 33,60 <sup>(1)</sup> |                                                                                       |
| 1701 12 90 950 | <sup>(2)</sup>       |                                                                                       |
| 1701 91 00 000 |                      | 0,3652                                                                                |
| 1701 99 10 100 | 36,52                |                                                                                       |
| 1701 99 10 910 | 36,52                |                                                                                       |
| 1701 99 10 950 | 36,52                |                                                                                       |
| 1701 99 90 100 |                      | 0,3652                                                                                |

<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 3193/91

of 31 October 1991

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 464/91<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 54, 28. 2. 1991, p. 22.

<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 November 1991.

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

Done at Brussels, 31 October 1991.

*For the Commission*

Martin BANGEMANN

*Vice-President*

## ANNEX

to the Commission Regulation of 31 October 1991 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 :                                                                                                                                                                                                                          | 36,52                                                                          |    |
| Raw sugar :                                                                                                                                                                                                                            | 33,60                                                                          |    |
| 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): | $36,52 \times \frac{S^{(1)}}{100}$                                             | 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> :                                                                                                                                                                                                            | 36,52 <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 3194/91

of 31 October 1991

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 464/91<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Having regard to the opinion of the Monetary Committee,

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, 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>(7)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(8)</sup>,

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

<sup>(2)</sup> OJ No L 54, 28. 2. 1991, p. 22.

<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 164, 24. 6. 1985, p. 1.

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

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

Whereas it follows from 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 November 1991.

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

Done at Brussels, 31 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

### ANNEX

to the Commission Regulation of 31 October 1991 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 | Amount of levy per 100 kg of dry matter |
|------------|----------------------------------------------------------------------------------------------------|-----------------------------------------|
| 1702 20 10 | 0,4316                                                                                             | —                                       |
| 1702 20 90 | 0,4316                                                                                             | —                                       |
| 1702 30 10 | —                                                                                                  | 52,83                                   |
| 1702 40 10 | —                                                                                                  | 52,83                                   |
| 1702 60 10 | —                                                                                                  | 52,83                                   |
| 1702 60 90 | 0,4316                                                                                             | —                                       |
| 1702 90 30 | —                                                                                                  | 52,83                                   |
| 1702 90 60 | 0,4316                                                                                             | —                                       |
| 1702 90 71 | 0,4316                                                                                             | —                                       |
| 1702 90 90 | 0,4316                                                                                             | —                                       |
| 2106 90 30 | —                                                                                                  | 52,83                                   |
| 2106 90 59 | 0,4316                                                                                             | —                                       |

## COMMISSION REGULATION (EEC) No 3195/91

of 31 October 1991

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 464/91<sup>(2)</sup>, and in particular Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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 54, 28. 2. 1991, p. 22.

<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 November 1991.

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

Done at Brussels, 31 October 1991.

*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 October 1991 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 <sup>(1)</sup> | Amount of refund per 100 kg of dry matter <sup>(2)</sup> |
|----------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 1702 40 10 100 |                                                                                                                   | 36,52                                                    |
| 1702 60 10 000 |                                                                                                                   | 36,52                                                    |
| 1702 60 90 000 | 0,3652                                                                                                            |                                                          |
| 1702 90 30 000 |                                                                                                                   | 36,52                                                    |
| 1702 90 60 000 | 0,3652                                                                                                            |                                                          |
| 1702 90 71 000 | 0,3652                                                                                                            |                                                          |
| 1702 90 90 900 | 0,3652                                                                                                            |                                                          |
| 2106 90 30 000 |                                                                                                                   | 36,52                                                    |
| 2106 90 59 000 | 0,3652                                                                                                            |                                                          |

<sup>(1)</sup> 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.

<sup>(2)</sup> 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 3196/91

of 31 October 1991

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 464/91 <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 2867/91 <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 27,04 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 31 October 1991.

*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 54, 28. 2. 1991, p. 22.

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

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

<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 3197/91**  
**of 31 October 1991**  
**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 2922/91<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 279, 7. 10. 1991, p. 43.

<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> See page 68 of this Official Journal.

<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 November 1991.

<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 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

### ANNEX

to the Commission Regulation of 31 October 1991 fixing the export refunds on oil seeds

(amounts per 100 kilograms)

|                                    | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 |
|------------------------------------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|
| <b>1. Gross refunds (ECU):</b>     |               |                  |                 |                 |                 |                 |
| — Spain                            | 11,000        | 11,278           | —               | —               | —               | —               |
| — Portugal                         | 20,080        | 20,358           | —               | —               | —               | —               |
| — other Member States              | 11,000        | 11,278           | —               | —               | —               | —               |
| <b>2. Final refunds:</b>           |               |                  |                 |                 |                 |                 |
| Seeds harvested and exported from: |               |                  |                 |                 |                 |                 |
| — Federal Republic of Germany (DM) | 25,90         | 26,55            | —               | —               | —               | —               |
| — Netherlands (Fl)                 | 29,18         | 29,92            | —               | —               | —               | —               |
| — BLEU (Bfrs/Lfrs)                 | 534,12        | 547,62           | —               | —               | —               | —               |
| — France (FF)                      | 86,85         | 89,05            | —               | —               | —               | —               |
| — Denmark (Dkr)                    | 98,78         | 101,28           | —               | —               | —               | —               |
| — Ireland (£ Irl)                  | 9,667         | 9,911            | —               | —               | —               | —               |
| — United Kingdom (£)               | 8,542         | 8,763            | —               | —               | —               | —               |
| — Italy (Lit)                      | 19 376        | 19 866           | —               | —               | —               | —               |
| — Greece (Dr)                      | 2 574,86      | 2 625,08         | —               | —               | —               | —               |
| — Spain (Pta)                      | 1 725,23      | 1 767,16         | —               | —               | —               | —               |
| — Portugal (Esc)                   | 4 294,15      | 4 352,16         | —               | —               | —               | —               |

## COMMISSION REGULATION (EEC) No 3198/91

of 31 October 1991

fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

1991/92 marketing year were fixed by Council Regulations (EEC) No 1722/91 <sup>(7)</sup> and (EEC) No 1723/91 <sup>(8)</sup>;

Having regard to the Treaty establishing the European Economic Community,

Whereas a supplement to the target price for 'double zero' colza and rape seed was fixed by Regulation (EEC) No 1722/91 for the 1991/92 marketing year;

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,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>(9)</sup>;Having regard to Council Regulation (EEC) No 1678/85 <sup>(3)</sup> fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 2922/91 <sup>(4)</sup>,Whereas the abatement of the subsidy for sunflower seed which arise from the system of maximum guaranteed quantities for the 1991/92 marketing year has been fixed by Commission Regulation (EEC) 3208/91 <sup>(10)</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,

Whereas Article 27a (3) of Regulation No 136/66/EEC provides that the adjustment of the amount of aid for rapeseed 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;

Having regard to the opinion of the Monetary Committee,

Whereas Article 27 of Regulation No 136/66/EEC provides that a subsidy should be granted in respect of oil seeds harvested and processed within the Community when the target price for a species of seed is higher than the price on the world market; whereas these provisions at present apply only in respect of colza, rape and sunflower seeds;

Whereas Article 29 of Regulation No 136/66/EEC provides that the world market price, calculated for a Community frontier crossing point, is to be determined on the basis of the most favourable purchasing opportunities, quotations being adjusted where necessary to take account of quotations for competing products;

Whereas the subsidy on oil seeds should, theoretically, be equal to the difference between those two prices;

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the

Whereas Article 4 of Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point <sup>(11)</sup>, as last amended by Regulation (EEC) No 1983/82 <sup>(12)</sup>, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides<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 279, 7. 10. 1991, p. 43.<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 162, 26. 6. 1991, p. 31.<sup>(8)</sup> OJ No L 162, 26. 6. 1991, p. 33.<sup>(9)</sup> See page 68 of this Official Journal.<sup>(10)</sup> See page 69 of this Official Journal.<sup>(11)</sup> OJ No 111, 10. 6. 1967, p. 2196/67.<sup>(12)</sup> OJ No L 215, 23. 7. 1982, p. 6.

that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Regulation No 225/67/EEC provides that offers and quotations which do not relate to shipments to be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements or information available to it, not to be representative of the real trend of the market must also be disregarded;

Whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

Whereas Article 3 of Regulation No 225/67/EEC provides that of the offers and quotations taken into consideration, those for delivery c and f should be increased by 0,2 %; whereas offers and quotations for delivery fas, fob or otherwise should be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; whereas cif offers and quotations for frontier crossing points other than Rotterdam should be adjusted to allow for the difference in transport and insurance costs as compared with a product delivered cif Rotterdam; whereas the Commission should take account only of the loading, transport and insurance costs which to its knowledge are the lowest; whereas, finally, offers and quotations for delivery cif Rotterdam should be increased by ECU 0,242;

Whereas Article 5 of Regulation No 115/67/EEC provides that the world market price should be determined for seed of the standard quality for which the target price has been fixed, delivered in bulk;

Whereas Article 3 of Regulation No 225/67/EEC provides that offers and quotations relating to products presented otherwise than in bulk should be adjusted by deducting the additional value resulting from that presentation; whereas offers and quotations relating to a quality other than the standard quality for which the target price was fixed should be adjusted on the basis of the coefficients of equivalence shown in the Annex to that Regulation; whereas, in the case of offers on the world market for qualities of colza and rape seed other than those listed in that Annex, coefficients of equivalence derived from those listed in that Annex may, pursuant to Article 4 of Regulation No 225/67/EEC, be applied; whereas, when derived coefficients are being calculated, account must be taken of the differences between prices for the qualities of seed in question and prices for the qualities listed in that Annex, and of the characteristics of these various seeds;

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should

be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price and where it is, moreover, impossible to establish the value of the oil or oil cake processed from such seed, the world market price should be determined on the basis of the most recent known value for oil or oil cake, adjusted to take account of the trend of world prices for competing products by applying to that value the rules set out in Article 2 of Regulation No 115/67/EEC; whereas Article 7 of Regulation No 225/67/EEC defines competing products as those oils or oil cakes, as the case may be, which appear to have been offered in the largest quantities on the world market during the period under consideration;

Whereas, under Article 6 of Regulation No 115/67/EEC, the price determined for colza, rape and sunflower seeds must also be adjusted by an amount not exceeding the margin, as calculated in accordance with that Article, where that margin may affect the normal disposal of seeds harvested in the Community;

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds<sup>(1)</sup>, as last amended by Regulation (EEC) No 1321/90<sup>(2)</sup>, laid down rules for granting the subsidy on oil seeds; 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 day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds<sup>(3)</sup>, as last amended by Regulation (EEC) No 2964/91<sup>(4)</sup>, provides that 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 35 of Regulation (EEC) No 2681/83;

<sup>(1)</sup> OJ No L 163, 22. 6. 1983, p. 44.

<sup>(2)</sup> OJ No L 132, 23. 5. 1990, p. 15.

<sup>(3)</sup> OJ No L 266, 28. 9. 1983, p. 1.

<sup>(4)</sup> OJ No L 282, 10. 10. 1991, p. 15.

Whereas Article 37 of Regulation (EEC) No 2681/83 provides that the corrective amount must be equal to the difference between the world market price for colza, rape and sunflower seeds and the forward price for those seeds valid for a shipment effected during the month in which the seeds were placed under control at an oil mill, those prices being determined in accordance with Articles 1, 4 and 5 of Regulation No 115/67/EEC; whereas, if no offer and no price can be used for such determination, the method of calculation provided for in Article 37 of Regulation (EEC) No 2681/83 should be used; whereas the abovementioned difference may be adjusted in accordance with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be adjusted as provided for in Council Regulation (EEC) No 478/86<sup>(1)</sup>; whereas this aid is, for seed harvested in these Member States, to be determined in line with the provisions of Articles 95 (2) and (3) and 293 (2) and (3) of the Act of Accession;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ecus resulting from the calculation referred to above plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84<sup>(2)</sup>, as last amended by Regulation (EEC) No 1539/90<sup>(3)</sup>, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price less percentage referred to in Article 5, paragraph 1 of the said regulation or the subsidy 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 multiplied by the correcting factor referred to in

Article 6 (1) of Regulation (EEC) No 1677/85<sup>(4)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(5)</sup>;

(b) for 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 point (a);

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 the subsidy should be fixed whenever the market situation makes it necessary and in such a way as to ensure its being applied at least once a week; whereas the subsidy may be altered whenever it becomes obvious that such alteration is necessary;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that, pursuant to Article 33 of Regulation (EEC) No 2681/83 the amount of the subsidy in ecus and the amount of the subsidy in each of the national currencies must be fixed in accordance with the Annex to this Regulation; whereas, pursuant to the same Article, the spot and forward exchange rates for the ecu in national currencies determined in accordance with Article 4 of Regulation (EEC) No 1813/84 must also be published,

HAS ADOPTED THIS REGULATION:

#### Article 1

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

#### Article 2

This Regulation shall enter into force on 1 November 1991.

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

<sup>(2)</sup> OJ No L 170, 29. 6. 1984, p. 41.

<sup>(3)</sup> OJ No L 145, 8. 6. 1990, p. 20.

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

<sup>(5)</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 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX I

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

(amounts per 100 kg)

|                                    | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 |
|------------------------------------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|
| 1. Gross aids (ECU):               |               |                  |                 |                 |                 |                 |
| — Spain                            | 15,513        | 15,711           | 15,959          | 15,987          | 14,755          | 15,033          |
| — Portugal                         | 24,593        | 24,791           | 25,039          | 25,067          | 23,835          | 24,113          |
| — Other Member States              | 15,513        | 15,711           | 15,959          | 15,987          | 14,755          | 15,033          |
| 2. Final aids:                     |               |                  |                 |                 |                 |                 |
| Seed harvested and processed in:   |               |                  |                 |                 |                 |                 |
| — Federal Republic of Germany (DM) | 36,52         | 36,99            | 37,57           | 37,64           | 34,74           | 35,39           |
| — Netherlands (Fl)                 | 41,15         | 41,67            | 42,33           | 42,41           | 39,14           | 39,88           |
| — BLEU (Bfrs/Lfrs)                 | 753,25        | 762,87           | 774,91          | 776,27          | 716,45          | 729,95          |
| — France (FF)                      | 122,48        | 124,05           | 126,01          | 126,23          | 116,50          | 118,70          |
| — Denmark (Dkr)                    | 139,31        | 141,08           | 143,31          | 143,56          | 132,50          | 134,99          |
| — Ireland (£ Irl)                  | 13,632        | 13,806           | 14,024          | 14,049          | 12,966          | 13,211          |
| — United Kingdom (£)               | 12,179        | 12,336           | 12,533          | 12,553          | 11,558          | 11,780          |
| — Italy (Lit)                      | 27 325        | 27 674           | 28 111          | 28 160          | 25 990          | 26 445          |
| — Greece (Dr)                      | 3 758,06      | 3 792,18         | 3 818,90        | 3 785,01        | 3 451,18        | 3 393,00        |
| — Spain (Pta)                      | 2 390,80      | 2 420,81         | 2 458,19        | 2 459,48        | 2 278,21        | 2 306,17        |
| — Portugal (Esc)                   | 5 210,63      | 5 252,20         | 5 303,91        | 5 305,58        | 5 056,13        | 5 088,64        |

## ANNEX II

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

(amounts per 100 kg)

|                                    | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 |
|------------------------------------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|
| 1. Gross aids (ECU):               |               |                  |                 |                 |                 |                 |
| — Spain                            | 16,763        | 16,961           | 17,209          | 17,237          | 16,005          | 16,283          |
| — Portugal                         | 25,843        | 26,041           | 26,289          | 26,317          | 25,085          | 25,363          |
| — Other Member States              | 16,763        | 16,961           | 17,209          | 17,237          | 16,005          | 16,283          |
| 2. Final aids:                     |               |                  |                 |                 |                 |                 |
| Seed harvested and processed in:   |               |                  |                 |                 |                 |                 |
| — Federal Republic of Germany (DM) | 39,46         | 39,93            | 40,51           | 40,58           | 37,68           | 38,33           |
| — Netherlands (Fl)                 | 44,46         | 44,99            | 45,65           | 45,72           | 42,45           | 43,19           |
| — BLEU (Bfrs/Lfrs)                 | 813,95        | 823,56           | 835,61          | 836,96          | 777,14          | 790,64          |
| — France (FF)                      | 132,35        | 133,92           | 135,88          | 136,10          | 126,37          | 128,56          |
| — Denmark (Dkr)                    | 150,53        | 152,31           | 154,53          | 154,79          | 143,72          | 146,22          |
| — Ireland (£ Irl)                  | 14,731        | 14,905           | 15,123          | 15,147          | 14,065          | 14,309          |
| — United Kingdom (£)               | 13,173        | 13,330           | 13,528          | 13,548          | 12,552          | 12,774          |
| — Italy (Lit)                      | 29 527        | 29 876           | 30 313          | 30 362          | 28 192          | 28 647          |
| — Greece (Dr)                      | 4 073,22      | 4 107,33         | 4 134,05        | 4 100,16        | 3 766,33        | 3 708,15        |
| — Spain (Pta)                      | 2 579,33      | 2 609,34         | 2 646,73        | 2 648,01        | 2 466,75        | 2 494,70        |
| — Portugal (Esc)                   | 5 471,48      | 5 513,04         | 5 564,76        | 5 566,43        | 5 316,98        | 5 349,49        |

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kg)

|                                            | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 |
|--------------------------------------------|---------------|------------------|-----------------|-----------------|-----------------|
| 1. Gross aids (ECU):                       |               |                  |                 |                 |                 |
| — Spain                                    | 25,665        | 26,115           | 26,446          | 27,125          | 26,437          |
| — Portugal                                 | 32,558        | 33,305           | 33,636          | 34,309          | 33,640          |
| — Other Member States                      | 14,428        | 14,875           | 15,206          | 15,879          | 15,210          |
| 2. Final aids:                             |               |                  |                 |                 |                 |
| (a) Seed harvested and processed in (1):   |               |                  |                 |                 |                 |
| — Federal Republic of Germany (DM)         | 33,97         | 35,02            | 35,80           | 37,38           | 35,81           |
| — Netherlands (Fl)                         | 38,27         | 39,46            | 40,33           | 42,12           | 40,35           |
| — BLEU (Bfrs/Lfrs)                         | 700,57        | 722,27           | 738,35          | 771,03          | 738,54          |
| — France (FF)                              | 113,92        | 117,45           | 120,06          | 125,37          | 120,09          |
| — Denmark (Dkr)                            | 129,56        | 133,58           | 136,55          | 142,59          | 136,58          |
| — Ireland (£ Irl)                          | 12,679        | 13,072           | 13,363          | 13,954          | 13,366          |
| — United Kingdom (£)                       | 11,270        | 11,627           | 11,891          | 12,430          | 11,888          |
| — Italy (Lit)                              | 25 414        | 26 202           | 26 785          | 27 970          | 26 792          |
| — Greece (Dr)                              | 3 440,59      | 3 535,31         | 3 573,66        | 3 701,64        | 3 517,90        |
| — Portugal (Esc)                           | 6 953,04      | 7 045,44         | 7 114,27        | 7 246,33        | 7 111,69        |
| (b) Seed harvested in Spain and processed: |               |                  |                 |                 |                 |
| — in Spain (Pta)                           | 3 933,18      | 4 000,39         | 4 050,17        | 4 147,10        | 4 046,40        |
| — in another Member State (Pta)            | 4 001,42      | 4 068,31         | 4 118,09        | 4 214,19        | 4 116,24        |

(1) For seed harvested in Member States other than Spain and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0186140.

## 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<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 |
|-----------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|
| DM        | 2,047450      | 2,046450         | 2,045570        | 2,044990        | 2,044990        | 2,042880        |
| Fl        | 2,306790      | 2,305680         | 2,304520        | 2,303720        | 2,303720        | 2,301330        |
| Bfrs/Lfrs | 42,134700     | 42,114700        | 42,091800       | 42,069000       | 42,069000       | 42,013200       |
| FF        | 6,988970      | 6,984370         | 6,979980        | 6,975830        | 6,975830        | 6,965160        |
| Dkr       | 7,930120      | 7,926340         | 7,923230        | 7,917930        | 7,917930        | 7,909640        |
| £Irl      | 0,765812      | 0,765590         | 0,765144        | 0,765143        | 0,765143        | 0,763674        |
| £         | 0,703410      | 0,703814         | 0,704168        | 0,704253        | 0,704253        | 0,704516        |
| Lit       | 1 529,97      | 1 531,48         | 1 533,15        | 1 534,72        | 1 534,72        | 1 539,41        |
| Dr        | 228,86600     | 230,91700        | 233,03400       | 235,25200       | 235,25200       | 242,11800       |
| Esc       | 176,03700     | 176,42700        | 176,82300       | 177,23100       | 177,23100       | 178,57800       |
| Pta       | 128,81200     | 129,13000        | 129,41100       | 129,65600       | 129,65600       | 130,35100       |

## COMMISSION REGULATION (EEC) No 3199/91

of 31 October 1991

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 1906/91<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 169, 29. 6. 1991, p. 46.

<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 November 1991.

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

Done at Brussels, 31 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

## ANNEX I

## Gross aid

Products intended for human consumption :

(ECU per 100 kg)

|                           | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 | 6th period<br>5 |
|---------------------------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Peas used :               |               |                  |                 |                 |                 |                 |                 |
| — in Spain                | 7,560         | 7,718            | 7,876           | 8,034           | 8,192           | 8,350           | 8,350           |
| — in Portugal             | 7,577         | 7,735            | 7,893           | 8,051           | 8,209           | 8,367           | 8,367           |
| — in another Member State | 7,704         | 7,862            | 8,020           | 8,178           | 8,336           | 8,494           | 8,494           |
| Field beans used :        |               |                  |                 |                 |                 |                 |                 |
| — in Spain                | 7,704         | 7,862            | 8,020           | 8,178           | 8,336           | 8,494           | 8,494           |
| — in Portugal             | 7,577         | 7,735            | 7,893           | 8,051           | 8,209           | 8,367           | 8,367           |
| — in another Member State | 7,704         | 7,862            | 8,020           | 8,178           | 8,336           | 8,494           | 8,494           |

Products used in animal feed :

(ECU per 100 kg)

|                                                              | Current<br>11 | 1st period<br>12 | 2nd period<br>1 | 3rd period<br>2 | 4th period<br>3 | 5th period<br>4 | 6th period<br>5 |
|--------------------------------------------------------------|---------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| A. Peas used :                                               |               |                  |                 |                 |                 |                 |                 |
| — in Spain                                                   | 9,097         | 9,027            | 9,022           | 9,179           | 9,337           | 9,820           | 10,047          |
| — in Portugal                                                | 9,149         | 9,081            | 9,077           | 9,234           | 9,392           | 9,872           | 10,098          |
| — in another Member State                                    | 9,149         | 9,081            | 9,077           | 9,234           | 9,392           | 9,872           | 10,098          |
| B. Field beans used :                                        |               |                  |                 |                 |                 |                 |                 |
| — in Spain                                                   | 9,097         | 9,027            | 9,022           | 9,179           | 9,337           | 9,820           | 10,047          |
| — in Portugal                                                | 9,149         | 9,081            | 9,077           | 9,234           | 9,392           | 9,872           | 10,098          |
| — in another Member State                                    | 9,149         | 9,081            | 9,077           | 9,234           | 9,392           | 9,872           | 10,098          |
| C. Sweet lupins harvested in Spain and used :                |               |                  |                 |                 |                 |                 |                 |
| — in Spain                                                   | 11,588        | 11,284           | 11,067          | 11,067          | 11,067          | 11,501          | 11,804          |
| — in Portugal                                                | 11,657        | 11,356           | 11,140          | 11,140          | 11,140          | 11,570          | 11,872          |
| — in another Member State                                    | 11,657        | 11,356           | 11,140          | 11,140          | 11,140          | 11,570          | 11,872          |
| D. Sweet lupins harvested in another Member State and used : |               |                  |                 |                 |                 |                 |                 |
| — in Spain                                                   | 11,588        | 11,284           | 11,067          | 11,067          | 11,067          | 11,501          | 11,804          |
| — in Portugal                                                | 11,657        | 11,356           | 11,140          | 11,140          | 11,140          | 11,570          | 11,872          |
| — in another Member State                                    | 11,657        | 11,356           | 11,140          | 11,140          | 11,140          | 11,570          | 11,872          |

[illegible]

## ANNEX IV

**Corrective amount to be added to the amounts in Annex III**

(in national currency per 100 kg)

[illegible]

## ANNEX V

### Partial aids

**Field beans intended for animal feed :**

(in national currency per 100 kg)

[illegible]

[illegible]

## 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  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  |
| — Denmark (Dkr)                    | 0,00  | 0,00  | 0,00  | 0,00  | 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  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  |
| — Greece (Dr)                      | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  |
| — Spain (Pta)                      | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  |
| — France (FF)                      | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  |
| — Ireland (£ Irl)                  | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 |
| — Italy (Lit)                      | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| — Netherlands (Fl)                 | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  |
| — Portugal (Esc)                   | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  |
| — United Kingdom (£)               | 0,000 | 0,000 | 0,000 | 0,000 | 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 | 228,885 | 128,812 | 6,89509 | 0,767417 | 1 538,24 | 2,31643 | 177,382 | 0,703750 |

## COMMISSION REGULATION (EEC) No 3200/91

of 31 October 1991

## 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 November 1991.

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

Done at Brussels, 31 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX

## to the Commission Regulation of 31 October 1991 fixing the rate of the aid for dried fodder

Aid applicable from 1st November 1991 to dried fodder:

(ECU/tonne)

|     | Fodder dehydrated by artificial heat drying<br>Protein concentrates |          |                           | Fodder otherwise dried |                           |
|-----|---------------------------------------------------------------------|----------|---------------------------|------------------------|---------------------------|
|     | Spain                                                               | Portugal | Other<br>Member<br>States | Portugal               | Other<br>Member<br>States |
| Aid | 70,527                                                              | 69,850   | 70,527                    | 36,910                 | 37,587                    |

Aid in case of advance fixing for the month of:

(ECU/tonne)

| December 1991      | 70,167 | 69,487 | 70,167 | 36,547 | 37,227 |
|--------------------|--------|--------|--------|--------|--------|
| January 1992       | 68,823 | 68,134 | 68,823 | 35,194 | 35,883 |
| February 1992      | 68,360 | 67,667 | 68,360 | 34,727 | 35,420 |
| March 1992         | 68,360 | 67,667 | 68,360 | 34,727 | 35,420 |
| April 1992         | 67,496 | 66,797 | 67,496 | 33,857 | 34,556 |
| 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 3201/91

of 31 October 1991

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  
amended by Regulation (EEC) No 3013/91 <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 66,939 per  
100 kilograms.

*Article 2*

This Regulation shall enter into force on 1 November  
1991.

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

Done at Brussels, 31 October 1991.

*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 286, 16. 10. 1991, p. 28.

**COMMISSION REGULATION (EEC) No 3202/91**  
**of 31 October 1991**  
**fixing the aid for soya beans**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 2795/91 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3032/91 <sup>(4)</sup>;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2795/91 to the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

*Article 1*

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.

2. However, the amount of the aid for the 1991/92 marketing year for soya seed shall be confirmed or replaced with effect from 1 November 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

*Article 2*

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 31 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

**ANNEX**

to the Commission Regulation of 31 October 1991 fixing the aid for soya beans

(ECU/100 kg)

|                 | Current<br>period<br>11 <sup>(1)</sup> | First<br>period<br>12 <sup>(1)</sup> | Second<br>period<br>1 <sup>(1)</sup> | Third<br>period<br>2 <sup>(1)</sup> | Fourth<br>period<br>3 <sup>(1)</sup> | Fifth<br>period<br>4 <sup>(1)</sup> |
|-----------------|----------------------------------------|--------------------------------------|--------------------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
| Seed harvested: | 21,337                                 | 21,463                               | 21,050                               | 21,212                              | 20,852                               | 21,086                              |

<sup>(1)</sup> Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year for Member States other than Spain.

<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 269, 25. 9. 1991, p. 22.

<sup>(4)</sup> OJ No L 287, 17. 10. 1991, p. 36.

## COMMISSION REGULATION (EEC) No 3203/91

of 31 October 1991

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;

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 1157/91 <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>(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.

<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 112, 4. 5. 1991, p. 57.

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.

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 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

#### Article 3

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 31 October 1991.

*For the Commission*

Martin BANGEMANN

*Vice-President*

#### ANNEX

to the Commission Regulation of 31 October 1991 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

| CN code       | Description                                                                                                                                                                                                                                                                                                                                                                  | (ECU/100 kg)<br>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):<br>a) On exportation of goods of CN code 3501<br>b) On exportation of other goods                                                                                                                                  | —<br>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):<br>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<br>b) On exportation of other goods              | 56,56<br>112,00                |
| ex 0405 00 10 | Butter, with a fat content by weight of 82 % (PG 6):<br>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<br>b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat<br>c) On exportation of other goods | 15,00<br>174,00<br>168,00      |

## COMMISSION REGULATION (EEC) No 3204/91

of 31 October 1991

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 agri-  
cultural 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 Regula-  
tion (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 differ-  
entiate 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 November 1991.

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

Done at Brussels, 31 October 1991.

*For the Commission*

Martin BANGEMANN

*Vice-President*

## ANNEX

to the Commission Regulation of 31 October 1991 fixing the rates of the refunds applicable from 1 November 1991 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 :<br>— used unprocessed :<br>— — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>— — in all other cases<br>— used in the form of :<br>— — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104<br>— — hulled grains of CN code 1104 and starch of CN code 1108<br>— — germ of CN code 1104<br>— — gluten of CN code 1109<br>— — other (except flours of CN code 1101 and groats and meal of CN code 1103)             | <br><br><br>6,504<br>11,826<br><br>5,079<br>7,618<br>2,963<br>—<br>8,465 |
| 1001 90 99 | Common wheat and meslin :<br>— used unprocessed :<br>— — on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America<br>— — in all other cases<br>— used in the form of :<br>— — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104<br>— — hulled grains of CN code 1104 and starch of CN code 1108<br>— — germ of CN code 1104<br>— — gluten of CN code 1109<br>— — other (except flours of CN code 1101, and groats and meal of CN code 1103) | <br><br>4,655<br>8,465<br><br>5,079<br>7,618<br>2,963<br>—<br>8,465      |
| 1002 00 00 | Rye :<br>— used unprocessed<br>— used in the form of :<br>— — pellets of CN code 1103, or pearled grains of CN code 1104<br>— — rolled or flaked grains and hulled grains of CN code 1104<br>— — germ of CN code 1104<br>— — starch<br>— — gluten<br>— — other (except flours of CN code 1102)                                                                                                                                                                                                                                            | <br>10,749<br><br>6,450<br>9,674<br>2,704<br>7,725<br>—<br>10,749        |
| 1003 00 90 | Barley :<br>— used unprocessed<br>— used in the form of :<br>— — flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104<br>— — pellets of CN code 1103<br>— — germs of CN code 1104<br>— — starch<br>— — gluten<br>— — other                                                                                                                                                                                                                                                        | <br>8,812<br><br>6,169<br>5,287<br>2,704<br>7,725<br>—<br>8,812          |

| CN code    | Description of products (1)                                                                                                                                                                                                                                                                                                                                | Rate of refund<br>per 100 kg of basic<br>product                                  |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 1004 00 90 | Oats :<br>— used unprocessed<br>— used in the form of :<br>— — pellets of CN code 1103, and pearled grains of CN code 1104<br>— — rolled or flaked grains and hulled grains of CN code 1104<br>— — germs of CN code 1104<br>— — starch<br>— — gluten<br>— — other                                                                                          | 8,498<br><br>5,099<br>7,648<br>2,704<br>7,725<br>—<br>8,498                       |
| 1005 90 00 | Maize (Corn) :<br>— used unprocessed<br>— used in the form of :<br>— — flours of CN codes 1102 20 10 and 1102 20 90<br>— — groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104<br>— — pellets of CN code 1103<br>— — hulled or perled grains of CN code 1104<br>— — germs of CN code 1104<br>— — starch<br>— — gluten<br>— — other | 7,725<br><br>5,408<br>6,180<br>4,635<br>6,953<br>2,704<br>7,725<br>3,090<br>7,725 |
| 1006 20    | Round grain husked rice<br>Medium grains husked rice<br>Long grain husked rice                                                                                                                                                                                                                                                                             | 20,910<br>15,192<br>15,192                                                        |
| ex 1006 30 | Round grain wholly-milled rice<br>Medium grain wholly-milled rice<br>Long grain wholly-milled rice                                                                                                                                                                                                                                                         | 27,052<br>29,873<br>29,873                                                        |
| 1006 40 00 | Broken rice :<br>— used unprocessed<br>— used in the form of :<br>— — flour of CN code 1102, groats and meal or pellets of CN code 1103<br>— — flaked grains of CN 1104<br>— — starch of CN code 1108 19 10<br>— — other                                                                                                                                   | 13,047<br><br>13,047<br>7,828<br>13,047<br>—                                      |
| 1007 00 90 | Sorghum                                                                                                                                                                                                                                                                                                                                                    | 5,779                                                                             |
| 1101 00 00 | Wheat or meslin flour :<br>— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>— in all other cases                                                                                                                                                                                                       | 5,556<br>10,103                                                                   |
| 1102 10 00 | Rye flour                                                                                                                                                                                                                                                                                                                                                  | 20,783                                                                            |
| 1103 11 10 | Durum wheat groats and meal :<br>— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>— in all other cases                                                                                                                                                                                                 | 10,081<br>18,330                                                                  |
| 1103 11 90 | Common wheat groats and meal :<br>— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>— in all other cases                                                                                                                                                                                                | 5,556<br>10,103                                                                   |

(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 3205/91

of 30 October 1991

opening invitations to tender for the fixing of aid for the private storage of  
carcasses and half-carcasses of lamb

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

Having regard to Council Regulation (EEC) No 3013/89  
of 25 September 1989 on the common organization of  
the market in sheepmeat and goatmeat<sup>(1)</sup>, as last  
amended by Regulation (EEC) No 1741/91<sup>(2)</sup>, and in  
particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of  
27 November 1990 laying down detailed rules for  
granting private storage aid for sheepmeat and goat-  
meat<sup>(3)</sup>, as last amended by Regulation (EEC) No  
1258/91<sup>(4)</sup>, provides in particular for detailed rules on the  
invitation to tender;

Whereas Commission Regulation (EEC) No 3447/90 of  
28 November 1990 on special conditions for the granting  
of private storage aid for sheepmeat and goatmeat<sup>(5)</sup>, as  
last amended by Regulation (EEC) No 1258/91, provides  
in particular the minimum quantities in respect of which  
a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation  
(EEC) No 3013/89 results in the opening of invitations to  
tender for private storage aid;

Whereas that Article provides for the application of these  
measures on the basis of the situation of each quotation

zone; whereas it is appropriate consequently to open  
tenders separately for each of the zones where the condi-  
tions are fulfilled,

HAS ADOPTED THIS REGULATION:

*Article 1*

Separate invitations to tender are opened in Great Britain,  
Denmark, Ireland, Northern Ireland and Germany for aid  
to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90  
tenders may be made to the intervention agencies of the  
Member States concerned.

*Article 2*

Tenders must be submitted not later than 2 p.m. on 15  
November 1991 to the relevant intervention agency.

*Article 3*

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

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

Done at Brussels, 30 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 41.

<sup>(3)</sup> OJ No L 333, 30. 11. 1990, p. 39.

<sup>(4)</sup> OJ No L 120, 15. 5. 1991, p. 15.

<sup>(5)</sup> OJ No L 333, 30. 11. 1990, p. 46.

## COMMISSION REGULATION (EEC) No 3206/91

of 31 October 1991

on applications for commitment of, advances on and payment of the balance of aid granted by the EAGGF Guidance Section for operational programmes involving investments to improve the conditions under which agricultural and forestry products are processed and marketed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products<sup>(1)</sup>, as amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 23 thereof,

Whereas, pursuant to Article 1 of Council Regulation (EEC) No 867/90 of 29 March 1990 on improving the processing and marketing conditions for forestry products<sup>(3)</sup>, the common measure introduced by Regulation (EEC) No 866/90 is extended to cover the development or rationalization of the marketing and processing of forestry products;

Whereas applications for commitment of, advances on and payment of the balance submitted by the competent authorities to the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, must contain certain data to make it easier to ascertain whether expenditure complies with the provisions of the operational programmes concerned and Regulations (EEC) No 866/90 and (EEC) No 867/90;

Whereas, with a view to standardizing payment applications, the Commission should make a computerized system available to the competent authorities;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for commitment of an annual instalment and for payment of a first annual advance in respect of operational programmes pursuant to Regulations (EEC) No 866/90 and (EEC) No 867/90 must be presented to the Commission by the competent authority in accord-

ance with Annex II hereto. However the first annual instalment shall be committed and the first advance on that instalment shall be paid automatically when the decision approving the operational programme is adopted.

2. Each quarter the competent authority shall forward to the Commission a statement of payments made to recipients during the preceding quarter in accordance with Annex III.

3. The Commission shall pay the second advance on an annual instalment automatically where the quarterly statement shows that at least 50 % of the first advance on the same instalment has been used.

However the sum of the two advances must not exceed 80 % of the expenditure forecast for that instalment.

4. After receipt of the second quarterly statement relating to an annual instalment, the Commission shall, at the request of the competent authority or of the Member State, commit the following annual instalment and the first advance thereon in so far as budgetary resources allow.

5. In accordance with Annex IV, the competent authority shall forward the application for payment of the balance of an annual instalment no later than the time of presentation of the quarterly statement showing that at least 50 % of the first advance on the following instalment has been used. In the absence of such a statement, the application must be forwarded in any case before 30 June of the year following the end of the year of execution of that instalment.

The amounts paid by the Commission which remain available to the competent authority shall be taken into account when the following advance is paid.

*Article 2*

1. No later than when it sends the first quarterly statement, the competent authority shall forward to the Commission, the forms on which the recipients submit their payment applications. The forms must include at least a description of the methods for financing the investment, a summary of expenditure effected and a comparative table of investments planned and investments made, on the basis of quantitative and physical indicators in accordance with point 3 of Annex I. It shall

<sup>(1)</sup> OJ No L 91, 6. 4. 1990, p. 1.

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

<sup>(3)</sup> OJ No L 91, 6. 4. 1990, p. 7.

inform the Commission, within the same time limit, of the verification methods and national implementing provisions, in so far as such information has not been forwarded previously pursuant to Article 5 (2) of Regulation (EEC) No 866/90, together with any other document on the administrative implementation of the measure. It shall also notify subsequent updatings of the documents referred to in this paragraph.

2. The competent authority shall forward the report on the execution of an annual instalment in accordance with Annexes Va and Vb no later than 30 June of the year following the end of the year of execution of the instalment in question.

#### *Article 3*

The date in Annexes II to Vb shall in principle be forwarded by means of a computerized system. The

Commission shall decide on the necessary software to be made available to each competent authority. The Commission may also undertake to make equipment available and train a certain number of users.

#### *Article 4*

The commitment and payment applications and the quarterly statements must take account of the introductory remarks contained in Annex I.

These applications and statements shall be sent to the Commission by the competent authority, either directly or via the Member State.

#### *Article 5*

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, 31 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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*ANNEX I*

**Applications for commitment and payment of advances and quarterly statements relating to operational programmes pursuant to Regulations (EEC) No 866/90 and (EEC) No 867/90**

**Introductory remarks***1. Provisions on the submission of applications and other documents*

Applications for commitment and payment, quarterly statements and all additional information must be submitted in two copies to:

Commission of the European Communities,  
Directorate-General for Agriculture,  
EAGGF Guidance Section (VI-G-5),  
rue de la Loi 200,  
B-1049 Brussels.

*2. Data in respect of regions and areas*

Column A in Annex Va must contain the NUTS III code corresponding to the:

- 'arrondissement' in Belgium and the Netherlands,
- COROP-Regio in the Netherlands,
- 'Kreis' in Germany,
- 'département' in France,
- 'county/local authority region' in the United Kingdom,
- 'planning region' in Ireland,
- 'amt' in Denmark,
- 'provincia' in Italy,
- 'nomos' in Greece,
- 'provincia' in Spain,
- 'grupo de conselhos' in Portugal.

The Objective 5 (b) areas must also be indicated clearly by means of an asterisk.

*3. Quantitative and physical indicators*

The quantitative and physical indicators may be in particular:

- number,
  - length,
  - area,
  - volume,
  - capacity.
-

## ANNEX II

**APPLICATION FOR COMMITMENT AND PAYMENT OF THE FIRST ADVANCE ON THE ... ANNUAL INSTALMENT (n) (19/. /20.) FOR AN OPERATIONAL PROGRAMME PURSUANT TO REGULATION (EEC) No 866/90 OR (EEC) No 867/90 <sup>(1)</sup>**

|                                                |     |
|------------------------------------------------|-----|
| Operational programme NO                       |     |
| Eligible cost <sup>(2)</sup> for instalment No | ECU |
| Amount of commitment applied for               | ECU |
| Advance <sup>(3)</sup>                         | ECU |

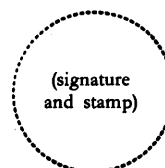
**Declaration**

Pursuant to Article 17 (1) of Regulation (EEC) No 866/90, it is hereby confirmed by .....<sup>(4)</sup>, the authority designated pursuant to Article 14 (1) of Regulation (EEC) No 4253/88, that :

1. 60 % of the total eligible cost relating to the last instalment (n — 1) and 100 % of the total eligible cost relating to the last instalment but one (n — 2) have been spent by the final recipients ;
2. verifications have been conducted in accordance with the control methods notified to the Commission ;
3. the bank particulars are as follows :  
Name of bank :  
Address of branch/code :  
Telephone/telefax, telex, electronic address :  
Account No :  
Account holder :

Drawn up at ....., on .....

For the designated authority



<sup>(1)</sup> Delete as appropriate.

<sup>(2)</sup> This amount must reflect the eligible costs laid down in the operational programme initially approved or, where applicable, the costs as adjusted by the Monitoring Committee/Commission.

<sup>(3)</sup> Maximum of 50 % of the commitment applied for.

<sup>(4)</sup> Name of the designated authority.

**QUARTERLY STATEMENT RELATING TO OPERATIONAL PROGRAMMES FOR WHICH THE EAGF GUIDANCE SECTION HAS MADE A PAYMENT PURSUANT TO REGULATION (EEC) No 866/90 OR (EEC) No 867/90 (1)**

Quarter 1 / .. / 19.. to .. / .. / 19.. (Period 'n')

[illegible]

(1) A separate statement must be drawn up by regulation.

(<sup>1</sup>) A separate statement must be drawn up by regulation.

(<sup>2</sup>) This column must reflect the eligible costs laid down in the operational programme originally approved or, where applicable, the costs as adjusted by the Monitoring Committee/Commission.

(<sup>3</sup>) Indicate the currency unit used.

(<sup>4</sup>) Corresponds to column F of the previous statement.

## ANNEX IV

**APPLICATION FOR PAYMENT OF THE BALANCE OF THE... ANNUAL  
INSTALMENT (19../20..) FOR AN OPERATIONAL PROGRAMME PURSUANT TO  
REGULATION (EEC) No 866/90 OR (EEC) No 867/90**

|                                                                                      |     |                    |
|--------------------------------------------------------------------------------------|-----|--------------------|
| Operational programme No                                                             |     |                    |
| Total payments made to recipients on behalf of EAGGF Guidance Section <sup>(1)</sup> | ECU | /NC <sup>(2)</sup> |
| Total payments received from the EAGGF Guidance Section <sup>(3)</sup>               | ECU | /NC <sup>(2)</sup> |
| Balance applied for                                                                  | ECU | /NC <sup>(2)</sup> |

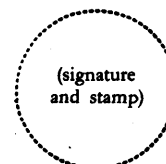
**DECLARATION CONCERNING THE BALANCE OF THE... ANNUAL INSTALMENT**

Pursuant to Article 17 (1) of Regulation (EEC) No 866/90, it is hereby confirmed by .....<sup>(4)</sup>, the authority designated pursuant to Article 14 (1) of Regulation (EEC) No 4253/88, that:

1. the supporting documents and the forms on which the recipients apply for payment of aid from the EAGGF Guidance Section have been verified as regards accuracy;
2. the financial contributions provided for in Article 16 (3) and (4) or, where applicable, (5), of Regulation (EEC) No 866/90 or (EEC) No 867/90 <sup>(2)</sup> have been verified and found to comply;
3. the payments made reflect progress in the making of the investments planned;
4. each investment for which the final balance has been paid, has been the subject of an on-the-spot check;
5. the objectives and special conditions of the operational programmes are complied with;
6. the checks have been carried out in accordance with the control methods notified to the Commission;
7. the detailed account relating to this declaration has been verified and deemed to comply;
8. the bank particulars are as follows:
  - Name of bank:
  - Address of branch/code:
  - Telephone/telefax, telex, electronic address:
  - Account number:
  - Account holder:

Drawn up at ....., on .....

For the designated authority



<sup>(1)</sup> This amount is equal to the total in column G of Annex Va hereto.  
<sup>(2)</sup> Delete where appropriate.  
<sup>(3)</sup> Excluding any payment relating to the following instalment (n + 1).  
<sup>(4)</sup> Name of the designated authority.

## ANNEX Va

ANNUAL REPORT ON THE EXECUTION OF OPERATIONAL PROGRAMME No .... PURSUANT TO REGULATION (EEC) No 866/90 OR (EEC) No 867/90  
SITUATION AT 31 DECEMBER 19..

National currency/ecu (\*)

| Region<br>(2) | Investment No | Total eligible costs<br>anticipated (2) | Eligible expenditure<br>actually incurred by<br>the beneficiary | Own funds<br>E - D - F - G | National aids paid<br>to beneficiaries | Community aids paid<br>to beneficiaries | Remarks |
|---------------|---------------|-----------------------------------------|-----------------------------------------------------------------|----------------------------|----------------------------------------|-----------------------------------------|---------|
| A             | B             | C                                       | D                                                               | E - D - F - G              | F                                      | G                                       | H       |
| Total         |               |                                         |                                                                 |                            |                                        |                                         |         |

(\*) Indicate the currency unit used.

(2) See point 2 of Annex I.

(3) This column must reflect the eligible costs laid down in the operational programme originally approved or, where applicable, the costs as adjusted by the Monitoring Committee/Commission:

Drawn up at ....., on .....

For the designated authority

(Signature  
and stamp)

## ANNEX Vb

**ANNUAL REPORT ON THE EXECUTION OF OPERATIONAL PROGRAMME No ..... PURSUANT TO REGULATION (EEC) No 866/90 OR (EEC) No 867/90  
SITUATION AT 31 DECEMBER 19.../2...**

| Sector<br>code<br>( <sup>1</sup> ) | Investment No | Execution of work |     |              |     |                                              |   | Remarks |
|------------------------------------|---------------|-------------------|-----|--------------|-----|----------------------------------------------|---|---------|
|                                    |               | Scheduled dates   |     | Actual dates |     | Rate of<br>execution (%)<br>( <sup>2</sup> ) |   |         |
|                                    |               | Commencement      | End | Commencement | End |                                              |   |         |
|                                    |               |                   |     |              |     |                                              |   |         |
| A                                  | B             | C                 | D   | E            | F   | G                                            | H |         |

(<sup>1</sup>) See Annex VI.

(<sup>2</sup>) The rate of execution is the result of the cost of work carried out divided by the total cost of work originally planned or, where appropriate, the adjusted cost.

Drawn up at ....., on .....

For the designated authority

(Signature  
and stamp)

## ANNEX VI

**SECTOR CODES — PROCESSING AND MARKETING BRANCH**  
**(Regulations (EEC) No 866/90 and (EEC) No 867/90)**

| Main sector                            | Code | Sector                                 | Code | Sub-sector                     | Code |
|----------------------------------------|------|----------------------------------------|------|--------------------------------|------|
| Forestry products                      | 1000 | Forestry products                      | 1010 | Timber                         | 1011 |
|                                        |      |                                        |      | Cork                           | 1012 |
|                                        |      |                                        |      | Other forestry products        | 1019 |
| Animal products                        | 2000 | Meat                                   | 2010 | Slaughtering and cutting       | 2011 |
|                                        |      |                                        |      | Processing                     | 2012 |
|                                        |      |                                        |      | Non-edible products            | 2013 |
|                                        |      |                                        |      | Other meats                    | 2019 |
|                                        |      | Milk and milk products                 | 2020 | Milk collection                | 2021 |
|                                        |      |                                        |      | Liquid milk                    | 2022 |
|                                        |      |                                        |      | Milk products                  | 2023 |
|                                        |      |                                        |      | Other dairy products           | 2029 |
|                                        |      | Eggs and poultry                       | 2030 | Eggs                           | 2031 |
|                                        |      |                                        |      | Poultry                        | 2032 |
|                                        |      |                                        |      | Other (including rabbits)      | 2039 |
|                                        |      | Sundry animals                         | 2990 | Livestock markets              | 2991 |
|                                        |      |                                        |      | Honey                          | 2992 |
|                                        |      |                                        |      | Other animal products          | 2999 |
| Vegetable products                     | 3000 | Cereals                                | 3010 | Cereals (excluding rice)       | 3011 |
|                                        |      |                                        |      | Rice                           | 3012 |
|                                        |      | Sugar                                  | 3020 |                                |      |
|                                        |      | Oil seeds                              | 3030 | Olive oil                      | 3031 |
|                                        |      |                                        |      | Oil-bearing seeds              | 3032 |
|                                        |      |                                        |      | Other oil seeds                | 3039 |
|                                        |      | Protein plants                         | 3040 |                                |      |
|                                        |      | Wine and alcohol                       | 3050 |                                |      |
|                                        |      | Fruit and vegetables                   | 3060 | Fresh fruit and vegetables     | 3061 |
|                                        |      |                                        |      | Processed fruit and vegetables | 3062 |
|                                        |      |                                        |      | Other fruit and vegetables     | 3069 |
|                                        |      | Flowers and plants                     | 3070 |                                |      |
|                                        |      | Seeds                                  | 3080 |                                |      |
|                                        |      | Potatoes                               | 3090 | Unprocessed potatoes           | 3091 |
|                                        |      |                                        |      | Processed potatoes             | 3092 |
|                                        |      | Tobacco                                | 3100 |                                |      |
|                                        |      | Sundry vegetables                      | 3990 |                                |      |
| Various products                       | 4000 | Multi-purpose markets and distribution | 4010 |                                |      |
|                                        |      | Animal feedingstuffs                   | 4020 |                                |      |
|                                        |      | Other                                  | 4990 |                                |      |
| Miscellaneous marketing and processing | 9000 | Miscellaneous marketing and processing | 9990 |                                |      |

## COMMISSION REGULATION (EEC) No 3207/91

of 31 October 1991

fixing the level of estimated rape seed production for the 1991/92 marketing year, the level of actual rape seed production for the 1990/91 marketing year, and the adjustment to be made to the amount of the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Article 27a (6) thereof,

Whereas Article 32a of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oilseeds<sup>(3)</sup>, as last amended by Regulation (EEC) No 2964/91<sup>(4)</sup>, specifies the factors which must be determined in order to implement the system of maximum guaranteed quantities; whereas the level of estimated rapeseed production for the 1991/92, marketing year, the level of actual rapeseed production for the 1990/91 marketing year, and the resulting adjustment to the aid for the 1991/92 marketing year should be fixed on the basis of the available data;

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*

For the 1991/92, marketing year, the estimated production of rapeseed is hereby fixed at:

- 21 000 tonnes for Spain,
- 0 tonnes for Portugal,
- 6 376 000 tonnes for the other Member States, excluding the territory of the former German Democratic Republic.

*Article 2*

For the 1990/91 marketing year, the actual production of rapeseed is hereby fixed at:

- 30 000 tonnes for Spain,
- 0 tonnes for Portugal,
- 5 817 000 tonnes for the other Member States, excluding the territory of the former German Democratic Republic.

*Article 3*

For the 1991/92, marketing year, the adjustment to be made to the amount of the aid for rapeseed is hereby fixed at:

- — ECU 6,78 per 100 kilograms for Spain,
- ECU 0 per 100 kilograms for Portugal,
- — ECU 9,08 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 July 1991.

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

Done at Brussels, 31 October 1991.

*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 266, 28. 9. 1983, p. 1.

<sup>(4)</sup> OJ No L 282, 10. 10. 1991, p. 15.

## COMMISSION REGULATION (EEC) No 3208/91

of 31 October 1991

fixing the level of estimated sunflower seed production for the 1991/92 marketing year, the level of actual sunflower seed production for the 1990/91 marketing year, and the adjustment to be made to the amount of the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Article 27a (6) thereof,

Whereas Article 32a of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds<sup>(3)</sup>, as last amended by Regulation (EEC) No 2964/91<sup>(4)</sup>, specifies the factors which must be determined in order to implement the system of maximum guaranteed quantities; whereas the level of estimated sunflower seed production for the 1991/92 marketing year, the level of actual sunflower seed production for the 1990/91 marketing year, and the resulting adjustment to the aid for the 1991/92 marketing year should be fixed on the basis of the available data;

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*

For the 1991/92 marketing year, the estimated production of sunflower seed is hereby fixed at:

- 1 036 000 tonnes for Spain,
- 35 000 tonnes for Portugal,
- 2 966 000 tonnes for the other Member States, excluding the territory of the former German Democratic Republic.

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

Done at Brussels, 31 October 1991.

*Article 2*

For the 1990/91 marketing year, the actual production of sunflower seed is hereby fixed at:

- 1 314 000 tonnes for Spain,
- 61 000 tonnes for Portugal,
- 2 914 000 tonnes for the other Member States, excluding the territory of the former German Democratic Republic.

*Article 3*

For the 1991/92 marketing year, the adjustment to be made to the amount of the aid for sunflower seed is hereby fixed at:

- ECU 0 per 100 kilograms for Spain,
- ECU 0 per 100 kilograms for Portugal,
- ECU - 18,43 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 August 1991.

*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 266, 28. 9. 1983, p. 1.

<sup>(4)</sup> OJ No L 282, 10. 10. 1991, p. 15.

## COMMISSION REGULATION (EEC) No 3209/91

of 31 October 1991

adjusting the corrective amount on the import of cucumbers into the  
Community of Ten from Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,Having regard to the Act of Accession of Spain and  
Portugal,Having regard to Council Regulation (EEC) No 3709/89  
of 4 December 1989 laying down general rules for imple-  
menting the Act of Accession of Spain and Portugal as  
regards the compensatory mechanism for imports of fruit  
and vegetables from Spain <sup>(1)</sup>, and in particular Article 4  
(2) thereof,Whereas Article 152 of the Act of Accession introduces  
from 1 January 1990 a compensatory mechanism for  
imports into the Community as constituted on 31  
December 1985, hereinafter called 'the Community of  
Ten', of fruit and vegetables from Spain for which a  
reference price is fixed with regard to third countries;Whereas Regulation (EEC) No 3709/89 lays down general  
rules for applying the said compensatory mechanism and  
Commission Regulation (EEC) No 3815/89 <sup>(2)</sup> lays down  
detailed rules for applying the said compensatory  
mechanism;Whereas Commission Regulation (EEC) No 3077/91 <sup>(3)</sup>,  
as amended by Regulation (EEC) No 3128/91 <sup>(4)</sup>, intro-  
duces a corrective amount on imports of cucumbers into  
the Community of Ten from Spain;Whereas Article 3 (4) of Regulation (EEC) No 3709/89  
lays down the conditions under which a corrective  
amount introduced pursuant to Article 3 (1) of the said  
Regulation, is to be adjusted; whereas the said conditions  
require that the corrective amount on imports of cucum-  
bers from Spain into the Community of Ten be adjusted,

HAS ADOPTED THIS REGULATION:

*Article 1*In Article 1 of Regulation (EEC) No 3077/91 'ECU 11,66'  
is replaced by 'ECU 18,41'.*Article 2*This Regulation shall enter into force on 1 November  
1991.This Regulation shall be binding in its entirety and directly applicable in all Member  
States.

Done at Brussels, 31 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 363, 13. 12. 1989, p. 3.  
<sup>(2)</sup> OJ No L 371, 20. 12. 1989, p. 28.

<sup>(3)</sup> OJ No L 290, 22. 10. 1991, p. 31.  
<sup>(4)</sup> OJ No L 296, 26. 10. 1991, p. 35.

## COMMISSION REGULATION (EEC) No 3210/91

of 31 October 1991

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 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 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>(4)</sup>, as last amended by Regulation (EEC) No 2849/91<sup>(5)</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>(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 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 November 1991.

<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 128, 27. 6. 1967, p. 2574/67.

<sup>(5)</sup> OJ No L 272, 28. 9. 1991, p. 62.

<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 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 31 October 1991 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              | 120,00           |
|                | 05              | 40,00            |
|                | 06              | 35,00            |
|                | 02              | 0                |
| 1001 90 91 000 | —               | —                |
| 1001 90 99 000 | 04              | 77,00            |
|                | 05              | 32,00            |
|                | 02              | 20,00            |
| 1002 00 00 000 | 03              | 31,00            |
|                | 07              | 85,00            |
|                | 02              | 30,00            |
| 1003 00 10 000 | 08              | 80,00            |
|                | 02              | 0                |
| 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              | 122,00           |
| 1101 00 00 130 | 01              | 114,00           |
| 1101 00 00 150 | 01              | 105,00           |
| 1101 00 00 170 | 01              | 97,00            |
| 1101 00 00 180 | 01              | 91,00            |
| 1101 00 00 190 | —               | —                |
| 1101 00 00 900 | —               | —                |
| 1102 10 00 600 | 01              | 122,00           |
| 1102 10 00 900 | —               | —                |
| 1103 11 10 100 | 01              | 205,50           |
| 1103 11 10 200 | 01              | 205,50           |
| 1103 11 10 500 | 01              | 0                |
| 1103 11 10 900 | 01              | 0                |
| 1103 11 90 100 | 01              | 122,00           |
| 1103 11 90 900 | —               | —                |

(<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 The Soviet Union,
- 06 Algeria,
- 07 Zone II b),
- 08 Turkey.

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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 3211/91

of 31 October 1991

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 November 1991.

<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 October 1991.

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

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**ANNEX**

**to the Commission Regulation of 31 October 1991 fixing the export refunds on malt**

| <i>(ECU / tonne)</i> |        |
|----------------------|--------|
| Product code         | Refund |
| 1107 10 19 000       | 102,00 |
| 1107 10 99 000       | 117,00 |
| 1107 20 00 000       | 137,00 |

**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 3212/91

of 31 October 1991

## fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 464/91 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1849/91 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3178/91 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1849/91 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 <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;

Whereas these exchange rates being those recorded on 30 October 1991,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 31 October 1991.

*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 54, 28. 2. 1991, p. 22.

<sup>(3)</sup> OJ No L 168, 29. 6. 1991, p. 16.

<sup>(4)</sup> OJ No L 300, 31. 10. 1991, p. 33.

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

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

## ANNEX

to the Commission Regulation of 31 October 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 38,04 <sup>(1)</sup> |
| 1701 11 90 | 38,04 <sup>(1)</sup> |
| 1701 12 10 | 38,04 <sup>(1)</sup> |
| 1701 12 90 | 38,04 <sup>(1)</sup> |
| 1701 91 00 | 43,11                |
| 1701 99 10 | 43,11                |
| 1701 99 90 | 43,11 <sup>(2)</sup> |

<sup>(1)</sup> The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

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