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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1418/92
of 27 May 1992
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 816/92 ⁽²⁾, and in particular Article 14 (8) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1992/1993 milk year by Council Regulation (EEC) No 1375/92 ⁽⁵⁾;

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

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using

a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 ⁽⁶⁾, as last amended by Regulation (EEC) No 1502/90 ⁽⁷⁾;

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

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

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 357, 28. 12. 1991, p. 3.

⁽⁵⁾ OJ No L 147, 29. 5. 1992, p. 4.

⁽⁶⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁷⁾ OJ No L 141, 2. 6. 1990, p. 5.

Whereas Commission Regulation (EEC) No 1073/68 ⁽¹⁾, as amended by Regulation (EEC) No 222/88 ⁽²⁾, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

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

Whereas Commission Regulation (EEC) No 788/86 ⁽³⁾, as last amended by Regulation (EEC) No 1525/90 ⁽⁴⁾, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland;

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

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

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be

established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

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

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

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

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose ⁽⁵⁾, as amended by Regulation (EEC) No 222/88, stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas Council Regulation (EEC) No 518/92 ⁽⁶⁾, (EEC) No 519/92 ⁽⁷⁾ and (EEC) No 520/92 ⁽⁸⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 584/92 ⁽⁹⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards milk and milk products;

⁽¹⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1986, p. 20.

⁽⁴⁾ OJ No L 144, 7. 6. 1990, p. 15.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁶⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁷⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁸⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁹⁾ OJ No L 62, 7. 3. 1992, p. 34.

Whereas Council Regulation (EEC) No 715/90 ⁽¹⁾, as last amended by Regulation (EEC) No 444/92 ⁽²⁾, lays down the arrangements applicable to agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

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

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

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

last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 1992.

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

Done at Brussels, 27 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 27 May 1992 fixing the import levies on milk and milk products

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

CN code	Note ^(*)	Import levy
0401 10 10		16,21
0401 10 90		15,00
0401 20 11		22,46
0401 20 19		21,25
0401 20 91		27,79
0401 20 99		26,58
0401 30 11		71,57
0401 30 19		70,36
0401 30 31		138,02
0401 30 39		136,81
0401 30 91		231,98
0401 30 99		230,77
0402 10 11	^(*)	111,01
0402 10 19	^(*) ⁽⁶⁾	103,76
0402 10 91	⁽¹⁾ ^(*)	1,0376/kg + 29,39
0402 10 99	⁽¹⁾ ^(*)	1,0376/kg + 22,14
0402 21 11	^(*)	173,52
0402 21 17	^(*)	166,27
0402 21 19	^(*) ⁽⁶⁾	166,27
0402 21 91	^(*) ⁽⁶⁾	210,40
0402 21 99	^(*) ⁽⁶⁾	203,15
0402 29 11	⁽¹⁾ ⁽³⁾ ^(*)	1,6627/kg + 29,39
0402 29 15	⁽¹⁾ ^(*)	1,6627/kg + 29,39
0402 29 19	⁽¹⁾ ^(*)	1,6627/kg + 22,14
0402 29 91	⁽¹⁾ ^(*)	2,0315/kg + 29,39
0402 29 99	⁽¹⁾ ^(*)	2,0315/kg + 22,14
0402 91 11	^(*)	30,28
0402 91 19	^(*)	30,28
0402 91 31	^(*)	37,85
0402 91 39	^(*)	37,85
0402 91 51	^(*)	138,02
0402 91 59	^(*)	136,81
0402 91 91	^(*)	231,98
0402 91 99	^(*)	230,77
0402 99 11	^(*)	49,85
0402 99 19	^(*)	49,85
0402 99 31	⁽¹⁾ ^(*)	1,3439/kg + 25,77
0402 99 39	⁽¹⁾ ^(*)	1,3439/kg + 24,56
0402 99 91	⁽¹⁾ ^(*)	2,2835/kg + 25,77
0402 99 99	⁽¹⁾ ^(*)	2,2835/kg + 24,56
0403 10 02		111,01
0403 10 04		173,52

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

CN code	Note (°)	Import levy
0403 10 06		210,40
0403 10 12	(°)	1,0376/kg + 29,39
0403 10 14	(°)	1,6627/kg + 29,39
0403 10 16	(°)	2,0315/kg + 29,39
0403 10 22		24,87
0403 10 24		30,20
0403 10 26		73,98
0403 10 32	(°)	0,1883/kg + 28,18
0403 10 34	(°)	0,2416/kg + 28,18
0403 10 36	(°)	0,6794/kg + 28,18
0403 90 11		111,01
0403 90 13		173,52
0403 90 19		210,40
0403 90 31	(°)	1,0376/kg + 29,39
0403 90 33	(°)	1,6627/kg + 29,39
0403 90 39	(°)	2,0315/kg + 29,39
0403 90 51		24,87
0403 90 53		30,20
0403 90 59		73,98
0403 90 61	(°)	0,1883/kg + 28,18
0403 90 63	(°)	0,2416/kg + 28,18
0403 90 69	(°)	0,6794/kg + 28,18
0404 10 11 * 11		18,96
0404 10 11 * 14		173,52
0404 10 11 * 17		210,40
0404 10 11 * 21		111,01
0404 10 11 * 24		173,52
0404 10 11 * 27		210,40
0404 10 19 * 11	(°)	0,1896/kg + 22,14
0404 10 19 * 14	(°)	1,6627/kg + 29,39
0404 10 19 * 17	(°)	2,0315/kg + 29,39
0404 10 19 * 21	(°)	1,0376/kg + 29,39
0404 10 19 * 24	(°)	1,6627/kg + 29,39
0404 10 19 * 27	(°)	2,0315/kg + 29,39
0404 10 91 * 11	(°)	0,1896/kg
0404 10 91 * 14	(°)	1,6627/kg + 6,04
0404 10 91 * 17	(°)	2,0315/kg + 6,04
0404 10 91 * 21	(°)	1,0376/kg + 6,04
0404 10 91 * 24	(°)	1,6627/kg + 6,04
0404 10 91 * 27	(°)	2,0315/kg + 6,04
0404 10 99 * 11	(°)	0,1896/kg + 22,14
0404 10 99 * 14	(°)	1,6627/kg + 28,18
0404 10 99 * 17	(°)	2,0315/kg + 28,18
0404 10 99 * 21	(°)	1,0376/kg + 28,18
0404 10 99 * 24	(°)	1,6627/kg + 28,18
0404 10 99 * 27	(°)	2,0315/kg + 28,18
0404 90 11		111,01
0404 90 13		173,52
0404 90 19		210,40
0404 90 31		111,01
0404 90 33		173,52
0404 90 39		210,40
0404 90 51	(°)	1,0376/kg + 29,39
0404 90 53	(°)(°)	1,6627/kg + 29,39
0404 90 59	(°)	2,0315/kg + 29,39
0404 90 91	(°)	1,0376/kg + 29,39
0404 90 93	(°)(°)	1,6627/kg + 29,39
0404 90 99	(°)	2,0315/kg + 29,39

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

CN code	Note ⁽⁵⁾	Import levy
0405 00 10	(⁶)	239,01
0405 00 90		291,59
0406 10 20	(⁴) (⁶)	238,87
0406 10 80	(⁴) (⁶)	292,57
0406 20 10	(³) (⁴) (⁶)	398,44
0406 20 90	(⁴) (⁶)	398,44
0406 30 10	(³) (⁴) (⁶)	186,96
0406 30 31	(³) (⁴) (⁶)	180,72
0406 30 39	(³) (⁴) (⁶)	186,96
0406 30 90	(³) (⁴) (⁶)	283,68
0406 40 00	(³) (⁴) (⁶)	148,14
0406 90 11	(³) (⁴) (⁶)	222,88
0406 90 13	(³) (⁴) (⁶)	173,37
0406 90 15	(³) (⁴) (⁶)	173,37
0406 90 17	(³) (⁴) (⁶)	173,37
0406 90 19	(³) (⁴) (⁶)	398,44
0406 90 21	(³) (⁴) (⁶)	222,88
0406 90 23	(³) (⁴) (⁶)	195,85
0406 90 25	(³) (⁴) (⁶)	195,85
0406 90 27	(³) (⁴) (⁶)	195,85
0406 90 29	(³) (⁴) (⁶)	195,85
0406 90 31	(³) (⁴) (⁶)	195,85
0406 90 33	(⁴) (⁶)	195,85
0406 90 35	(³) (⁴) (⁶)	195,85
0406 90 37	(³) (⁴) (⁶)	195,85
0406 90 39	(³) (⁴) (⁶)	195,85
0406 90 50	(³) (⁴) (⁶)	195,85
0406 90 61	(⁴) (⁶)	398,44
0406 90 63	(⁴) (⁶)	398,44
0406 90 69	(⁴) (⁶)	398,44
0406 90 73	(⁴) (⁶)	195,85
0406 90 75	(⁴) (⁶)	195,85
0406 90 77	(⁴) (⁶)	195,85
0406 90 79	(⁴) (⁶)	195,85
0406 90 81	(⁴) (⁶)	195,85
0406 90 85	(⁴) (⁶)	195,85
0406 90 89	(³) (⁴) (⁶)	195,85
0406 90 93	(⁴) (⁶)	238,87
0406 90 99	(⁴) (⁶)	292,57
1702 10 10		24,98
1702 10 90		24,98
2106 90 51		24,98
2309 10 15		80,24
2309 10 19		104,10
2309 10 39		98,08
2309 10 59		82,18
2309 10 70		104,10
2309 90 35		80,24
2309 90 39		104,10
2309 90 49		98,08
2309 90 59		82,18
2309 90 70		104,10

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- (1) The levy on 100 kg of product falling within this code is equal to the sum of the following:
 - (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product;
and
 - (b) the other amount indicated.
 - (2) The levy on 100 kg of product falling within this code is equal to:
 - (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
 - (3) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
 - (4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
 - (5) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
 - (6) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 584/92 have been presented, are subject to the levies set out in the Annex to that Regulation.
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COMMISSION REGULATION (EEC) No 1419/92

of 27 May 1992

fixing the import levies on frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁴⁾, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at ECU 6,65;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;

- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;

- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;

- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;

- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;

- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals for the 1992/93 marketing year have been fixed by Council Regulation (EEC) No 1377/92 ⁽⁵⁾;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁵⁾ OJ No L 147, 29. 5. 1992, p. 6.

coefficient fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽¹⁾, as last amended by Regulation (EEC) No 3071/91 ⁽²⁾ ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of

Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas Council Regulation (EEC) No 715/90 ⁽³⁾, as last amended by Regulation (EEC) No 444/92 ⁽⁴⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States ;

Whereas Council Regulations (EEC) No 518/92 ⁽⁵⁾, (EEC) No 519/92 ⁽⁶⁾ and (EEC) No 520/92 ⁽⁷⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products ; whereas Commission Regulation (EEC) No 898/92 ⁽⁸⁾, as amended by Regulation (EEC) No 1265/92 ⁽⁹⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards beef and veal ;

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁶⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁷⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁸⁾ OJ No L 95, 9. 4. 1992, p. 44.

⁽⁹⁾ OJ No L 135, 19. 5. 1992, p. 6.

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽²⁾ OJ No L 290, 22. 10. 1991, p. 19.

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

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾,
- 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, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 June 1992.

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

Done at Brussels, 27 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 27 May 1992 fixing the import levies on frozen beef and veal ⁽¹⁾ ⁽²⁾

(ECU/100 kg)	
CN code	Levy
	— Net weight —
0202 10 00	172,539 ⁽³⁾
0202 20 10	172,539 ⁽³⁾
0202 20 30	138,031 ⁽³⁾
0202 20 50	215,674 ⁽³⁾
0202 20 90	258,809 ⁽³⁾
0202 30 10	215,674 ⁽³⁾
0202 30 50	215,674 ⁽³⁾
0202 30 90	296,767 ⁽³⁾
0206 29 91	296,767

⁽¹⁾ In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

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

⁽³⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 898/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 1420/92

of 27 May 1992

fixing the import levies on live cattle and on beef and veal other than frozen

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 10, 0201 10 90, 0201 20 11 and 0201 20 19, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to

or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁴⁾;

Whereas the guide prices for adult bovine animals for the 1992/93 marketing year were fixed by Council Regulation (EEC) No 1377/92 ⁽⁵⁾;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁵⁾ OJ No L 147, 29. 5. 1992, p. 6.

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

Whereas if the free-at-frontier offer price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77⁽¹⁾, as last amended by Regulation (EEC) No 1049/92⁽²⁾, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas Council Decision 92/232/EEC of 1 October 1991 on the conclusion of an Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria concerning the adjustment of the Community import arrangements applicable to certain beef and veal sector products originating in Austria⁽³⁾ lays down new provisions on preferential imports under a separate tariff quota; whereas this must be taken into account when the levies are fixed;

Whereas the average price is not to be used for calculating the special levy unless it is at least ECU 1,21 per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the

basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽⁴⁾, as last amended by Regulation (EEC) No 3071/91⁽⁵⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 14.

⁽²⁾ OJ No L 111, 29. 4. 1992, p. 7.

⁽³⁾ OJ No L 111, 29. 4. 1992, p. 16.

⁽⁴⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁵⁾ OJ No L 290, 22. 10. 1991, p. 19.

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled; whereas the levies fixed must be consistent with international agreements entered into by the Community; whereas account should also be taken of Council Regulation (EEC) No 545/92 of 3 February 1992 concerning the arrangements applicable to the import into the Community of products originating in the Republics of Croatia and Slovenia and the Yugoslav Republics of Bosnia-Herzegovina, Macedonia and Montenegro⁽¹⁾, which provides for reductions in the levies on certain products of the beef and veal sector imported into the Community; whereas Commission Regulation (EEC) No 859/92⁽²⁾ establishes detailed rules for the importation of these products;

Whereas Council Regulation (EEC) No 715/90⁽³⁾, as last amended by Regulation (EEC) No 444/92⁽⁴⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States;

Whereas Council Regulations (EEC) No 518/92⁽⁵⁾, (EEC) No 519/92⁽⁶⁾ and (EEC) No 520/92⁽⁷⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 981/92⁽⁸⁾, as amended by Regulation (EEC) No 982/92⁽⁹⁾, lays down detailed rules for applying the arrangements provided for in these agreements in regards beef;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁰⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount

shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets;

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 coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹¹⁾, as last amended by Regulation (EEC) No 2205/90⁽¹²⁾,
- for the other currencies, an exchange rate based on 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, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 June 1992.

⁽¹⁾ OJ No L 63, 7. 3. 1992, p. 1.

⁽²⁾ OJ No L 89, 4. 4. 1992, p. 26.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁶⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁷⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁸⁾ OJ No L 104, 22. 4. 1992, p. 34.

⁽⁹⁾ OJ No L 104, 22. 4. 1992, p. 38.

⁽¹⁰⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽¹¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹²⁾ 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, 27 May 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 27 May 1992 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)				
CN code	Croatia, Slovenia, Bosnia-Herzegovina, Macedonia, Montenegro ⁽¹⁾	Austria ⁽⁴⁾	Sweden/Switzerland	Other third countries ⁽²⁾
	— Live weight —			
0102 90 10	—	17,116	0,000	131,663 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0102 90 31	23,099	17,116	0,000	131,663 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0102 90 33	—	17,116	0,000	131,663 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0102 90 35	23,099	17,116	0,000	131,663 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0102 90 37	23,099	17,116	0,000	131,663 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
	— Net weight —			
0201 10 10	—	32,521	0,000	250,160 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 10 90	43,888	32,521	0,000	250,160 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 20 21	—	32,521	0,000	250,160 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 20 29	43,888	32,521	0,000	250,160 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 20 31	—	26,017	0,000	200,128 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 20 39	35,110	26,017	0,000	200,128 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 20 51	52,665	39,025	0,000	300,192 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 20 59	52,665	39,025	0,000	300,192 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 20 90	—	48,781	0,000	375,240 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0201 30 00	—	55,799	0,000	429,221 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾
0206 10 95	—	55,799	0,000	429,221 ⁽¹⁾ ⁽²⁾
0210 20 10	—	48,781	0,000	375,240
0210 20 90	—	55,799	0,000	429,221
0210 90 41	—	55,799	0,000	429,221
0210 90 90	—	55,799	0,000	429,221
1602 50 10	—	55,799	0,000	429,221
1602 90 61	—	55,799	0,000	429,221

⁽¹⁾ In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

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

⁽³⁾ This levy is applicable only to products complying with the provisions of the Commission Regulation (EEC) No 859/92.

⁽⁴⁾ This levy is applicable only to products complying with the provisions of the Agreement between the EEC and Austria (OJ No L 111, 29. 4. 1992, p. 21).

⁽⁵⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 898/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽⁶⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 891/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 1421/92**of 27 May 1992****fixing the rate of the aid for dried fodder**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the guide price was fixed by Council Regulation (EEC) No 1379/92⁽³⁾ for the 1992/93 marketing year;

Whereas Regulation (EEC) No 1627/91 sets the percentage referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1992/93 marketing year at 80 %;

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

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

during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁶⁾, as last amended by Regulation (EEC) No 1757/90⁽⁷⁾;

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

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

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

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽³⁾ OJ No L 147, 29. 5. 1992, p. 14.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁵⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁶⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁷⁾ OJ No L 162, 28. 6. 1990, p. 21.

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

Whereas the 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 June 1992.

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

Done at Brussels, 27 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 27 May 1992 fixing the rate of the aid for dried fodder

Aid applicable from 1 June 1992 to dried fodder :

(ECU/tonne)					
	Fodder dehydrated by artificial heat drying Protein concentrates			Fodder otherwise dried	
	Spain	Portugal	Other Member States	Portugal	Other Member States
Aid	72,176	71,911	72,176	38,971	39,236

Aid in case of advance fixing for the month of :

(ECU/tonne)					
July 1992	79,249	79,010	79,249	46,070	46,309
August 1992	79,249	79,010	79,249	46,070	46,309
September 1992	78,406	78,164	78,406	45,224	45,466
October 1992 (1)	0,000	0,000	0,000	0,000	0,000
November 1992 (1)	0,000	0,000	0,000	0,000	0,000
December 1992 (1)	0,000	0,000	0,000	0,000	0,000
January 1993 (1)	0,000	0,000	0,000	0,000	0,000
February 1993 (1)	0,000	0,000	0,000	0,000	0,000
March 1993 (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 1422/92

of 27 May 1992

reducing the basic price and buying-in price for peaches and nectarines for the 1992/93 marketing year following the overrun of the intervention threshold for 1991/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1156/92⁽²⁾, and in particular Article 16b (4) thereof,

Whereas Commission Regulation (EEC) No 1182/91⁽³⁾ fixed the intervention thresholds for the 1991/92 marketing year at 269 700 tonnes for peaches and 62 400 tonnes for nectarines;

Whereas, pursuant to Article 16a (1) of Regulation (EEC) No 1035/72 and Article 2 (1) of Council Regulation (EEC) No 2240/88 of 19 July 1988 fixing, for peaches, lemons and oranges, the rules for applying Article 16b of Regulation (EEC) No 1035/72⁽⁴⁾, as last amended by Regulation (EEC) No 1623/91⁽⁵⁾, if, during a marketing year, intervention measures taken for peaches and nectarines involve quantities exceeding the intervention thresholds fixed for those products and for that marketing year, the basic and buying-in prices fixed for those products for the following marketing year are reduced by 1 % for each 23 000 tonnes in the case of peaches and each 3 000 tonnes in the case of nectarines by which those thresholds are exceeded;

Whereas, on the basis of information supplied by the Member States, the intervention measures taken by the Community for the 1991/92 marketing year related to 424 423 tonnes for peaches and 79 610 tonnes for nectarines; whereas the Commission therefore notes an

overrun in the intervention thresholds fixed for that marketing year of 154 723 tonnes for peaches and 17 210 tonnes for nectarines;

Whereas, consequently, the basic and buying-in prices for peaches and nectarines for the 1992/93 marketing year, as fixed by Council Regulation (EEC) No 1378/92 of 21 May 1992, fixing for the 1992/93 marketing year certain prices and other amounts in the fruit and vegetables sector⁽⁶⁾, must be reduced by 6 % for peaches and by 5 % for nectarines;

Whereas, pursuant to Article 18b (2) of Regulation (EEC) No 1035/72, withdrawals on the territory of the former German Democratic Republic before the end of the 1991/92 marketing year are not taken into consideration in assessing whether intervention thresholds have been exceeded;

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

HAS ADOPTED THIS REGULATION:

Article 1

The basic and buying-in prices for peaches and nectarines for the 1992/93 marketing year, as fixed by Regulation (EEC) No 1378/92, shall be reduced by 6 % for peaches and 5 % for nectarines and shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 June 1992.

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

Done at Brussels, 27 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 122, 7. 5. 1992, p. 3.

⁽³⁾ OJ No L 115, 8. 5. 1991, p. 11.

⁽⁴⁾ OJ No L 198, 26. 7. 1988, p. 9.

⁽⁵⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽⁶⁾ OJ No L 147, 29. 5. 1992, p. 7.

ANNEX

BASIC AND BUYING-IN PRICES

1992/93 MARKETING YEAR

Peaches

For the period 1 June to 30 September 1992

(ECU/100 kg net)

	Basic price			Buying-in price		
	EUR 10	Spain	Portugal	EUR 10	Spain	Portugal
June	42,70	41,38	42,70	23,71	22,99	23,71
July to September	40,31	39,23	40,31	22,58	21,98	22,58

These prices relate to peaches of the following varieties : Amsden, Cardinal, Charles Ingouf, Dixired, Jeronimo, J.H. Hale, Merrill Gemfree, Michelini, Red Haven, San Lorenzo, Springcrest and Springtime, quality class I, size 61 to 67 mm, put up in packages.

Nectarines

For the period 1 June to 31 August 1992

(ECU/100 kg net)

	Basic price	Buying-in price
June	56,26	27,00
July to August	51,88	24,90

These prices relate to nectarines of the following varieties : Armking, Crimsongold, Early sun grand, Fantasia, Independence, May Grand, Nectared, Snow Queen and Stark red gold, quality class I, size 61 to 67 mm, put up in packages.

NB:

The prices in this Annex do not include the cost of the packaging in which the products are put up.

COMMISSION REGULATION (EEC) No 1423/92

of 27 May 1992

fixing the minimum purchase price for lemons delivered for processing and the amount of the financial compensation after processing of such lemons for the 1992/93 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/77 of 17 May 1977 laying down special measures to encourage the marketing of products processed from lemons ⁽¹⁾, as last amended by Regulation (EEC) No 1199/90 ⁽²⁾, and in particular Article 3 thereof,

Whereas, pursuant to Article 1 (3) of Regulation (EEC) No 1035/77, the minimum price which processors must pay to producers is fixed at 105 % of the average withdrawal price, calculated in accordance with the first indent of Article 18 (1) (a) of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽³⁾, as last amended by Regulation (EEC) No 1156/92 ⁽⁴⁾, from the 1991/92 marketing year; whereas the minimum prices for Spain and Portugal are fixed at 105 % of the average withdrawal price;

Whereas, in accordance with Article 2 of Regulation (EEC) No 1035/77, the financial compensation cannot exceed the difference between the minimum purchase price referred to in Article 1 of that Regulation and the prices applying to the raw material in producer third countries;

Whereas the provisions applicable where a product harvested in Spain or Portugal is processed in another Member State should be specified owing to the varying amounts fixed for those Member States;

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

⁽¹⁾ OJ No L 125, 19. 5. 1977, p. 3.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 61.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 122, 7. 5. 1992, p. 3.

Article 1

1. For the 1992/93 marketing year, the minimum price referred to in Article 1 (3) of Regulation (EEC) No 1035/77 is hereby fixed as follows:

(ECU/100 kg net)

Spain	Portugal	Other Member States
11,61	11,76	14,71

2. The minimum price shall be fixed for goods ex-producers' packing stations.

Article 2

For the 1992/93 marketing year, the financial compensation referred to in Article 2 of Regulation (EEC) No 1035/77 is hereby fixed as follows:

(ECU/100 kg net)

Spain	Portugal	Other Member States
6,67	6,82	9,77

Article 3

The minimum price and the financial compensation applicable shall be those in force in the Member State in which the product was harvested.

Article 4

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

It is to be applied from 1 June 1992.

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

Done at Brussels, 27 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission
