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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2848/92**of 28 September 1992****extending the provisional anti-dumping duty on imports into the Community of certain large electrolytic aluminium capacitors originating in Japan**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 11 thereof,

Having regard to the Commission proposal,

Whereas Commission Regulation (EEC) No 1451/92⁽²⁾ imposed a provisional anti-dumping duty on imports of certain large electrolytic aluminium capacitors originating in Japan;

Whereas examination of the facts has not yet been completed and the Commission has informed the exporters known to be concerned of its intention to propose

an extension of the validity of the provisional duty for an additional period of two months;

Whereas the exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on imports of certain large electrolytic aluminium capacitors originating in Japan imposed by Commission Regulation (EEC) No 1451/92 is hereby extended for a period of two months. It shall cease to apply if, before the expiry of that period, the Council adopts definitive measures or the proceeding is terminated pursuant to Article 9 of Council Regulation (EEC) No 2423/88.

Article 2

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

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

Done at Brussels, 28 September 1992.

For the Council

The President

N. LAMONT

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 152, 4. 6. 1992, p. 22.

COUNCIL REGULATION (EEC) No 2849/92

of 28 September 1992

modifying the definitive anti-dumping duty on imports of ball bearings with a greatest external diameter exceeding 30 mm originating in Japan imposed by Regulation (EEC) No 1739/85

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 14 and 15 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for under the above Regulation,

Whereas,

A. PROCEDURE

- (1) In May 1989 the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of a review of anti-dumping measures in accordance with Article 14 of Regulation (EEC) No 2423/88, concerning imports of ball bearings with a greatest external diameter exceeding 30 mm originating in Japan and commenced an investigation. The measures in question consisted of definitive duties on imports of the product concerned imposed by Council Regulation (EEC) No 1739/85⁽³⁾.
- (2) The investigation was initiated as a result of a request lodged in December 1988 by the Federation of European Bearings Manufacturers Associations (Febma). The request alleged changed circumstances since the imposition of the definitive anti-dumping duty. The evidence contained in this request was considered sufficient to justify opening an investigation.
- (3) As the investigation was still in progress at the end of the relevant five-year period, the Commission, in accordance with Article 15 (4) of Regulation (EEC) No 2423/88 gave notice⁽⁴⁾ that the measures imposed would remain in force pending the outcome of the review.

- (4) The Commission officially advised the manufacturers and importers known to be concerned and the representatives of the exporting country and the complainant in the review. The Commission also gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (5) Several manufacturers and exporters and Febma made their views known in writing and were granted a hearing.
- (6) The Commission sought and verified all information it deemed necessary for the purposes of this proceeding and carried out investigations at the premises of the following companies:

Community producers:

- FAG Cuscinetti SpA, Turin,
- FAG Kugelfischer Georg Schäfer KGaA, Schweinfurt,
- GMN Georg Müller Nürnberg AG, Nuremberg,
- RHP Bearings Ltd, Newark (taken over by Nippon Seiko Co Ltd),
- Rol Rolamentos Portugueses sàrl, Caldas da Rainha,
- SKF Deutschland GmbH, Schweinfurt,
- SKF France SA, Clamart,
- SKF Industrie SpA, Turin,
- SKF (UK) Ltd, Luton,
- Sociedade SKF Lda, Lisbon.

Japanese manufacturers:

- Fujino Iron Works Co Ltd, Osaka,
- Inoue Jikuoke Kogyo Co Ltd, Osaka,
- Izumoto Seiko Co Ltd, Osaka,
- Koyo Seiko Ltd, Osaka,
- Maekawa Bearing Co Ltd, Osaka,
- Matsuo Bearing Co Ltd, Osaka,
- Nachi Fujikoshi Corporation, Tokyo,
- Nankai Seiko Co Ltd, Osaka,
- Nippon Seiko Co Ltd, Tokyo,
- NTN Corporation, Osaka (formerly NTN Tokyo Bearing Co Ltd, Osaka),
- Sapporo Precision Inc, Sapporo,
- Wada Seiko Co Ltd, Osaka.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 133, 30. 5. 1989, p. 3.

⁽³⁾ OJ No L 167, 27. 6. 1985, p. 3.

⁽⁴⁾ OJ No C 132, 31. 5. 1990, p. 5.

During the investigation it was established that Inoue Jikuuke Kogyo Co Ltd is related to Nippon Seiko Co Ltd.

Importers in the Community:

- Deutsche Koyo Wälzlager Verkaufs GmbH, Hamburg,
- Koyo Española SA, Madrid,
- Koyo France SA, Argenteuil,
- Koyo (UK) Ltd, Milton Keynes,
- Nachi (Germany) GmbH, Neuss,
- Nachi Industrial SA, Salamanca,
- Nachi (UK) Ltd, Birmingham,
- NSK Bearings Europe Ltd, Edgware,
- NSK France SA, Voisins-les-Brettonneux,
- NSK Kugellager GmbH, Ratingen,
- NTN Bearings (UK) Ltd, Burntwood,
- NTN France SA, Schweighouse-sur-Moder,
- NTN Wälzlager (Europa) GmbH, Erkrath.

- (7) The investigation of dumping covered the period 1 April 1988 to 31 March 1989 (the investigation period).
- (8) This investigation has exceeded the normal time period because of the volume and complexity of the data which had to be gathered and examined, and because the completion of the investigation has required the examination of new issues which arose during the proceeding and which could not have been foreseen at its outset.

B. PRODUCT UNDER CONSIDERATION/LIKE PRODUCT

- (9) The products concerned are all types of ball bearings with a greatest external diameter exceeding 30 mm as in the original investigation.
- (10) These ball bearings have the same physical characteristics and uses and are alike in all respects to those produced by the Community industry and to those sold on the Japanese domestic market.

C. DUMPING

1. General

- (11) In view of the many different types of bearings concerned which exist, dumping calculations were based on those types which are most important in terms of the export volume (to the Community) of each separate manufacturer.

- (12) For each Japanese manufacturer the types selected represent by quantity at least 70 % of that company's exports of the product concerned to the Community during the investigation period and could thus be considered representative.

2. Normal value

- (13) Normal value was established on the basis of the weighted average net domestic sales price to the first independent customer in Japan for each type of bearing under consideration when:
- the weighted average domestic net sales price for that type (when loss-making transactions accounted for only a small proportion of all transactions) exceeded the cost of production including selling, general and administrative expenses (SGA), and
 - the volume of domestic sales was equivalent to at least 5 % of the export volume to the Community of the types in question.
- (14) In the limited number of cases where the domestic sales of a particular type were less than 5 % of the quantity exported to the Community, the domestic selling price of the manufacturer concerned of a type closely resembling the exported type was taken, in accordance with Article 2 (3) (a) of Regulation (EEC) No 2423/88.
- (15) In cases where there were no types closely resembling the exported types or where the domestic sales of the types sold for export to the Community had a domestic weighted average net sales price below cost of production plus SGA, cost of production plus SGA plus a profit realized by the manufacturer on its profitable sales of the like product on the domestic market has been taken as a basis for calculating normal value in accordance with Article 2 (3) (b) of Regulation (EEC) No 2423/88. The Council confirms these calculations of the Commission as appropriate.

3. Export price

- (16) In the case of sales made directly to independent customers in the Community, export prices were established on the basis of the prices paid or payable to the exporter.
- (17) Where exports were made to importers in the Community related to the Japanese manufacturers, export prices were reconstructed on the basis of resale prices to the first independent buyer in the Community, with allowances being made in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88.

Based on the Commission findings for the trade sector concerned, 6 % on the turnover was taken as a reasonable profit for the related importers.

- (18) The constructed export prices were based on the resale prices in the United Kingdom, Germany and France. These three major markets were considered representative for this proceeding as they comprise more than 70 % of total Japanese exports to the Community.

The Council confirms these findings.

4. Comparison

- (19) In order to make a fair comparison, normal value and export price (calculated at ex-factory level) of the types concerned were compared at the same level of trade.
- (20) In addition, the Commission took account of factors affecting price comparability when so requested by the interested parties.

In this respect, allowances were made as regards differences relating to transport, insurance, handling and loading costs and to ancillary costs, conditions of payment, warranties, wages and commission paid to sales personnel. No allowances were made in respect of differences in physical characteristics as these were considered not to have any effect on price comparability. The Council confirms these findings of the Commission.

5. Dumping margins

- (21) The dumping margins were calculated as being the total amount by which normal values exceeded ex-factory export prices of the types selected. Conversion to a percentage figure was made by dividing this amount over the total cif export value of all types taken into consideration.

- (22) The margins of dumping established were as follows:

Fujino Iron Works Co Ltd, Osaka :	0,0 %
Inoue Jikuu Kogyo Co Ltd, Osaka :	25,3 %
Izumoto Seiko Co Ltd, Osaka :	0,0 %
Koyo Seiko Ltd, Osaka :	42,2 %
Maekawa Bearing Co Ltd, Osaka :	0,0 %
Matsuo Bearing Co Ltd, Osaka :	0,0 %

Nachi Fujikoshi Corporation, Tokyo :	44,6 %
Nankai Seiko Co Ltd, Osaka :	0,0 %
Nippon Seiko Co Ltd, Tokyo :	25,3 %
NTN Corporation, Osaka : (formerly NTN Toyo Bearing Co Ltd, Osaka) :	50,6 %
Sapporo Precision Inc., Sapporo :	0,0 %
Wada Seiko Co Ltd, Osaka :	0,0 %

Since during the investigation it was established that Inoue Jikuu Kogyo Co Ltd is related to Nippon Seiko Co Ltd, it was considered appropriate to establish a dumping margin for these companies on a weighted average base i. e. 25,3 %.

- (23) For those manufacturers which did not reply to the Commission's questionnaire, or sent an incomplete reply, or failed to make themselves known, the Council confirms that dumping was determined on the basis of the facts available in accordance with the provisions of Article 7 (7) (b) of Regulation (EEC) No 2423/88.

Since the cooperating manufacturers comprised the vast majority of all exporters to the Community, the Commission considered and the Council confirms that the result of its investigation concerning other manufacturers provided the most appropriate basis for determination of the margin of dumping.

It would constitute a bonus for non-cooperation to assume that the dumping margin for these manufacturers was any lower than the highest dumping margins determined for those producers who had cooperated in the investigation.

D. SITUATION OF THE COMMUNITY INDUSTRY

1. Definition of Community industry

- (24) For the purposes of the investigation, some companies having production facilities in the Community have not been considered as forming part of the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88, since they are wholly or majority-owned subsidiaries of the Japanese exporters for which substantial dumping was found. Indeed, these subsidiaries benefit from the dumping of their parent companies.

- (25) Since there are practically no other production facilities in the Community, except the complainants, the latter have to be considered as constituting the Community industry in accordance with Article 4 (5) of Regulation (EEC) No 2423/88. The companies which cooperated with the Commission's injury investigation account for the quasi-totality of the so-defined Community industry's output of the like product during the investigation period.

2. Imports from Japan and the situation of the Community industry

- (26) When examining the effects of Japanese imports into the Community, it has to be borne in mind that measures were already in force which should normally have eliminated the injurious effects of dumping.

Therefore, it has only to be examined whether the situation of the Community industry is such that the expiry of the measures would again lead to injury.

- (27) The total volume of dumped imports by Japanese manufacturers into the Community shows an increase of 2,7 % between 1986 and the end of the investigation period.
- (28) Although prices of Japanese dumped imports have increased and Community industry prices have fallen, there is still a certain amount of price undercutting by Japanese imports when comparing weighted average prices for each type of bearing of the Japanese exporters with the prices of identical bearing types produced by Community industry or types closely resembling them.
- (29) Community production remained relatively stable between 1986 and the end of the investigation period.
- (30) The total value of the Community industry sales increased by 12,5 % between 1986 and the end of the investigation period. This increase however is less than the total growth in the market.
- (31) In terms of value, the market share of the Community industry based on sales of bearings produced by the bearing industry in the Community between 1986 and the end of the investigation period decreased from 75,1 to 72,9 %.
- (32) An examination of the above indicators leads the Council to conclude that although the measures in force had a certain effect, the Community industry is still in a relatively weak position.

E. POSSIBLE EFFECTS OF EXPIRY OF THE MEASURES

- (33) Given this precarious situation, the Council is of the opinion that the expiry of the measures would worsen this situation.
- (34) Indeed, without measures, it has to be expected that the undercutting by Japanese imports would increase and the Community industry would suffer reduced profitability and further losses in market share, since the Community industry will be unable to resist this additional market pressure.
- (35) In this respect, the Council notes further that at present the market is in a recession. The Community bearings industry has therefore become much more vulnerable particularly as the market is getting tighter and sales quantities and prices come under increasing pressure. Low-priced dumped imports would even aggravate this precarious situation.
- (36) In addition, it has to be borne in mind that Japanese exports to the United States are facing high anti-dumping duties. If measures imposed on their imports into the Community are removed, import volumes are likely to increase, possibly even at lower prices if undercutting persists.
- (37) Finally, since the Japanese producers have expanded their production capacity in Japan, while consumption in the Community has not increased, it can be assumed that, without measures in force, there will be increased Japanese export sales to the Community. In contrast, the Community producers did not expand their production facilities in the Community.
- (38) In view of the above factors, it can be clearly foreseen that the Community industry will suffer material injury from the dumped imports in the event of the expiry of the anti-dumping measures.
- (39) The Council therefore concludes that removing the existing anti-dumping measures would lead to a recurrence of material injury.

F. COMMUNITY INTEREST

- (40) In general, it is in the Community interest for there to be fair and workable competition and the purpose of continuing to take measures in this case is the maintenance of a situation of fair trade. In considering the Community interest, the Council confirms that the Commission has taken account

of the interest of the Community ball bearings industry, the users of ball bearings and as well the final consumers of the end of product.

- (41) In view of the above analysis, the removal of measures would lead to negative consequences for the Community industry producing the ball bearings concerned and endanger its viability. The further weakening of this industry would have serious consequences for employment, the increase of new investment and further research and development expenditure in other high technology areas such as electronic products.

- (42) The Council considers therefore that it is in the interest of the Community that such consequences do not occur.

- (43) As far as the purchasers of ball bearings (and implicitly the final consumers of their products) are concerned, it can be argued that some short-term benefit could be derived from buying dumped low-priced bearings.

Any such benefit, however, would be minimal, since the bearings concerned account for only a small proportion of the final price of most end-products.

Even though the effect on the industrial purchaser (and ultimately the end-user) would be negligible, the benefit provided by anti-dumping measures for bearing manufacturers is considerable.

This is also shown by the fact that no Community user of ball bearings has reacted to the proceeding.

- (44) The Council confirms, therefore, that on balance the interest of the Community clearly lies in maintaining protection for its ball bearings industry against unfair competition caused by imports at dumped prices.

G. PROPOSED MEASURES

- (45) In view of all the above factors it is proposed to maintain protective measures in force.
- (46) In order to determine the level of the duty required to prevent the recurrence of injurious effects of dumped imports, the Commission, as confirmed by the Council, took account of the level of profit shortfall of the Community industry and the level of price undercutting, duly adjusted to cif level during the investigation period for each Japanese exporter individually. Measures to be taken should cause the prices of exporters to increase by an

amount which allows the Community industry to reach a reasonable profit level and to eliminate each exporter's price undercutting.

- (47) As far as the profit necessary for the Community industry is concerned, the industry itself considered a net profit before tax of around 15 % to be the necessary minimum required.

In view of it being an established industry and of the profit level achieved historically, this is not considered appropriate. The Council confirms the Commission's view, therefore, that a net profit rate of 8 % before tax should be taken as a basis for assessing the target price of the industry during the investigation period.

- (48) It was considered that price increases for Japanese exporters which would prevent the recurrence of injury, should be sufficient to allow the Community industry to increase its prices to this target price level. In this respect, the individual average prices of the products concerned of each Japanese exporter were compared to this target price. The difference, expressed as a percentage of the cif value, is the individual price increase for each Japanese exporter necessary to prevent further injury.

- (49) On this basis the Council confirms the Commission's conclusion to apply the following anti-dumping duty rates, expressed as a percentage of cif value, before customs duty:

Inoue Jikuu Kogyo Co Ltd, Osaka :	6,5 %
Koyo Seiko Co Ltd, Osaka :	13,7 %
Nachi Fujikoshi Corporation, Tokyo :	7,7 %
Nippon Seiko Co Ltd, Tokyo :	6,5 %
NTN Corporation, Osaka (formerly NTN Toyo Bearing Co Ltd, Osaka) :	11,6 %

- (50) Since the other Japanese companies participating in this case were found not to be dumping, no anti-dumping duty will apply to the exports of these companies.

- (51) The anti-dumping duty rate for ball bearings with a greatest external diameter exceeding 30 mm originating in Japan and manufactured by companies not listed under recital 22 above should be fixed on the basis of the facts available. Given that the imports of the companies listed account for a high proportion of all imports into the Community of ball bearings originating in Japan, the Council considers that the result of the investigation forms the most appropriate basis. Thus, the level of the duty to be applied on exports of all other Japanese manufacturers should be 13,7 %.

- (52) Since there is a danger of the payment conditions of exporters being altered in order to avoid the duty imposed, the Council considers it appropriate to require that free-at-Community frontier prices be regarded as net if the terms of sale provide for payment within 90 days of consignment,

HAS ADOPTED THIS REGULATION :

Article 1

The definitive duties imposed by Article 1 of Regulation (EEC) No 1739/85 on the products defined below are hereby modified in accordance with the following provisions :

1. a definitive anti-dumping duty is hereby imposed on imports of ball bearings with a greatest external diameter exceeding 30 mm falling within CN code 8482 10 90 and originating in Japan ;
2. the anti-dumping duty, expressed as a percentage of the net, free at Community frontier price of the product before duty shall be 13,7 % (Taric additional code 8677) except when manufactured by the following companies for which the rate of anti-dumping duty is set out below :

Inoue Jikuu Kogyo Co Ltd, Osaka (Taric additional code 8673),	6,5 %,
Nachi Fujikoshi Corporation, Tokyo (Taric additional code 8674),	7,7 %,
Nippon Seiko Co Ltd, Tokyo (Taric additional code 8673),	6,5 %,
NTN Corporation, Osaka	

(formerly NTN Toyo Bearing Co Ltd),
(Taric additional code 8675), 11,6 % ;

3. no anti-dumping duties shall apply to ball bearings with a greatest external diameter exceeding 30 mm manufactured by :

- Fujino Iron Works Co Ltd, Osaka
(Taric additional code 8676),
- Izumoto Seiko Co Ltd, Osaka
(Taric additional code 8676),
- Maekawa Bearing Co Ltd, Osaka
(Taric additional code 8676),
- Matsuo Bearing Co Ltd, Osaka
(Taric additional code 8676),
- Nankai Seiko Co Ltd, Osaka
(Taric additional code 8676),
- Sapporo Precision Inc., Sapporo
(Taric additional code 8676),
- Wada Seiko Co Ltd, Osaka
(Taric additional code 8676) ;

4. free-at-Community-frontier prices shall be net if the terms of sale provide for payment within 90 days of consignment.

They shall be increased or reduced by 1 % for each month's increase or decrease in the period of payment ;

5. the provisions in force concerning customs duties shall apply.

Article 2

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

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

Done at Brussels, 28 September 1992.

For the Council

The President

N. LAMONT

COMMISSION REGULATION (EEC) No 2850/92

of 30 September 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1820/92⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 29 September 1992;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1820/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 1.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	138,12 (°) (°)
0712 90 19	138,12 (°) (°)
1001 10 10	171,38 (°) (°) (°)
1001 10 90	171,38 (°) (°) (°)
1001 90 91	143,44
1001 90 99	143,44 (°)
1002 00 00	157,97 (°)
1003 00 10	130,60
1003 00 90	130,60 (°)
1004 00 10	120,75
1004 00 90	120,75
1005 10 90	138,12 (°) (°)
1005 90 00	138,12 (°) (°)
1007 00 90	141,39 (°)
1008 10 00	58,14 (°)
1008 20 00	107,90 (°)
1008 30 00	56,58 (°)
1008 90 10	(°)
1008 90 90	56,58
1101 00 00	213,69 (°) (°)
1102 10 00	234,04 (°)
1103 11 10	278,35 (°) (°)
1103 11 90	230,29 (°)

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

(°) 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.

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

(°) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

(°) 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.

(°) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

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

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

(°) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

(°) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

(°) 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 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 2851/92

of 30 September 1992

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 15 (6) thereof,

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1821/92⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 29 September 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 4.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	0,37	0,38	0
0712 90 19	0	0,37	0,38	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	11,20
1001 90 99	0	0	0	11,20
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	0,28	0,29	0,40
1004 00 90	0	0,28	0,29	0,40
1005 10 90	0	0,37	0,38	0
1005 90 00	0	0,37	0,38	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	15,68

B. Malt

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
1107 10 11	0	0	0	19,94	19,94
1107 10 19	0	0	0	14,90	14,90
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 2852/92

of 30 September 1992

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1684/92⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter

must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 1432/92⁽⁸⁾, as amended by Regulation (EEC) No 2015/92⁽⁹⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁰⁾, as last amended by Regulation (EEC) No 2205/90⁽¹¹⁾,
- 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 every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund 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 Sugar,

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁹⁾ OJ No L 205, 22. 7. 1992, p. 2.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION:

and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 1

1. The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1992 fixing the export refunds on white sugar and raw sugar exported in its unaltered 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	38,13 (°)	
1701 11 90 910	36,71 (°)	
1701 11 90 950	(°)	
1701 12 90 100	38,13 (°)	
1701 12 90 910	36,71 (°)	
1701 12 90 950	(°)	
1701 91 00 000		0,4145
1701 99 10 100	41,45	
1701 99 10 910	41,45	
1701 99 10 950	41,45	
1701 99 90 100		0,4145

(°) 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.

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

(°) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

COMMISSION REGULATION (EEC) No 2853/92
of 30 September 1992
fixing the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽¹⁾, as last amended by Regulation (EEC)
No 674/92 ⁽²⁾, and in particular Article 11 (2) thereof,

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

Whereas the import levies on rice and broken rice were
fixed by Commission Regulation (EEC) No 2530/92 ⁽⁵⁾, as
last amended by Regulation (EEC) No 2765/92 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 254, 1. 9. 1992, p. 21.

⁽⁶⁾ OJ No L 280, 24. 9. 1992, p. 9.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (*)	ACP Bangladesh (°) (°) (°) (°)	Third countries (except ACP) (°)
1006 10 21	—	153,77	314,74
1006 10 23	—	150,46	308,12
1006 10 25	—	150,46	308,12
1006 10 27	231,09	150,46	308,12
1006 10 92	—	153,77	314,74
1006 10 94	—	150,46	308,12
1006 10 96	—	150,46	308,12
1006 10 98	231,09	150,46	308,12
1006 20 11	—	193,11	393,42
1006 20 13	—	188,97	385,15
1006 20 15	—	188,97	385,15
1006 20 17	288,86	188,97	385,15
1006 20 92	—	193,11	393,42
1006 20 94	—	188,97	385,15
1006 20 96	—	188,97	385,15
1006 20 98	288,86	188,97	385,15
1006 30 21	—	239,58	503,02 (°)
1006 30 23	—	286,21	596,19 (°)
1006 30 25	—	286,21	596,19 (°)
1006 30 27	447,14 (°)	286,21	596,19 (°)
1006 30 42	—	239,58	503,02 (°)
1006 30 44	—	286,21	596,19 (°)
1006 30 46	—	286,21	596,19 (°)
1006 30 48	447,14 (°)	286,21	596,19 (°)
1006 30 61	—	255,51	535,72 (°)
1006 30 63	—	307,21	639,12 (°)
1006 30 65	—	307,21	639,12 (°)
1006 30 67	479,34 (°)	307,21	639,12 (°)
1006 30 92	—	255,51	535,72 (°)
1006 30 94	—	307,21	639,12 (°)
1006 30 96	—	307,21	639,12 (°)
1006 30 98	479,34 (°)	307,21	639,12 (°)
1006 40 00	—	71,52	149,04

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

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

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

(°) 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.

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

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

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

COMMISSION REGULATION (EEC) No 2854/92**of 30 September 1992****fixing the premiums to be added to the import levies on rice and broken rice**

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

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

Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽¹⁾, as last amended by Regulation (EEC)
No 674/92 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice
and broken rice were fixed by Commission Regulation
(EEC) No 2531/92 ⁽³⁾, as last amended by Regulation
(EEC) No 2766/92 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 254, 1. 9. 1992, p. 24.

⁽⁴⁾ OJ No L 280, 24. 9. 1992, p. 11.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU / tonne)			
	Current 10	1st period 11	2nd period 12	3rd period 1
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 2855/92

of 30 September 1992

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

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

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

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

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

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

Whereas Council Regulation (EEC) No 1432/92 ⁽³⁾, as amended by Regulation (EEC) No 2015/92 ⁽⁴⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 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.

⁽³⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁴⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund (°)	Product code	Refund (°)
1102 20 10 100	123,83	1104 23 10 900	—
1102 20 10 300	106,14	1104 29 11 000	80,30
1102 20 10 900	—	1104 29 15 000	—
1102 20 90 100	106,14	1104 29 19 000	—
1102 20 90 900	—	1104 29 91 000	78,73
1102 30 00 000	—	1104 29 95 000	102,28
1102 90 10 100	104,06	1104 30 10 000	19,68
1102 90 10 900	70,76	1104 30 90 000	22,11
1102 90 30 100	180,05	1107 10 11 000	140,14
1102 90 30 900	—	1107 10 91 000	123,48
1103 12 00 100	180,05	1108 11 00 200	157,46
1103 12 00 900	—	1108 11 00 300	157,46
1103 13 10 100	159,21	1108 11 00 800	—
1103 13 10 300	123,83	1108 12 00 200	141,52
1103 13 10 500	106,14	1108 12 00 300	141,52
1103 13 10 900	—	1108 12 00 800	—
1103 13 90 100	106,14	1108 13 00 200	141,52
1103 13 90 900	—	1108 13 00 300	141,52
1103 14 00 000	—	1108 13 00 800	—
1103 19 10 000	102,28	1108 14 00 200	—
1103 19 30 100	107,52	1108 14 00 300	—
1103 19 30 900	—	1108 14 00 800	—
1103 21 00 000	80,30	1108 19 10 200	131,33
1103 29 20 000	70,76	1108 19 10 300	131,33
1103 29 30 000	—	1108 19 10 800	—
1103 29 40 000	—	1108 19 90 200	—
1104 11 90 100	104,06	1108 19 90 300	—
1104 11 90 900	—	1108 19 90 800	—
1104 12 90 100	200,06	1109 00 00 100	0,00
1104 12 90 300	160,05	1109 00 00 900	—
1104 12 90 900	—	1702 30 51 000	184,86
1104 19 10 000	80,30	1702 30 59 000	141,52
1104 19 50 110	141,52	1702 30 91 000	184,86
1104 19 50 130	114,99	1702 30 99 000	141,52
1104 19 50 150	—	1702 40 90 000	141,52
1104 19 50 190	—	1702 90 50 100	184,86
1104 19 50 900	—	1702 90 50 900	141,52
1104 19 91 000	—	1702 90 75 000	193,71
1104 21 10 100	104,06	1702 90 79 000	134,44
1104 21 10 900	—	2106 90 55 000	141,52
1104 21 30 100	104,06	2302 10 10 000	18,92
1104 21 30 900	—	2302 10 90 100	18,92
1104 21 50 100	138,74	2302 10 90 900	—
1104 21 50 300	110,99	2302 20 10 000	18,92
1104 21 50 900	—	2302 20 90 100	18,92
1104 22 10 100	160,05	2302 20 90 900	—
1104 22 10 900	—	2302 30 10 000	18,92
1104 22 30 100	170,05	2302 30 90 000	18,92
1104 22 30 900	—	2302 40 10 000	18,92
1104 22 50 000	—	2302 40 90 000	18,92
1104 23 10 100	132,68	2303 10 11 100	70,76
1104 23 10 300	101,72	2303 10 11 900	—

(°) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

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

COMMISSION REGULATION (EEC) No 2856/92

of 30 September 1992

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

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

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

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

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

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

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

Whereas, 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⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽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;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 344, 14. 12. 1991, p. 40.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Whereas Council Regulation (EEC) No 1432/92 ⁽¹⁾, as amended by Regulation (EEC) No 2015/92 ⁽²⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro ; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3 ; whereas this should be taken into account when refunds are fixed ;

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.
⁽²⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the export refunds on
cereal-based compound feedingstuffs

Product code	Amount of refund (')
2309 10 11 110	4,42
2309 10 13 110	4,42
2309 10 31 110	4,42
2309 10 33 110	4,42
2309 10 51 110	4,42
2309 10 53 110	4,42
2309 90 31 110	4,42
2309 90 33 110	4,42
2309 90 41 110	4,42
2309 90 43 110	4,42
2309 90 51 110	4,42
2309 90 53 110	4,42
2309 10 11 190	3,52
2309 10 13 190	3,52
2309 10 31 190	3,52
2309 10 33 190	3,52
2309 10 51 190	3,52
2309 10 53 190	3,52
2309 90 31 190	3,52
2309 90 33 190	3,52
2309 90 41 190	3,52
2309 90 43 190	3,52
2309 90 51 190	3,52
2309 90 53 190	3,52
2309 10 11 210	8,85
2309 10 13 210	8,85
2309 10 31 210	8,85
2309 10 33 210	8,85
2309 10 51 210	8,85
2309 10 53 210	8,85
2309 90 31 210	8,85
2309 90 33 210	8,85
2309 90 41 210	8,85
2309 90 43 210	8,85
2309 90 51 210	8,85
2309 90 53 210	8,85
2309 10 11 290	7,04
2309 10 13 290	7,04
2309 10 31 290	7,04
2309 10 33 290	7,04
2309 10 51 290	7,04
2309 10 53 290	7,04
2309 90 31 290	7,04
2309 90 33 290	7,04
2309 90 41 290	7,04
2309 90 43 290	7,04
2309 90 51 290	7,04
2309 90 53 290	7,04
2309 10 11 310	17,69
2309 10 13 310	17,69
2309 10 31 310	17,69
2309 10 33 310	17,69

(ECU/tonne)	
Product code	Amount of refund (')
2309 10 51 310	17,69
2309 10 53 310	17,69
2309 90 31 310	17,69
2309 90 33 310	17,69
2309 90 41 310	17,69
2309 90 43 310	17,69
2309 90 51 310	17,69
2309 90 53 310	17,69
2309 10 11 390	14,08
2309 10 13 390	14,08
2309 10 31 390	14,08
2309 10 33 390	14,08
2309 10 51 390	14,08
2309 10 53 390	14,08
2309 90 31 390	14,08
2309 90 33 390	14,08
2309 90 41 390	14,08
2309 90 43 390	14,08
2309 90 51 390	14,08
2309 90 53 390	14,08
2309 10 31 410	26,54
2309 10 33 410	26,54
2309 10 51 410	26,54
2309 10 53 410	26,54
2309 90 41 410	26,54
2309 90 43 410	26,54
2309 90 51 410	26,54
2309 90 53 410	26,54
2309 10 31 490	21,12
2309 10 33 490	21,12
2309 10 51 490	21,12
2309 10 53 490	21,12
2309 90 41 490	21,12
2309 90 43 490	21,12
2309 90 51 490	21,12
2309 90 53 490	21,12
2309 10 31 510	35,38
2309 10 33 510	35,38
2309 10 51 510	35,38
2309 10 53 510	35,38
2309 90 41 510	35,38
2309 90 43 510	35,38
2309 90 51 510	35,38
2309 90 53 510	35,38
2309 10 31 590	28,16
2309 10 33 590	28,16
2309 10 51 590	28,16
2309 10 53 590	28,16
2309 90 41 590	28,16
2309 90 43 590	28,16
2309 90 51 590	28,16
2309 90 53 590	28,16
2309 10 31 610	44,23
2309 10 33 610	44,23
2309 10 51 610	44,23
2309 10 53 610	44,23
2309 90 41 610	44,23
2309 90 43 610	44,23

(ECU / tonne)

Product code	Amount of refund (1)
2309 90 51 610	44,23
2309 90 53 610	44,23
2309 10 31 690	35,21
2309 10 33 690	35,21
2309 10 51 690	35,21
2309 10 53 690	35,21
2309 90 41 690	35,21
2309 90 43 690	35,21
2309 90 51 690	35,21
2309 90 53 690	35,21
2309 10 51 710	53,07
2309 10 53 710	53,07
2309 90 51 710	53,07
2309 90 53 710	53,07
2309 10 51 790	42,25
2309 10 53 790	42,25
2309 90 51 790	42,25
2309 90 53 790	42,25
2309 10 51 810	61,92
2309 10 53 810	61,92
2309 90 51 810	61,92
2309 90 53 810	61,92
2309 10 51 890	49,29
2309 10 53 890	49,29
2309 90 51 890	49,29
2309 90 53 890	49,29

(1) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

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

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

COMMISSION REGULATION (EEC) No 2857/92
of 30 September 1992
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors ⁽³⁾, as last amended by Regulation (EEC) No 1309/92 ⁽⁴⁾ and in particular Article 6 thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with Regulation (EEC) No 2169/86 as amended shall be as follows in ECU 136,08 per tonne.

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 139, 22. 5. 1992, p. 47.

⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁶⁾ OJ No L 134, 29. 5. 1991, p. 19.

COMMISSION REGULATION (EEC) No 2858/92**of 30 September 1992****fixing the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

levies, where that levy differs by at least ECU 0,73 from that average ;

Having regard to the Treaty establishing the European Economic Community,

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 ;

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

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

Whereas the 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 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 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 ⁽³⁾, as last amended by Regulation (EEC) No 1738/92 ⁽⁴⁾ 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 Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar ⁽⁵⁾, as last amended by Regulation (EEC) No 1428/78 ⁽⁶⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content ;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽⁷⁾, no levies shall apply on

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁶⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁾, as last amended by Regulation (EEC) No 2205/90⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official*

Journal of the European Communities, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1992 fixing the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4690	—
1702 20 90	0,4690	—
1702 30 10	—	56,57
1702 40 10	—	56,57
1702 60 10	—	56,57
1702 60 90	0,4690	—
1702 90 30	—	56,57
1702 90 60	0,4690	—
1702 90 71	0,4690	—
1702 90 90	0,4690	—
2106 90 30	—	56,57
2106 90 59	0,4690	—

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

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2859/92**of 30 September 1992****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose ; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁵⁾, as last amended by Regulation (EEC) No 1684/92 ⁽⁶⁾ ;

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

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

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

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation ; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports ; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75 ⁽⁸⁾, as amended by Regulation (EEC) No 1714/88 ⁽⁹⁾ ;

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.
⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.
⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.
⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.
⁽⁶⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.
⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.
⁽⁹⁾ OJ No L 152, 18. 6. 1988, p. 23.

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

Whereas the refunds referred to above must be fixed every month ; whereas they may be altered in the intervening period ;

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

Whereas Council Regulation (EEC) No 1432/92 ⁽³⁾, as amended by Regulation (EEC) No 2015/92 ⁽⁴⁾, prohibits trade between the Community and the Republics of

Serbia and Montenegro ; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3 ; whereas this should be taken into account when refunds are fixed ;

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 October 1992.

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

Done at Brussels, 30 September 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.

⁽³⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁴⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾ ⁽²⁾	Amount of refund per 100 kg of dry matter ⁽²⁾ ⁽³⁾
1702 40 10 100		41,45
1702 60 10 000		41,45
1702 60 90 000	0,4145	
1702 90 30 000		41,45
1702 90 60 000	0,4145	
1702 90 71 000	0,4145	
1702 90 90 900	0,4145	
2106 90 30 000		41,45
2106 90 59 000	0,4145	

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

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

⁽³⁾ Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

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

COMMISSION REGULATION (EEC) No 2860/92

of 30 September 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 599/86⁽³⁾, as last amended by Regulation (EEC) No 2535/92⁽⁴⁾, fixes the reduced levy applicable on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries;

Whereas the levy should, in the light of the application of the detailed rules and arrangements specified in Regulation (EEC) No 599/86 to the data available to the Commission, be fixed as shown in Article 1 of this Regulation;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of raw sugar intended for refining (CN codes 1701 11 10 and 1701 12 10) is fixed for this quality type at ECU 28,72 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 18.

⁽⁴⁾ OJ No L 254, 1. 9. 1992, p. 34.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2861/92

of 30 September 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 1750/92 ⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 1734/92 ⁽⁴⁾, and in particular Article 26a (7) thereof,

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

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

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1992/93 marketing year was fixed by Council Regulation (EEC) No 1751/92 ⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly

increases in the threshold price was fixed by Council Regulation (EEC) No 1752/92 ⁽⁸⁾;

Whereas the abatement of the subsidy which arises from the system of maximum guaranteed quantities for the 1992/93 year, has been fixed by Commission Regulation (EEC) No 2512/92 ⁽⁹⁾;

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

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

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

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1676/85 ⁽¹³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽¹⁴⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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;

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 17.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 179, 30. 6. 1992, p. 120.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 18.

⁽⁸⁾ OJ No L 180, 1. 7. 1992, p. 20.

⁽⁹⁾ OJ No L 250, 29. 8. 1992, p. 15.

⁽¹⁰⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹¹⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹²⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

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

which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 169, 29. 6. 1991, p. 29.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
Peas used :							
— in Spain	10,808	10,966	11,124	11,282	11,440	11,598	11,756
— in Portugal	10,816	10,974	11,132	11,290	11,448	11,606	11,764
— in another Member State	10,876	11,034	11,192	11,350	11,508	11,666	11,824
Field beans used :							
— in Spain	10,876	11,034	11,192	11,350	11,508	11,666	11,824
— in Portugal	10,816	10,974	11,132	11,290	11,448	11,606	11,764
— in another Member State	10,876	11,034	11,192	11,350	11,508	11,666	11,824

Products used in animal feed :

(ECU per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
A. Peas used :							
— in Spain	11,878	12,036	12,193	12,236	12,393	12,551	13,054
— in Portugal	11,916	12,073	12,231	12,274	12,431	12,589	13,090
— in another Member State	11,916	12,073	12,231	12,274	12,431	12,589	13,090
B. Field beans used :							
— in Spain	11,878	12,036	12,193	12,236	12,393	12,551	13,054
— in Portugal	11,916	12,073	12,231	12,274	12,431	12,589	13,090
— in another Member State	11,916	12,073	12,231	12,274	12,431	12,589	13,090
C. Sweet lupins harvested in Spain and used :							
— in Spain	14,979	14,979	14,979	14,825	14,825	14,825	15,286
— in Portugal	15,029	15,029	15,029	14,876	14,876	14,876	15,334
— in another Member State	15,029	15,029	15,029	14,876	14,876	14,876	15,334
D. Sweet lupins harvested in another Member State and used :							
— in Spain	14,979	14,979	14,979	14,825	14,825	14,825	15,286
— in Portugal	15,029	15,029	15,029	14,876	14,876	14,876	15,334
— in another Member State	15,029	15,029	15,029	14,876	14,876	14,876	15,334

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
Products harvested in :							
— BLEU (Bfrs/Lfrs)	528,10	535,77	543,44	551,11	558,79	566,46	574,13
— Denmark (Dkr)	97,67	99,08	100,50	101,92	103,34	104,76	106,18
— Federal Republic of Germany (DM)	25,60	25,98	26,35	26,72	27,09	27,46	27,84
— Greece (Dr)	3 161,04	3 206,97	3 252,89	3 298,81	3 344,73	3 390,65	3 436,57
— Spain (Pta)	1 677,04	1 701,40	1 725,76	1 750,12	1 774,49	1 798,85	1 823,21
— France (FF)	85,87	87,12	88,37	89,62	90,86	92,11	93,36
— Ireland (£ Irl)	9,558	9,696	9,835	9,974	10,113	10,252	10,391
— Italy (Lit)	19 045	19 330	19 616	19 902	20 187	20 473	20 759
— Netherlands (Fl)	28,85	29,27	29,69	30,11	30,53	30,94	31,36
— Portugal (Esc)	2 243,79	2 276,39	2 308,99	2 341,58	2 374,18	2 406,78	2 439,37
— United Kingdom (£)	8,323	8,453	8,583	8,713	8,842	8,972	9,102

Amounts to be deducted in the case of:

- Peas used in Spain (Pta): 10,49,
- Peas, and field beans used in Portugal (Esc): 12,38.

Partial aids

Peas intended for animal feed:

(in national currency per 100 kg)

[illegible]

[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	6,72	0,00	0,00	14,22
— Denmark (Dkr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	1,24	0,00	0,00	2,63
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,33	0,00	0,00	0,69
— Greece (Dr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	40,20	0,00	0,00	85,13
— Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	21,33	0,00	0,00	45,17
— France (FF)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	1,09	0,00	0,00	2,31
— Ireland (£ Irl)	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,122	0,000	0,000	0,257
— Italy (Lit)	0	0	0	0	0	0	0	255	0	0	541
— Netherlands (Fl)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,37	0,00	0,00	0,78
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	28,54	0,00	0,00	60,43
— United Kingdom (£)	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,119	0,000	0,000	0,252

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 =	41,9547	7,75901	2,03412	251,130	137,512	6,82216	0,759300	1 673,51	2,29193	176,481	0,777949

COMMISSION REGULATION (EEC) No 2862/92

of 30 September 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 October 1992.

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

Done at Brussels, 30 September 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 30 September 1992 fixing the rate of the aid for dried fodder

Aid applicable from 1 October 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	86,930	86,721	86,930	53,781	53,990

Aid in case of advance fixing for the month of :

(ECU/tonne)

November 1992	86,630	86,419	86,630	53,479	53,690
December 1992	86,630	86,419	86,630	53,479	53,690
January 1993	83,630	83,407	83,630	50,467	50,690
February 1993	83,377	83,154	83,377	50,214	50,437
March 1993	83,377	83,154	83,377	50,214	50,437

COMMISSION REGULATION (EEC) No 2863/92

of 30 September 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

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

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

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

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

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

Whereas in the absence of evidence that no production refund was granted pursuant to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sector⁽⁷⁾, as last amended by Regulation (EEC) No 1309/92⁽⁸⁾, the export refund should be reduced by the amount of the production refund applicable on the day of acceptance of the export declaration; whereas this system is the only one which avoids the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁹⁾, as amended by Regulation (EEC) No 2026/83⁽¹⁰⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽¹¹⁾, as last amended by Regulation (EEC) No 887/92⁽¹²⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁷⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁸⁾ OJ No L 139, 22. 5. 1992, p. 47.

⁽⁹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽¹⁰⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽¹¹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹²⁾ OJ No L 95, 9. 4. 1992, p. 20.

⁽¹³⁾ OJ No L 275, 29. 9. 1987, p. 36.

1902 11 00 and 1902 19 according to their destination ;

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

Whereas Council Regulation (EEC) No 1432/92⁽¹⁾, as amended by Regulation (EEC) No 2015/92⁽²⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro ; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3 ; whereas this should be taken into account when refunds are fixed ;

Whereas in particular the export refund for unprocessed starches falling within CN code 1108 is granted only if the dry matter content is at least 77 % in the case of potato starch and at least 84 % in the case of cereal starches ;

Whereas with regard to potatoes, only potato starches are subject to common organization of the market, consequently steps should be taken to specify the terms that these potato starches should meet in order to qualify for refunds ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

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

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

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

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

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

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

Article 2

1. The refund for starches and potato starch falling within CN code 1108 or products falling within Annex A to Regulation (EEC) No 2727/75 resulting from the processing of these starches and potato starch is granted only on production of a declaration from the suppliers of those products attesting that they have been directly produced from cereals, potatoes or rice excluding all use of subproducts obtained in the production of other agricultural products or goods.

The above declaration can be considered valid, until revocation, for all supplies from the same producer ; it shall be verified in accordance with the provisions of Article 8 (1) and the first indent of paragraph 2 of Regulation (EEC) No 3035/80.

2. Where the dry-extract content of potato starch assimilated to maize starch pursuant to Article 1 (2) (a) of Regulation (EEC) No 3035/80 is 80 % or higher, the rate of the export refund shall be as laid down in the Annex ; where the dry-extract content is less than 80 % the rate of the refund shall be the amount laid down in the Annex multiplied by 1/80th of the actual dry-extract percentage.

For all other starches with a dry-extract content of 87 % or more, the rate of the export refund shall be as laid down in the Annex ; where the dry-extract content is less than 87 % the amount of the refund shall be the rate laid down in the Annex multiplied by 1/87th of the actual dry-extract percentage.

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽²⁾ OJ No L 205, 22. 7. 1992, p. 2.

3. For the purposes of paragraph 1 above, the dryextract content of starches shall be determined using the method applied to flour in Annex II to Commission Regulation (EEC) No 1908/84 ⁽¹⁾.

4. At the time of application for the export refund for the goods the applicant must declare the dry-extract content of the starches concerned, unless this information has been recorded by the competent authorities referred

to in Article 3 (2) of Regulation (EEC) No 3035/80, in accordance with the provisions of that paragraph.

Article 3

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 178, 5. 7. 1984, p. 22.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1001 10 90	Durum wheat : — used unprocessed : — — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — — in all other cases — used in the form of : — — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — — hulled grains of CN code 1104 and starch of CN code 1108 — — germ of CN code 1104 — — gluten of CN code 1109 — — other (except flours of CN code 1101 and groats and meal of CN code 1103)	 6,238 11,342 4,724 7,085 2,755 — 7,873
1001 90 99	Common wheat and meslin : — used unprocessed : — — on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America — — in all other cases — used in the form of : — — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — — hulled grains of CN code 1104 and starch of CN code 1108 — — germ of CN code 1104 — — gluten of CN code 1109 — — other (except flours of CN code 1101, and groats and meal of CN code 1103)	 4,330 7,873 4,724 7,085 2,755 — 7,873
1002 00 00	Rye : — used unprocessed — used in the form of : — — pellets of CN code 1103, or pearled grains of CN code 1104 — — rolled or flaked grains and hulled grains of CN code 1104 — — germ of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other (except flours of CN code 1102)	 10,228 6,137 9,205 3,096 8,845 — 10,228
1003 00 90	Barley : — used unprocessed — used in the form of : — — flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 — — pellets of CN code 1103 — — germs of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other	 7,317 5,122 4,390 3,096 8,845 — 7,317

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (2)
1004 00 90	Oats : — used unprocessed — used in the form of : — — pellets of CN code 1103, and pearled grains of CN code 1104 — — rolled or flaked grains and hulled grains of CN code 1104 — — germs of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other	10,004 6,002 9,003 3,096 8,845 — 10,004
1005 90 00	Maize (Corn): — used unprocessed — used in the form of : — — flours of CN codes 1102 20 10 and 1102 20 90 — — groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 — — pellets of CN code 1103 — — hulled or perled grains of CN code 1104 — — germs of CN code 1104 — — starch of CN code 1108 12 00 — — gluten of CN code 2303 10 11 — — other	8,845 6,192 7,076 5,307 7,961 3,096 8,845 3,538 8,845
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	22,322 21,578 21,578
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	29,119 35,723 35,723
1006 40 00	Broken rice : — used unprocessed — used in the form of : — — flour of CN code 1102, groats and meal or pellets of CN code 1103 — — flaked grains of CN 1104 — — starch of CN code 1108 19 10 — — other	9,489 9,489 5,693 9,489 —
1007 00 90	Sorghum	6,638
1101 00 00	Wheat or meslin flour : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	 5,148 9,360
1102 10 00	Rye flour	19,571
1103 11 10	Durum wheat groats and meal : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	 9,669 17,580
1103 11 90	Common wheat groats and meal : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	 5,148 9,360

(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.

(2) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

COMMISSION REGULATION (EEC) No 2864/92

of 30 September 1992

amending Regulation (EEC) No 1780/89 laying down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 and held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1756/92 ⁽²⁾, and in particular Article 37 (2) and Article 40 (5) thereof,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 1780/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 3776/91 ⁽⁵⁾, sets detailed rules for the disposal of alcohol obtained from distillation as indicated in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 held by intervention agencies; whereas to give more flexibility as regards proposals for substitution, the possibility should be introduced of proposing a substitute quantity of alcohol in storage at another location, preferably nearby, other than that specified in the invitation to tender;

Whereas it should be made clear that the tenderer's statement waiving all claims in respect of the quality and characteristics of the alcohol awarded to him does not extend to hidden impurities that by their nature could not be detected by him beforehand and make it unfit for the use intended;

Whereas the text of the third subparagraph of Article 36 (1) of Regulation (EEC) No 1780/89 should be amended with the aim of specifying that checks on the alcohol awarded may be made less frequently where the alcohol has been denatured;

Whereas tenderers should be made responsible for the cost of analysis and surveillance required to ensure that

Community provisions the destination and use of vinous alcohol are respected;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1780/89 is hereby amended as follows:

1. the first sentence in the second subparagraph of Article 7 (4a) is replaced by the following:

'The Commission may, in the decision referred to in paragraph 1, opt to propose to tenderers whose tenders as referred to in the first subparagraph cannot be met that their tenders be accepted for a replacement quantity of alcohol of the same type.'

2. the third subparagraph of Article 7 (4a) is replaced by the following:

'To that end the Commission decision shall indicate, with the agreement of the intervention agency concerned, the vat in which the replacement quantity of alcohol is stored.'

3. the following paragraph 3 is added to Article 31:

'3. If the tenderer finds, within the time limit set in Article 9 (1), Article 17 (2), Article 25 (2) or Article 26 (2) for removal of the lot of alcohol concerned, that a quantity of alcohol awarded is, subject to confirmation of this finding by the intervention agency, unsuitable for the uses planned owing to hidden impurities that by their nature could not be discovered at the time when it was possible for a check to be made before the alcohol was awarded, the Commission shall indicate a replacement quantity, in agreement with the relevant intervention agency. The vat in which the replacement quantity is stored shall be determined in agreement with the intervention agency concerned. If the tenderer does not indicate his disagreement with the

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 27.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 178, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 356, 24. 12. 1991, p. 43.

transfer, by writing to the intervention agency concerned within 10 working days from the date of notification of the Commission's decision indicating the replacement quantity, he shall be deemed to have agreed to the replacement.';

4. the third subparagraph of Article 36 (1) is replaced by the following :

'If the alcohol has been denatured checks shall be made at least every two months.';

5. the following paragraph is inserted before the current text of Article 37 :

'The cost of analysis and verification in application of Article 36 in order to ensure that the final destination and use specified for the alcohol are respected shall be made by the tenderer.'

Article 2

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

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2865/92

of 30 September 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁷⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁸⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁹⁾, as last amended by Regulation (EEC) No 887/92 ⁽¹⁰⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹⁰⁾ OJ No L 95, 9. 4. 1992, p. 20.

Whereas Council Regulation (EEC) No 1432/92⁽¹⁾, as amended by Regulation (EEC) No 2015/92⁽²⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽²⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Rate of refund in ECU/100 kg^():*

White sugar :	41,45
Raw sugar :	38,13
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) :	$41,45 \times \frac{S^{(1)}}{100}$ or
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
Molasses :	—
Isoglucose ⁽²⁾ :	41,45 ⁽³⁾

^(*) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

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

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

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

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

COMMISSION REGULATION (EEC) No 2866/92**of 30 September 1992****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 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 2071/92 ⁽²⁾, and in particular Article 17 (4) thereof,

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

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

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

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

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

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

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

Whereas Council Regulation (EEC) No 1432/92 ⁽⁹⁾, as amended by Regulation (EEC) No 2015/92 ⁽¹⁰⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro ; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3 ; whereas this should be taken into account when refunds are fixed ;

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

⁽¹⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽²⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽³⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁴⁾ OJ No L 14, 21. 1. 1992, p. 28.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 205, 22. 7. 1992, p. 2.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

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.

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

Article 2

Where Article 8 (2) of Regulation (EEC) No 3035/80 is applied to exports of one of the goods referred to in Article 4 (1), (2) or (3) of Regulation (EEC) No 570/88, the rate of the refund on milk products shall be that applicable to the use of reduced price butter, unless the exporter provides proof that the product does not contain reduced-price butter.

Article 3

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Martin BANGEMANN

Vice-President

ANNEX

to the Commission Regulation of 30 September 1992 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund (*)
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 65,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	55,39 112,00
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	23,00 174,00 168,00

(*) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

COMMISSION REGULATION (EEC) No 2867/92

of 30 September 1992

fixing the maximum export refund for white sugar for the 22nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92

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

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

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

Whereas Commission Regulation (EEC) No 920/92 of 10 April 1992 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EEC) No 1684/92⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 920/92, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 22nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 1432/92⁽⁵⁾, as amended by Regulation (EEC) No 2015/92⁽⁶⁾, prohibits

trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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. For the 22nd partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 44,035 per 100 kilograms.

2. Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 98, 11. 4. 1992, p. 11.

⁽⁴⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 205, 22. 7. 1992, p. 2.

COMMISSION REGULATION (EEC) No 2868/92**of 30 September 1992****fixing the aid for cotton**

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

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

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 2053/92 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2539/92 ⁽⁴⁾, as last amended by Regulation (EEC) No 2842/92 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2539/92 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 unginced cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 75,242 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 215, 30. 7. 1992, p. 12.

⁽⁴⁾ OJ No L 254, 1. 9. 1992, p. 47.

⁽⁵⁾ OJ No L 285, 30. 9. 1992, p. 43.

COMMISSION REGULATION (EEC) No 2869/92
of 30 September 1992
fixing the import levies on white sugar and raw sugar

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1813/92 ⁽³⁾, as last amended by Regulation (EEC) No 2840/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1813/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 29 September 1992,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 183, 3. 7. 1992, p. 18.

⁽⁴⁾ OJ No L 285, 30. 9. 1992, p. 39.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 30 September 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	40,58 ⁽¹⁾
1701 11 90	40,58 ⁽¹⁾
1701 12 10	40,58 ⁽¹⁾
1701 12 90	40,58 ⁽¹⁾
1701 91 00	47,71
1701 99 10	47,71
1701 99 90	47,71 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

⁽²⁾ 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.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 2870/92
of 30 September 1992
fixing the import levy on molasses

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

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1887/92 ⁽³⁾, as last amended by Regulation (EEC) No 2771/92 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1887/92 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 29 September 1992,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,65 per 100 kilograms.
2. However, no import levy applies to OCT originating products according to Article 101 (1) of Council Decision 91/482/EEC ⁽⁷⁾.

Article 2

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.
⁽³⁾ OJ No L 189, 9. 7. 1992, p. 34.
⁽⁴⁾ OJ No L 280, 24. 9. 1992, p. 23.
⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

COMMISSION REGULATION (EEC) No 2871/92**of 30 September 1992****fixing the production refund for white sugar used in the chemical industry**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 9 (6) thereof,

Whereas pursuant to Article 9 (3) of Regulation (EEC) No 1785/81 it may be decided to grant production refunds on the products listed in Article 1 (1) (a) and (f) and on the syrups listed in Article 1 (1) (d) thereof which are in one of the situations referred to in Article 9 (2) of the Treaty and which are used in the manufacture of certain products of the chemical industry;

Whereas Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry⁽³⁾, as last amended by Regulation (EEC) No 464/91⁽⁴⁾, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture; whereas Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products;

Whereas Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) No 464/91, specifies the method to be used for establishing the production refund; whereas Article 1 of

Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April; whereas the application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein;

Whereas the amendment of the definition of white sugar and raw sugar referred to in Article 1 (2) (a) and (b) of Regulation (EEC) No 1785/81 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'; whereas Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund; whereas a method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products;

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 production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at ECU 36,270 for the period 1 October to 31 December 1992. For flavoured sugars or sugars containing added colouring agents or containing other substances obtained from white sugar or raw sugar the production refund shall be established by multiplying this amount by the sucrose content of the sugar in question determined in accordance with the polarimetric method as a percentage of the dry matter weight.

Article 2

This Regulation shall enter into force on 1 October 1992.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁴⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁵⁾ OJ No L 201, 25. 7. 1978, p. 26.

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

Done at Brussels, 30 September 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2872/92

of 30 September 1992

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾ as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2525/92⁽⁷⁾, as last amended by Regulation (EEC) No 2839/92⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾, amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾, as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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 29 September 1992;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 2525/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 1 October 1992.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 254, 1. 9. 1992, p. 5.

⁽⁸⁾ OJ No L 285, 30. 9. 1992, p. 37.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

Done at Brussels, 30 September 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1992 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (*)	
	ACP	Third countries (other than ACP) (*)
1102 90 30	215,10	221,14
1103 12 00	215,10	221,14
1103 29 30	215,10	221,14
1104 12 10	121,89	124,91
1104 12 90	239,00	245,04
1104 22 10 10 (*)	121,89	124,91
1104 22 10 90 (*)	215,10	218,12
1104 22 30	215,10	218,12
1104 22 50	191,20	194,22
1104 22 90	121,89	124,91

(*) Taric code: clipped oats.

(*) Taric code: CN code 1104 22 10, other than 'clipped oats'.

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

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 September 1992

on the adoption of an action plan for the exchange between Member State administrations of national officials who are engaged in the implementation of Community legislation required to achieve the internal market

(92/481/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas the establishment and functioning of the internal market requires uniform application of Community legislation in the Member States;

Whereas such uniform application cannot be achieved without closer cooperation and the building of mutual confidence between national administrations;

Whereas an action plan for the exchange of national officials engaged in the implementation of Community legislation in the field of the internal market would contribute to achieving these objectives;

Whereas the action plan will consist of exchanges between Member State administrations, wherein the offi-

cials will take part in the day-to-day running of the host service;

Whereas the action plan will also include the organization of training seminars designed to acquaint officials with the foundations of the Community and current policies and objectives;

Whereas this action plan shall run concurrently with, but independently of, other exchange programmes for national officials;

Whereas exchange officials will continue to be paid by their home administrations and to benefit from all related entitlements;

Whereas the legal status of exchange officials will be the same as that of national officials where, in performing their duties, their civil liability is put at issue by a third party; whereas they will be informed about the civil liability rules applicable to them in the host country;

Whereas exchange officials will be bound by the same rules of professional secrecy as national officials, given that exchange officials will take part in the day-to-day work of the administration to which they are seconded;

Whereas the cost of financing the action plan will be shared by the Community and the Member States; whereas the Community contribution will be included in the Commission's budget;

Whereas a programme lasting five years is called for;

Whereas an amount of ECU 17,3 million is estimated as necessary to implement this five-year programme;

⁽¹⁾ OJ No C 299, 20. 11. 1991, p. 25.

⁽²⁾ OJ No C 94, 13. 4. 1992, p. 164, and
OJ No C 241, 21. 9. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 1.

Whereas the amounts to be committed for the financing of the programme will have to fall within the Community financial framework in force;

Whereas in 1992 the Community's contribution to the financing of the 1993 action plan will be ensured;

Whereas it is necessary to ensure the uniform application of this Decision and, for that purpose, to provide for a Community procedure for the adoption of implementing rules; whereas it is necessary to set up a Committee to organize close and effective cooperation between the Member States and the Commission in this field,

HAS ADOPTED THIS DECISION:

Article 1

This Decision establishes the Community's action plan for the exchange, between Member State administrations, of Member State officials who are engaged in the implementation of Community legislation to achieve the internal market.

Article 2

This action plan does not affect exchange programmes in the customs and fiscal areas decided on by the Council from time to time, such as the Mattheus programme for the exchange of customs officials.

Article 3

For the purposes of this Decision:

- (a) the term 'exchange official' shall mean an official of a Member State occupying a post in public administration, who is required to implement Community legislation in the field of the internal market at national, regional or local level; this definition shall also extend to agents of private bodies entrusted by the said administrations with such implementation;
- (b) 'host service' shall mean the administration of the Member State in which the exchange official is required to perform his duties.

Article 4

The objectives of the action plan shall be as follows:

- (a) to develop a convergent approach by the various Member States in methods of implementing Community legislation relating to the single market;
- (b) to make national officials aware of the European dimension of their work and to build mutual confidence between Member State administrations responsible for the implementation of Community law;

- (c) to permit cross-fertilization of ideas between Member State administrations and their staff on the way in which Community legislation can best be implemented.

Article 5

The action plan shall function as follows:

- the exchange of officials engaged in the implementation of Community law will be arranged through the service designated in accordance with Article 7 in the home administration and will involve officials at middle management level in order to ensure maximum benefit from the programme,
- a training seminar providing basic information on the functioning of the Community and its current policies and objectives will be provided for those officials accepted for the action plan or wishing to take part in the action plan at a future date,
- exchanges between Member State administrations will last in principle for a minimum of two months,
- the officials will submit reports to the Commission on the exchanges in which they have taken part so that the action plan can be continuously assessed,
- after submitting reports, the exchange officials will be invited to attend a seminar at which they will be given the opportunity to assess the action plan and point out any shortcomings,
- the Commission shall, in consultation with the committee referred to in Article 10, decide annually on the priority areas to be covered by this programme.

Article 6

1. Member States shall take the necessary steps to enable foreign exchange officials to play a genuine part in the host service's activities and to this end such officials shall be authorized to carry out the tasks relating to the duties entrusted to them by the host service in accordance with its legal system.
2. During the period of the exchange, the civil liability of foreign exchange officials during the performance of their duties shall be the same as that of national officials in the host country.
3. Foreign exchange officials shall be bound by the same rules of professional secrecy as national officials in the host country.

Article 7

For the purpose of organizing the exchanges, Member States shall designate a service responsible in their administrations for directing operations. That service shall be responsible, among other things for:

- selecting applications and forwarding them to the Commission,
- approving applicants proposed by another Member State.

Article 8

Member State shall provide the necessary language training for those of their officials who are likely to participate in the programme.

Article 9

The Community contribution shall cover :

- 100 % of the exchange official's travel expenses and 50 % of his subsistence expenses,
- the full management costs of the action plan and the seminars.

The home Member State shall pay the balance of the subsistence expenses, the salaries of the exchange officials and the cost of their language training.

Article 10

In carrying out its tasks, the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

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 measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be

communicated by the Commission to the Council forthwith. In that event :

- the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

Article 11

1. The programme shall last five years and its execution shall start with the 1993 budget year.
2. The Community financial resources estimated as necessary for its implementation amount to ECU 17,3 million corresponding to an overall figure of 1 900 participants. This amount shall fall within the Community financial framework in force.
3. The budget authority shall determine the appropriations available for each financial year, taking into account the principles of sound management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.

Article 12

This Decision shall apply as from 1 January 1993.

Article 13

This Decision is addressed to the Member States.

Done at Brussels, 22 September 1992.

For the Council

The President

R. NEEDHAM