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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3279/92
of 9 November 1992

amending Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 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 use of lead-based capsules or foil as a covering for closing devices on containers in which aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails are placed on the market should be banned in order to prevent the risk of contamination, in particular by accidental contact with those products, and the risk of environmental pollution by waste comprising lead contained in such capsules or foil; whereas, however, the manufacturers and users of such capsules and foil should be given time to adjust by applying the ban in question from 1 January 1993 only; whereas it is also necessary to allow products put up in bottles fitted before the abovementioned date with lead-based capsules or foil to be disposed of until stocks are used up;

Whereas it is appropriate to adapt certain definitions of aromatized wine-based drinks in order to take better account of traditional production practices;

Whereas Regulation (EEC) No 1601/91 ⁽⁴⁾ should be amended as a result,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1601/91 is hereby amended as follows:

1. the first subparagraph of Article 2 (3) (a) shall be replaced by the following:

'(a) *Sangria*:

a drink obtained from wine:

- aromatized with the addition of natural citrus-fruit extracts or essences,
- with or without the juice of such fruit,
- possibly:
 - with added spices,
 - sweetened,
 - with added CO₂,

and having an acquired alcoholic strength by volume of less than 12 % vol.;

2. Article 2 (3) (e) shall be replaced by the following:

'(e) *Kalte Ente*:

an aromatized wine-based drink obtained by mixing wine, semi-sparkling wine or semi-sparkling wine with added CO₂ with sparkling wine or sparkling wine with added CO₂, and adding natural lemon substances or extracts thereof, the taste of which must be clearly perceptible. The finished product must contain not less than 25 % by volume of the sparkling wine or sparkling wine with added CO₂;

3. the following paragraph shall be inserted in Article 8:

'4a. As from 1 January 1993, bottled products covered by this Regulation may not be held with a view to sale or placed on the market in containers fitted with closing devices covered by lead-based capsules or foil. However, the disposal of products in bottles fitted before that date with such capsules or foil shall be authorized until stocks are used up.'

Article 2

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

⁽¹⁾ OJ No C 69, 18. 3. 1992, p. 11.

⁽²⁾ OJ No C 241, 21. 9. 1992, p. 97 and Decision of 28 October 1992 (not yet published in the Official Journal).

⁽³⁾ OJ No C 169, 6. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 149, 14. 6. 1991, p. 1.

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

Done at Brussels, 9 November 1992.

For the Council

The President

D. HURD

COUNCIL REGULATION (EEC) No 3280/92

of 9 November 1992

amending Regulation (EEC) No 1576/89 laying down general rules on the definition, description and presentation of spirit drinks

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 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 use of lead-based capsules or foil as coverings for closing devices on containers in which spirit drinks are placed on the market should be banned in order to prevent the risk of contamination, in particular by accidental contact with those products, and the risk of environmental pollution by waste comprising lead contained in such capsules or foil; whereas, however, the manufacturers and users of such capsules and foil should be given time to adjust by applying the ban in question from 1 January 1993 only; whereas it is also necessary to allow spirit drinks in bottles fitted before the abovementioned date with lead-based capsules or foil to be disposed of until stocks are used up;

Whereas Regulation (EEC) No 1576/89 ⁽⁴⁾ should be amended as a result,

HAS ADOPTED THIS REGULATION:

Article 1

The following point is hereby added to Article 7 (2) of Regulation (EEC) No 1576/89:

- (e) As from 1 January 1993, spirit drinks covered by this Regulation may not be held with a view to sale or placed on the market in containers fitted with closing devices covered by lead-based capsules or foil. However, the disposal of spirit drinks in bottles fitted before that date with such capsules or foil shall be authorized until stocks are used up.'

Article 2

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

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

Done at Brussels, 9 November 1992.

For the Council

The President

D. HURD

⁽¹⁾ OJ No C 69, 18. 3. 1992, p. 12.

⁽²⁾ OF No C 241, 21. 9. 1992, p. 98 and Decision of 28 October 1992 (not yet published in the Official Journal).

⁽³⁾ OJ No C 169, 6. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 160, 12. 6. 1989, p. 1.

COMMISSION REGULATION (EEC) No 3281/92

of 12 November 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 11 November 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 13 November 1992.

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

Done at Brussels, 12 November 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 12 November 1992 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)	
CN code	Levy (°)
0709 90 60	132,65 (°) (°)
0712 90 19	132,65 (°) (°)
1001 10 10	164,78 (°) (°) (10)
1001 10 90	164,78 (°) (°) (10)
1001 90 91	133,48
1001 90 99	133,48 (11)
1002 00 00	153,35 (°)
1003 00 10	120,35
1003 00 90	120,35 (11)
1004 00 10	113,86
1004 00 90	113,86
1005 10 90	132,65 (°) (°)
1005 90 00	132,65 (°) (°)
1007 00 90	136,91 (°)
1008 10 00	38,29 (11)
1008 20 00	105,65 (°)
1008 30 00	39,01 (°)
1008 90 10	(°)
1008 90 90	39,01
1101 00 00	199,71 (°) (11)
1102 10 00	227,87 (°)
1103 11 10	268,02 (°) (10)
1103 11 90	215,03 (°)

(°) 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.

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

(11) 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 3282/92

of 12 November 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 11 November 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 13 November 1992.

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

Done at Brussels, 12 November 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 12 November 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	11	12	1	2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	8,41	8,41	8,41
1001 90 99	0	8,41	8,41	8,41
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	0,24	0,24	0,24
1004 00 90	0	0,24	0,24	0,24
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	11,77	11,77	11,77

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	11	12	1	2	3
1107 10 11	0	14,97	14,97	14,97	14,97
1107 10 19	0	11,19	11,19	11,19	11,19
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 3283/92

of 12 November 1992

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commis-

sion decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas, 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⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 9 and 10 November 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 13 November 1992.

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

Done at Brussels, 12 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

⁽¹⁾ No 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 3094/92 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

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

⁽³⁾ For imports of oil falling within this CN code :

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

⁽⁴⁾ For imports of oil falling within this CN code :

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

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

⁽¹⁾ No 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 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 3284/92
of 12 November 1992

fixing the maximum export refunds on olive oil for the first partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3143/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2046/92 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3143/92 ⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

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 Article 6 of Regulation (EEC) No 3143/92 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Commu-

nity and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the first partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3143/92 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 November 1992.

Article 2

This Regulation shall enter into force on 13 November 1992.

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

Done at Brussels, 12 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 313, 30. 10. 1992, p. 39.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 12 November 1992 fixing the maximum export refunds on olive oil for the first partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3143/92

(ECU/100 kg)	
Product code	Amount of refund (1)
1509 10 90 100	40,00
1509 10 90 900	—
1509 90 00 100	50,00
1509 90 00 900	78,00
1510 00 90 100	9,50
1510 00 90 900	39,00

(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 products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 3285/92**of 12 November 1992****amending Regulation (EEC) No 1348/92 increasing to 200 000 tonnes the quantity of durum wheat held by the Spanish intervention agency for which a standing invitation to tender for export has been opened**

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 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 1348/92 ⁽⁵⁾, as amended by Regulation (EEC) No 2096/92 ⁽⁶⁾, opened a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Spanish intervention agency; whereas, in a communication of 23 October 1992, Spain informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of durum wheat held by the Spanish intervention agency for which a standing invitation to tender for export has been opened should be increased to 200 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1348/92 must therefore be amended;

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

Article 2 of Regulation (EEC) No 1348/92 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 200 000 tonnes of durum wheat to be exported to all third countries.
2. The regions in which the 200 000 tonnes of durum wheat are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1348/92 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 12 November 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 145, 27. 5. 1992, p. 37.

⁽⁶⁾ OJ No L 210, 25. 7. 1992, p. 12.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Badajoz	37 000
Cádiz	43 000
Córdoba	84 000
Sevilla	36 000'

COMMISSION REGULATION (EEC) No 3286/92

of 12 November 1992

amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92⁽²⁾, as amended by Regulation (EEC) No 2132/92⁽³⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Annex II to Commission Regulation (EEC) No 2219/92 of 30 July 1992 amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance⁽⁴⁾ fixes the aid for milk products;

Whereas Commission Regulation (EEC) No 3064/92 of 23 October 1992 fixing the export refunds on milk and milk products and amending Regulation (EEC)

No 3846/87 establishing an agricultural product nomenclature for export refunds⁽⁵⁾ adjusts the refunds on certain milk products; whereas the aid on certain products listed in Annex II to Regulation (EEC) No 2219/92 should be adapted in order to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

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, 12 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽³⁾ OJ No L 213, 29. 7. 1992, p. 25.

⁽⁴⁾ OJ No L 218, 1. 8. 1992, p. 75.

⁽⁵⁾ OJ No L 308, 24. 10. 1992, p. 17.

ANNEX

ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	— Of a fat content, by weight, not exceeding 1 % :			
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	6,36
0401 10 90	— — Other	0401 10 90 000	(¹)	6,36
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 % :			
	— — Not exceeding 3 % :			
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	6,36
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	9,61
0401 20 19	— — — Other :			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	6,36
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	9,61
	— — Exceeding 3 % :			
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	12,65
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	14,67
0401 20 99	— — — Other :			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	12,65
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	14,67
0401 30	— Of a fat content, by weight, exceeding 6 % :			
	— — Not exceeding 21 % :			
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 10 %	0401 30 11 100	(¹)	18,72
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	28,65
	— — — — — Exceeding 17 %	0401 30 11 700	(¹)	42,84
0401 30 19	— — — Other :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 10 %	0401 30 19 100	(¹)	18,72
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	28,65
	— — — — — Exceeding 17 %	0401 30 19 700	(¹)	42,84
	— — Exceeding 21 % but not exceeding 45 % :			
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 35 %	0401 30 31 100	(¹)	50,94
	— — — — — Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	79,31
	— — — — — Exceeding 39 %	0401 30 31 700	(¹)	87,41

(in ECU/100 kg weight, if no other indication)				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	— — — Other : — Of a fat content, by weight : — Not exceeding 35 % — Exceeding 35 % but not exceeding 39 % — Exceeding 39 % — — Exceeding 45 % :	0401 30 39 100 0401 30 39 400 0401 30 39 700	(¹) (¹) (¹)	50,94 79,31 87,41
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres : — Of a fat content, by weight : — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 91 100 0401 30 91 400 0401 30 91 700	(¹) (¹) (¹)	99,57 146,17 170,49
0401 30 99	— — — Other : — Of a fat content, by weight : — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 99 100 0401 30 99 400 0401 30 99 700	(¹) (¹) (¹)	99,57 146,17 170,49
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %			65
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %			121,00
ex 0405	Butter of a fat content, by weight, equal to or greater than 82 %			176,00
ex 0406	Cheeses :			
0406 90 23	Edam			135,35
0406 90 25	Tilsit			135,35
0406 90 77	Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo Samsø			110,79
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio			114,71
0406 90 81	Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey			130,00

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

COMMISSION REGULATION (EEC) No 3287/92
of 12 November 1992

amending Regulation (EEC) No 2164/92 laying down detailed rules for the application of the specific supply arrangements for the Canary Islands relating to milk products and establishing the forecast supply balance

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EEC) No 1695/92⁽²⁾, as amended by Regulation (EEC) No 2132/92⁽³⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Annex I to Commission Regulation (EEC) No 2164/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for the Canary Islands relating to milk products and establishing the forecast supply balance⁽⁴⁾ should only list certain types of cheese as provided for in Regulation (EEC) No 1601/92; whereas there is no reason to include CN code 0406, which should therefore be deleted;

Whereas Commission Regulation (EEC) No 3064/92 of 23 October 1992 fixing the export refunds on milk and milk products and amending Regulation (EEC)

No 3846/87 establishing an agricultural product nomenclature for export refunds⁽⁵⁾ adjusts the refunds on certain milk products; whereas the aid for certain products listed in Annex II to Regulation (EEC) No 2164/92 should be adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In Annex I to Regulation (EEC) No 2164/92, CN code 0406 is hereby deleted.
2. Annex II to Regulation (EEC) No 2164/92 is hereby replaced by the Annex hereto.

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, 12 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 213, 29. 7. 1992, p. 25.

⁽⁴⁾ OJ No L 217, 30. 7. 1992, p. 17.

⁽⁵⁾ OJ No L 308, 24. 10. 1992, p. 17.

ANNEX

ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	— Of a fat content, by weight, not exceeding 1 % :			
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(1)	6,36
0401 10 90	— — Other	0401 10 90 000	(1)	6,36
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 % :			
	— — Not exceeding 3 % :			
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(1)	6,36
	— — — Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(1)	9,61
0401 20 19	— — — Other :			
	— — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(1)	6,36
	— — — Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(1)	9,61
	— — Exceeding 3 % :			
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(1)	12,65
	— — — Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(1)	14,67
0401 20 99	— — — Other :			
	— — — Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(1)	12,65
	— — — Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(1)	14,67
0401 30	— Of a fat content, by weight, exceeding 6 % :			
	— — Not exceeding 21 % :			
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — Of a fat content, by weight :			
	— — — Not exceeding 10 %	0401 30 11 100	(1)	18,72
	— — — Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(1)	28,65
	— — — Exceeding 17 %	0401 30 11 700	(1)	42,84
0401 30 19	— — — Other :			
	— — — Of a fat content, by weight :			
	— — — Not exceeding 10 %	0401 30 19 100	(1)	18,72
	— — — Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(1)	28,65
	— — — Exceeding 17 %	0401 30 19 700	(1)	42,84
	— — Exceeding 21 % but not exceeding 45 % :			
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — Of a fat content, by weight :			
	— — — Not exceeding 35 %	0401 30 31 100	(1)	50,94
	— — — Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(1)	79,31
	— — — Exceeding 39 %	0401 30 31 700	(1)	87,41

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	- - - Other : - Of a fat content, by weight : - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 % - - Exceeding 45 % :	0401 30 39 100 0401 30 39 400 0401 30 39 700	(¹) (¹) (¹)	50,94 79,31 87,41
0401 30 91	- - - In immediate packings of a net content not exceeding 2 litres : - Of a fat content, by weight : - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 91 100 0401 30 91 400 0401 30 91 700	(¹) (¹) (¹)	99,57 146,17 170,49
0401 30 99	- - - Other : - Of a fat content, by weight : - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 99 100 0401 30 99 400 0401 30 99 700	(¹) (¹) (¹)	99,57 146,17 170,49
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :			
0402 10	- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % : - - Not containing added sugar or other sweetening matter (²) :			
0402 10 11	- - - In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(²)	65,00
0402 10 19	- - - Other	0402 10 19 000	(²)	65,00
	- - Other (³) :			
0402 10 91	- - - In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(³)	0,6500
0402 10 99	- - - Other	0402 10 99 000	(³)	0,6500
	- In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % :			
0402 21	- - Not containing added sugar or other sweetening matter (²) : - - - Of a fat content, by weight, not exceeding 27 % :			
0402 21 11	- - - - In immediate packings of a net content not exceeding 2,5 kg : - Of a fat content, by weight : - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 % - - - - Other :	0402 21 11 200 0402 21 11 300 0402 21 11 500 0402 21 11 900	(²) (²) (²) (²)	65,00 104,92 111,53 121,00
0402 21 17	- - - - - Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(²)	65,00
0402 21 19	- - - - - Of a fat content, by weight, exceeding 11 % but not exceeding 27 % : - Not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 % - - - Of a fat content, by weight, exceeding 27 % :	0402 21 19 300 0402 21 19 500 0402 21 19 900	(³) (²) (²)	104,92 111,53 121,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 %	0402 21 91 100 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900	(2) (2) (2) (2) (2) (2) (2) (2)	122,01 122,96 124,71 134,83 138,29 151,47 159,41 168,22
0402 21 99	— — — — Other : — Of a fat content, by weight : — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 %	0402 21 99 100 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900	(2) (2) (2) (2) (2) (2) (2) (2)	122,01 122,96 124,71 134,83 138,29 151,47 159,41 168,22
ex 0402 29	— — Other (3) : — — — Of a fat content, by weight, not exceeding 27 % : — — — — Other :			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900	(3) (3) (3) (3)	0,6500 1,0492 1,1153 1,2100
0402 29 19	— — — — — Other : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 % :	0402 29 19 200 0402 29 19 300 0402 29 19 500 0402 29 19 900	(3) (3) (3) (3)	0,6500 1,0492 1,1153 1,2100

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	- - - - In immediate packings of a net content not exceeding 2,5 kg : - Of a fat content, by weight : - Not exceeding 41 % - Exceeding 41 %	0402 29 91 100 0402 29 91 500	(3) (3)	1,2201 1,3483
0402 29 99	- - - - Other : - Of a fat content, by weight : - Not exceeding 41 % - Exceeding 41 %	0402 29 99 100 0402 29 99 500	(3) (3)	1,2201 1,3483
0402 91	- - Not containing added sugar or other sweetening matter (2) : - - - Of a fat content, by weight, not exceeding 8 % :			
0402 91 11	- - - - In immediate packings of a net content not exceeding 2,5 kg : - Of a non-fat lactic dry matter content : - Of less than 15 % and of a fat content, by weight : - Not exceeding 3 % - Exceeding 3 % - Of 15 % or more and of a fat content, by weight : - Not exceeding 3 % - Exceeding 3 % but not exceeding 7,4 % - Exceeding 7,4 %	0402 91 11 110 0402 91 11 120 0402 91 11 310 0402 91 11 350 0402 91 11 370	(2) (2) (2) (2) (2)	6,36 12,65 19,53 24,42 30,28
0402 91 19	- - - - Other : - Of a non-fat lactic dry matter content : - Of less than 15 % and of a fat content, by weight : - Not exceeding 3 % - Exceeding 3 % - Of 15 % or more and of a fat content, by weight : - Not exceeding 3 % - Exceeding 3 % but not exceeding 7,4 % - Exceeding 7,4 % - - - Of a fat content, by weight, exceeding 8 % but not exceeding 10 % :	0402 91 19 110 0402 91 19 120 0402 91 19 310 0402 91 19 350 0402 91 19 370	(2) (2) (2) (2) (2)	6,36 12,65 19,53 24,42 30,28
0402 91 31	- - - - In immediate packings of a net content not exceeding 2,5 kg : - Of a non-fat lactic dry matter content : - Of less than 15 % - Of 15 % or more	0402 91 31 100 0402 91 31 300	(2) (2)	24,60 35,78
0402 91 39	- - - - Other : - Of a non-fat lactic dry matter content : - Of less than 15 % - Of 15 % or more - - - Of a fat content, by weight, exceeding 10 % but not exceeding 45 % :	0402 91 39 100 0402 91 39 300	(2) (2)	24,60 35,78
0402 91 51	- - - - In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(2)	28,65
0402 91 59	- - - - Other - - - Of a fat content, by weight, exceeding 45 % :	0402 91 59 000	(2)	28,65

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(²)	99,57
0402 91 99	— — — — Other	0402 91 99 000	(²)	99,57
0402 99	— — Other :			
	— — — Of a fat content, by weight, not exceeding 9,5 % :			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³) :			
	— Not exceeding 3 %	0402 99 11 110	(³)	0,0636
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	(³)	0,1265
	— Exceeding 6,9 %	0402 99 11 150	(³)	0,1967
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴) :			
	— Not exceeding 3 %	0402 99 11 310	(⁴)	22,53
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	(⁴)	27,52
	— Exceeding 6,9 %	0402 99 11 350	(⁴)	37,32
0402 99 19	— — — — Other :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³) :			
	— Not exceeding 3 %	0402 99 19 110	(³)	0,0636
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	(³)	0,1265
	— Exceeding 6,9 %	0402 99 19 150	(³)	0,1967
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴) :			
	— Not exceeding 3 %	0402 99 19 310	(⁴)	22,53
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	(⁴)	27,52
	— Exceeding 6,9 %	0402 99 19 350	(⁴)	37,32
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 % :			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % (³)	0402 99 31 110	(³)	0,2663
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more (⁴)	0402 99 31 150	(⁴)	38,94
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % (³)	0402 99 31 300	(³)	0,5094
	— Of a fat content, by weight, exceeding 39 % (³)	0402 99 31 500	(³)	0,8741
0402 99 39	— — — — Other :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % (³)	0402 99 39 110	(³)	0,2663
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more (⁴)	0402 99 39 150	(⁴)	38,94
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % (³)	0402 99 39 300	(³)	0,5094
	— Of a fat content, by weight, exceeding 39 % (³)	0402 99 39 500	(³)	0,8741
	— — — Of a fat content, by weight, exceeding 45 % :			

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽³⁾	0402 99 91 000	(²)	0,9957
0402 99 99	— — — — Other ⁽³⁾	0402 99 99 000	(²)	0,9957
0405 00	Butter and other fats and oils derived from milk :			
0405 00 10	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 10 100	(⁶)	—
	— Of 62 % or more but less than 78 %	0405 00 10 200	(⁶)	133,07
	— Of 78 % or more but less than 80 %	0405 00 10 300	(⁶)	167,41
	— Of 80 % or more but less than 82 %	0405 00 10 500	(⁶)	171,71
	— Of 82 % or more	0405 00 10 700	(⁶)	176,00
0405 00 90	— Other :			
	— Of a fat content, by weight :			
	— Not exceeding 99,5 %	0405 00 90 100	(⁶)	176,00
	— Exceeding 99,5 %	0405 00 90 900	(⁶)	226,00
0406	— Cheese :			
0406 30	— Processed, cheese, not grated or powdered ⁽⁶⁾ :			
0406 30 10	— — In the blending of which only Emmentaler, Gruyere and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 % :			
	— — — In the blending of which only Emmentaler and Gruyere have been used of a fat content by weight in the dry matter, not exceeding 56 % :			
	— — — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
	— — — — — Not exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 27 %	0406 30 10 100		—
	— Of 27 % or more but less than 33 %	0406 30 10 150		22,83
	— Of 33 % or more but less than 38 %	0406 30 10 200		48,68
	— Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 10 250		48,68
	— Of 20 % or more	0406 30 10 300		71,42
	— Of 43 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 10 350		48,68
	— Of 20 % or more but less than 40 %	0406 30 10 400		71,42
	— Of 40 % or more	0406 30 10 450		103,95
	— — — — — Exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 33 %	0406 30 10 500		—
	— Of 33 % or more but less than 38 %	0406 30 10 550		48,68
	— Of 38 % or more but less than 43 %	0406 30 10 600		71,42

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	— Of 43 % or more but less than 46 %	0406 30 10 650		103,95
	— Of 46 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 55 %	0406 30 10 700		103,95
	— Of 55 % or more	0406 30 10 750		126,87
	— — — — Of a fat content, by weight, exceeding 36 %	0406 30 10 800		126,87
	— — — Other	0406 30 10 900		—
	— — Other :			
	— — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
0406 30 31	— — — — Not exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 27 %	0406 30 31 100		—
	— Of 27 % or more but less than 33 %	0406 30 31 300	(²)	22,83
	— Of 33 % or more but less than 38 %	0406 30 31 500	(²)	48,68
	— Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 31 710	(²)	48,68
	— Of 20 % or more	0406 30 31 730	(²)	71,42
	— Of 43 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 31 910	(²)	48,68
	— Of 20 % or more but less than 40 %	0406 30 31 930	(²)	71,42
	— Of 40 % or more	0406 30 31 950	(²)	103,95
0406 30 39	— — — — Exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 33 %	0406 30 39 100		—
	— Of 33 % or more but less than 38 %	0406 30 39 300	(²)	48,68
	— Of 38 % or more but less than 43 %	0406 30 39 500	(²)	71,42
	— Of 43 % or more but less than 46 %	0406 30 39 700	(²)	103,95
	— Of 46 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 55 %	0406 30 39 930	(²)	103,95
	— Of 55 % or more	0406 30 39 950	(²)	126,87
0406 30 90	— — — Of a fat content, by weight, exceeding 36 %	0406 30 90 000	(²)	135,35
0406 90 23	— — — Edam :			
	— Of a fat content, by weight, in the dry matter :			
	— Of less than 39 %	0406 90 23 100		—
	— Of 39 % or more	0406 90 23 900	(²)	135,35
0406 90 25	— — — Tilsit :			
	— Of a fat content, by weight, in the dry matter :			
	— Of less than 39 %	0406 90 25 100		—
	— Of 39 % or more	0406 90 25 900	(²)	114,71
0406 90 27	— — — Butterkäse :			
	— Of a fat content, by weight, in the dry matter :			
	— Of less than 39 %	0406 90 27 100		—
	— Of 39 % or more	0406 90 27 900	(²)	110,79

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 77	----- Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo and Samsø : - Of a fat content, by weight, in the dry matter of less than 39 % - Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % - Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 77 100 0406 90 77 300 0406 90 77 500	(°) (°) (°)	135,35 135,35 114,71
0406 90 79	----- Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio : - Of a fat content, by weight, in the dry matter of less than 39 % - Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 100 0406 90 79 900	(°) (°)	— 130,00
0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey : - Of a fat content, by weight, in the dry matter of less than 39 % - Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 100 0406 90 81 900	(°) (°)	— 130,00
0406 90 89	----- Other : - Of a fat content, by weight, in the dry matter of less than 39 % : - Of a fat content, by weight, in the dry matter : - Of less than 5 % and of a content, by weight, in the dry matter of 32 % or more - Of 5 % or more but less than 19 % and of a content, by weight, in the dry matter of 32 % or more - Of 19 % or more but less than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 % - Of a fat content, by weight, in the dry matter of 39 % or more : - Cheeses produced from whey - Other cheeses of a water content, calculated by weight, of the non-fatty matter : - Exceeding 47 % but not exceeding 52 % : - Idiasabal, manchego, roncal, manufactured exclusively from sheep's and/or goats' milk - Other - Exceeding 52 % but not exceeding 62 % : - Maasdam - Manouri of a fat content, by weight, of 30 % or more - Other - Exceeding 62 %	0406 90 89 100 0406 90 89 200 0406 90 89 300 0406 90 89 910 0406 90 89 951 0406 90 89 959 0406 90 89 971 0406 90 89 972 0406 90 89 979 0406 90 89 990	(°) (°) (°) (°) (°) (°) (°) (°) (°) (°)	89,49 98,13 110,79 — 151,00 130,00 135,35 47,97 135,35 —

- (¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.
- (²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
 - the lactose content of the added whey.
- (³) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.
- The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components :
- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product ;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68 (OJ No L 184, 29. 7. 1968, p. 10).
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
 - the lactose content of the added whey.
- (⁴) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements :
- (a) the amount per 100 kilograms shown ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be :
- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
 - divided by the weight of the lactic part contained in 100 kilograms of product ;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
 - the lactose content of the added whey.
- (⁵) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (⁶) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.
- When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.'
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COMMISSION REGULATION (EEC) No 3288/92

of 12 November 1992

amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and of the relevant methods of analysis

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 35a thereof,

Whereas Commission Regulation (EEC) No 2568/91⁽³⁾, as last amended by Regulation (EEC) No 1996/92⁽⁴⁾, defines in particular the organoleptic characteristics of virgin olive oil and the method for assessing those characteristics;

Whereas, on account of studies under way, the period during which the Member States may use tested, scientifically valid national analysis methods should be extended;

Whereas, to make it easier for the trade to adapt to the quality standards on the sensory characteristics of the various types of virgin olive oil for consumption, the method in question should be introduced gradually; whereas there should therefore be a degressive tolerance for a suitable period for the grading of certain types of virgin olive oil;

Whereas, in order for this method to be applied uniformly throughout the Community, the criteria used by the Member States to approve panels of tasters responsible for official checks on the organoleptic qualities of olive oil should be defined; whereas for the same reason the systems of penalties to be applied where irregularities are detected should be harmonized;

Whereas to facilitate trade there should be provision for appeal to an approved tasting panel when disputes concerning the sensory characteristics of virgin olive oil occur;

Whereas the method of organoleptic assessment should be applied to oil prepared for the market from 1 November 92 in order to avoid any risk of market disturbance;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2568/91 is hereby amended as follows:

1. In the first paragraph of Article 3, '31 October 1992' is replaced by '31 December 1992'.
2. The following Articles 3a and 3b are inserted:

Article 3a

Where a dispute arises over the organoleptic characteristics of an oil being traded, the parties concerned may refer the matter to an approved tasting panel of their choice.

Article 3b

Where it is found that the organoleptic characteristics of an oil do not correspond to its description, the Member State concerned shall, without prejudice to any other penalties, apply administrative financial penalties, to be determined in the light of the seriousness of the irregularity detected.

In assessing the irregularity, attention shall be paid in particular to natural changes in the characteristics of an oil kept under normal conditions.

At the beginning of each half-year, the Member States shall inform the Commission of the number and type of irregularities detected and the penalties applied during the previous half-year.

3. Article 4 is replaced by the following:

Article 4

1. For the purpose of assessing organoleptic characteristics, the Member States shall set up panels of tasters responsible for official checks on these characteristics. The panels shall comply with the following conditions:

- they shall consist of tasters selected and trained in accordance with the rules laid down for the method set out in Annex XII,
- they shall possess the facilities and equipment required to carry out organoleptic assessments in accordance with the rules laid down for that method,

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 248, 5. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 199, 18. 7. 1992, p. 18.

- they shall use the vocabulary specific to the sensory analysis of olive oil, the profile sheet and the grading table laid down for that method,
- they shall undertake to carry out the organoleptic assessments required at Community or international level at the time of periodic tests and at sessions for harmonizing criteria,
- they shall undertake to provide the Commission annually with all information on changes in the membership of panels and the number of assessments carried out as approved panels.

Each Member State shall approve panels meeting the above criteria and set up on its territory. It shall designate one of those panels to conduct revisions of analyses.

Panels set up by the Member States prior to 1 November 1992 in accordance with the rules laid down for the method set out in Annex XII shall be considered as approved within the meaning of this Article.

Each Member State shall notify the Commission and the other Member States of the list of approved panels.

2. Where Member States encounter difficulties in setting up tasting panels in their territory, they may call on a tasting panel approved in another Member State.
3. Each Member State draw up a list of tasting panels set up by professional or inter-branch organizations in accordance with the conditions laid down in paragraph 1 and shall ensure that those conditions are complied with.'
4. The following subparagraph is added to Article 10 (1):
'That method shall not apply to virgin olive oil prepared for the market prior to 1 November 1992.'
5. The last paragraph of point 10.2 of Annex XII is replaced by the following:

'Expression of results: on the basis of the average grading, the panel supervisor shall determine the category in which the sample is to be classified, in accordance with the limits laid down in Annex I. To that end and save as otherwise provided in the second-to-last paragraph, the supervisor shall allow:

- a tolerance of + 1,5 during the 1992/93 marketing year,
- a tolerance of + 1 during the 1993/94 marketing year,
- a tolerance of + 0,5 during the 1994/95 marketing year,

if the average grading is 5 points or more.

However, in the case of oil which is the subject of intervention operations, the maximum tolerance during those marketing years shall be + 0,5.

The statistical difference in repeatability and reproducibility values between the analysis finding and the tolerance laid down by regulation shall fall within the tolerances specified in the preceding paragraphs.

Where, during the marketing years referred to above, the party concerned classifies oil without applying the tolerance laid down, he may state on the immediate packing the minimum organoleptic grading of the product verifiable during the marketing period.

The panel supervisor shall state in the analysis report only the category in which the sample is classified. An analyst who undertakes an examination in accordance with the first subparagraph of Article 2 (2) shall apply the same procedure for the determination of category.'

Article 2

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

It shall apply from 1 November 1992.

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

Done at Brussels, 12 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3289/92

of 12 November 1992

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽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 in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽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 world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas export possibilities exist for a quantity of 850 000 tonnes of soft wheat to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁴⁾, as last amended by Regulation (EEC) No 2804/92⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

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

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁶⁾, as last amended by Regulation (EEC) No 468/92⁽⁷⁾;

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

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

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

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

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 1432/92⁽¹⁰⁾ as amended by Regulation (EEC) No 2015/92⁽¹¹⁾, prohibits

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 171, 26. 6. 1992, p. 47.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 282, 26. 9. 1992, p. 40.

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

⁽⁷⁾ OJ No L 53, 28. 2. 1992, p. 15.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽¹⁰⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽¹¹⁾ OJ No L 205, 22. 7. 1992, p. 2.

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 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 November 1992.

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

Done at Brussels, 12 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 12 November 1992 fixing export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	50,00
	02	20,00
1001 90 91 000	01	0
1001 90 99 000	04	67,00
	05	21,00
	06	82,00 (3)
	07	82,00 (4)
	02	20,00
1002 00 00 000	03	21,00
	02	20,00
1003 00 10 000	08	65,00
	02	0
1003 00 90 000	04	65,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	80,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	100,00
1101 00 00 130	01	94,00
1101 00 00 150	01	87,00
1101 00 00 170	01	80,00
1101 00 00 180	01	75,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 500	01	100,00
1102 10 00 700	—	—
1102 10 00 900	—	—
1103 11 10 200	01	140,00
1103 11 10 400	01	120,00
1103 11 10 900	01	0
1103 11 90 200	01	100,00
1103 11 90 800	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Poland,
- 06 Algeria,
- 07 Egypt,
- 08 zone II c).

(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.

(³) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 250 000 tonnes of soft wheat flour destined for Algeria.

(⁴) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 600 000 tonnes of soft wheat flour destined for Egypt.

NB : The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 3290/92

of 12 November 1992

fixing the export refunds on milk and milk products and amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 2071/92⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade 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 Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 1344/86⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

the products listed in Article 1 (1) (d) of 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⁾;

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⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾,
- 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 level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 150 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88⁽⁶⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas Commission Regulation (EEC) No 3846/87⁽⁷⁾, as last amended by Regulation (EEC) No 2785/92⁽⁸⁾, established the combined nomenclature applicable to export refunds for agricultural products;

Whereas, in accordance with current tariff classification rules, frozen condensed milk is considered to be a solid product for which the refund granted is higher than that applicable to normal condensed milk; whereas the refund applicable to the product should consequently be specified and Sector 10 of the Annex to Regulation (EEC) No 3846/87 should be adjusted accordingly;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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, moreover, so as not to penalize the charitable organizations which have continued to supply humanitarian aid despite the abolition of refunds on 12 June 1992, this new measure should be applied retrospectively;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

Footnote⁽¹¹⁾ in Sector 10 of the Annex to Regulation (EEC) No 3846/87 reads as follows:

'⁽¹¹⁾ The refund on frozen condensed milk is the same as that on products in subheadings 0402 91 or 0402 99.'

Article 3

This Regulation shall enter into force on 13 November 1992.

⁽⁹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽¹⁰⁾ OJ No L 205, 22. 7. 1992, p. 2.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁷⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 281, 25. 9. 1992, p. 16.

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

Done at Brussels, 12 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 12 November 1992 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (")
0401 10 10 000		6,36
0401 10 90 000		6,36
0401 20 11 100		6,36
0401 20 11 500		9,61
0401 20 19 100		6,36
0401 20 19 500		9,61
0401 20 91 100		12,65
0401 20 91 500		14,67
0401 20 99 100		12,65
0401 20 99 500		14,67
0401 30 11 100		18,72
0401 30 11 400		28,65
0401 30 11 700		42,84
0401 30 19 100		18,72
0401 30 19 400		28,65
0401 30 19 700		42,84
0401 30 31 100		50,94
0401 30 31 400		79,31
0401 30 31 700		87,41
0401 30 39 100		50,94
0401 30 39 400		79,31
0401 30 39 700		87,41
0401 30 91 100		99,57
0401 30 91 400		146,17
0401 30 91 700		170,49
0401 30 99 100		99,57
0401 30 99 400		146,17
0401 30 99 700		170,49
0402 10 11 000		65,00
0402 10 19 000		65,00
0402 10 91 000		0,6500
0402 10 99 000		0,6500
0402 21 11 200		65,00
0402 21 11 300		99,72
0402 21 11 500		106,00
0402 21 11 900		115,00
0402 21 17 000		65,00
0402 21 19 300		99,72
0402 21 19 500		106,00
0402 21 19 900		115,00
0402 21 91 100		115,96
0402 21 91 200		116,87
0402 21 91 300		118,53
0402 21 91 400		128,15
0402 21 91 500		131,43
0402 21 91 600		143,96
0402 21 91 700		151,51
0402 21 91 900		159,88
0402 21 99 100		115,96
0402 21 99 200		116,87
0402 21 99 300		118,53
0402 21 99 400		128,15
0402 21 99 500		131,43
0402 21 99 600		143,96
0402 21 99 700		151,51
0402 21 99 900		159,88

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

Product code	Destination (*)	Amount of refund (")
0402 29 15 200		0,6500
0402 29 15 300		0,9972
0402 29 15 500		1,0600
0402 29 15 900		1,1500
0402 29 19 200		0,6500
0402 29 19 300		0,9972
0402 29 19 500		1,0600
0402 29 19 900		1,1500
0402 29 91 100		1,1596
0402 29 91 500		1,2815
0402 29 99 100		1,1596
0402 29 99 500		1,2815
0402 91 11 110		6,36
0402 91 11 120		12,65
0402 91 11 310		19,53
0402 91 11 350		24,42
0402 91 11 370		30,28
0402 91 19 110		6,36
0402 91 19 120		12,65
0402 91 19 310		19,53
0402 91 19 350		24,42
0402 91 19 370		30,28
0402 91 31 100		24,60
0402 91 31 300		35,78
0402 91 39 100		24,60
0402 91 39 300		35,78
0402 91 51 000		28,65
0402 91 59 000		28,65
0402 91 91 000		99,57
0402 91 99 000		99,57
0402 99 11 110		0,0636
0402 99 11 130		0,1265
0402 99 11 150		0,1967
0402 99 11 310		22,53
0402 99 11 330		27,52
0402 99 11 350		37,32
0402 99 19 110		0,0636
0402 99 19 130		0,1265
0402 99 19 150		0,1967
0402 99 19 310		22,53
0402 99 19 330		27,52
0402 99 19 350		37,32
0402 99 31 110		0,2663
0402 99 31 150		38,94
0402 99 31 300		0,5094
0402 99 31 500		0,8741
0402 99 39 110		0,2663
0402 99 39 150		38,94
0402 99 39 300		0,5094
0402 99 39 500		0,8741
0402 99 91 000		0,9957
0402 99 99 000		0,9957
0403 10 02 000		—
0403 10 04 200		—
0403 10 04 300		—
0403 10 04 500		—
0403 10 04 900		—
0403 10 06 000		—
0403 10 12 000		—
0403 10 14 200		—
0403 10 14 300		—

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

Product code	Destination (°)	Amount of refund (")
0403 10 14 500		—
0403 10 14 900		—
0403 10 16 000		—
0403 10 22 100		6,36
0403 10 22 300		9,61
0403 10 24 000		12,65
0403 10 26 000		18,72
0403 10 32 100		0,0636
0403 10 32 300		0,0961
0403 10 34 000		0,1265
0403 10 36 000		0,1872
0403 90 11 000		65,00
0403 90 13 200		65,00
0403 90 13 300		99,72
0403 90 13 500		106,00
0403 90 13 900		115,00
0403 90 19 000		115,96
0403 90 31 000		0,6500
0403 90 33 200		0,6500
0403 90 33 300		0,9972
0403 90 33 500		1,0600
0403 90 33 900		1,1500
0403 90 39 000		0,1596
0403 90 51 100		6,36
0403 90 51 300		9,61
0403 90 53 000		12,65
0403 90 59 110		18,72
0403 90 59 140		28,65
0403 90 59 170		42,84
0403 90 59 310		50,94
0403 90 59 340		79,31
0403 90 59 370		87,41
0403 90 59 510		99,57
0403 90 59 540		146,17
0403 90 59 570		170,49
0403 90 61 100		0,0636
0403 90 61 300		0,0961
0403 90 63 000		0,1265
0403 90 69 000		0,1872
0404 90 11 100		65,00
0404 90 11 910		6,36
0404 90 11 950		19,53
0404 90 13 120		65,00
0404 90 13 130		99,72
0404 90 13 140		106,00
0404 90 13 150		115,00
0404 90 13 911		6,36
0404 90 13 913		12,65
0404 90 13 915		18,72
0404 90 13 917		28,65
0404 90 13 919		42,84
0404 90 13 931		19,53
0404 90 13 933		24,42
0404 90 13 935		30,28
0404 90 13 937		35,78
0404 90 13 939		37,44
0404 90 19 110		115,96
0404 90 19 115		116,87
0404 90 19 120		118,53
0404 90 19 130		128,15
0404 90 19 135		131,43

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

Product code	Destination (*)	Amount of refund (")
0404 90 19 150		143,96
0404 90 19 160		151,51
0404 90 19 180		159,88
0404 90 19 900		—
0404 90 31 100		65,00
0404 90 31 910		6,36
0404 90 31 950		19,53
0404 90 33 120		65,00
0404 90 33 130		99,72
0404 90 33 140		106,00
0404 90 33 150		115,00
0404 90 33 911		6,36
0404 90 33 913		12,65
0404 90 33 915		18,72
0404 90 33 917		28,65
0404 90 33 919		42,84
0404 90 33 931		19,53
0404 90 33 933		24,42
0404 90 33 935		30,28
0404 90 33 937		35,78
0404 90 33 939		37,44
0404 90 39 110		115,96
0404 90 39 115		116,87
0404 90 39 120		118,53
0404 90 39 130		128,15
0404 90 39 150		131,43
0404 90 39 900		—
0404 90 51 100		0,6500
0404 90 51 910		0,0636
0404 90 51 950		22,53
0404 90 53 110		0,6500
0404 90 53 130		0,9972
0404 90 53 150		1,0600
0404 90 53 170		1,1500
0404 90 53 911		0,0636
0404 90 53 913		0,1265
0404 90 53 915		0,1872
0404 90 53 917		0,2865
0404 90 53 919		0,4284
0404 90 53 931		22,53
0404 90 53 933		27,52
0404 90 53 935		37,32
0404 90 53 937		38,94
0404 90 53 939		—
0404 90 59 130		1,1596
0404 90 59 150		1,2815
0404 90 59 930		0,6107
0404 90 59 950		0,8741
0404 90 59 990		0,9957
0404 90 91 100		0,6500
0404 90 91 910		0,0636
0404 90 91 950		22,53
0404 90 93 110		0,6500
0404 90 93 130		0,9972
0404 90 93 150		1,0600

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

Product code	Destination (*)	Amount of refund (")
0404 90 93 170		1,1500
0404 90 93 911		0,0636
0404 90 93 913		0,1265
0404 90 93 915		0,1872
0404 90 93 917		0,2865
0404 90 93 919		0,4284
0404 90 93 931		22,53
0404 90 93 933		27,52
0404 90 93 935		37,32
0404 90 93 937		38,94
0404 90 93 939		—
0404 90 99 130		1,1596
0404 90 99 150		1,2815
0404 90 99 930		0,6107
0404 90 99 950		0,8741
0404 90 99 990		0,9957
0405 00 10 100		—
0405 00 10 200		133,07
0405 00 10 300		167,41
0405 00 10 500		171,71
0405 00 10 700		176,00
0405 00 90 100		176,00
0405 00 90 900		226,00
0406 10 20 100		—
0406 10 20 200		—
0406 10 20 210		—
0406 10 20 230	028	—
	032	—
	400	39,03
	404	—
	***	47,97
0406 10 20 290	028	—
	032	—
	400	39,03
	404	—
	***	47,97
0406 10 20 610	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	***	89,49
0406 10 20 620	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	***	98,13
0406 10 20 630	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	***	110,79

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

Product code	Destination (*)	Amount of refund (")
0406 10 20 640	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	130,00
0406 10 20 650	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	***	135,35
0406 10 20 660		—
0406 10 20 810	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	***	21,06
0406 10 20 830	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	***	35,97
0406 10 20 850	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	***	43,62
0406 10 20 870		—
0406 10 20 900		—
0406 10 80 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	***	84,94
	028	—
	032	—
0406 20 90 915	400	116,99
	404	—
	***	113,25
	028	—
0406 20 90 917	032	—
	400	124,30
	404	—
	***	120,33

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

Product code	Destination (*)	Amount of refund (")
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95

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

Product code	Destination (*)	Amount of refund (")
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

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

Product code	Destination (*)	Amount of refund (")
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

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

Product code	Destination (*)	Amount of refund (")
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	159,34

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

Product code	Destination (*)	Amount of refund (")
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	159,34
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	151,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71

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

Product code	Destination (*)	Amount of refund (")
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83

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

Product code	Destination (*)	Amount of refund (")
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96

(in ECU/100 kg net weight unless otherwise indicated)		
Product code	Destination (*)	Amount of refund (")
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	...	110,79
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00

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

Product code	Destination (*)	Amount of refund (")
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	89,49
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35

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

Product code	Destination (*)	Amount of refund (")
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 990		—
0406 90 93 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		1,50
2309 10 15 300		2,00
2309 10 15 400		2,50
2309 10 15 500		3,00
2309 10 15 700		3,50
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		1,50
2309 10 19 300		2,00
2309 10 19 400		2,50
2309 10 19 500		3,00
2309 10 19 600		3,50
2309 10 19 700		3,75
2309 10 19 800		4,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		19,50
2309 10 70 200		26,00
2309 10 70 300		32,50
2309 10 70 500		39,00
2309 10 70 600		45,50
2309 10 70 700		52,00
2309 10 70 800		57,20
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		1,50
2309 90 35 300		2,00
2309 90 35 400		2,50
2309 90 35 500		3,00
2309 90 35 700		3,50
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—

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

Product code	Destination (*)	Amount of refund (")
2309 90 39 200		1,50
2309 90 39 300		2,00
2309 90 39 400		2,50
2309 90 39 500		3,00
2309 90 39 600		3,50
2309 90 39 700		3,75
2309 90 39 800		4,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		19,50
2309 90 70 200		26,00
2309 90 70 300		32,50
2309 90 70 500		39,00
2309 90 70 600		45,50
2309 90 70 700		52,00
2309 90 70 800		57,20
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3518/91.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (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.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE 92/95/EEC

of 9 November 1992

amending the Annex to the Seventh Directive 76/372/EEC establishing
Community methods of analysis for the official control of feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 70/373/EEC of
20 July 1970 on the introduction of Community methods
of sampling and analysis for the official control of
feedingstuffs⁽¹⁾, as last amended by the Acts of Accession
of Spain and Portugal, and in particular Article 2 thereof,

Whereas the Seventh Commission Directive 76/372/EEC
of 1 March 1976 establishing Community methods of
analysis for the official control of feedingstuffs⁽²⁾, as
amended by Directive 81/680/EEC⁽³⁾, prescribes the
methods to be used for the determination of aflatoxin B₁;

Whereas there are grounds for adapting these methods in
the light of advances in scientific and technical know-
ledge; whereas it is advisable particularly to have available
a method of controlling the very low limits for aflatoxin
fixed by Council Directive 74/63/EEC of 17 December
1973 on the fixing of maximum permitted levels for
undesirable substances and products in animal nutri-
tion⁽⁴⁾, as last amended by Directive 91/132/EEC⁽⁵⁾;

Whereas it is also advisable to have available a method of
determining aflatoxin B₁ in the presence of interfering
substances, such as citrus pulp;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 76/372/EEC is amended in
accordance with the Annex to this Directive.

Article 2

Member States shall bring into force not later than
1 October 1993 the laws, regulations and administrative
provisions necessary to comply with the provisions of this
Directive. They shall forthwith inform the Commission
thereof.

When Member States adopt these provisions, they shall
contain a reference to this Directive or shall be accompa-
nied by such reference at the time of their official publi-
cation. The procedure for such reference shall be adopted
by the Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 9 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 170, 3. 8. 1970, p. 2.

⁽²⁾ OJ No L 102, 15. 4. 1976, p. 8.

⁽³⁾ OJ No L 246, 29. 8. 1981, p. 32.

⁽⁴⁾ OJ No L 38, 11. 2. 1974, p. 31.

⁽⁵⁾ OJ No L 66, 13. 3. 1991, p. 16.

ANNEX

- I. Under Part A 'One-dimensional thin layer chromatographic method' the text at point 1 'Purpose and scope' is replaced by the following text:

'1. Purpose and scope

The method makes it possible to determine the level of aflatoxin B₁ in raw materials and straight feedingstuffs. This method can not be applied in the presence of citrus pulp. The lower limit of determination is 0,01 mg/kg (10 ppb).

In the presence of interfering substances it is necessary to repeat the analysis using method B (high performance liquid chromatography).'

- II. Under Part B 'Two-dimensional thin layer chromatographic method' the text is replaced by the following:

'B. DETERMINATION OF AFLATOXIN B₁. HIGH PERFORMANCE LIQUID CHROMATOGRAPHIC METHOD

1. Purpose and scope

This method is for the determination of aflatoxin B₁ in animal feedingstuffs including those containing citrus pulp. The lower limit of determination is 0,001 mg/kg (1 ppb).

2. Principle

The sample is extracted with chloroform. The extract is filtered and an aliquot portion is purified on a Florisil cartridge followed by a C₁₈ cartridge. The final separation and determination is achieved by high performance liquid chromatography (HPLC) using a reversed phase C₁₈ column, followed by post-column derivatization with iodine in water, and fluorescence detection.

Note :

mycotoxins are extremely toxic substances. Manipulations should be performed in a designated fume cupboard. Special precautions should be taken when toxins are in a dry form because of their electrostatic nature and resulting tendency to disperse in working areas.

3. Reagents

3.1. Chloroform, stabilized with 0,5 to 1,0 % of ethanol, by mass. See observation 10.2.

3.2. Methanol, HPLC grade for pre-treatment of 3.6.

3.3. Acetone.

3.4. Acetonitril, HPLC grade.

3.5. Eluting solvents : Prepare one day before use, or remove air in the solvents ultrasonically.

3.5.1. Mixture of acetone (3.3) and water, 98+2 (v+v).

3.5.2. Mixture of water and methanol (3.2), 80+20 (v+v).

3.5.3. Mixture of water and acetone (3.3), 85+15 (v+v).

3.6. Mobile phase for HPLC

Mixture of water, methanol (3.2) and acetonitril (3.4), 130+70+40 (v+v+v).

NB The composition of the mobile phase solvent may need to be adjusted, depending on the characteristics of the HPLC column used.

3.7. Saturated iodine solution : add 2 g of iodine to 400 ml of water. Mix for at least 90 min and filter through a membrane filter (4.15). Protect the saturated solution from light to prevent photodegradation.

3.8. Acid washed Celite 545, or equivalent.

3.9. Florisil cartridge (Waters SEP-PAK), or equivalent.

3.10. C₁₈ cartridge (Waters SEP-PAK), or equivalent.

3.11. Inert gas e.g. nitrogen.

- 3.12. Aflatoxin B₁ standard solution in chloroform, concentration 10 µg/ml. Check the concentration of the solution as follows: determine the absorption spectrum of the solution between 330 and 370 nm by means of the spectrophotometer (4.23). Measure the absorbance (A) at the maximum near 363 nm. Calculate the concentration of aflatoxin B₁ in micrograms per millilitre of solution from the formula:

$$\text{Concentration (µg/ml)} = \frac{312 \times A \times 1000}{22\,300} = 13,991 \times A$$

- 3.12.1. Aflatoxine B₁ stock standard solution in chloroform.

Transfer quantitatively 2,5 ml of the aflatoxin B₁ standard solution (3.12) to a 50 ml volumetric flask and adjust to the mark with chloroform (3.1). Store this solution in a cool place (4 °C) in the dark, well sealed and wrapped in aluminium foil.

- 3.13. Aflatoxin B₁ calibration solutions HPLC.

NB Use alcid-washed glassware for preparation of these solutions (see 4, Apparatus).

- 3.13.1. Calibration solution 4ng/ml.

Allow the volumetric flask with stock standard solution (3.12.1) to warm up to room temperature in the aluminium foil (a few hours). Transfer 400 µl of the stock standard solution (200 ng aflatoxin B₁) into a 50 ml volumetric flask, and evaporate the solution to dryness in a current of inert gas (3.11).

Dissolve the residue obtained in approximately 20 ml of water/acetone mixture (3.5.3), make up to the mark with the water/acetone mixture and mix well.

- 3.13.2. Calibration solution 3 ng/ml.

Transfer quantitatively 7,5 ml of the calibration solution (3.13.1) into a 10 ml volumetric flask, make up to the mark with the water/acetone mixture (3.5.3), and mix well.

- 3.13.3. Calibration solution, 2 ng/ml.

Transfer quantitatively 25 ml of the calibration solution (3.13.1) to a 50 ml volumetric flask, make up to the mark with the water/acetone mixture (3.5.3) and mix well.

This solution is also referred to as the reference standard, to be used for repetitive injection during HPLC (5.5).

- 3.13.4. Calibration solution 1 ng/ml.

Transfer quantitatively 2,5 ml of the calibration solution (3.13.1) to a 10 ml volumetric flask, make up to the mark with the water/acetone mixture (3.5.3) and mix well.

- 3.14. Ampoule containing a mixture of aflatoxins B₁, B₂, G₁ and G₂ concentrations approximately 1, 0,5, 1 and 0,5 µg/ml respectively, in 1 ml chloroform.

- 3.14.1. Chromatographic test solution.

Transfer the content of the ampoule (3.14) into a glass-stoppered test-tube or screw-capped vial. Transfer 40 µl of this solution into a glass-stoppered test-tube (acid-rinsed) (4.22). Evaporate the chloroform in a stream of inert gas (3.11) and redissolve into 10 ml of the water/acetone mixture (3.5.3).

- 3.15. Reagents for confirmatory test (6).

- 3.15.1. Sodium chloride saturated solution.

- 3.15.2. Sodium sulphate, anhydrous, granular.

4. Apparatus

Caution: Use of non acid-washed glassware for aqueous aflatoxin solutions may cause losses. Particular care should be taken with new glassware and disposable glassware such as autosampler vials and Pasteur pipettes. Therefore laboratory glassware coming into contact with aqueous solutions of aflatoxins should be soaked in dilute acid (e.g. sulfuric acid = 2 mol/l) for several hours, then rinsed well with distilled water to remove all traces of acid (e.g. three times, check with pH-paper). In practice, this treatment is necessary for the round bottomed flask (4.4), the volumetric flasks, measuring cylinders, vials or tubes used for calibration solutions and final extracts (particularly vials for autosamplers), and Pasteur pipettes, if these are used to transfer calibration solutions or extracts.

- 4.1. Grinder-mixer.

- 4.2. Sieve of aperture size 1,0 mm, (ISO R 565).
- 4.3. Mechanical shaker.
- 4.4. Rotary vacuum evaporator, equipped with a 150 to 250 ml round bottomed flask.
- 4.5. High performance liquid chromatograph, injector with a loop suitable for the injection of 250 µl. See the manufacturers instructions for partial or complete loop filling.
- 4.6. HPLC analytical column: 3 µm or 5 µm C₁₈ packing.
- 4.7. Pulse-free pump for delivery of the iodine post-column reagent.
- 4.8. Valco zero dead volume Tee, stainless steel (1/16" × 0,75 mm).
- 4.9. Spiral reaction coil; Teflon or stainless steel. Dimensions of 3 000 × 0,5 mm to 5 000 × 0,5 mm have been found to be appropriate in combination with 5 µm or 3µm HPLC columns.
- 4.10. Thermostatically controlled water-bath adjusted to 60 °C, capable of temperature regulation to better than 0,1 °C.
- 4.11. Fluorescence detector, with excitation at 365 nm and emission at 435 nm wavelenth. (For filter instrument: emission wavelength > 400 nm). Detection of at least 0,05 ng aflatoxin B₁ shall be possible. Some back pressure may be advisable (e.g. restrictor, Teflon or stainless steel coil connected to the outlet of the detector), to suppress air bubbles in the flow-cell.
- 4.12. Strip chart recorder.
- 4.13. Electronic integrator (optional).
- 4.14. Fluted filter paper diameter: 24 cm, Macherey-Nagel 617 1/4 or equivalent.
- 4.15. Membrane filter with a pore size of 0,45 µm, Millipore HAWP 04700 or equivalent.
- 4.16. 500 ml glass stoppered conical flask.
- 4.17. Glass column (internal diameter approximately 1 cm, length approximately 30 cm) equipped with a Luer tip.
- 4.18. Luer chloroform-resistant stopcock (e.g. Bio-rad 7328017, Analytichem A1 6078, J.T. Baker 4514 or equivalent).
- 4.19. Chemically resistant syringe, 10 ml Luer connector.
- 4.20. Syringe suitable for HPLC injection of 250 µl (see 4.5).
- 4.21. 100 µl microsyringe for preparation of calibration solutions (check that the accuracy is within 2 % by weighing).
- 4.22. 10 ml glass stoppered calibrated tubes.
- 4.23. Spectrophotometer, suitable for making measurements in the UV region of the spectrum.
- 4.24. Equipment for confirmatory test (6).
- 4.24.1. Acid-rinsed 100 ml separating funnel with Teflon stopcock.
- 4.24.2. Heating block, 40 to 50 °C.

5. Procedure

5.1. Preparation of the sample.

Grind the sample so that it passes through the sieve (4.2).

5.2. Test portion.

Weigh 50 g of the prepared test sample into the conical flask (4.16).

5.3. Extraction

Add 25 g of Celite (3.8), 250 ml of chloroform (3.1) and 25 ml of water to the test portion (5.2). Stopper the flask, and shake for 30 minutes on a mechanical shaker (4.3). Filter through a fluted filter paper (4.14). Collect 50 ml of the filtrate. If necessary, take an aliquot of the filtrate and dilute to 50 ml with chloroform so that the concentration of aflatoxin B₁ is not greater than 4 ng/ml.

5.4. Clean-up (the procedure should be carried out without significant interruptions).

Caution:

— protect the laboratory, where the analyses are done, adequately from daylight. This can be achieved effectively by using:

(i) UV absorbing foil on the windows in combination with subdued light (no direct sunlight);

(ii) Curtains or blinds in combination with artificial light (fluorescent tubes are acceptable);

— Aflatoxin containing solutions must be protected from light as much as possible (keep in the dark, use aluminium foil).

5.4.1. Florisil SEP-PAK purification

5.4.1.1. Preparation of the column-cartridge assembly

Attach a stopcock (4.18) to the shorter stem of a Florisil cartridge (3.9) (see figure 1). Wash the cartridge and remove aid by taking 10 ml chloroform (3.1) and passing 8 ml via the stopcock rapidly through the cartridge using a syringe (4.19). Attach the longer stem of the cartridge to a glass column (4.17) and pass the remaining 2 ml chloroform through the cartridge into the column. Close the stopcock. Remove the syringe.

5.4.1.2. Purification

Add the filtrate collected in 5.3 to the column-cartridge assembly and drain by gravity. Rinse with 5 ml of chloroform (3.1), followed by 20 ml of methanol (3.2). Discard the eluates. During these operations, ensure that the column-cartridge assembly does not run dry.

Elute aflatoxin B₁ with 40 ml of the acetone-water mixture (3.5.1) and collect the whole of the eluate in the round bottomed flask of the rotary evaporator (4.4). Concentrate the eluate on the rotary evaporator at 40 °C to 50 °C until no more acetone is distilled. (NB approximately 0,5 ml of liquid remains in the flask at this point. Experiments have shown that further evaporation is not harmful and that when 0,5 ml of liquid remains, there is then no significant amount of acetone. Residues of acetone might lead to losses of aflatoxin B₁ on the C₁₈ cartridge) Add 1 ml of methanol (3.2), swirl the flask to dissolve aflatoxin B₁ on the sides of the flask, add 4 ml water, and mix. Disconnect and discard the cartridge. Rinse the glass column with water and retain for the C₁₈ purification step.

5.4.2. C₁₈ SEP-PAK purification

5.4.2.1. Preparation of the column-cartridge assembly.

Attach a stopcock (4.18) to the shorter stem of a C₁₈-cartridge (3.10) (see figure 1). Prime the cartridge and remove any air by passing 10 ml methanol (3.2) via the stopcock rapidly through the cartridge with a syringe (4.19) (Air bubbles in the cartridge are visible as light spots on the otherwise greyish background). Take 10 ml water, and pass 8 ml through the cartridge (Avoid introduction of air into the cartridge, when switching from methanol to water). Attach the longer stem of the cartridge to a glass column (4.17) and pass the remaining 2 ml water through the cartridge in the column. Close the stopcock. Remove the syringe.

5.4.2.2. Purification

Transfer the extract collected in 5.4.1.2 quantitatively to the glass column (4.17), rinsing the flask twice with 5 ml water/methanol mixture (3.5.2) and drain by gravity. During these operations, ensure that the column-cartridge assembly does not run dry. (When air bubbles develop in the constriction near the cartridge, stop the flow and tap the top of the glass column, to remove the air bubbles. Then continue). Elute with 25 ml water/methanol mixture. Discard the eluate. Elute the aflatoxin B₁ with 50 ml water/acetone mixture (3.5.3), and collect the whole of the eluate in a 50 ml volumetric flask. Make up to the mark with water and mix: the resulting test solution is used for chromatography (5.5).

Caution: Filtration of the final extract prior to HPLC is normally not necessary. If considered necessary, cellulose filters are not to be used, because they may lead to losses of aflatoxin B₁. Teflon filters are acceptable.

5.5. High performance liquid chromatography

(See Figure 2 for setting-up of the equipment). Allow sufficient time for conditioning and stabilizing the instruments.

Note 1:

The flow-rates given for the mobile phase and the post-column reagent are indicative only. They may need to be adjusted depending on the characteristics of the HPLC column.

Note 2:

The detector response to aflatoxin B₁ depends on the temperature, therefore compensation should be made for drift (see Figure 3). By injecting a fixed amount of aflatoxin B₁ reference standard (3.13.3) at regular intervals (i.e. every third injection), the aflatoxin B₁ peak values between these reference standards can be corrected using the mean response, provided that the difference between responses of consecutive reference standards is very small (< 10 %). Therefore injections must be made without interruptions. If interruption is necessary, the last injection before interruption and the first injection after interruption must be the reference standard (3.13.3). Because the calibration curve is linear and passes through the origin, the amounts of aflatoxin B₁ in the sample extracts are determined directly by reference to the adjacent standards.

5.5.1. HPLC pump settings

Set the HPLC pump (4.5) to give a flow of 0,5 or 0,3 ml/min for a 5 µm or a 3 µm HPLC column (4.6) respectively using the mobile phase (3.6).

5.5.2. Post-column pump settings

Set the pump (4.7) to give a flow of 0,2 to 0,4 ml/min of the iodine-saturated water solution (3.7). As a rough guide: Flows of approximately 0,4 or 0,2 ml/min are advisable in combination with flows of 0,5 and 0,3 ml/min of the mobile phase (3.6) respectively.

5.5.3. Fluorescence detector

Set the fluorescence detector (4.11) to exc. = 365 nm and em = 435 nm (filter instrument; > 400 nm). Adjust the detector attenuator to obtain approximately 80 % full scale deflection of the recorder pen for 1 ng of aflatoxin B₁.

5.5.4. Injector

For all solutions, inject 250 µl amounts following the instructions of the manufacturer of the injector.

5.5.5. Check of chromatographic separation

Inject the chromatographic test solution (3.14.1). Valleys should be less than 5 % of the sum of peak heights of the adjacent peaks.

5.5.6. Check of the stability of the system

Before each series of analyses, respectively inject the reference standard (3.13.3), until stable peak areas are achieved (*NB* Peak responses for aflatoxin B₁ between consecutive injections should not differ by more than 6 %). Proceed without delay with the check of linearity (5.5.7).

5.5.7. Check of linearity

Inject the aflatoxin B₁ calibration solutions (3.13.1 to 3.13.4). Every third injection use the reference standard (3.13.3), for correction of drift in response (*NB* Peak responses for this reference standard must not differ by more than 10 % in 90 minutes). Correct for drift according to the formula in 7. The calibration graph should be linear and pass through the origin, within twice standard error of Y-estimate. Values found must not differ by more than 3 % from the nominal values. If these requirements are fulfilled, continue without delay. If not, identify and correct the sources of the problem before continuing.

5.5.8. Injection of sample extracts

Inject the purified sample extracts (5.4.2.2). After every two sample extracts repeat the injection of the reference standard (3.13.3) according to the following sequence: reference standard, extract, extract, reference standard, extract, extract, reference standard etc.

6. Confirmatory test**6.1. Further treatment of the extract (5.4.2.2)**

Add 5 ml sodium chloride solution (3.15.1) to the final extract obtained at 5.4.2.2. Extract three times each with 2 ml chloroform (3.1) for one minute, in the separating funnel (4.24.1). Pour the combined chloroform extracts over approximately 1 g sodium sulphate (3.15.2) into a 10 ml test tube. A small funnel (diameter: 4 cm) can be used with a piece of cottonwool in the constriction, covered with a approximately 1 g sodium sulphate.

Wash the sodium sulphate layer with a few ml of chloroform and collect the washing in the same test tube. Evaporate the chloroform extract to dryness in the same test-tube using the heating block (4.24.2) and redissolve in 1 ml of chloroform.

6.2. *Preparation of derivative and thin layer chromatography:*

See Annex to Council Directive 76/372/EEC method A, point 5.6.2.

7. **Calculation of results**

Calculate the aflatoxin B₁ content (µg/kg) present in the sample, using the formula:

$$\text{aflatoxin B}_1 \text{ content in } \mu\text{g/kg} = \frac{m \times V_{\text{ext}}}{V_m \times M \times \frac{V_f}{V_c}}$$

where:

m = amount of aflatoxin B₁ in ng represented by the B₁ peak of the sample, calculated as follows:

$$m = \frac{P(\text{sample})}{P(\text{st}_1) + P(\text{st}_2)} \times 2 r(\text{st})$$

P(sample) = peak area of aflatoxin B₁ for the sample

P(st₁) = peak area of aflatoxin B₁ resulting from the preceding injection of reference standard (3.13.3)

P(st₂) = peak area of aflatoxin B₁ resulting from the following injection of reference standard (3.13.3)

r(st) = injected amount of aflatoxin B₁ in the reference standard (3.13.3) in ng

V_m = volume of the injected sample extract in ml

V_{ext} = final volume of sample extract in ml, allowing for any dilution that was made (5.3)

M = mass of sample in g

V_f = volume of filtrate transferred to Florisil cartridge (5.4.1.2) in ml

V_c = volume of chloroform, used for the extraction of the sample in ml

If the procedure is followed as in this protocol, the formula reduces to:

aflatoxin B₁ content in µg/kg = 20 × m.

7.1. Calculations of the results may also be done by peak height measurement.

8. **Repeatability:**

see under 10.1

9. **Reproducibility:**

see under 10.1

10. **Observations**

10.1. *Precision*

A collaborative study⁽¹⁾, carried out at the international level on mixed feeding stuffs gave the results for repeatability and reproducibility indicated in Table 1. The term repeatability (r) used here is defined as the largest ratio which is not significant at the 95 % probability level for comparison of two readings of the same sample in the same laboratory under similar conditions. The term reproducibility (R) is similarly defined for comparing two different laboratories. In accordance to ISO 3534 — 1977, 2.35⁽²⁾ and Commission Decision 89/610/EEC⁽³⁾ r and R are also given in Table 1 in terms of coefficients of variation.

Table 1

Repeatability (r) and reproducibility (R) expressed as ratios and corresponding coefficients of variation

(15 laboratories)

Level	r	R	CV _r (%)	CV _R (%)
(µg/kg)			(%)	(%)
8 & 14	1,4	1,7	11	18

(%) CV = coefficient of variation

⁽¹⁾ Egmond, H.P. van, Heisterkamp, S.H. and Paulsch, W.E. (1991). *Food Additives and Contaminants* 8, 17-29.

⁽²⁾ ISO 3534-1977.

⁽³⁾ OJ No L 351, 2. 12. 1989, p. 39.

10.2. *Stabilization of chloroform (3.1)*

The adsorption characteristics of the florisil cartridge may be changed if stabilizers other than ethanol are used. This should be verified in accordance with 10.3 when the chloroform described is not available.

10.3. *Accuracy*

The correct applications of the method shall be verified by making replicate measurements on certified reference materials. If these are not available, the performance of the method should be verified by recovery experiments made on the fortified blank samples. The deviation of the mean from the actual value, expressed as a percentage of the actual value, shall not lie outside the limits -20 to $+10\%$.

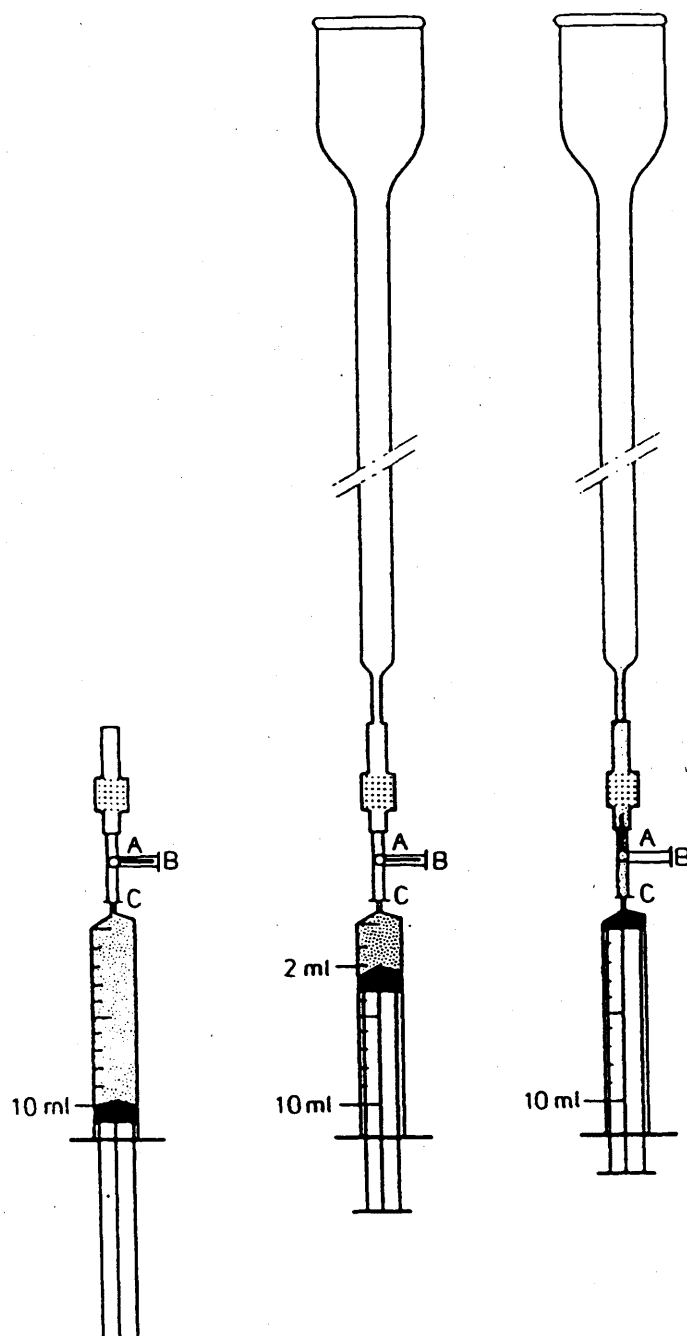
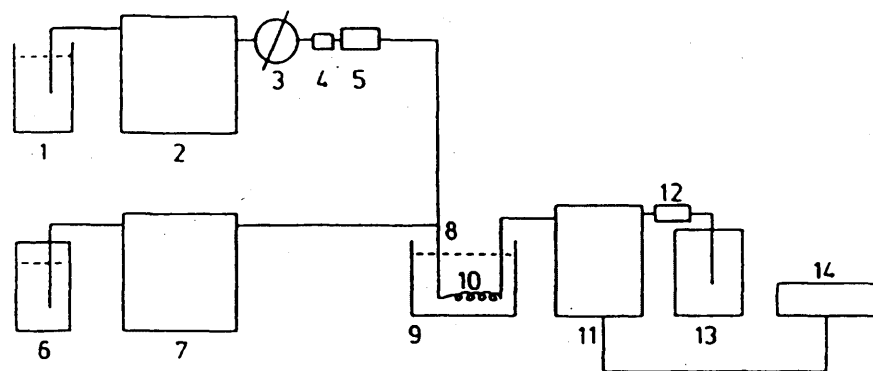


Figure 1: Column-cartridge assembly



- | | |
|------------------------------|-------------------------------------|
| 1. Mobile phase | 8. T-joint |
| 2. Pump | 9. Thermostatically controlled bath |
| 3. Injection valve | 10. Spiral reaction coil |
| 4. Guard column | 11. Fluorescence detector |
| 5. HPLC analytical column | 12. Restrictor |
| 6. Saturated iodine solution | 13. Waste |
| 7. Reagent pump | 14. Strip chart recorder/integrator |

Figure 2: Flow diagram of the LC system with iodine post-column derivatization

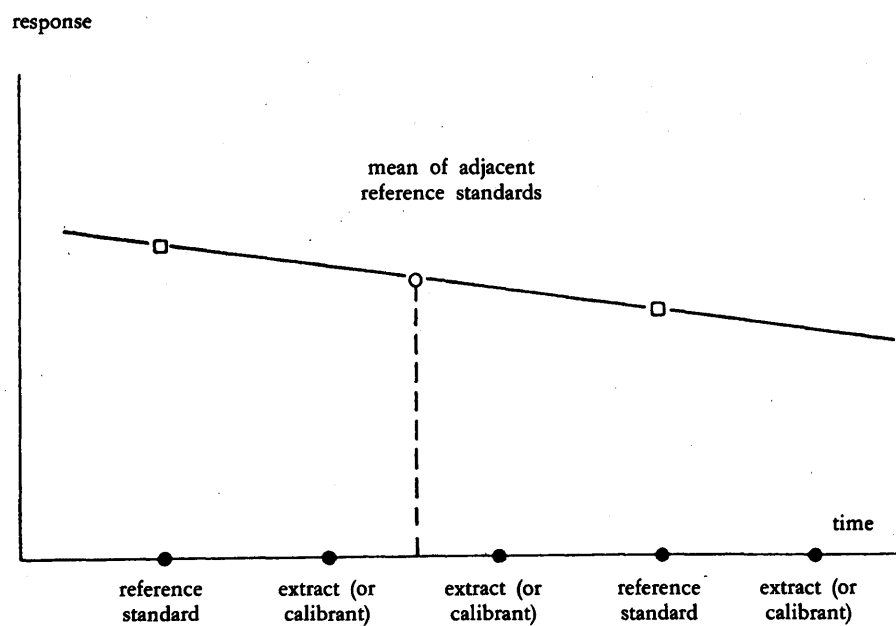


Figure 3: Compensation for drift in aflatoxin B₁ response by injecting reference standard (3.13.3) at regular intervals'

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2251/92 of 29 July 1992 on quality inspection of fresh fruit and vegetables

(Official Journal of the European Communities No L 219 of 4 August 1992)

Page 12, Article 3 (10), table 'Bulk produce', first line :

for: 'up to 100',

read: 'up to 200'.
