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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3412/92

of 23 November 1992

**opening and providing for the administration of autonomous Community tariff
quotas for certain fishery products (1993)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28, thereof,

Having regard to the proposal from the Commission,

Whereas Community supplies of certain species of fish or fish fillets currently depend on imports from third countries; whereas it is in the Community's interest to suspend partially the customs duties for the products in question, within Community tariff quotas of an appropriate volume; whereas, in order not to jeopardize the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open these quotas for the period from 1 April to 31 December 1993 applying customs duties varied accordingly to sensitivity of the different products on the Community market;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, any operation relating to the adminis-

tration of the tariff quotas may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 April to 31 December 1993 the customs duties applicable on importation to products listed in the Annex shall be suspended at the levels and within the limits of the Community tariff quotas indicated for each product.

2. Imports of the products in question shall not be covered by the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States in accordance with Article 24 of Regulation (EEC) No 3687/91 of 28 November 1991 on the common organization of the market in fishery products⁽¹⁾, is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration of the categories of the products concerned.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents in a Member State an entry for release for free circulation, including a request for preferential benefit for a product covered by this Regulation and if this entry for release is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

⁽¹⁾ OJ No L 354, 23. 12. 1991, p. 1.

The drawing requests, with indication of the date of acceptance of the said entries, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the entries for release for free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and uninterrupted access to the quotas for such time as the residual balance of the quota volumes so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 23 November 1992.

For the Council

The President

D. CURRY

ANNEX

Series No	CN code (¹)	Description	Amount of quota (in tonnes)	Quota duty (%)
09.2753	ex 0302 50 ex 0302 69 35 ex 0303 60 ex 0303 79 41	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), and fish of the genus <i>Boreogadus saida</i> , excluding livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	30 000	6
09.2773	ex 0306 13 10 ex 0306 23 10	Shrimps and prawns of the species <i>Pandalus borealis</i> , in shell, fresh, chilled or frozen, for processing (a) (b)	5 000	6
09.2775	ex 0302 69 51 ex 0303 79 55	Alaska pollack (<i>Theragra chalcogramma</i>), excluding livers, roes, presented fresh, chilled or frozen for processing (a) (b)	2 000	8
09.2777	ex 0302 69 65 ex 0303 78 10	Hake (<i>Merluccius spp.</i> , excluding of the species <i>Merluccius merluccius</i> and <i>Merluccius bilinearis</i>) excluding livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	4 000	8
09.2779	ex 0304 90 61 ex 0304 90 97	Surimi, frozen, for processing (a) (b)	2 500	6

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) The quota shall apply to products intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting (excluding filleting or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The quota is not allowed for products intended, in addition to undergo treatment (for operations) qualifying for the quota where such treatment (for operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

(¹) See Taric codes in the Annex.

Annex to the Annex

Series No	CN code	Taric code
09.2753	ex 0302 50 10	* 10
	ex 0302 50 90	* 11
	ex 0302 50 90	* 91
	ex 0302 69 35	* 10
	ex 0303 60 11	* 10
	ex 0303 60 19	* 10
	ex 0303 60 90	* 10
	ex 0303 79 41	* 10
09.2773	ex 0306 13 10	* 10
	ex 0306 23 10	* 11
	ex 0306 23 10	* 91
09.2775	0302 69 51	* 10
	0303 79 55	* 10
09.2777	ex 0302 69 65	* 91
	ex 0303 78 10	* 91
09.2779	ex 0304 90 61	* 20
	ex 0304 90 97	* 85

COUNCIL REGULATION (EEC) No 3413/92

of 23 November 1992

**temporarily suspending totally or partially the autonomous duties of the
Common Customs Tariff for certain fishery products (1993)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Community supplies for certain fishery products currently depend on imports from third countries; whereas it is in the Community's interest to suspend totally or partially the customs duties for the products in question; whereas, in order not to jeopardize the development prospects of production of competitive products in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to limit these suspension measures to a period from 1 January to 31 December 1993,

1. From 1 January to 31 December 1993, the autonomous duties of the Common Customs Tariff applicable to the products listed in the Annex shall be suspended at the level indicated in respect of each of them.

2. Imports of the products in question shall not be covered by the suspensions referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States in accordance with Article 24 of Council Regulation (EEC) No 3687/91 of 28 November 1991 on the common organization of the market in fishery products⁽¹⁾, is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration or the categories of the products concerned.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 23 November 1992.

For the Council

The President

D. CURRY

⁽¹⁾ OJ No L 354, 23. 12. 1991, p. 1.

ANNEX

CN code	Taric	Description of goods	Autonomous duties (%)
0302 65 20 0303 75 20 ex 0304 10 98 ex 0304 90 97	*60 *31	Dogfish of the species (<i>Squalus acanthias</i>), fresh, chilled or frozen	6
ex 0302 69 97 ex 0303 79 97	*30 *30	*Surgeons, fresh, chilled or frozen, for processing (a) (b)	0
ex 0302 69 97	*40	Lump fish (<i>Cyclopterus lumpus</i>), with roe, fresh or chilled, for processing (a)	0
ex 0302 69 97 ex 0303 79 97	*50 *40	Red snapper (<i>Lutjanus purpureus</i>), fresh, chilled or frozen, for processing (a) (c)	0
ex 0302 70 00 ex 0303 80 00	*10 *20	Hard fish roes, fresh, chilled or frozen	0
ex 0303 10 00	*10	Pacific salmon (<i>Oncorhynchus spp.</i>), frozen and headless, for the processing industry for manufacture into pastes or spreads (a)	0
ex 0303 80 00	*10	Soft roe, frozen, for the manufacture of deoxyribonucleic acid or protamine sulphate (a)	0
ex 0304 20 57 ex 0304 20 57 ex 0304 90 47	*31 *41 *30	Fillets and meat of hake of the genus <i>Merluccius</i> , excluding the species <i>Merluccius merluccius</i> and <i>Merluccius bilinearis</i> , in the form of industrial blocks, frozen, for processing (a) (b)	10
ex 0304 20 85 ex 0304 90 61	*10	Fillets and meal of Alaska pollack (<i>Theragra chalcogramma</i>), in the form of industrial blocks, frozen, for processing (a) (b)	5
ex 0305 20 00	*10	Hard fish roes, salted or in brine	0
ex 0306 19 90 ex 0306 29 90	*10 *10	Krill for processing (a)	0
ex 1604 11 00 ex 1604 20 10	*20 *20	Pacific salmon (<i>Oncorhynchus spp.</i>), for the processing industry for manufacture into pastes or spreads (a)	0
ex 1604 30 90	*10	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for processing (a)	0
ex 1605 10 00	*11 *19	Crabs of the species 'King' (<i>Paralithodes camchaticus</i>), 'Hanasaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), 'Queen' and 'Snow' (<i>Chionoecetes spp.</i>), 'Red' (<i>Geryon quinquedens</i>), 'Rough stone' (<i>Neolithodes asperrimus</i>), <i>Lithodes antarctica</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus spp.</i>), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more	0
ex 1605 30 00	*10	Lobster flesh, cooked, for the processing industry for the manufacture of butter based on lobster, or of pastes, pâtés, soups or sauces (a) (c)	0

- (a) Control of use for this special purpose shall be carried out pursuant to the relevant Community provisions.
- (b) The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations :
- cleaning, gutting, tailing, heading,
 - cutting, (excluding filleting or cutting of frozen blocks),
 - sampling, sorting,
 - labelling,
 - packing,
 - chilling,
 - freezing,
 - deep freezing,
 - thawing, separation.

The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (or operations) is (are) carried out at retail or catering level. The suspension of customs duties shall apply only to fish intended for human consumption.

- (c) However, the suspension is not allowed where processing is carried out by retail or catering undertakings.
-

COMMISSION REGULATION (EEC) No 3414/92

of 27 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 26 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 28 November 1992.

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

Done at Brussels, 27 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 27 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	131,31 ^(?) ^(?)
0712 90 19	131,31 ^(?) ^(?)
1001 10 10	168,36 ⁽¹⁾ ^(?) ⁽¹⁰⁾
1001 10 90	168,36 ⁽¹⁾ ^(?) ⁽¹⁰⁾
1001 90 91	127,38
1001 90 99	127,38 ⁽¹¹⁾
1002 00 00	154,75 ⁽⁶⁾
1003 00 10	124,02
1003 00 90	124,02 ⁽¹¹⁾
1004 00 10	114,07
1004 00 90	114,07
1005 10 90	131,31 ^(?) ^(?)
1005 90 00	131,31 ^(?) ^(?)
1007 00 90	137,67 ⁽⁴⁾
1008 10 00	45,37 ⁽¹¹⁾
1008 20 00	109,11 ⁽⁴⁾
1008 30 00	44,73 ^(?)
1008 90 10	^(?)
1008 90 90	44,73
1101 00 00	191,17 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	230,11 ⁽⁸⁾
1103 11 10	273,57 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	205,81 ⁽⁸⁾

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

⁽²⁾ 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.

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

⁽⁴⁾ 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.

⁽⁵⁾ 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.

⁽⁶⁾ 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.

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

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

⁽⁹⁾ No 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 3415/92

of 27 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 26 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 28 November 1992.

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

Done at Brussels, 27 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 27 November 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 11	1st period 12	2nd period 1	3rd period 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	16,54	16,54	15,72
1001 90 99	0	16,54	16,54	15,72
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	22,96	22,96	22,01

B. Malt

CN code	(ECU/tonne)				
	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	29,44	29,44	27,98	27,98
1107 10 19	0	22,00	22,00	20,91	20,91
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 3416/92

of 27 November 1992

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁴⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 27 November 1992 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund (')	Product code	Refund (')
1102 20 10 100	119,77	1104 23 10 900	—
1102 20 10 300	102,66	1104 29 11 000	65,91
1102 20 10 900	—	1104 29 15 000	—
1102 20 90 100	102,66	1104 29 19 000	—
1102 20 90 900	—	1104 29 91 000	64,62
1102 30 00 000	—	1104 29 95 000	98,55
1102 90 10 100	101,36	1104 30 10 000	16,16
1102 90 10 900	68,92	1104 30 90 000	21,39
1102 90 30 100	195,77	1107 10 11 000	115,02
1102 90 30 900	—	1107 10 91 000	120,27
1103 12 00 100	195,77	1108 11 00 200	129,24
1103 12 00 900	—	1108 11 00 300	129,24
1103 13 10 100	153,99	1108 11 00 800	—
1103 13 10 300	119,77	1108 12 00 200	136,88
1103 13 10 500	102,66	1108 12 00 300	136,88
1103 13 10 900	—	1108 12 00 800	—
1103 13 90 100	102,66	1108 13 00 200	136,88
1103 13 90 900	—	1108 13 00 300	136,88
1103 14 00 000	—	1108 13 00 800	—
1103 19 10 000	98,55	1108 14 00 200	—
1103 19 30 100	104,73	1108 14 00 300	—
1103 19 30 900	—	1108 14 00 800	—
1103 21 00 000	65,91	1108 19 10 200	103,72
1103 29 20 000	68,92	1108 19 10 300	103,72
1103 29 30 000	—	1108 19 10 800	—
1103 29 40 000	—	1108 19 90 200	—
1104 11 90 100	101,36	1108 19 90 300	—
1104 11 90 900	—	1108 19 90 800	—
1104 12 90 100	217,52	1109 00 00 100	0,00
1104 12 90 300	174,02	1109 00 00 900	—
1104 12 90 900	—	1702 30 51 000	178,80
1104 19 10 000	65,91	1702 30 59 000	136,88
1104 19 50 110	136,88	1702 30 91 000	178,80
1104 19 50 130	111,22	1702 30 99 000	136,88
1104 19 50 150	—	1702 40 90 000	136,88
1104 19 50 190	—	1702 90 50 100	178,80
1104 19 50 900	—	1702 90 50 900	136,88
1104 19 91 000	—	1702 90 75 000	187,35
1104 21 10 100	101,36	1702 90 79 000	130,04
1104 21 10 900	—	2106 90 55 000	136,88
1104 21 30 100	101,36	2302 10 10 000	17,42
1104 21 30 900	—	2302 10 90 100	17,42
1104 21 50 100	135,14	2302 10 90 900	—
1104 21 50 300	108,11	2302 20 10 000	17,42
1104 21 50 900	—	2302 20 90 100	17,42
1104 22 10 100	174,02	2302 20 90 900	—
1104 22 10 900	—	2302 30 10 000	17,42
1104 22 30 100	184,89	2302 30 90 000	17,42
1104 22 30 900	—	2302 40 10 000	17,42
1104 22 50 000	—	2302 40 90 000	17,42
1104 23 10 100	128,33	2303 10 11 100	68,44
1104 23 10 300	98,38	2303 10 11 900	—

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

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

COMMISSION REGULATION (EEC) No 3417/92

of 27 November 1992

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 344, 14. 12. 1991, p. 40.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽²⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 27 November 1992 fixing the export refunds on
cereal-based compound feedingstuffs

Product code	Amount of refund (')
2309 10 11 110	4,28
2309 10 13 110	4,28
2309 10 31 110	4,28
2309 10 33 110	4,28
2309 10 51 110	4,28
2309 10 53 110	4,28
2309 90 31 110	4,28
2309 90 33 110	4,28
2309 90 41 110	4,28
2309 90 43 110	4,28
2309 90 51 110	4,28
2309 90 53 110	4,28
2309 10 11 190	3,12
2309 10 13 190	3,12
2309 10 31 190	3,12
2309 10 33 190	3,12
2309 10 51 190	3,12
2309 10 53 190	3,12
2309 90 31 190	3,12
2309 90 33 190	3,12
2309 90 41 190	3,12
2309 90 43 190	3,12
2309 90 51 190	3,12
2309 90 53 190	3,12
2309 10 11 210	8,56
2309 10 13 210	8,56
2309 10 31 210	8,56
2309 10 33 210	8,56
2309 10 51 210	8,56
2309 10 53 210	8,56
2309 90 31 210	8,56
2309 90 33 210	8,56
2309 90 41 210	8,56
2309 90 43 210	8,56
2309 90 51 210	8,56
2309 90 53 210	8,56
2309 10 11 290	6,25
2309 10 13 290	6,25
2309 10 31 290	6,25
2309 10 33 290	6,25
2309 10 51 290	6,25
2309 10 53 290	6,25
2309 90 31 290	6,25
2309 90 33 290	6,25
2309 90 41 290	6,25
2309 90 43 290	6,25
2309 90 51 290	6,25
2309 90 53 290	6,25
2309 10 11 310	17,11
2309 10 13 310	17,11
2309 10 31 310	17,11
2309 10 33 310	17,11

(ECU/tonne)

Product code	Amount of refund (')
2309 10 51 310	17,11
2309 10 53 310	17,11
2309 90 31 310	17,11
2309 90 33 310	17,11
2309 90 41 310	17,11
2309 90 43 310	17,11
2309 90 51 310	17,11
2309 90 53 310	17,11
2309 10 11 390	12,49
2309 10 13 390	12,49
2309 10 31 390	12,49
2309 10 33 390	12,49
2309 10 51 390	12,49
2309 10 53 390	12,49
2309 90 31 390	12,49
2309 90 33 390	12,49
2309 90 41 390	12,49
2309 90 43 390	12,49
2309 90 51 390	12,49
2309 90 53 390	12,49
2309 10 31 410	25,67
2309 10 33 410	25,67
2309 10 51 410	25,67
2309 10 53 410	25,67
2309 90 41 410	25,67
2309 90 43 410	25,67
2309 90 51 410	25,67
2309 90 53 410	25,67
2309 10 31 490	18,74
2309 10 33 490	18,74
2309 10 51 490	18,74
2309 10 53 490	18,74
2309 90 41 490	18,74
2309 90 43 490	18,74
2309 90 51 490	18,74
2309 90 53 490	18,74
2309 10 31 510	34,22
2309 10 33 510	34,22
2309 10 51 510	34,22
2309 10 53 510	34,22
2309 90 41 510	34,22
2309 90 43 510	34,22
2309 90 51 510	34,22
2309 90 53 510	34,22
2309 10 31 590	24,98
2309 10 33 590	24,98
2309 10 51 590	24,98
2309 10 53 590	24,98
2309 90 41 590	24,98
2309 90 43 590	24,98
2309 90 51 590	24,98
2309 90 53 590	24,98
2309 10 31 610	42,78
2309 10 33 610	42,78
2309 10 51 610	42,78
2309 10 53 610	42,78
2309 90 41 610	42,78
2309 90 43 610	42,78

(ECU / tonne)

Product code	Amount of refund (1)
2309 90 51 610	42,78
2309 90 53 610	42,78
2309 10 31 690	31,23
2309 10 33 690	31,23
2309 10 51 690	31,23
2309 10 53 690	31,23
2309 90 41 690	31,23
2309 90 43 690	31,23
2309 90 51 690	31,23
2309 90 53 690	31,23
2309 10 51 710	51,33
2309 10 53 710	51,33
2309 90 51 710	51,33
2309 90 53 710	51,33
2309 10 51 790	37,47
2309 10 53 790	37,47
2309 90 51 790	37,47
2309 90 53 790	37,47
2309 10 51 810	59,89
2309 10 53 810	59,89
2309 90 51 810	59,89
2309 90 53 810	59,89
2309 10 51 890	43,72
2309 10 53 890	43,72
2309 90 51 890	43,72
2309 90 53 890	43,72

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

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

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

COMMISSION REGULATION (EEC) No 3418/92
of 27 November 1992
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

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

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice 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 rice and broken rice on the Community market on the one hand and prices for rice and broken rice 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 the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas export possibilities exist for a quantity of 15 000 tonnes of wholly milled rice, falling within CN codes 1006 30 92 900, 1006 30 94 900 and 1006 30 96 900 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 Commission Regulation (EEC) No 1361/76 ⁽⁶⁾ lays down the maximum percentage of broken rice

allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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 a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 282, 26. 9. 1992, p. 40.

⁽⁶⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽²⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 27 November 1992 fixing the export refunds on rice and broken rice

(ECU/tonne)		
Product code	Destination (1)	Amount of refunds (2)
1006 20 11 000	01	177,60
1006 20 13 000	01	177,60
1006 20 15 000	01	177,60
1006 20 17 000	—	—
1006 20 92 000	01	177,60
1006 20 94 000	01	177,60
1006 20 96 000	01	177,60
1006 20 98 000	—	—
1006 30 21 000	01	177,60
1006 30 23 000	01	177,60
1006 30 25 000	01	177,60
1006 30 27 000	—	—
1006 30 42 000	01	177,60
1006 30 44 000	01	177,60
1006 30 46 000	01	177,60
1006 30 48 000	—	—
1006 30 61 100	01	222,00
	02	228,00
	03	233,00
	04	222,00
1006 30 61 900	01	222,00
	04	222,00
1006 30 63 100	01	222,00
	02	228,00
	03	233,00
	04	222,00
1006 30 63 900	01	222,00
	04	222,00
1006 30 65 100	01	222,00
	02	228,00
	03	233,00
	04	222,00
1006 30 65 900	01	222,00
	04	222,00
1006 30 67 100	—	—
1006 30 67 900	—	—

(ECU/tonne)

Product code	Destination ⁽¹⁾	Amount of refunds ⁽²⁾
1006 30 92 100	01	222,00
	02	228,00
	03	233,00
	04	222,00
1006 30 92 900	01	222,00
	04	222,00
1006 30 94 100	01	222,00
	02	228,00
	03	233,00
	04	222,00
1006 30 94 900	01	222,00
	04	222,00
1006 30 96 100	01	222,00
	02	228,00
	03	233,00
	04	222,00
1006 30 96 900	01	222,00
	04	222,00
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

⁽¹⁾ The destinations are identified as follows :

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, VII c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87.

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

COMMISSION REGULATION (EEC) No 3419/92

of 27 November 1992

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence;

Whereas Commission Regulation No 474/67/EEC⁽³⁾, as amended by Regulation (EEC) No 1397/68⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than ECU 0,30 per tonne; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than ECU 0,30 per tonne;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76; whereas the cif forward delivery price is that determined in accordance with Article 3 (2) of Council Regulation (EEC) No 1428/76⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the

basis of offers for shipment during the month of exportation;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1992.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 November 1992 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (°)	Current 12	1st period 1	2nd period 2	3rd period 3
1006 20 11 000	01	0	0	0	0
1006 20 13 000	01	0	0	0	0
1006 20 15 000	01	0	0	0	0
1006 20 17 000	—	—	—	—	—
1006 20 92 000	01	0	0	0	0
1006 20 94 000	01	0	0	0	0
1006 20 96 000	01	0	0	0	0
1006 20 98 000	—	—	—	—	—
1006 30 21 000	01	0	0	0	0
1006 30 23 000	01	0	0	0	0
1006 30 25 000	01	0	0	0	0
1006 30 27 000	—	—	—	—	—
1006 30 42 000	01	0	0	0	0
1006 30 44 000	01	0	0	0	0
1006 30 46 000	01	0	0	0	0
1006 30 48 000	—	—	—	—	—
1006 30 61 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 61 900	01	0	0	0	0
	04	0	0	0	0
1006 30 63 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 63 900	01	0	0	0	0
	04	0	0	0	0
1006 30 65 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 65 900	01	0	0	0	0
	04	0	0	0	0
1006 30 67 100	—	—	—	—	—
1006 30 67 900	—	—	—	—	—
1006 30 92 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 92 900	01	0	0	0	0
	04	0	0	0	0
1006 30 94 100	01	0	0	0	0
	02	0	0	0	0

(ECU/tonne)

Product code	Destination (1)	Current 12	1st period 1	2nd period 2	3rd period 3
1006 30 94 900	03	0	0	0	0
	04	0	0	0	0
	01	0	0	0	0
	04	0	0	0	0
1006 30 96 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 96 900	01	0	0	0	0
	04	0	0	0	0
	—	—	—	—	—
1006 30 98 100	—	—	—	—	—
1006 30 98 900	—	—	—	—	—
1006 40 00 000	—	—	—	—	—

(1) The destinations are identified as follows:

01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, VII c), Canada and zone VIII, except Suriname, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87.

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

COMMISSION REGULATION (EEC) No 3420/92

of 27 November 1992

fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with Regulation (EEC) No 2169/86 as amended shall be as follows in ECU 131,14 per tonne.

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 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 94, 9. 4. 1986, p. 6.
⁽⁴⁾ OJ No L 139, 22. 5. 1992, p. 47.
⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.
⁽⁶⁾ OJ No L 134, 29. 5. 1991, p. 19.

COMMISSION REGULATION (EEC) No 3421/92

of 27 November 1992

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92⁽⁴⁾, and in particular Article 11 (2) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;Whereas Article 3 of Council Regulation (EEC) No 2746/75⁽⁶⁾ and Article 6 of Council Regulation (EEC) No 2744/75⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for December 1992 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 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 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 27 November 1992 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

<i>(ECU/tonne)</i>	
Product code	Refund
1001 10 90 000	124,00
1001 90 99 000	70,00
1002 00 00 000	97,00
1003 00 90 000	73,00
1004 00 90 000	—
1005 90 00 000	87,00
1006 20 92 000	191,00
1006 20 94 000	191,00
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 100	239,00
1006 30 92 900	239,00
1006 30 94 100	239,00
1006 30 94 900	239,00
1006 30 96 100	239,00
1006 30 96 900	239,00
1006 40 00 000	—
1007 00 90 000	87,00
1101 00 00 100	96,00
1101 00 00 130	96,00
1102 20 10 100	119,77
1102 20 10 300	102,66
1102 30 00 000	—
1102 90 10 100	101,36
1103 11 10 500	186,00
1103 11 90 100	96,00
1103 13 10 100	153,99
1103 14 00 000	—
1104 12 90 100	217,52
1104 21 50 100	135,14

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

COMMISSION REGULATION (EEC) No 3422/92

of 27 November 1992

setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

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 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands⁽¹⁾, and in particular Article 2 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1695/92⁽²⁾, as amended by Regulation (EEC) No 2132/92⁽³⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands; whereas Commission Regulation (EEC) No 1997/92 of 17 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Canary Islands and establishing the forecast supply balance for these products⁽⁴⁾ lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

Whereas, in order to make it possible for the aid scheme to function properly, the aid should be calculated on the basis of:

- for currencies which are maintained between themselves within a spread at any given time of a maximum of 2,25 %, a conversion rate based on their central rate, adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,
- for the other currencies, a conversion rate based on the average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a determined period and adjusted by the factor referred to in the preceding indent;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 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 199, 18. 7. 1992, p. 20.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 27 November 1992 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Canary Islands	
Milled rice (1006 30)	236,00	

COMMISSION REGULATION (EEC) No 3423/92

of 27 November 1992

setting the amounts of aid for the supply of rice products from the Community
to the Azores and Madeira

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 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira⁽¹⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92⁽²⁾, as amended by Regulation (EEC) No 2132/92⁽³⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products⁽⁴⁾ lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

Whereas, in order to make it possible for the aid scheme to function properly, the aid should be calculated on the basis of:

— for currencies which are maintained between themselves within a spread at any given time of a maximum of 2,25 %, a conversion rate based on their central rate, adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

— for the other currencies, a conversion rate based on the average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a determined period and adjusted by the factor referred to in the preceding indent;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 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 198, 17. 7. 1992, p. 37.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 27 November 1992 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	236,00	236,00

COMMISSION REGULATION (EEC) No 3424/92

of 27 November 1992

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75 ⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1992.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 November 1992 fixing the corrective amount applicable to the refund on malt

Product code	(ECU/tonne)					
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

Product code	(ECU/tonne)					
	6th period 6	7th period 7	8th period 8	9th period 9	10th period 10	11th period 11
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3425/92**of 27 November 1992****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

⁽⁹⁾ OJ No L 152, 18. 6. 1988, p. 23.

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁴⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

to the Commission Regulation of 27 November 1992 fixing the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾ ⁽²⁾	Amount of refund per 100 kg of dry matter ⁽²⁾ ⁽³⁾
1702 40 10 100		39,56
1702 60 10 000		39,56
1702 60 90 000	0,3956	
1702 90 30 000		39,56
1702 90 60 000	0,3956	
1702 90 71 000	0,3956	
1702 90 90 900	0,3956	
2106 90 30 000		39,56
2106 90 59 000	0,3956	

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

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

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

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

COMMISSION REGULATION (EEC) No 3426/92

of 26 November 1992

concerning the stopping of fishing for Norway pout by vessels flying the flag of
a Member State

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

Having regard to Council Regulation (EEC) No 2241/87
of 23 July 1987 establishing certain control measures for
fishing activities⁽¹⁾, as amended by Regulation (EEC)
No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3882/91 of
18 December 1991 fixing, for certain fish stocks and
groups of fish stocks, the total allowable catches for 1992
and certain conditions under which they may be fished⁽³⁾,
as last amended by Regulation (EEC) No 2985/92⁽⁴⁾,
provides for Norway pout shares of total allowable catches
available to the Community for 1992;

Whereas, in order to ensure compliance with the provi-
sions relating to the quantitative limitations on catches of
stocks subject to total allowable catches, it is necessary for
the Commission to fix the date by which catches made by
vessels flying the flag of a Member State are deemed to
have exhausted the share of the total allowable catches
available to the Community;

Whereas, according to the information communicated to
the Commission, catches of Norway pout in the waters of
ICES divisions II a (EC zone), III a and IV (EC zone) by
vessels flying the flag of a Member State or registered in a

Member State have reached the share of the total allo-
wable catches available to the Community for 1992,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Norway pout in the waters of ICES divisions
II a (EC zone), III a and IV (EC zone) by vessels flying the
flag of a Member State or registered in a Member State are
deemed to have exhausted the share of the total allowable
catches available to the Community for 1992.

Fishing for Norway pout in the waters of ICES divisions
II a (EC zone), III a and IV (EC zone) by vessels flying the
flag of a Member State or registered in a Member State is
prohibited, as well as the retention on board, the transship-
ment and the landing of such stock captured by the
abovementioned vessels after the date of entry into force
of this Regulation.

Article 2

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

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

Done at Brussels, 26 November 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 367, 31. 12. 1991, p. 1.

⁽⁴⁾ OJ No L 300, 16. 10. 1992, p. 3.

COMMISSION REGULATION (EEC) No 3427/92

of 26 November 1992

on arrangements for imports into the Community of certain textile products
(category 22) originating in Brazil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1539/92 ⁽²⁾, and in particular Article 11 thereof,

Whereas Article 11 of Regulation (EEC) No 4136/86 lays down the conditions under which quantitative limits may be established; whereas imports into the Community of certain textile products (category 22) specified in the Annex hereto and originating in Brazil exceeded the level referred to in paragraph 2 of the said Article 11;

Whereas, in accordance with paragraph 5 of the said Article 11 of Regulation (EEC) No 4136/86, on 25 September 1992, Brazil was notified of a request for consultations; whereas, pending a mutually satisfactory solution, importations into the Community of category 22 products have been submitted to provisional limits for the period 25 September to 24 December 1992 by Commission Regulation (EEC) No 3043/92 ⁽³⁾;

Whereas, as a result of consultations held on 22 October 1992, it was agreed to submit the textile products of category 22 to Community quantitative limits for the period 25 September to 31 December 1992;

Whereas paragraph 13 of the said Article 11 of Regulation (EEC) No 4136/86 ensures that the quantitative limits are observed by means of a double-checking system in accordance with Annex VI to the said Regulation;

Whereas the products in question exported from Brazil to the Community between 25 September and 31 December 1992 must be set off against the Community quantitative limits for the period 25 September to 31 December 1992;

Whereas these quantitative limits should not prevent the importation of products covered by them but shipped from Brazil to the Community before the date of entry into force of Regulation (EEC) No 3043/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2 imports into the Community of the category of products originating in Indonesia and specified in the Annex hereto shall be subject to the quantitative limits set out in that Annex for the period 25 September to 31 December 1992.

Article 2

1. Products referred to in Article 1 shipped from Brazil to the Community before the date of entry into force of Regulation (EEC) No 3043/92 and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place during that period.

2. Imports of products shipped from Brazil to the Community after the entry into force of Regulation (EEC) No 3043/92 shall continue to be subject to the double-checking system described in Annex VI to Regulation (EEC) No 4136/86.

3. All quantities of products shipped from Brazil to the Community on or after 25 September 1992 and released for free circulation shall be deducted from the quantitative limits laid down in the Annex to this Regulation for the period 25 September to 31 December 1992. This provisional limit shall not, however, prevent the importation of products covered by them but shipped from Brazil before the date of entry into force of Regulation (EEC) No 3043/92.

Article 3

Regulation (EEC) No 3043/92 is hereby repealed.

Article 4

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

It shall apply from 25 September 1992 until 31 December 1992.

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 1.

⁽²⁾ OJ No L 163, 17. 6. 1992, p. 9.

⁽³⁾ OJ No L 307, 23. 10. 1992, p. 20.

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

Done at Brussels, 26 November 1992.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Category	CN code	Description	Third country	Unit	Member State	Quantitative limits from 25 September until 31 December 1992
22	5508 10 11	Yarn of staple or waste synthetic fibres, not put up for retail sale	Brazil	tonnes	D	94
	5508 10 19				F	29
					BNL	225
	5509 11 00				I	21
	5509 12 00				UK	27
	5509 21 10				IRL	3
	5509 21 90				DK	40
	5509 22 10				GR	3
	5509 22 90				ES	403
	5509 31 10				PT	2 082
	5509 31 90				EEC	2 927
	5509 32 10					Additional <i>ad hoc</i> quantity from 25 September until 31 December 1992
	5509 32 90					
	5509 41 10					
	5509 41 90					
	5509 42 10					
	5509 42 90					
	5509 51 00					
	5509 52 10				ES	100
	5509 52 90				PT	200
	5509 53 00				EEC	300
	5509 59 00					
	5509 61 10					
	5509 61 90					
	5509 62 00					
	5509 69 00					
	5509 91 10					
	5509 91 90					
	5509 92 00					
	5509 99 00					

COMMISSION REGULATION (EEC) No 3428/92

of 27 November 1992

amending Regulation (EEC) No 641/86 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 252 (3) thereof,

Whereas Council Regulation (EEC) No 569/86⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, lays down the general rules for the application of the supplementary mechanism applicable to trade;

Whereas Commission Regulation (EEC) No 574/86⁽³⁾, as last amended by Regulation (EEC) No 3296/88, lays down detailed rules for the application of the supplementary trade mechanism;

Whereas Commission Regulation (EEC) No 641/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession⁽⁴⁾, as last amended by Regulation (EEC) No 3697/91⁽⁵⁾, fixes in particular the target ceilings provided for in Article 251 (1) of the Act of Accession for certain processed fruit and vegetable products for the period 1 January to 31 December 1992;

Whereas the target ceilings fixed for 1992 for provisionally preserved fruit, jams and fruit juices will be exceeded; whereas this situation is not causing any disturbance of the Portuguese market; whereas, pursuant to

Article 253 (3) (a) of the Act of Accession, those ceilings may be revised if the market in question has not suffered significant disturbance as a result of the rise in the imports in question; whereas the ceiling for provisionally preserved fruit, jams and fruit juices should be increased by 25 % for 1992;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables;

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 641/86 is hereby amended as follows:

- the figure '1 161' opposite CN code 0812 is replaced by '1 451',
- the figure '1 239' opposite CN code 2007 is replaced by '1 549',
- the figure '3 788' opposite CN code 2009 is replaced by '4 735'.

Article 2

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

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁴⁾ OJ No L 60, 1. 3. 1986, p. 34.

⁽⁵⁾ OJ No L 350, 19. 12. 1991, p. 24.

COMMISSION REGULATION (EEC) No 3429/92

of 27 November 1992

amending Regulation (EEC) No 3698/91 on the sale at a price fixed in advance of
unprocessed dried grapes to distillation industries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1569/92 ⁽²⁾, and in particular Article 8 (7) thereof,

Having regard to Council Regulation (EEC) No 1206/90 of 7 May 1990 laying down general rules for the system of production aid for processed fruit and vegetables ⁽³⁾, as amended by Regulation (EEC) No 2202/90 ⁽⁴⁾, and in particular Article 6 (2) thereof,

Whereas Article 6 (2) of Commission Regulation (EEC) No 626/85 of 12 March 1985 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies ⁽⁵⁾, as last amended by Regulation (EEC) No 3601/90 ⁽⁶⁾, provides that products intended for specific uses are to be sold at prices fixed in advance or determined by an invitation to tender;

Whereas Commission Regulation (EEC) No 913/89 of 10 April 1989 on the sale of unprocessed dried grapes by storage agencies for the manufacture of alcohol ⁽⁷⁾ provides for the possibility of unprocessed dried grapes being sold to the distillation industry at a price fixed in advance;

Whereas Commission Regulation (EEC) No 3698/91 ⁽⁸⁾ fixes the price of dried grapes sold to the distillation industry in order to prevent any disturbance of the Community market for alcohol and spirits and the

processing security provided for in Article 2 (2) of Regulation (EEC) No 913/89, account being taken of the difference between the normal market price for dried grapes and the selling price for distillation; whereas the deterioration in the quality of such dried grapes as a result of storage for a very lengthy period makes it necessary to reduce the prices and the security;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 3698/91 is hereby replaced by the following:

Article 1

1. The Greek storage agencies listed in the Annex shall sell up to 15 000 tonnes of sultanas from the 1989 harvest in accordance with Regulations (EEC) No 626/85 and (EEC) No 913/89 at a price of ECU 7 per 100 kg net.
2. The processing security provided for in Article 2 (2) of Regulation (EEC) No 913/89 shall be ECU 5 per 100 kg net.

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, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 166, 20. 6. 1992, p. 5.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 74.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 4.

⁽⁵⁾ OJ No L 72, 13. 3. 1985, p. 7.

⁽⁶⁾ OJ No L 350, 14. 12. 1990, p. 54.

⁽⁷⁾ OJ No L 97, 11. 4. 1989, p. 5.

⁽⁸⁾ OJ No L 350, 19. 12. 1991, p. 29.

COMMISSION REGULATION (EEC) No 3430/92

of 27 November 1992

adopting definitive measures concerning the issuing of STM licences for fresh fruit and vegetables in trade between Portugal and the other Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 252 (3) thereof,

Having regard to Council Regulation (EEC) No 3651/90 of 11 December 1990 laying down general rules for applying the supplementary trade mechanism to trade in fresh fruit and vegetables between Portugal and the other Member States⁽¹⁾, and in particular Article 7 thereof,Whereas Commission Regulation (EEC) No 1406/92 of 27 May 1992 laying down certain indicative ceilings and certain additional detailed rules for the application of the supplementary trade mechanism to trade in fruit and vegetables between Portugal and the other Member States⁽²⁾ sets the target ceilings for imports into Portugal of certain fresh fruit and vegetables for 1992;

Whereas the target ceiling for apples other than cider apples for the period 1 September to 31 October 1992 has been exceeded;

Whereas the Commission adopted the interim protective measures necessary in accordance with an emergency procedure by Regulation (EEC) No 3102/92⁽³⁾; whereas definitive measures must be adopted; whereas in view of the market situation in Portugal, an increase in the target ceiling cannot be contemplated at present;

Whereas definitive measures as provided for in Article 252 (3) of the Act of Accession should be adopted to confirm the suspension of the issuing of STM licences as provided for in Article 1 of Regulation (EEC) No 3102/92 until 31 October 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The issuing of STM licences for apples falling within CN codes 0808 10 91 and applied for in Portugal is hereby definitively suspended until 31 October 1992.

2. Further applications for STM licences for apples may be submitted from 1 November 1992 in respect of that part of the target ceiling applicable from 1 November 1992.

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, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 24.

⁽²⁾ OJ No L 146, 28. 5. 1992, p. 57.

⁽³⁾ OJ No L 311, 28. 10. 1992, p. 38.

COMMISSION REGULATION (EEC) No 3431/92

of 26 November 1992

on arrangements for imports into the Community of certain textile products
(category 21) originating in Indonesia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 4136/86
of 22 December 1986 on common rules for imports of
certain textile products originating in third countries⁽¹⁾, as
last amended by Commission Regulation (EEC) No
1539/92⁽²⁾, and in particular Article 11 thereof,

Whereas Article 11 of Regulation (EEC) No 4136/86 lays
down the conditions under which quantitative limits may
be established; whereas imports into the Community of
certain textile products (category 21) specified in the
Annex hereto and originating in Indonesia have exceeded
the level referred to in Article 11 (2);

Whereas, in accordance with Article 11 (5) of Regulation
(EEC) No 4136/86, on 23 October 1992 Indonesia was
notified of a request for consultations; whereas, pending a
mutually satisfactory solution, the Commission has
requested Indonesia for a provisional period to limit its
exports to the Community of products falling within category
21 to the provisional quantitative limits set out in
the Annex with effect from the date of the request for
consultations until 31 December 1992; whereas pending
the outcome of the requested consultations quantitative
limits identical to those requested of the supplier country
should be applied provisionally to imports of the category
of products in question;

Whereas Article 11 (13) ensures that the quantitative
limits are observed by means of a double-checking system
in accordance with Annex VI to Regulation (EEC) No
4136/86;

Whereas the products in question exported from Indo-
nesia between 23 October 1992 and the date of entry into
force of this Regulation must be set off against the quan-
titative limits which have been introduced;

Whereas these quantitative limits should not prevent the
importation of products covered by them shipped from
Indonesia before the date of entry into force of this Regu-
lation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports
into the Community of the category of products origin-
ating in Indonesia and specified in the Annex hereto
shall be subject to the provisional quantitative limits set
out in that Annex.

Article 2

1. Products referred to in Article 1 shipped from Indo-
nesia to the Community before the date of entry into
force of this Regulation and not yet released for free
circulation, shall be so released subject to the presentation
of a bill of lading or other transport document proving
that shipment actually took place during that period.
2. Imports of products shipped from Indonesia to the
Community after the entry into force of this Regulation
shall be subject to the double-checking system described
in Annex VI to Regulation (EEC) No 4136/86.
3. All quantities of products shipped from Indonesia to
the Community on or after 23 October 1992 and released
for free circulation shall be deducted from the quantita-
tive limits laid down. These provisional limits shall not,
however, prevent the importation of products covered by
them but shipped from Indonesia before the date of entry
into force of this Regulation.

Article 3

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

It shall apply from 23 October until 31 December 1992.

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 42.

⁽²⁾ OJ No L 163, 17. 6. 1992, p. 9.

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

Done at Brussels, 26 November 1992.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Category	CN code	Description	Third country	Unit	Member State	Quantitative limits from 23 October to 31 December 1992
21	ex 6201 12 10	Parkas ; anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or man-made fibres ; upper parts of track-suits with lining, other than category 16 or 29, of cotton or of man-made fibres.	Indonesia	1 000 pieces	D	1 490
	ex 6201 12 90				F	635
	ex 6201 13 10				I	222
	ex 6201 13 90				BNL	701
	6201 91 00				UK	1 163
	6201 92 00				IRL	14
	6201 93 00				DK	144
					GR	24
	ex 6202 12 10				E	123
	ex 6202 12 90				P	24
	ex 6202 13 10					
	ex 6202 13 90				BEC	4 540
	6202 91 00					
	6202 92 00					
	6202 93 00					
	6211 32 41					
	6211 33 41					
	6211 42 41					
	6211 43 41					

COMMISSION REGULATION (EEC) No 3432/92

of 27 November 1992

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice

and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁹⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States⁽¹⁰⁾, extended by Regulation (EEC) No 444/92⁽¹¹⁾;

Whereas Article 3 (4) of Council Regulation (EEC) No 3763/91⁽¹²⁾ allows that within the limit of an annual quantity of 8 000 tonnes, the levy shall not be applied to imports into the French department of Réunion of wheat bran falling within CN code 2302 30 from the African, Caribbean and Pacific (ACP) States;

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⁽¹³⁾ no levies shall apply on imports of products originating in the overseas countries

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽¹⁰⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹¹⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽¹²⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽¹³⁾ OJ No L 263, 19. 9. 1991, p. 1.

and territories ; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985 ;

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽¹⁾, as last amended by Regulation (EEC) No 1509/92⁽²⁾, reduces by 50 % the levy or importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year ;

Whereas Council Regulations (EEC) No 518/92⁽³⁾, (EEC) No 519/92⁽⁴⁾ and (EEC) No 520/92⁽⁵⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products ; whereas Commission Regulation (EEC) No 585/92⁽⁶⁾, as amended by Regulation (EEC) No 955/92⁽⁷⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals ;

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries⁽⁸⁾, as last amended by Regulation (EEC) No 3842/90⁽⁹⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem* ;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽¹⁰⁾, as amended by Regulation (EEC) No 222/88⁽¹¹⁾, stipulates that the treatment provided for glucose and glucose syrup falling

within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59 ; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59 ; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹²⁾, as last amended by Regulation (EEC) No 2205/90⁽¹³⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1992.

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽²⁾ OJ No L 159, 12. 6. 1992, p. 1.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁴⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁶⁾ OJ No L 62, 7. 3. 1992, p. 40.

⁽⁷⁾ OJ No L 102, 16. 4. 1992, p. 26.

⁽⁸⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽⁹⁾ OJ No L 367, 29. 12. 1990, p. 8.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽¹¹⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 November 1992 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
0714 10 10 (°)	119,36	126,01
0714 10 91	122,99 (°) (°)	122,99
0714 10 99	121,18	126,01
0714 90 11	122,99 (°) (°)	122,99
0714 90 19	121,18 (°)	126,01
1102 20 10	241,63	247,67
1102 20 90	136,92	139,94
1102 30 00	151,12	154,14
1102 90 10	221,38	227,42
1102 90 30	207,68	213,72
1102 90 90	141,82	144,84
1103 12 00	207,68	213,72
1103 13 10	241,63	247,67
1103 13 90	136,92	139,94
1103 14 00	151,12	154,14
1103 19 10	280,08	286,12
1103 19 30	221,38	227,42
1103 19 90	141,82	144,84
1103 21 00	238,54	244,58
1103 29 10	280,08	286,12
1103 29 20	221,38	227,42
1103 29 30	207,68	213,72
1103 29 40	241,63	247,67
1103 29 50	151,12	154,14
1103 29 90	141,82	144,84
1104 11 10	125,45	128,47
1104 11 90	245,98	252,02
1104 12 10	117,69	120,71
1104 12 90	230,76	236,80
1104 19 10	238,54	244,58
1104 19 30	280,08	286,12
1104 19 50	241,63	247,67

CN code	(ECU/tonne)	
	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
1104 19 91	256,63	262,67
1104 19 99	250,27	256,31
1104 21 10	196,78	199,80
1104 21 30	196,78	199,80
1104 21 50	307,48	313,52
1104 21 90	125,45	128,47
1104 22 10 10 (°)	117,69	120,71
1104 22 10 90 (°)	207,68	210,70
1104 22 30	207,68	210,70
1104 22 50	184,61	187,63
1104 22 90	117,69	120,71
1104 23 10	214,78	217,80
1104 23 30	214,78	217,80
1104 23 90	136,92	139,94
1104 29 11	176,25	179,27
1104 29 15	206,95	209,97
1104 29 19	222,46	225,48
1104 29 31	212,03	215,05
1104 29 35	248,96	251,98
1104 29 39	222,46	225,48
1104 29 91	135,17	138,19
1104 29 95	158,71	161,73
1104 29 99	141,82	144,84
1104 30 10	99,39	105,43
1104 30 90	100,68	106,72
1106 20 10	119,36 (°)	126,01
1106 20 90	212,50 (°)	236,68
1107 10 11	235,89	246,77
1107 10 19	176,25	187,13
1107 10 91	218,92	229,80 (°)
1107 10 99	163,58	174,46 (°)
1107 20 00	190,63	201,51 (°)
1108 11 00	291,54	312,09
1108 12 00	216,13	236,68
1108 13 00	216,13	236,68 (°)
1108 14 00	108,06	236,68
1108 19 10	216,71	247,54
1108 19 90	108,06 (°)	236,68
1109 00 00	530,08	711,42
1702 30 51	281,90	378,62
1702 30 59	216,13	282,62
1702 30 91	281,90	378,62
1702 30 99	216,13	282,62
1702 40 90	216,13	282,62
1702 90 50	216,13	282,62
1702 90 75	295,33	392,05
1702 90 79	205,39	271,88

(ECU/tonne)

CN code	Import levies ^(*)	
	ACP	Third countries (other than ACP) ^(*)
2106 90 55	216,13	282,62
2302 10 10	54,57	60,57
2302 10 90	116,93	122,93
2302 20 10	54,57	60,57
2302 20 90	116,93	122,93
2302 30 10	54,57 ⁽¹⁰⁾	60,57
2302 30 90	116,93 ⁽¹⁰⁾	122,93
2302 40 10	54,57	60,57
2302 40 90	116,93	122,93
2303 10 11	268,48	449,82

⁽¹⁾ 6 % *ad valorem*, subject to certain conditions.

⁽²⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

⁽³⁾ In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

⁽⁴⁾ Taric code: clipped oats.

⁽⁵⁾ Taric code: CN code 1104 22 10, other than 'clipped oats'.

⁽⁶⁾ Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.

⁽⁷⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States.

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

⁽⁹⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽¹⁰⁾ Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.

⁽¹¹⁾ Products falling within this code, imported from Poland, the Czech and Slovak Federal Republic 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 3433/92

of 27 November 1992

fixing the maximum buying-in price and the quantities of beef bought in for the
81st partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 2066/92⁽²⁾, and in particular Article 6 (8) thereof,Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 695/92⁽⁴⁾, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EEC) No 2939/92⁽⁶⁾;

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

Whereas, after the tenders submitted for the 81st partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing

coefficient or, where appropriate depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 81st partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 255,60 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 12 842 tonnes; the quantities offered are hereby reduced by 30 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

- (i) in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 255,60 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 2 765 tonnes; the quantities offered are hereby reduced by 30 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 74, 20. 3. 1992, p. 42.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 294, 10. 10. 1992, p. 5.

(ii) in the Member States or regions of Member States which meet the conditions laid down in Article 6 (4) of Regulation (EEC) No 805/68 :

— the maximum buying-in price per 100 kilograms of carcasses or half-carcasses of quality R3 is hereby fixed at :

- ECU 260,804 in Ireland,
- ECU 268,971 in Northern Ireland,
- ECU 255,879 in Great Britain,

— the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 17 130 tonnes.

Article 2

This Regulation shall enter into force on 30 November 1992.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3434/92
of 27 November 1992
fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75; whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁵⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed

component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽⁶⁾, extended by Regulation (EEC) No 444/92⁽⁷⁾;

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⁽⁸⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽⁸⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁰⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION:

and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 November 1992 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies (2)	
	ACP	Third countries (other than ACP) (1)
2309 10 11	21,48	32,36
2309 10 13	522,08	532,96
2309 10 31	67,12	78,00
2309 10 33	567,72	578,60
2309 10 51	134,24	145,12
2309 10 53	634,84	645,72
2309 90 31	21,48	32,36
2309 90 33	522,08	532,96
2309 90 41	67,12	78,00
2309 90 43	567,72	578,60
2309 90 51	134,24	145,12
2309 90 53	634,84	645,72

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

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

COMMISSION REGULATION (EEC) No 3435/92
of 27 November 1992
fixing the import levies on milk and milk products

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1528/92 ⁽³⁾, as last amended by Regulation (EEC) No 3293/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1528/92 to the prices

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

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 160, 13. 6. 1992, p. 14.

⁽⁴⁾ OJ No L 328, 14. 11. 1992, p. 5.

ANNEX

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

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

CN code	Note (°)	Import levy
0401 10 10		15,79
0401 10 90		14,58
0401 20 11		21,95
0401 20 19		20,74
0401 20 91		27,30
0401 20 99		26,09
0401 30 11		70,51
0401 30 19		69,30
0401 30 31		136,19
0401 30 39		134,98
0401 30 91		229,14
0401 30 99		227,93
0402 10 11	(°)	106,91
0402 10 19	(°) (°)	99,66
0402 10 91	(°) (°)	0,9966/kg + 30,16
0402 10 99	(°) (°)	0,9966/kg + 22,91
0402 21 11	(°)	174,53
0402 21 17	(°)	167,28
0402 21 19	(°) (°)	167,28
0402 21 91	(°) (°)	211,48
0402 21 99	(°) (°)	204,23
0402 29 11	(°) (°) (°)	1,6728/kg + 30,16
0402 29 15	(°) (°)	1,6728/kg + 30,16
0402 29 19	(°) (°)	1,6728/kg + 22,91
0402 29 91	(°) (°)	2,0423/kg + 30,16
0402 29 99	(°) (°)	2,0423/kg + 22,91
0402 91 11	(°)	30,28
0402 91 19	(°)	30,28
0402 91 31	(°)	37,85
0402 91 39	(°)	37,85
0402 91 51	(°)	136,19
0402 91 59	(°)	134,98
0402 91 91	(°)	229,14
0402 91 99	(°)	227,93
0402 99 11	(°)	49,85
0402 99 19	(°)	49,85
0402 99 31	(°) (°)	1,3256/kg + 26,54
0402 99 39	(°) (°)	1,3256/kg + 25,33
0402 99 91	(°) (°)	2,2551/kg + 26,54
0402 99 99	(°) (°)	2,2551/kg + 25,33
0403 10 02		106,91
0403 10 04		174,53

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

CN code	Note (1)	Import levy
0403 10 06		211,48
0403 10 12	(1)	0,9966/kg + 30,16
0403 10 14	(1)	1,6728/kg + 30,16
0403 10 16	(1)	2,0423/kg + 30,16
0403 10 22		24,36
0403 10 24		29,71
0403 10 26		72,92
0403 10 32	(1)	0,1832/kg + 28,95
0403 10 34	(1)	0,2367/kg + 28,95
0403 10 36	(1)	0,6688/kg + 28,95
0403 90 11		106,91
0403 90 13		174,53
0403 90 19		211,48
0403 90 31	(1)	0,9966/kg + 30,16
0403 90 33	(1)	1,6728/kg + 30,16
0403 90 39	(1)	2,0423/kg + 30,16
0403 90 51		24,36
0403 90 53		29,71
0403 90 59		72,92
0403 90 61	(1)	0,1832/kg + 28,95
0403 90 63	(1)	0,2367/kg + 28,95
0403 90 69	(1)	0,6688/kg + 28,95
0404 10 11 * 11		22,80
0404 10 11 * 14		174,53
0404 10 11 * 17		211,48
0404 10 11 * 21		106,91
0404 10 11 * 24		174,53
0404 10 11 * 27		211,48
0404 10 19 * 11	(1)	0,2280/kg + 22,91
0404 10 19 * 14	(1)	1,6728/kg + 30,16
0404 10 19 * 17	(1)	2,0423/kg + 30,16
0404 10 19 * 21	(1)	0,9966/kg + 30,16
0404 10 19 * 24	(1)	1,6728/kg + 30,16
0404 10 19 * 27	(1)	2,0423/kg + 30,16
0404 10 91 * 11	(2)	0,2280/kg
0404 10 91 * 14	(2)	1,6728/kg + 6,04
0404 10 91 * 17	(2)	2,0423/kg + 6,04
0404 10 91 * 21	(2)	0,9966/kg + 6,04
0404 10 91 * 24	(2)	1,6728/kg + 6,04
0404 10 91 * 27	(2)	2,0423/kg + 6,04
0404 10 99 * 11	(2)	0,2280/kg + 22,91
0404 10 99 * 14	(2)	1,6728/kg + 28,95
0404 10 99 * 17	(2)	2,0423/kg + 28,95
0404 10 99 * 21	(2)	0,9966/kg + 28,95
0404 10 99 * 24	(2)	1,6728/kg + 28,95
0404 10 99 * 27	(2)	2,0423/kg + 28,95
0404 90 11		106,91
0404 90 13		174,53
0404 90 19		211,48
0404 90 31		106,91
0404 90 33		174,53
0404 90 39		211,48
0404 90 51	(1)	0,9966/kg + 30,16
0404 90 53	(1) (3)	1,6728/kg + 30,16
0404 90 59	(1)	2,0423/kg + 30,16
0404 90 91	(1)	0,9966/kg + 30,16
0404 90 93	(1) (3)	1,6728/kg + 30,16
0404 90 99	(1)	2,0423/kg + 30,16

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

CN code	Note (°)	Import levy
0405 00 10	(°)	236,04
0405 00 90		287,97
0406 10 20	(°) (°)	227,03
0406 10 80	(°) (°)	281,26
0406 20 10	(°) (°) (°)	398,05
0406 20 90	(°) (°)	398,05
0406 30 10	(°) (°) (°)	179,46
0406 30 31	(°) (°) (°)	171,52
0406 30 39	(°) (°) (°)	179,46
0406 30 90	(°) (°) (°)	276,18
0406 40 00	(°) (°) (°)	148,14
0406 90 11	(°) (°) (°)	219,56
0406 90 13	(°) (°) (°)	171,25
0406 90 15	(°) (°) (°)	171,25
0406 90 17	(°) (°) (°)	171,25
0406 90 19	(°) (°) (°)	398,05
0406 90 21	(°) (°) (°)	219,56
0406 90 23	(°) (°) (°)	184,54
0406 90 25	(°) (°) (°)	184,54
0406 90 27	(°) (°) (°)	184,54
0406 90 29	(°) (°) (°)	184,54
0406 90 31	(°) (°) (°)	184,54
0406 90 33	(°) (°)	184,54
0406 90 35	(°) (°) (°)	184,54
0406 90 37	(°) (°) (°)	184,54
0406 90 39	(°) (°) (°)	184,54
0406 90 50	(°) (°) (°)	184,54
0406 90 61	(°) (°)	398,05
0406 90 63	(°) (°)	398,05
0406 90 69	(°) (°)	398,05
0406 90 73	(°) (°)	184,54
0406 90 75	(°) (°)	184,54
0406 90 77	(°) (°)	184,54
0406 90 79	(°) (°)	184,54
0406 90 81	(°) (°)	184,54
0406 90 85	(°) (°)	184,54
0406 90 89	(°) (°) (°)	184,54
0406 90 93	(°) (°)	227,03
0406 90 99	(°) (°)	281,26
1702 10 10		23,09
1702 10 90		23,09
2106 90 51		23,09
2309 10 15		77,17
2309 10 19		100,09
2309 10 39		94,26
2309 10 59		78,89
2309 10 70		100,09
2309 90 35		77,17
2309 90 39		100,09
2309 90 49		94,26
2309 90 59		78,89
2309 90 70		100,09

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

COMMISSION REGULATION (EEC) No 3436/92

of 27 November 1992

introducing a corrective amount on the import of artichokes into the Community of Ten from Spain and repealing Regulation (EEC) No 3363/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain ⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 3139/92 ⁽²⁾ fixed, for the 1992/93 marketing year, the Community offer price for artichokes applicable with regard to Spain;

Whereas Commission Regulation (EEC) No 3820/92 ⁽³⁾ lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain;

Whereas, in the case of artichokes the offer price for the Spanish product as calculated in accordance with the provisions of Regulation (EEC) No 3709/89 results in the fixing of a higher corrective amount than that laid down by Commission Regulation (EEC) No 3363/92 of 23

November 1992 introducing a countervailing charge on artichokes originating in Spain ⁽⁴⁾;

Whereas, pursuant to Article 3 (5) of Regulation (EEC) No 3709/89, a new corrective amount should be fixed and Regulation (EEC) No 3363/92 should be repealed;

Whereas if the system is to operate normally the offer price of the Spanish product should be calculated on the following basis:

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

HAS ADOPTED THIS REGULATION:

Article 1

On import into the Community of Ten of artichokes (CN codes 0709 10 00) from Spain a corrective amount of ECU 11,55 per 100 kilograms net shall be levied.

Article 2

This Regulation shall enter into force on 28 November 1992.

Regulation (EEC) No 3363/92 is repealed from the same date.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 313, 30. 10. 1992, p. 31.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 43.

⁽⁴⁾ OJ No L 341, 24. 11. 1992, p. 6.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 27 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3437/92**of 27 November 1992****prolonging the second suspension of the advance fixing of the export refunds on
certain products processed from maize**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular the first subparagraph of Article 15 (7) thereof,

Whereas Article 15 (7) of Regulation (EEC) No 2727/75 provides that the provisions concerning advance fixing of the export refunds be suspended if the market situation shows that the application of these provisions is causing or is likely to cause difficulties;

Whereas Commission Regulation (EEC) No 3310/92 ⁽³⁾, as amended by Regulation (EEC) No 3351/92 ⁽⁴⁾, suspended advance fixing of the import levy for certain cereals; whereas the reasons which led to that suspension still exist; whereas it is important, therefore, to continue

that measure for a period, which will make it possible to monitor the situation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the export refunds on products falling within CN codes 1102 20 and 1103 13 is hereby suspended from 1 December 1992.

Article 2

This Regulation shall enter into force on 1 December 1992.

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

Done at Brussels, 27 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 331, 17. 11. 1992, p. 15.

⁽⁴⁾ OJ No L 336, 20. 11. 1992, p. 29.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/101/EEC

of 23 November 1992

amending Directive 77/91/EEC on the formation of public limited-liability companies and the maintenance and alteration of their capital

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 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 in order to maintain the subscribed capital and ensure equal treatment of shareholders, Directive 77/91/EEC ⁽⁴⁾ restricts a public limited-liability company's right to acquire its own shares;

Whereas the restrictions on a company's acquisition of its own shares apply not only to acquisitions made by a company itself but also to those made by any person acting in his own name but on the company's behalf;

Whereas in order to prevent a public limited-liability company from using another company in which it holds a majority of the voting rights or on which it can exercise a dominant influence to make such acquisitions without complying with the restrictions imposed in that respect, the arrangements governing a company's acquisition of its own shares should be extended to cover the most important and most frequent cases of the acquisition of shares

by such other companies; whereas those arrangements should be extended to cover subscription for shares in the public limited-liability company;

Whereas in order to prevent the circumvention of Directive 77/91/EEC companies governed by Directive 68/151/EEC ⁽⁵⁾ and companies governed by the laws of third countries and having comparable legal forms should also be covered;

Whereas, where the relationship between a public limited-liability company and another company such as referred to in the third recital is only indirect, it would appear to be justified to relax the provisions applicable when that relationship is direct by providing for the suspension of voting rights as a minimum measure for the purpose of achieving the aims of this Directive;

Whereas, where a Member State provides for a system of penalties equivalent to those laid down in Directive 77/91/EEC and for the suspension of voting rights, it may be considered that such legislation already meets the objectives of this Directive;

Whereas, furthermore, it is justifiable to exempt cases in which the specific nature of a professional activity rules out the possibility that the objectives of this Directive may be endangered;

Whereas, in order to avoid the disturbance of a Member State's financial market as a result of that country's economic structure and excessively abrupt consequences as regards the rules for self-regulation, provision should be made for an appropriate adaptation period,

⁽¹⁾ OJ No C 8, 12. 1. 1991, p. 5 and OJ No C 317, 7. 12. 1991, p. 13.

⁽²⁾ OJ No C 240, 16. 9. 1991, p. 103 and Decision of 28 October 1992 (not yet published in the Official Journal).

⁽³⁾ OJ No C 269, 14. 10. 1991, p. 21.

⁽⁴⁾ OJ No L 26, 31. 1. 1977, p. 1. Directive last amended by the Act of Accession of Spain and Portugal.

⁽⁵⁾ OJ No L 65, 14. 3. 1968, p. 8.

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following Article shall be inserted after Article 24 of Directive 77/91/EEC:

Article 24a

1. (a) The subscription, acquisition or holding of shares in a public limited-liability company by another company within the meaning of Article 1 of Directive 68/151/EEC in which the public limited-liability company directly or indirectly holds a majority of the voting rights or on which it can directly or indirectly exercise a dominant influence shall be regarded as having been effected by the public limited-liability company itself;

(b) subparagraph (a) shall also apply where the other company is governed by the law of a third country and has a legal form comparable to those listed in Article 1 of Directive 68/151/EEC.

2. However, where the public limited-liability company holds a majority of the voting rights indirectly or can exercise a dominant influence indirectly, Member States need not apply paragraph 1 if they provide for the suspension of the voting rights attached to the shares in the public limited-liability company held by the other company.

3. In the absence of coordination of national legislation on groups of companies, Member States may:

(a) define the cases in which a public limited-liability company shall be regarded as being able to exercise a dominant influence on another company; if a Member State exercises this option, its national law must in any event provide that a dominant influence can be exercised if a public limited-liability company:

— has the right to appoint or dismiss a majority of the members of the administrative organ, of the management organ or of the supervisory organ, and is at the same time a shareholder or member of the other company or

— is a shareholder or member of the other company and has sole control of a majority of the voting rights of its shareholders or members under an agreement concluded with other shareholders or members of that company.

Member States shall not be obliged to make provision for any cases other than those referred to in the first and second indents;

(b) define the cases in which a public limited-liability company shall be regarded as indirectly holding voting rights or as able indirectly to exercise a dominant influence;

(c) specify the circumstances in which a public limited-liability company shall be regarded as holding voting rights.

4. (a) Member States need not apply paragraph 1 where the subscription, acquisition or holding is effected on behalf of a person other than the person subscribing, acquiring or holding the shares, who is neither the public limited-liability company referred to in paragraph 1 nor another company in which the public limited-liability company directly or indirectly holds a majority of the voting rights or on which it can directly or indirectly exercise a dominant influence.

(b) Member States need not apply paragraph 1 where the subscription, acquisition or holding is effected by the other company in its capacity and in the context of its activities as a professional dealer in securities, provided that it is a member of a stock exchange situated or operating within a Member State, or is approved or supervised by an authority of a Member State competent to supervise professional dealers in securities which, within the meaning of this Directive, may include credit institutions.

5. Member States need not apply paragraph 1 where shares in a public limited-liability company held by another company were acquired before the relationship between the two companies corresponded to the criteria laid down in paragraph 1.

However, the voting rights attached to those shares shall be suspended and the shares shall be taken into account when it is determined whether the condition laid down in Article 19 (1) (b) is fulfilled.

6. Member States need not apply Article 20 (2) or (3) or Article 21 where shares in a public limited-liability company are acquired by another company on condition that they provide for:

(a) the suspension of the voting rights attached to the shares in the public limited-liability company held by the other company, and

(b) the members of the administrative or the management organ of the public limited-liability company to be obliged to buy back from the other company the shares referred to in Article 20 (2) and (3) and Article 21 at the price at which the other company acquired them; this sanction shall be inapplicable only where the members of the administrative or the management organ of the public limited-liability company prove that that company played no part whatsoever in the subscription for or acquisition of the shares in question.

Article 2

1. Member States need not apply Article 24a of Directive 77/91/EEC to shares acquired before the date referred to in Article 3 (2).

However, the voting rights attached to those shares shall be suspended and the shares shall be taken into account when it is determined whether the condition laid down in Article 19 (1) (b) of the same Directive is fulfilled.

2. In order to avoid disturbance of the financial market, the Kingdom of Belgium may postpone the suspension of such voting rights until 1 January 1998 on condition that:

- they are attached to shares acquired before the notification of this Directive and,
- for all companies the relationship of which with a public limited-liability company meets the criteria laid down in Article 24a (1) of Directive 77/91/EEC, they do not exceed 10 % of the voting rights attached to the shares in the public limited-liability company.

Article 3

1. Member States shall adopt before 1 January 1994 the laws, regulations and administrative provisions neces-

sary to comply with this Directive. They shall forthwith inform the Commission thereof.

2. The date of entry into force which Member States shall lay down for those provisions shall be no later than 1 January 1995.

3. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

4. When Member States adopt these measures, they shall include a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The manner in which such a reference is to be made shall be laid down by the Member States.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 23 November 1992.

For the Council

The President

N. LAMONT

COMMISSION

COMMISSION DECISION

of 9 November 1992

concerning the status of Great Britain and Northern Ireland with regard to infectious hematopoietic necrosis and viral haemorrhagic septicaemia

(92/538/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, and in particular Article 5 thereof,

Whereas Member States can obtain for one or more continental and coastal zones, the status of approved zone, free of certain diseases affecting fish or molluscs;

Whereas, to that effect, the United Kingdom, by letters dated 26 May and 31 July 1992 respectively, has submitted the appropriate justifications for granting, as far as infectious hematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) are concerned, the status of approved zone to Great Britain and Northern Ireland, as well as the national rules ensuring compliance with the conditions to be respected for the maintenance of the approved status;

Whereas, after scrutiny, this information allows, as far as IHN and VHS are concerned, to grant the status of approved continental and coastal zone to Great Britain and Northern Ireland;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Great Britain is recognized as approved continental zone and approved coastal zone for fish with regard to infectious hematopoietic necrosis and viral haemorrhagic septicaemia.

Article 2

Northern Ireland is recognized as approved continental zone and approved coastal zone for fish with regard to infectious hematopoietic necrosis and viral haemorrhagic septicaemia.

Article 3

This Decision 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 46, 19. 2. 1991, p. 1.

COMMISSION DECISION

of 10 November 1992

concerning the importation into the Community of live pigs, fresh pigmeat, porcine semen, porcine embryos and pigmeat products from Hungary

(92/539/EEC)

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 92/438/EEC ⁽²⁾, and in particular Article 18 thereof,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽³⁾, as last amended by Directive 92/438/EEC, and in particular Article 19 thereof,

Whereas outbreaks of classical swine fever have been declared in Hungary;

Whereas the occurrence of classical swine fever in Hungary is liable to present a serious threat to the herds of Member States, in view of trade in live pigs, fresh pigmeat, porcine semen, porcine embryos and certain meat-based pork products; whereas the Commission may without delay adopt measures in respect of imports from Hungary;

Whereas the matter shall be referred to the Standing Veterinary Committee within 10 working days,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall prohibit the importation from Hungary of:

- live swine,
- fresh pigmeat,

- semen of domestic animals of the porcine species,
- embryos of domestic animals of the porcine species,
- pigmeat products other than those which have been subjected to one of the following treatments:

- (a) heat treatment carried out in hermetically sealed container with an Fc value of 3,00 or more;
- (b) heat treatment of a type different from that referred to in (a) in which the centre temperature is raised to at least 70 °C;
- (c) treatment consisting in natural fermentation and maturation of not less than nine months for hams weighing not less than 5,5 kilograms and having the following characteristics:
 - aW value of not more than 0,93,
 - pH value of not more than 6.

2. The model certificate as laid down in Annex A of Commission Decision 91/449/EEC ⁽⁴⁾ should be annotated in according to paragraph 1 above as regards importation of pigmeat products.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ No L 243, 25. 8. 1992, p. 27.

⁽³⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ No L 240, 29. 8. 1991, p. 28.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis*(Official Journal of the European Communities No L 248 of 5 September 1991)*

On page 4 in the first column :

for: 'Acidity % meq',

read: 'Acidity %';

in footnote (?)

for: '... stigmastadienol + clerosterol ...',

read: '... stigmastadienol + chlerosterol ...'.

On page 5 :

for: 'Elcosanoic',

read: 'Eicosanoic'.

On page 6 in point 1.2.1

for: 'Diethyl oxide; ...',

read: 'Diethyl ether; ...';

in point 1.2.1, first note and second note :

for: 'Diethyl oxide ...',

read: 'Diethyl ether ...';

for: '... diethyl oxide ...',

read: '... diethyl ether ...'.

On page 7 in point 1.4.3, second line :

for: '... oxide ...',

read: '... ether ...';

in paragraph 1.5, last line

for: 'The arithmetic mean of the two calculations should be taken as the result.',

read: 'Take as the result, the arithmetic mean of the two determinations carried out.'

On page 8 in point 6.2, first line :

for: '... dry gas ...',

read: '... dry inert gas ...';

in point 6.4, first line :

for: '... N accurately ...',

read: '... Mol/L accurately ...'.

On page 9 in the second paragraph, second line :

for: '... (6.4) (0.002 N solution for expected values less than 12, and 0,01 N solution ...',

read: '... (6.4) (0,002 Mol/L solution for expected values less than 12, and 0,01 Mol/L solution ...';

in the fourth paragraph, first line :

for: '... 0,01 N sodium ...',

read: '... 0,01 mol/L sodium ...';

in point 9, where : T = ... :

for: '... the exact normality ...',

read: '... the exact molarity ...'.

On page 10 in point 1. 'Object', first line :

for: '... of eliphatic ...',

read: '... of aliphatic ...';

in point 2, first line :

for: '... standard, is saponified with methanolic potassium hydroxide and then the unsaponifiable matter extracted with ethyl ether.',

read: '... standard, is saponified with ethanolic potassium hydroxide and then the unsaponifiable matter extracted with diethyl ether.';

in point 3.5 :

for: '... of wavelenght ...',

read: '... of wavelength ...';

in point 3.7:

for: '... (porosity 15 to 40 μ) ...',
read: '... (porosity 15 to 40 μm) ...';

in point 3.10.2:

for: '... silanizet ...',
read: '... silanized ...';

in point 4.1, first line:

for: '... 2N ethanolic solution ...',
read: '... 2 mol/L ethanolic solution ...';

in point 4.2:

for: 'Ethyl ether ...',
read: 'Diethyl ether ...';

On page 11 in point 4.4:

for: '... without florescence ...',
read: '... without fluorescence ...';

in point 4.5:

for: '... 0,2N ethanolic solution ...',
read: '... 0,2 mol/L ethanolic solution ...';

in point 4.9:

for: 'Ethyl ether ...',
read: 'Diethyl ether ...';

in point 4.12:

for: '... 2N potassium hydroxide ...',
read: '... 2 mol/L potassium hydroxide ...';

in point 5.1.1, second line:

for: '... (1-eneicosanol ...',
read: '... (1-heneicosanol ...';

in point 5.1.1, fourth line:

for: '... seed oil and 1 500 μl if olive residue oil. Evaporate the internal standard solution to dryness under N_2 .',
read: '... seed oil is being analysed, 1 500 μl if the sample is olive residue oil. Evaporate the internal standard solution to dryness under N_2 .';

in point 5.1.2, first line:

for: '... 2N potassium hydroxide ...',
read: '... mol/L potassium hydroxide ...';

in point 5.1.2, second line:

for: '... heated to slight boiling ...',
read: '... heated to gently boiling ...';

in point 5.1.2, fifth line:

for: '... then disconnected ...',
read: '... then disconnected ...';

in point 5.1.3:

for: '... 500 ml capacity with the aid of 2×25 ml distilled water. Approximately 80 ml of ethyl ether are added, the whole shaken vigorously for 30 seconds and then left to stratify (Note 1).',
read: '... 500 ml capacity, and the flask rinsed with 2×25 ml distilled water. Approximately 80 ml of diethyl ether are added, the whole shaken vigorously for 30 seconds and the two phases left to separate (Note 1).';

in point 5.1.3, second paragraph:

for: 'The aqueous phase beneath is transferred to a second separating funnel. Two further extractions are effected on the aqueous phase, in the same manner, using each time 60 to 70 ml ethyl ether.',
read: 'The lower aqueous phase is transferred to a second funnel. Two further extractions are effected on the aqueous phase, in the same manner, using 60 to 70 ml diethyl ether each time.';

in point 5.1.4, first line:

for: 'The ethyl ether ...',
read: 'The diethyl ether ...';

in point 5.1.4, second paragraph, first line :

for: 'Discard the aqueous phase, dry with ...',

read: 'Discard the aqueous phase, dry the ether phase with ...';

in point 5.1.4, second paragraph, third line :

for: '... ethyl ether ...',

read: '... diethyl ether ...'.

On page 12 in point 5.1.5, first line :

for: '... gentle geating ...',

read: '... gentle heating ...';

On point 5.1.5, third line :

for: '... a dessicator.',

read: '... a desiccator.';

in point 5.2.1 :

for: '... TLC plates (4.4) are immersed completely, in 0,2 N potassium hydroxide solution (4.5) for 10 seconds, and then left to dry under a hood for two hours and finally, they are placed ...',

read: '... TLC plates (4.4). The plates are immersed completely, in 0,2 mol/L potassium hydroxide solution (4.5) for 10 seconds, and then left to dry under a hood for two hours, and finally placed ...';

on point 5.2.1, second paragraph :

for: '... calcium chloride dessicator ...',

read: '... calcium chloride desiccator ...';

in point 5.2.1, Note 2., second line :

for: '... with Al₂O₃ ...',

read: '... with Al₂O₃ ...';

in point 5.2.2, second line :

for: '... of hexane and ethyl ether ...',

read: '... of hexane and diethyl ether ...';

in point 5.2.3, first line :

for: '... and 0,3 ml of the solution is streaked as a uniform strip of minimum thickness, by means of the microsyringe of 100 µl capacity, on a TLC plate at approximately 2 cm from the bottom of the TLC plate. Aligned with the origin, 2 to 3 µl of the aliphatic alcohol reference solution (4.11) spotted ...',

read: '... and 300 µl of the solution is streaked as a uniform strip of minimum thickness, by means of the microsyringe of 100 µl capacity, on a TLC plate approximately 2 cm from the bottom of the TLC plate. Aligned with the strip, 2 to 3 µl of the aliphatic alcohol reference solution (4.11) are spotted ...';

in point 5.2.5, Note 4, first line :

for: '... for the grouping of the ...',

read: '... for the removal of the ...';

in point 5.2.6, first line :

for: '... in the area defined is scraped with a metal spatula. The material removed is broken into fine fragments, and introduced into a filter funnel (3.7), 10 ml of hot chloroform are added and the contents mixed ...',

read: '... in the area outlined is scraped off with a metal spatula. The material removed is broken into fine fragments, and introduced into a filter funnel (3.7), 10 ml of hot chloroform are added. The contents are mixed ...';

in point 5.2.6, second paragraph, third line :

for: '... solution is poured into a test tube of 10 ml capacity (3.9) which has been weighed beforehand; the test tube is dried by light heating under a gentle nitrogen current. Redissolve the residue with a few drops of acetone, dry again, then place in an oven at 105 °C for 10 minutes, remove and cool in the dessicator and weigh.',

read: '... solution is transferred into a test tube of 10 ml capacity (3.9) which has been weighed beforehand; the test tube is dried by light heating under a gentle nitrogen current. The residue is redissolved with a few drops of acetone, dried again, the placed in an oven at 105 °C for 10 minutes, removed and cooled in the desiccator and weighed.';

in point 5.3 :

for: '... trimethylsily ...',

read: '... trimethylsilyl ...'.

On page 13 in point 5.3.2, second line :

for: '... solubilized ...',

read: '... dissolved ...';

in point 5.4.1.2, third line:

for: '... gradual heating accomplished until ...',

read: '... heated gradually until ...'.

On page 14 in the Appendix, figure 1:

for: '2 = Decosanol',

read: '2 = Docosanol'.

On page 15 in point 2, first paragraph, first line:

for: '... x-cholestanol ...',

read: '... β -cholestanol ...';

in point 2, first paragraph, second line:

for: '... ethyl ether ...',

read: '... diethyl ether ...';

in point 4.1, first line:

for: '... approximately 2N ethanolic solution',

read: '... approximately 2 mol/L ethanolic solution.';

in point 4.1, second line:

for: '... (minimum titre 85 %) ...',

read: '... (minimum concentration 85 %) ...'.

On page 16 in point 4.2:

for: 'Ethyl ether ...',

read: 'Diethyl ether ...';

in point 4.5:

for: '... 0,2N ...',

read: '... 0,2 mol/L ...';

in point 4.9:

for: 'Ethyl ether ...',

read: 'Diethyl ether ...';

in point 4.12:

for: '... 2N ...',

read: '... 2 mol/L ...';

in point 4.17:

for: '... α -cholestanol ...',

read: '... β -cholestanol ...';

in point 5.1.1, first line:

for: '... introduce a volume of 0,2 % α -cholestanol solution in chloroform (4.17) containing an amount of cholestanol corresponding to approximately 10 % of the sterol content of the sample aliquot taken for the determination into the 250 ml flask,'

read: '... introduce, into a 250 ml flask a volume of 0,2 % β -cholestanol solution in chloroform (4.17) containing an amount of cholestanol corresponding to approximately 10 % of the sterol content of the sample aliquot to be taken for the determination.';

in point 5.1.1, second paragraph, first line,

for: '... dryness in current ...',

read: '... dryness in a current ...';

in point 5.1.2:

for: '... 2N ...',

read: '... 2 mol/L ...';

in point 5.1.2, third line:

for: '... distilled water from the ...',

read: '... distilled water to the ...';

in point 5.1.3, second line and fifth lines:

for: '... ethyl ether ...',

read: '... diethyl ether ...'.

On page 17 in point 5.1.4, second paragraph, first line:

for: '... filter on anhydrous ...',

read: '... filter through anhydrous ...';

in point 5.1.4, second paragraph, third line:

for: '... ethyl ether',

read: '... diethyl ether.';

in point 5.2.1, first paragraph, first line :

for: '... 0,2N ...',

read: '... 0,2 mol/L ...';

in point 5.2.1, third line :

for: '... in a stove at ...',

read: '... in an oven at ...';

in point 5.2.2, first line :

for: '... mixture in the ...',

read: '... mixture into the ...';

in point 5.2.3, second line :

for: '... (5.2.1) with 0,3 ml ...',

read: '... (5.2.1) with 300 µl ...';

in point 5.2.6, second paragraph, first line :

for: '... in the flask three times with ethyl ether ...',

read: '... in the funnel three times with diethyl ether ...'.

On page 18 in point 5.4.4, second and third lines :

for: '... clerosterol ...',

read: '... chlerosterol ...';

for: '... Δ 7-sigmastenol ...',

read: '... Δ 7-stigmasterol, ...'.

On page 19 in point 5.4.5.1, first and third lines :

for: '... α-cholestanol ...',

read: '... β-cholestanol ...';

in point 5.4.5.2 :

in equation for: '... α-cholestanol ...',

read: '... β-cholestanol ...'.

On page 23 in point 2, 'Principle of the method', first paragraph, first line :

for: '... hydroxide in methanolic ethanolic solution. The unsaponifiable fraction is then extracted with ethyl ether ...',

read: '... hydroxide in ethanolic solution. The unsaponifiable fraction is then extracted with diethyl ether ...'.

On page 26 in point 5.12 :

for: '... solution 6 N',

read: '... solution 6 Mol/l';

in point 5.19 :

for: '... hydroxide, 0,1 N ...',

read: '... hydroxide, 0,1 M ...'.

On page 28 in point 10, 'Notes', Note 1, sixth paragraph, first line :

for: '... As sson as ...',

read: '... As soon as ...'.

On page 29 in Annex VIII, first line :

for: 'Determination of composition of Trilinolein',

read: 'Determination of Trilinolein content';

in point 1., 'Scope', first line :

for: '... in terms of thehir equivalent ...',

read: '... in terms of their equivalent ...';

in point 1., 'Scope', second paragraph, first line :

for: 'The present Standard ...',

read: 'The present method ...';

in point 2., 'Field of application', first line :

for: 'This standard is ...',

read: 'This method is ...'.

On page 33 in point 1., 'Scope', first line :

for: '... of fats in ...',

read: '... of olive oil in ...'.