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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3522/90
of 4 December 1990

amending Regulation (EEC) No 1768/89 with regard to the imposition of a definitive anti-dumping duty on imports of video cassettes originating in the Republic of Korea and Hong Kong

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

I. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 1768/89⁽²⁾, the Council imposed a definitive anti-dumping duty of 21,9 % on imports of VHS video tape in cassettes falling within CN code ex 8523 13 00 originating in Hong Kong, with the exception of imports from several exporters which were subject to a lesser rate of duty or no duty at all.
- (2) In recital 43 of Regulation (EEC) No 1768/89 concerning companies which started or will start exporting own-produced cassettes to the Community after the investigation period (newcomers), the Council noted that the Commission is ready to initiate without delay a review proceeding if the exporting company can show the Commission, and supply to that effect, sufficient evidence that it did not export the products concerned to the Community during the period of¹ investigation. The company also has to demonstrate that it only started those exports after the said period and that

it is not related to or associated with any of the companies subject to the investigation.

II. REVIEW PROCEDURE

- (3) By a notice published in the *Official Journal of the European Communities*⁽³⁾, the Commission, after consultation within the Advisory Committee and in accordance with Article 14 of Regulation (EEC) No 2423/88, initiated a review of the anti-dumping duty concerned as regards a Hong Kong company, Master Technologies. That company submitted that it had not exported the products subject to the anti-dumping duty during the original period of investigation (1 January to 30 November 1987) and requested a review of the duty as it affected the company's particular situation in respect of its future exports to the Community. In addition, it submitted that it was not related to any of the companies in respect of which dumping was found to have occurred in the previous investigation and provided substantiated evidence of its intention to export video cassettes to the Community. Accordingly, the Commission started an investigation in order to verify whether Master Technologies could be considered as a newcomer and to establish the normal value of the products concerned sold by that company.

III. RESULTS OF THE INVESTIGATION

1. Newcomer

- (4) The investigation showed that Master Technologies had never exported own-produced video cassettes to the European Community and was about to begin such exports of its own-produced video cassettes.

In addition, it was found that this company had no link of any sort with the exporters involved in the previous procedure and in respect of which

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 174, 22. 6. 1989, p. 1.

⁽³⁾ OJ No C 20, 27. 1. 1990, p. 7.

dumping was found to have occurred. The Council confirms that this company should accordingly be considered as a newcomer within the meaning of Regulation (EEC) No 1768/89.

2. Normal value

- (5) Since Master Technologies did not sell any video cassettes on their domestic market during the investigation period (1 July to 31 December 1989), normal value was determined on the basis of constructed value of the models concerned. This constructed value was established on the basis of all costs, both fixed and variable, in Hong Kong, of materials and manufacture for the models to be exported to the Community, plus a reasonable amount for selling, administrative, other general expenses and profit.
- (6) As far as the costs of manufacture are concerned, part of the material necessary to assemble the finished video cassette was bought from a joint venture partly owned by the shareholders of Master Technologies and operating in the People's Republic of China. The transactions between this joint venture and Master Technologies were considered as being not in the ordinary course of trade since these companies were related in respect of their ownership. Accordingly, since the prices and costs were not comparable to those involved in transactions between parties which have no such link, it was deemed appropriate to determine this part of the cost of manufacture on the basis of the prices paid for the equivalent material by independent manufacturers of video cassettes in Hong Kong during the investigation period.
- (7) As far as selling, administrative and general expenses are concerned, these were calculated by reference to such expenses relating to sales of the like product to third countries as reported in the audited accounts of the company, since the Commission did not have at its disposal any information on such expenses incurred by other producers on their sales of video cassettes on the Hong Kong market during the investigation period and since, in the present case, these expenses were considered the equivalent of such domestic selling, general and administrative costs.

As far as profit is concerned, it was found appropriate to apply a profit rate of 8 % on turnover, since this rate was used in Regulation (EEC) No 1768/89 for the Hong Kong exporters and can still be regarded as the profit that Hong Kong companies can normally achieve on their domestic market.

The Council confirms these findings.

- (8) On this basis, normal value was established as follows for models E-120, E-180, E-240, and for the two qualities of tapes used by Master Technologies in the manufacturing process, namely high grade and extra high grade:

	E-120	E-180	E-240
High grade	ECU 1,36	ECU 1,67	ECU 1,99
Extra high grade	ECU 1,53	ECU 1,92	ECU 2,32

IV. AMENDMENT OF THE REVIEWED MEASURES

- (9) Since it was found that Master Technologies had not exported video cassettes to the Community, no export price could be established for the product under consideration and thus no dumping margin could be established.
- (10) However, it is obvious that, if the export price of the various models of video cassettes sold for export to the Community by Master Technologies at least equalled the above normal values for the corresponding models, these products would not be dumped.
- (11) In addition, it was considered not necessary to carry out a thorough injury investigation, since these normal values are less than the target prices determined for the Community industry and referred to in Regulation (EEC) No 1768/89; Indeed, these products should not be released for free circulation in the Community at a price less than these normal values.
- (12) In these circumstances, it was found that the anti-dumping duty to be imposed in respect of the imports in the Community of the said models of video cassettes by Master Technologies should not be an *ad valorem* duty, but a variable duty.
- (13) Accordingly, it is considered appropriate that Regulation (EEC) No 1768/89 should be amended and that Master Technologies be exempted from the definitive anti-dumping duty imposed on VHS video tapes in cassettes originating in Hong Kong in respect of the models E-120, E-180 and E-240, both high grade or extra high grade, in so far as these models will be subject to a duty equal to the difference between the normal value set out for each of these models under recital 8, and their net price, free-at-the-Community-frontier, before duty, payable by the first independent importer.

- (14) Master Technologies was informed of the essential facts and considerations on the basis of which the imposition of this anti-dumping duty was proposed, and was given an opportunity to comment on the proposal.
- (15) The complainants were also informed of the considerations and main facts on the basis of which it was intended that the Commission proposed to amend Regulation (EEC) No 1768/89 and were given an opportunity to comment on the proposal.
- (16) No comment was received from either Master Technologies or the complainants on the Commission proposal.

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (3) of Regulation (EEC) No 1768/89 is hereby replaced by the following:

'3. The duty specified in paragraph 2 (b) shall not apply to video tape in cassettes manufactured and sold for export to the Community by Swylinn Ltd and Wing Shing Cassette Ltd Hong Kong (additional Taric code: 8292)

The duty specified in paragraph 2 (b) shall not apply to video tape in cassettes in respect of models E-120, E-180 and E-240, both high grade or extra high grade, manufactured and sold for export to the Community by Master Technologies; these models shall instead be subject to an anti-dumping duty equal to the difference between the price specified below for each of the models concerned and the net price, free-at-Community-frontier, before duty for those models:

	E-120	E-180	E-240
High grade	ECU 1,36 (8470) (*)	ECU 1,67 (8472) (*)	ECU 1,99 (8474) (*)
Extra high grade	ECU 1,53 (8471) (*)	ECU 1,92 (8473) (*)	ECU 2,32 (8475) (*)

(*) Additional Taric code.'

Article 2

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

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

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

COUNCIL REGULATION (EEC) No 3523/90

of 4 December 1990

opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in certain EFTA countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in agreements concluded between the Community and certain EFTA countries and approved by Decisions 86/555/EEC, 86/557/EEC, 86/558/EEC and 86/559/EEC⁽¹⁾, the Community undertook to open each year, subject to certain conditions, Community tariff quotas at a reduced or zero rate of duty for a number of agricultural and fishery products originating in those countries; whereas those tariff quotas should be opened for 1991, and, where necessary, the conditions of eligibility laid down should be specified;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quota should be applied consistently to all imports of the product in question into all Member States until the quotas are exhausted; whereas the necessary measures should be taken to ensure that these tariff quotas are administered efficiently and on a

Community basis, so that the Member States can draw the necessary quantities, corresponding to actual imports recorded, from the quota volumes; whereas this method of administration calls for close cooperation between the Member States and the Commission;

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 concerning the administration of these quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1991 the customs duties applicable to imports of the products listed below shall be suspended at the levels indicated below and within the limits of the Community tariff quotas as shown below:

(a) The following products, originating in Sweden:

Order No	CN code (¹)	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0601	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat falling within CN code 0304:	3 500	0
		— Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), excluding livers and roes:		
	0302 50 10	— — Of the species <i>Gadus morhua</i>		
	0302 62 00	— Other fish, excluding livers and roes:		
09.0603	0302 63 00	— — Haddock (<i>Melanogrammus aeglefinus</i>)	1 500	0
	0304	— — Coalfish (<i>Pollachius virens</i>)		
		Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		
	0304 10	— Fresh or chilled:		
		— — Filets:		
		— — — Other:		
	ex 0304 10 31	— — — — Of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and of fish of the species <i>Boreogadus saida</i> :		
		— — — — Of the species <i>Gadus morhua</i>		

(¹) See Taric codes in the Annex.

Order No	CN code (^(*))	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0605	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	250	0
	1604 12	— Fish, whole or in pieces, but not minced:		
	1604 12 90	— — Herrings:		
	1604 13	— — — Other:	200	0
09.0607	1604 13 90	— — Sardines, sardinella and brisling or sprats:		
	1604 19	— — — Other:		
	1604 19 99	— — — — Other:		
	1604 20	— Other prepared or preserved fish:		
	1604 20 90	— — Of other fish		
09.0609	1604 30	— Caviar and caviar substitutes:	60	0
	1604 30 90	— — Caviar substitutes		
09.0611	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:	120	7,5
	ex 1605 20 00	— Shrimps and prawns:		
		— Shelled, whether or not frozen, excluding shrimps and prawns of the Crangon variety		

(^(*)) See Taric codes in the Annex.

(b) The following products, originating in Norway:

Order No	CN code (^(*))	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg	1 000	8,5
	0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption:	3 900	0
		— Dried fish, whether or not salted but not smoked:		
	0305 51	— — Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>):		
09.0707	ex 0305 51 10	— — — Dried, unsalted:		
		— Excluding of cod of the species <i>Gadus macrocephalus</i>		
	0305 59	— — Other:	3 000	0
	0305 59 11	— — — Fish of the species <i>Boreogadus saida</i> :		
09.0709	0305 30 19	— — — — Dried, unsalted	400	10
		Fillets of cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i> , and fish fillets of the species <i>Boreogadus saida</i> , dried, salted or in brine		
09.0711	ex 1604 13 90	Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:	400	10
		Other:		
		— Sardinella, brisling or sprats, not including fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep-frozen		
	ex 1604 19 99	Other, not including smoked saithe	400	10
	ex 1604 20 90	Fish other than herring and smoked saithe		

(^(*)) See Taric codes in the Annex.

(c) The following products, originating in Austria :

Order No	CN code	Description	Amount of quota (in hl)	Quota duty (%)
09.0801	2009 80 11 2009 80 19	Concentrated pear juice	2 000	30 + AGR possibly applicable

(d) The following products, originating in Switzerland :

Order No	CN code (*)	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0901	0809 20 10 ex 0809 20 90	Table cherries excluding Morello cherries	1 000	0

(*) See Taric codes in the Annex.

2. Within the limits of the quotas referred to in paragraph 1 under order Nos 09.0701, 09.0801 and 09.0901, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

For the other quotas, the Kingdom of Spain and the Portuguese Republic shall apply the duties set out below :

Order No	Spain (%)	Portugal (%)
09.0601	0	0
09.0603	0	0
09.0605	3,5	7,5
09.0607	3,5	7,5
09.0609	3,5	7,5
09.0611	7,2	13,1
09.0707	1,7	0
09.0709	1,7	0
09.0711	11	15

3. Imports of the products listed in paragraph 1 which already qualify for a lower or the same rate of customs duty under other preferential tariff arrangements may not be charged against the corresponding tariff quota.

4. Imports of the products referred to in paragraph 1 under order Nos 09.0601 to 09.0611, 09.0707, 09.0709 and 09.0711 shall not qualify for the quota unless the free-at-frontier price, which is determined by the Member States in accordance with Article 21 of Council Regulation (EEC) No 3796/81 of 21 December 1981 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No

2886/89⁽²⁾, shall be at least equal to the reference price, if such a price has been fixed by the Community, for the products or categories of products in question.

5. The protocols on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community on the one hand and the Kingdom of Sweden, the Kingdom of Norway, the Republic of Austria and the Swiss Confederation on the other, shall be applicable.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate administrative measure in order to ensure efficient administration.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the quota volume by means of notification to the Commission, a quantity corresponding to those needs.

The requests for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

(1) OJ No L 379, 31. 12. 1981, p. 1.

(2) OJ No L 282, 2. 10. 1989, p. 1.

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

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

Article 4

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

ANNEX

Taric codes

Order No	CN code	Taric code
09.0603	ex 0304 10 31	0304 10 31 * 10
09.0611	ex 1605 20 00	1605 20 00 * 91 1605 20 00 * 92 1605 20 00 * 96
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	1504 20 10 * 90 1504 30 19 * 90 1516 10 90 * 11
09.0707	ex 0305 51 10	0305 51 10 * 10 0305 51 10 * 20
09.0711	ex 1604 13 90 ex 1604 19 99 ex 1604 20 90	1604 13 90 * 91 1604 13 90 * 99 1604 19 99 * 90 1604 20 90 * 30 1604 20 90 * 90
09.0901	ex 0809 20 10 ex 0809 20 90	0809 20 10 * 91 0809 20 90 * 12 0809 20 90 * 25 0809 20 90 * 33 0809 20 90 * 45 0809 20 90 * 75

**COMMISSION REGULATION (EEC) No 3254/90
of 6 December 1990**

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 1340/90⁽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,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1801/90⁽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 5 December 1990;

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 1801/90 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 7 December 1990.

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

Done at Brussels, 6 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, 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 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 6 December 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	29,58	141,44 ⁽²⁾ ⁽³⁾
0712 90 19	29,58	141,44 ⁽²⁾ ⁽³⁾
1001 10 10	24,85	198,89 ⁽¹⁾ ⁽³⁾
1001 10 90	24,85	198,89 ⁽¹⁾ ⁽³⁾
1001 90 91	29,99	168,50
1001 90 99	29,99	168,50
1002 00 00	55,10	155,43 ⁽⁶⁾
1003 00 10	46,40	148,84
1003 00 90	46,40	148,84
1004 00 10	38,04	145,14
1004 00 90	38,04	145,14
1005 10 90	29,58	141,44 ⁽²⁾ ⁽³⁾
1005 90 00	29,58	141,44 ⁽²⁾ ⁽³⁾
1007 00 90	46,40	145,28 ⁽⁴⁾
1008 10 00	46,40	61,53
1008 20 00	46,40	133,47 ⁽⁴⁾
1008 30 00	46,40	72,41 ⁽³⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	46,40	72,41
1101 00 00	55,84	249,75
1102 10 00	90,99	231,72
1103 11 10	51,84	322,50
1103 11 90	59,40	268,82

⁽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 or in the 'overseas countries and territories'.

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

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽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 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

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

COMMISSION REGULATION (EEC) No 3525/90

of 6 December 1990

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 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 1340/90⁽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,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1802/90⁽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 5 December 1990;

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

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 Portugal shall be zero.

2. 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 7 December 1990.

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

Done at Brussels, 6 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 134, 28. 5. 1990, 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 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 6 December 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 12	1st period 1	2nd period 2	3rd period 3
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	21,02	21,02	22,30
1001 90 99	0	21,02	21,02	22,30
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
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	29,44	29,44	31,22

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	37,42	37,42	39,69	39,69
1107 10 19	0	27,96	27,96	29,66	29,66
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 3526/90

of 6 December 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3499/90⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 3 and 4 December 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 7 December 1990.

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

⁽²⁾ OJ No L 338, 5. 12. 1990, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 6 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

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

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

⁽²⁾ For imports of oil falling within this CN code:

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

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

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 3527/90

of 5 December 1990

concerning the stopping of fishing for common sole by vessels flying the flag of the Netherlands

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 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 1887/90⁽⁴⁾, provides for common sole quotas for 1990;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, 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 quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES divisions II and IV by vessels flying the flag of the Netherlands or registered in the Netherlands have reached the quota allocated for 1990; whereas the Netherlands have prohibited fishing for this stock as from

9 November 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES divisions II and IV by vessels flying the flag of the Netherlands or registered in the Netherlands are deemed to have exhausted the Quota allocated to the Netherlands for 1990.

Fishing for common sole in the waters of ICES divisions II and IV by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of suchstock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 19 November 1990.

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

Done at Brussels, 5 December 1990.

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 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3528/90

of 5 December 1990

concerning the stopping of fishing for cod by vessels flying the flag of the United Kingdom

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 last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 1887/90 ⁽⁴⁾, provides for cod quotas for 1990;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, 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 quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1990; whereas the United Kingdom has prohibited

fishing for this stock as from 24 November 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1990.

Fishing for cod in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 24 November 1990.

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

Done at Brussels, 5 December 1990.

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 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3529/90
of 6 December 1990
amending Regulation (EEC) No 2814/90 laying down detailed rules for the
definition of lambs fattened as heavy carcasses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 5 (9) thereof,

Having regard to Council Regulation (EEC) No 3901/89 of 12 December 1989 defining lambs fattened as heavy carcasses⁽²⁾, and in particular Article 1 (2) thereof,

Whereas the first subparagraph of Article 1 (1) of Commission Regulation (EEC) No 2814/90⁽³⁾ provides for producers marketing sheep's milk or sheep's milk products who wish, as provided for in Article 5 (4) of Regulation (EEC) No 3013/89, to receive the heavy category premium to submit an application for the premium during a special period set within the period 1 November to 31 December preceding the beginning of the marketing year for which the premium is applied for;

Whereas in the case of Member States where fattening of lambs is not normally carried out until after the beginning of the marketing year, it is suitable to allow Member States to provide for a longer period for submission of premium applications;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (1) of Regulation (EEC) No 2814/90 is hereby replaced by the following:

'1. In order to be able, subject to the special provisions laid down in Article 2, to receive the heavy category premium as provided for in Article 5 (4) of Regulation (EEC) No 3013/89, each producer marketing

sheep's milk or sheep's milk products shall submit to the competent authority an application for the premium in the course of a period, set by the Member State, within the period 1 November to 31 December preceding the beginning of the marketing year to which the premium relates, stating his intention to fatten with a view to slaughter at least 40 % of the lambs born to the ewes to which the premium application relates. However, in Member States where lambs are not normally fattened until after the beginning of the marketing year, the Member State may decide that applications be submitted in the course of a set period within the period 1 November preceding the beginning of the marketing year for which the declaration is submitted and the following 31 January.

Following submission of the application the producer shall submit to the competent authority, not later than the day fattening of a batch begins, a specific declaration stating at least:

- the date fattening is to begin,
- the number of lambs in the batch,
- the location where fattening is to take place.

This shall relate to lambs whose fattening begins between 15 November preceding the beginning of the marketing year for which the declaration is submitted and the following 14 November.

Furthermore, if fattening takes place away from the beneficiary's holding, the specific declaration shall be accompanied by an undertaking by the manager of the fattening house to permit the controls for which provision is made in order to ensure that the fattening operations are carried out.'

Article 2

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

It shall be applicable to premiums for the 1991 marketing year. However, in Member States where Article 22 (8) of Regulation (EEC) No 3013/89 applies for the 1990 marketing year, it shall be applicable to premiums for the 1990 marketing year for which applications have not yet been submitted.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 375, 23. 12. 1989, p. 4.

⁽³⁾ OJ No L 268, 29. 9. 1990, p. 35.

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

Done at Brussels, 6 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3530/90
of 6 December 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

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

Whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EEC) No 3381/88⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

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

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

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

Whereas in the absence of evidence that no production refund was granted pursuant to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sector⁽⁷⁾, as last amended by Regulation (EEC) No 2779/89⁽⁸⁾, the export refund should be reduced by the amount of the production refund applicable on the day of acceptance of the export declaration; whereas this system is the only one which avoids the risk of fraud;

Whereas Commission Regulation (EEC) No 28/90⁽⁹⁾ specifies new criteria for the classification of products falling within CN code 3505 10 50; whereas it is therefore necessary to adopt certain provisions to ensure the deduction from any export refund payable of the amount of the production refund in cases where the product in question has previously benefited from a production refund pursuant to Regulation (EEC) No 1009/86, prior to the implementation of the new criteria;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽¹⁰⁾, as amended by Regulation (EEC) No 2026/83⁽¹¹⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽¹²⁾, as last amended by Regulation (EEC) No 1615/90⁽¹³⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁷⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁸⁾ OJ No L 268, 15. 9. 1989, p. 20.

⁽⁹⁾ OJ No L 3, 6. 1. 1990, p. 9.

⁽¹⁰⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽¹¹⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽¹²⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹³⁾ OJ No L 152, 16. 6. 1990, p. 33.

Whereas, now that a settlement has been reached between the European Economic Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽¹⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas, in order to ensure equitable treatment between maize products exported in the form of pellets, rolled or flaked grains falling within CN code 1904 10 and other maize products, it is necessary to differentiate the refunds on those goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

2. For the products listed in the Annex to Regulation (EEC) No 1009/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the products to be exported

have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

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

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

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

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

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

Article 2

The provisions of Article 1 (2) and (3) of this Regulation shall also apply to starches having on acetyl content by weight in the dry product of 0,25 % or more but less than 0,5 %

Article 3

This Regulation shall enter into force on 7 December 1990.

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

Done at Brussels, 6 December 1990.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 275, 29. 9. 1987, p. 36.

ANNEX

to the Commission Regulation of 6 December 1990 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
1001 10 90	Durum wheat :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	9,162
	— In all other cases	14,096
1001 90 99	Common wheat, and meslin (mixed wheat and rye) :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	6,681
	— In all other cases	10,278
1002 00 00	Rye	10,920
1003 00 90	Barley	10,403
1004 00 90	Oats	10,654
1005 90 00	Maize, other than hybrid maize for sowing) :	
	— Maize in pellets, rolled or flake grains with a fat content exceeding 1,5 % in the form of goods falling within CN code 1904 10	7,200
	— In all other cases	12,706
1006 20	Round grain husked rice	22,968
	Medium grain husked rice	22,534
	Long grain husked rice	22,534
ex 1006 30	Round grain wholly milled rice	29,849
	Medium grain wholly milled rice	35,883
	Long grain wholly milled rice	35,883
1006 40 00	Broken rice	17,015
1007 00 90	Sorghum	6,601
1101 00 00	Wheat or meslin flour :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	7,883
	— In all other cases	12,127
1102 10 00	Rye flour	21,624
1103 11 10	Durum wheat groats and meal :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	14,202
	— In all other cases	21,849
1103 11 90	Common wheat groats and meal :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	7,883
	— In all other cases	12,127

COMMISSION REGULATION (EEC) No 3531/90

of 6 December 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 1340/90⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated,

account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽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 detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION :

2. The refund on export to Portugal has not been fixed.

Article 1

1. The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 December 1990.

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

Done at Brussels, 6 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 6 December 1990 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	01	0
1001 90 91 000	01	—
1001 90 99 000	04	100,00
	05	100,00
	02	20,00
1002 00 00 000	03	100,00
	05	100,00
	02	20,00
1003 00 10 000	—	—
1003 00 90 000	04	87,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	159,50
1101 00 00 130	01	140,50
1101 00 00 150	01	130,50
1101 00 00 170	01	120,50
1101 00 00 180	01	107,50
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	159,50
1102 10 00 900	—	—
1103 11 10 100	01	237,00
1103 11 10 200	01	224,00
1103 11 10 500	01	200,00
1103 11 10 900	01	189,00
1103 11 90 100	01	159,50
1103 11 90 900	—	—

(¹) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II (b).

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 3532/90

of 6 December 1990

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 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 1340/90⁽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 1806/89⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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 Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68⁽⁹⁾, as amended by Regulation (EEC) No 2764/71⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

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 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽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.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

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, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal ; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. 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 1418/79 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.
2. The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 7 December 1990.

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

Done at Brussels, 6 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 6 December 1990 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	177,88	1104 22 30 100	181,12
1102 20 10 300	152,47	1104 22 30 900	—
1102 20 10 900	—	1104 22 50 000	—
1102 20 90 100	152,47	1104 23 10 100	190,59
1102 20 90 900	—	1104 23 10 300	146,12
1102 30 00 000	—	1104 23 10 900	—
1102 90 10 100	147,05	1104 29 11 000	—
1102 90 10 900	99,99	1104 29 15 000	—
1102 90 30 100	191,77	1104 29 19 000	—
1102 90 30 900	—	1104 29 91 000	102,78
1103 12 00 100	191,77	1104 29 95 000	109,20
1103 12 00 900	—	1104 30 10 000	25,70
1103 13 11 100	228,71	1104 30 90 000	31,77
1103 13 11 300	177,88	1107 10 11 000	182,95
1103 13 11 500	152,47	1107 10 91 000	174,49
1103 13 11 900	—	1108 11 00 100	205,56
1103 13 19 100	228,71	1108 11 00 900	—
1103 13 19 300	177,88	1108 12 00 100	203,30
1103 13 19 500	152,47	1108 12 00 900	—
1103 13 19 900	—	1108 13 00 100	203,30
1103 13 90 100	152,47	1108 13 00 900	—
1103 13 90 900	—	1108 14 00 100	—
1103 14 00 000	—	1108 14 00 900	—
1103 19 10 000	109,20	1108 19 10 100	258,63
1103 19 30 100	151,95	1108 19 10 900	—
1103 19 30 900	—	1108 19 90 100	—
1103 21 00 000	104,84	1108 19 90 900	—
1103 29 20 000	99,99	1109 00 00 100	0,00
1103 29 30 000	—	1109 00 00 900	—
1103 29 40 000	129,60	1702 30 51 000	265,56
1104 11 90 100	147,05	1702 30 59 000	203,30
1104 11 90 900	—	1702 30 91 000	265,56
1104 12 90 100	213,08	1702 30 99 000	203,30
1104 12 90 300	170,46	1702 40 90 000	203,30
1104 12 90 900	—	1702 90 50 100	265,56
1104 19 10 000	104,84	1702 90 50 900	203,30
1104 19 50 110	203,30	1702 90 75 000	278,26
1104 19 50 130	165,18	1702 90 79 000	193,13
1104 19 50 150	—	2106 90 55 000	203,30
1104 19 50 190	—	2302 10 10 000	26,23
1104 19 50 900	—	2302 10 90 100	26,23
1104 19 91 000	—	2302 10 90 900	—
1104 21 10 100	147,05	2302 20 10 000	26,23
1104 21 10 900	—	2302 20 90 100	26,23
1104 21 30 100	147,05	2302 20 90 900	—
1104 21 30 900	—	2302 30 10 000	26,23
1104 21 50 100	196,06	2302 30 90 000	26,23
1104 21 50 300	156,85	2302 40 10 000	26,23
1104 21 50 900	—	2302 40 90 000	26,23
1104 22 10 100	170,46	2303 10 11 100	101,65
1104 22 10 900	—	2303 10 11 900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3533/90

of 6 December 1990

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 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 1340/90⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products 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 1349/87⁽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 the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as last amended by Regulation (EEC) No 3049/89⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, 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 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 292, 11. 10. 1989, p. 10.

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, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal;

whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. 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.

2. The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 7 December 1990.

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

Done at Brussels, 6 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 6 December 1990 fixing the export refunds on
cereal-based compound feedingstuffs

(ECU/tonne)		
Product code	Destination (°)	Amount of refund
2309 10 11 050	—	—
2309 10 11 110	01	5,87
	09	—
2309 10 11 190	01	5,30
	09	—
2309 10 11 210	01	11,73
	09	—
2309 10 11 290	01	10,61
	09	—
2309 10 11 310	01	23,46
	09	—
2309 10 11 390	01	21,22
	09	—
2309 10 11 900	—	—
2309 10 13 050	—	—
2309 10 13 110	01	5,87
	09	—
2309 10 13 190	01	5,30
	09	—
2309 10 13 210	01	11,73
	09	—
2309 10 13 290	01	10,61
	09	—
2309 10 13 310	01	23,46
	09	—
2309 10 13 390	01	21,22
	09	—
2309 10 13 900	—	—
2309 10 31 050	—	—
2309 10 31 110	01	5,87
	09	—
2309 10 31 190	01	5,30
	09	—
2309 10 31 210	01	11,73
	09	—
2309 10 31 290	01	10,61
	09	—
2309 10 31 310	01	23,46
	09	—
2309 10 31 390	01	21,22
	09	—
2309 10 31 410	01	35,19
	09	—
2309 10 31 490	01	31,83
	09	—
2309 10 31 510	01	46,93
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 31 590	01	42,44
	09	—
2309 10 31 610	01	58,66
	09	—
2309 10 31 690	01	53,05
	09	—
2309 10 31 900	—	—
2309 10 33 050	—	—
2309 10 33 110	01	5,87
	09	—
2309 10 33 190	01	5,30
	09	—
2309 10 33 210	01	11,73
	09	—
2309 10 33 290	01	10,61
	09	—
2309 10 33 310	01	23,46
	09	—
2309 10 33 390	01	21,22
	09	—
2309 10 33 410	01	35,19
	09	—
2309 10 33 490	01	31,83
	09	—
2309 10 33 510	01	46,93
	09	—
2309 10 33 590	01	42,44
	09	—
2309 10 33 610	01	58,66
	09	—
2309 10 33 690	01	53,05
	09	—
2309 10 33 900	—	—
2309 10 51 050	—	—
2309 10 51 110	01	5,87
	09	—
2309 10 51 190	01	5,30
	09	—
2309 10 51 210	01	11,73
	09	—
2309 10 51 290	01	10,61
	09	—
2309 10 51 310	01	23,46
	09	—
2309 10 51 390	01	21,22
	09	—
2309 10 51 410	01	35,19
	09	—
2309 10 51 490	01	31,83
	09	—
2309 10 51 510	01	46,93
	09	—
2309 10 51 590	01	42,44
	09	—
2309 10 51 610	01	58,66
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 51 690	01	53,05
	09	—
2309 10 51 710	01	70,39
	09	—
2309 10 51 790	01	63,66
	09	—
2309 10 51 810	01	76,79
	09	—
2309 10 51 890	01	69,44
	09	—
2309 10 51 900	—	—
2309 10 53 050	—	—
2309 10 53 110	01	5,87
	09	—
2309 10 53 190	01	5,30
	09	—
2309 10 53 210	01	11,73
	09	—
2309 10 53 290	01	10,61
	09	—
2309 10 53 310	01	23,46
	09	—
2309 10 53 390	01	21,22
	09	—
2309 10 53 410	01	35,19
	09	—
2309 10 53 490	01	31,83
	09	—
2309 10 53 510	01	46,93
	09	—
2309 10 53 590	01	42,44
	09	—
2309 10 53 610	01	58,66
	09	—
2309 10 53 690	01	53,05
	09	—
2309 10 53 710	01	70,39
	09	—
2309 10 53 790	01	63,66
	09	—
2309 10 53 810	01	76,79
	09	—
2309 10 53 890	01	69,44
	09	—
2309 10 53 900	—	—
2309 90 31 050	—	—
2309 90 31 110	01	5,87
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 90 31 190	01	5,30
	09	—
2309 90 31 210	01	11,73
	09	—
2309 90 31 290	01	10,61
	09	—
2309 90 31 310	01	23,46
	09	—
2309 90 31 390	01	21,22
	09	—
2309 90 31 900	—	—
2309 90 33 050	—	—
2309 90 33 110	01	5,87
	09	—
2309 90 33 190	01	5,30
	09	—
2309 90 33 210	01	11,73
	09	—
2309 90 33 290	01	10,61
	09	—
2309 90 33 310	01	23,46
	09	—
2309 90 33 390	01	21,22
	09	—
2309 90 33 900	—	—
2309 90 41 050	—	—
2309 90 41 110	01	5,87
	09	—
2309 90 41 190	01	5,30
	09	—
2309 90 41 210	01	11,73
	09	—
2309 90 41 290	01	10,61
	09	—
2309 90 41 310	01	23,46
	09	—
2309 90 41 390	01	21,22
	09	—
2309 90 41 410	01	35,19
	09	—
2309 90 41 490	01	31,83
	09	—
2309 90 41 510	01	46,93
	09	—
2309 90 41 590	01	42,44
	09	—
2309 90 41 610	01	58,66
	09	—
2309 90 41 690	01	53,05
	09	—
2309 90 41 900	—	—
2309 90 43 050	—	—
2309 90 43 110	01	5,87
	09	—
2309 90 43 190	01	5,30
	09	—

(ECU/tonne)		
Product code	Destination (°)	Amount of refund
2309 90 43 210	01	11,73
	09	—
2309 90 43 290	01	10,61
	09	—
2309 90 43 310	01	23,46
	09	—
2309 90 43 390	01	21,22
	09	—
2309 90 43 410	01	35,19
	09	—
2309 90 43 490	01	31,83
	09	—
2309 90 43 510	01	46,93
	09	—
2309 90 43 590	01	42,44
	09	—
2309 90 43 610	01	58,66
	09	—
2309 90 43 690	01	53,05
	09	—
2309 90 43 900	—	—
2309 90 51 050	—	—
2309 90 51 110	01	5,87
	09	—
2309 90 51 190	01	5,30
	09	—
2309 90 51 210	01	11,73
	09	—
2309 90 51 290	01	10,61
	09	—
2309 90 51 310	01	23,46
	09	—
2309 90 51 390	01	21,22
	09	—
2309 90 51 410	01	35,19
	09	—
2309 90 51 490	01	31,83
	09	—
2309 90 51 510	01	46,93
	09	—
2309 90 51 590	01	42,44
	09	—
2309 90 51 610	01	58,66
	09	—
2309 90 51 690	01	53,05
	09	—
2309 90 51 710	01	70,39
	09	—
2309 90 51 790	01	63,66
	09	—
2309 90 51 810	01	76,79
	09	—

(ECU / tonne)

Product code	Destination ⁽¹⁾	Amount of refund
2309 90 51 890	01	69,44
	09	—
2309 90 51 900	—	—
2309 90 53 050	—	—
2309 90 53 110	01	5,87
	09	—
2309 90 53 190	01	5,30
	09	—
2309 90 53 210	01	11,73
	09	—
2309 90 53 290	01	10,61
	09	—
2309 90 53 310	01	23,46
	09	—
2309 90 53 390	01	21,22
	09	—
2309 90 53 410	01	35,19
	09	—
2309 90 53 490	01	31,83
	09	—
2309 90 53 510	01	46,93
	09	—
2309 90 53 590	01	42,44
	09	—
2309 90 53 610	01	58,66
	09	—
2309 90 53 690	01	53,05
	09	—
2309 90 53 710	01	70,39
	09	—
2309 90 53 790	01	63,66
	09	—
2309 90 53 810	01	76,79
	09	—
2309 90 53 890	01	69,44
	09	—
2309 90 53 900	—	—

⁽¹⁾ The destinations are as follows :

- 01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77 and Greenland,
- 09 Other destinations.

NB : The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3534/90
of 6 December 1990
fixing production refunds in the cereals and rice sectors

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 1340/90⁽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 2779/89⁽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 3056/90⁽⁶⁾, provides that the production refund shall be fixed on a each month taking into account the export refund valid for maize during the month in question, less a lump sum representing in particular forwarding costs, multiplied by a coefficient of 1,6; 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 in the cereals and rice sectors in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with amended Regulation (EEC) No 2169/86 shall be as follows in ECU 179,30 per tonne.

Article 2

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

It shall apply with effect from 1 December 1990.

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

Done at Brussels, 6 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 268, 15. 9. 1989, p. 20.

⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁶⁾ OJ No L 294, 25. 10. 1990, p. 13.