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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 3836/91****of 19 December 1991**

imposing a definitive anti-dumping duty on imports of dihydrostreptomycin originating in the People's Republic of China and definitively collecting the provisional anti-dumping duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 9 and 12 thereof,

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

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC) No 2054/91⁽²⁾, (hereafter referred to as the provisional Regulation) imposed a provisional anti-dumping duty on imports of dihydrostreptomycin (hereafter referred to as DHS) originating in the People's Republic of China. The Council, by Regulation (EEC) No 3090/91⁽³⁾ extended this duty for a period not exceeding two months.
- (2) The Commission did not impose measures concerning Japan, since it found that dumped Japanese imports did not cause any injury to the Community industry. In this respect the proceeding concerning Japan has been terminated by a Commission decision.

B. SUBSEQUENT PROCEDURE

- (3) Following the imposition of the provisional anti-dumping duty, the Chinese exporters as well as the

complainants, requested, and were granted an opportunity to be heard by the Commission. They also made written submissions making known their views on the findings.

- (4) The oral and written comments submitted by the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.
- (5) Owing to the complexity of the proceeding, in particular to the detailed verification of the data involved and the numerous arguments put forward, the investigation could not be concluded within the time limit provided for in Article 7 (9) (a) of Council Regulation (EEC) No 2423/88 (hereafter referred to as the basic Regulation).

C. DUMPING**(a) Normal value**

- (6) For the purpose of the definitive findings, normal value was, in general, established on the basis of the same method as that used in the provisional findings.
- (7) As explained in recitals 10 to 15 of the provisional Regulation, normal value for the Chinese exporters was established on the basis of the constructed normal value in Japan.
- (8) DHS is only produced in two countries apart from the Community, one of which is the People's Republic of China and the other, Japan, which has a particular market situation. According to Article 2 (5) of the basic Regulation, the normal value has to be established in an appropriate and not unreasonable manner on the basis of the prices or the constructed value in a market economy third

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 187, 13. 7. 1991, p. 23.

⁽³⁾ OJ No L 293, 24. 10. 1991, p. 1.

country by adding cost of production and a reasonable margin of profit. As explained in recitals 11 to 15 of the provisional Regulation, the prices in Japan were not fairly comparable with the export prices of the Chinese exporters. Normal value had, therefore, to be constructed on the basis of the Japanese costs of production and a reasonable profit margin. The result was then adjusted to render it reasonable and appropriate by taking account of the fact that one of the raw materials was sourced in the People's Republic of China and the use of its cost price would have reintroduced the distortions which Article 2 (5) of the basic Regulation was intended to eliminate.

Since Rhône Poulenc is the only other known producer of dihydrostreptomycin in the world, its costs, exclusive of selling, general, and administrative expenses and profit, pertaining to the relevant raw material, were utilized as there is no established world market price for this raw material which could be used as an alternative. The constructed normal value for Japan was therefore adjusted by the difference between the cost of production of the raw material of the only known market economy producer and the cost price of the Chinese raw material to the Japanese producer of dihydrostreptomycin.

- (9) The Chinese exporters contested this method, arguing that the Commission had confused different methods of determining normal value as set out in Article 2 (5) of the basic Regulation. The Commission cannot accept this argument. The method used is fully in accordance with Article 2 (5), the normal value being adjusted as explained above to make it reasonable and appropriate as is required. Thus, the fact that this adjustment was made by reference to the cost of a raw material in the Community does not mean that the Commission mixed the methods.
- (10) As far as a reasonable profit margin is concerned, it is recalled that, due to the predominant market position enjoyed by the Japanese producer on its domestic market, the profit margin found for this Japanese producer was exceptional and therefore it was not considered appropriate to include it in the calculation of the constructed value for the Chinese exporters. For this reason, a profit margin of 5 %, as requested by the Chinese exporters, was used in the calculation of the normal value, as this was thought to be reasonable for a mature generic pharmaceutical product used in the agricultural sector.

The Council confirms these findings and conclusions of the Commission as well as those set out in recitals 9 to 15 of the provisional Regulation.

(b) Export price

- (11) The export price of DHS exported by the Chinese producers was determined as explained in recital 16

of the provisional Regulation. No comments from any party have been made on this course of action. Therefore the Council confirms the Commission's findings.

(c) Comparison

- (12) The comparison between normal value and the export prices was made on a transaction-by-transaction basis at the ex-works level and at the same level of trade. For the purposes of ensuring a fair comparison the Commission took account, where appropriate, of differences concerning price comparability, such as differences in physical characteristics and selling expenses. The Chinese exporters claimed, and the Commission after examination agreed, that a 9 % downward adjustment of the normal value was justified in the light of the differences in the physical characteristics, namely the lower potency of DHS produced in China.
- (13) In addition, the Chinese exporters claimed that the differences in the manufacturing process between DHS produced in Japan and China justify a further adjustment. However, no material evidence was put forward by the exporters as provided for by Article 2 (9) (b) of the basic Regulation. Therefore the Council confirms the Commission's position.
- (14) The Chinese exporters also argued that the Commission had neglected other factors of adjustment such as differences in end-use, in customer perception due to lower potency and colouration of Chinese DHS. These differences were already taken into account by the abovementioned 9 % allowance, because they are a consequence of the lower potency. It is considered that these claims are not justified and this is confirmed by the Council.

(d) Dumping margins

- (15) The final examination revealed that exports of DHS by the Chinese exporters were dumped. The dumping margin is equal to the difference between the normal value and the export prices. The Commission has taken into account the fact that the Chinese exporters are controlled and represented by a single state organization which is also able to influence the export prices. Consequently, a uniform dumping margin has been determined for the Chinese exporters who cooperated.

- (16) The two Chinese exporters which cooperated claimed, however, that they acted independently and were therefore entitled to individual dumping margins. In this respect, the Commission noted that these Chinese exporters were represented by a single Chamber of Commerce on behalf of which identical arguments and considerations for the two exporters, without any evidence of differences in circumstances except for differences in potencies of DHS, were submitted. In addition, these exporters were unable to show that they enjoyed a high degree of independence, that they are not state controlled in their commercial behaviour, especially in the setting of export prices and that they had the possibility to transfer any part of their profit outside China. For these reasons, the exporters' claim, in this respect, has to be rejected.

- (17) As far as other Chinese exports to the Community are concerned, an analysis of Eurostat figures for imports of DHS and a comparison with the declared export volumes by the Chinese exporters which cooperated shows that it is highly probable that other Chinese producers export DHS to the Community with a similar purity to that of the Japanese producer. No evidence was available on the individual circumstances of these exporters for which, therefore, a dumping margin had to be calculated on the basis of the facts available as provided for in Article 7 (7) (b) of the basic Regulation. Since it has to be assumed that these non-cooperating exporters export higher potency DHS, no allowance can be made for differences in potency levels. Therefore, it was considered reasonable that the dumping margin calculated for all other exporters from the People's Republic of China should not take account of any allowances claimed by the Chinese exporters which cooperated.

On the basis, the dumping margins expressed as a percentage of cif frontier prices were found to be for:

Long March Pharmaceutical Plant, Sechuan	37,46 %
Shanghai Fourth Pharmaceutical Plant	37,46 %
For all other Chinese exporters	50,65 %.

These margins are equivalent to ECU 14,9 per kilogram of base DHS for Long March Pharmaceutical and Shanghai Fourth Pharmaceutical Plant and ECU 20,16 for all other Chinese exporters. The Council confirms these findings.

D. INJURY

- (18) The Commission concluded in its provisional findings that the Community industry had suffered

material injury. While further investigation revealed that the capacity utilization was not as low as indicated in the provisional Regulation but dropped from an index of 100 in 1985 to 84 during the investigation period, all other injury factors remained unchanged even after the submission by the interested parties.

- (19) Given the above and for the reasons explained in recitals 21 to 26 of the provisional Regulation, the Council confirms that the Community industry has suffered material injury.

E. CAUSATION OF INJURY

- (20) In recitals 29 to 34 of the provisional Regulation, the Commission found that the increase in the volume of DHS imports from the People's Republic of China, at low prices which undercut the prices of the EC industry, coincided with the reduction in the Community industry's profit margin, reduction in market share and price erosion. In this respect, the Chinese exporters themselves have indicated that the DHS market is highly price sensitive. It is, therefore, clear that the lower prices charged by the Chinese exporters was an important factor in the realignment of market shares amongst the Chinese exporters and the Community industry and also in the price erosion and the consequent losses suffered by the Community industry.

- (21) It was also found that the Japanese exporters' sales of DHS in the Community had declined considerably and had not undercut the Community industry prices. It was considered, therefore, that these exports did not contribute to the injury to the Community industry. As regards any other factors which had an impact on the situation of the Community industry, the Council is aware that demand for the product concerned has contracted in recent years. However, this factor has not been imputed to the injury caused by the Chinese exporters. Furthermore, the Commission considers that the large increase in dumped imports from China at very low prices into a contracting market has only served to aggravate the injurious effect of the dumping.

- (22) For these reasons and for those explained in recitals 29 to 34 of the provisional Regulation, the Council confirms that the dumped Chinese imports, taken in isolation, have caused material injury to the Community industry.

F. DUTY

- (23) As regards the duty, the Commission has recalculated what is necessary to remove the injury using the method as explained in recitals 35 and 36 of the provisional Regulation. Given the low prices of the Chinese DHS in the Community and the high losses suffered by the Community industry, the difference between these Chinese prices and a price which would allow the Community industry to achieve a reasonable return on sales on the basis of a reasonable sales volume is still considerably higher than the dumping margins now calculated. Therefore, in accordance with Article 13 (3) of the basic Regulation, the dumping margins should be imposed as definitive duties, since only these two amounts would be adequate to remove the injury caused by the dumping.
- (24) In addition, the Commission considers that the structure of a state controlled economy gives the Chinese exporters considerable room for manoeuvre to further decrease their export prices. This concern of the Commission has been confirmed by the considerable price undercutting which has taken place in the Chinese export transactions. In such a situation, a fixed duty amount or an *ad valorem* duty by itself would not guarantee the elimination of the injurious effect of the dumping. Therefore, it is considered that a minimum price has to be established in order to deter further injurious dumping after the imposition of the definitive anti-dumping measures.
- (25) The Commission also had to take account of the fact that an increase of the export prices of the Chinese exporters may be caused by other factors than the elimination of dumping. Indeed, the production of DHS is an energy intensive process so that changes in the energy costs may provoke an increase in overall costs which will lead to an increase of the export price. However, this increase would not necessarily result in a reduction in the dumping by the Chinese exporters, as the normal value could also increase by a corresponding amount. Therefore, it is considered appropriate that in such a case the form of the duty should be that of a set amount per kilo of the imported DHS. The dumping amounts are ECU 14,9 per kilo of base DHS for the cooperating organizations and ECU 20,16 for the other Chinese exporters. Consequently, given the potential for absorption of any duty in the market concerned, it is necessary that the imposition of a minimum price is combined with the imposition of a set amount of duty.
- (26) While this combination of two forms of duty is necessary to guarantee the elimination of the injury

caused by dumping and its recurrence, the Commission is ready to investigate, in due course, refund or review applications of importers or the Chinese exporters, should a change in price lead to a reduction in dumping margins or for any other reasons should any change in circumstances be considered sufficient justification.

- (27) The Community industry requested that the definitive anti-dumping duty be imposed retroactively in accordance with Article 13 (4) (b) (ii) of the basic Regulation. No evidence of the legal requirements as set out in the relevant provision has been provided and therefore the claim was rejected.
- (28) The Council confirms these views and the conclusions as set out in recitals 23 to 27 of this Regulation.

G. COMMUNITY INTEREST

- (29) No further facts or arguments concerning Community interest were submitted to the Commission by any of the parties. The Council therefore confirms the Commission's conclusions, set out in recitals 40 to 46 of the provisional Regulation, that it is in the Community's interest to eliminate, by anti-dumping measures, the injurious effects of the dumping by the Chinese exporters and thus, to prevent the further decline of the Community industry.

H. UNDERTAKING

- (30) A price undertaking has been offered on behalf on two Chinese producers. However, the price level proposed would not eliminate the dumping as established nor its injurious effect, as provided for in Article 10 (2) (b) of the basic Regulation. The Commission has considered that the price undertaking is not acceptable and has informed the exporters concerned of this decision and the reasons therefor.

I. COLLECTION OF PROVISIONAL DUTIES

- (31) In view of the dumping margins established, and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts collected by way of provisional anti-dumping duties should be definitively collected to the extent of the amount of the duty definitively

imposed, which is equivalent to an *ad valorem* rate of duty of 37,4 % of the net, free at Community frontier price, prior to customs clearance, as far as imports from Shanghai Fourth Pharmaceutical Plant and Long March Pharmaceutical Plant, Sechuan are concerned. For all other Chinese exporters an *ad valorem* rate of 47,6 % of the net, free-at-Community frontier price, prior to customs clearance should apply,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive duty is hereby imposed on imports of dihydrostreptomycin falling within CN code 2941 20 10 and originating in the People's Republic of China.

2. The amount of duty shall be ECU 20,16 per kilogram of base DHS or the difference between the cif price and ECU 58,4 per kilogram of base DHS whichever is the higher (additional Taric code 8604).

For Long March Pharmaceutical Plant, Sechuan and for Shanghai Fourth Pharmaceutical Plant (additional Taric code 8603), the duty shall be ECU 14,9 per kilogram of base DHS or the difference between the cif price and

ECU 53,16 per kilogram of base DHS whichever is the higher.

3. The provisions in force concerning customs duties shall apply to the said duty.

Article 2

The amounts collected or secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 2054/91 shall be definitively collected to the extent of the amounts resulting from the application of the definitive duty as imposed in Article 1 (2). However, the extent of the provisional amounts definitively collected shall be limited as follows :

- for Long March Pharmaceutical Plant, Sechuan and for Shanghai Fourth Pharmaceutical Plant, an *ad valorem* duty rate of 37,4 % shall be applied subject to a maximum of the definitive duty as imposed in Article 1 (2) for imports from these firms, and
- for all other Chinese exporters, an *ad valorem* rate of duty of 47,6 % shall be applied subject to a maximum of the definitive duty as imposed in Article 1 (2).

Article 3

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, 19 December 1991.

For the Council

The President

P. DANKERT

COMMISSION REGULATION (EEC) No 3837/91

of 30 December 1991

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 3577/90⁽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 2661/91⁽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 27 December 1991;

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 2661/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 250, 7. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 30 December 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	133,91 ⁽²⁾ ⁽³⁾
0712 90 19	133,91 ⁽²⁾ ⁽³⁾
1001 10 10	186,75 ⁽¹⁾ ⁽³⁾
1001 10 90	186,75 ⁽¹⁾ ⁽³⁾
1001 90 91	163,78
1001 90 99	163,78
1002 00 00	167,95 ⁽⁴⁾
1003 00 10	145,18
1003 00 90	145,18
1004 00 10	136,87
1004 00 90	136,87
1005 10 90	133,91 ⁽²⁾ ⁽³⁾
1005 90 00	133,91 ⁽²⁾ ⁽³⁾
1007 00 90	145,64 ⁽⁴⁾
1008 10 00	72,50
1008 20 00	137,37 ⁽⁴⁾
1008 30 00	89,89 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	89,89
1101 00 00	242,29 ⁽⁸⁾
1102 10 00	248,13 ⁽⁸⁾
1103 11 10	302,84 ⁽⁸⁾
1103 11 90	260,66 ⁽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 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).

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

COMMISSION REGULATION (EEC) No 3838/91

of 30 December 1991

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 3577/90 ⁽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 1845/91 ⁽⁵⁾ and subsequent amending Regulation;

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

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

rate, multiplied by the corrective factor provided for in the last 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 27 December 1991;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 30 December 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4
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	0	0	0
1001 90 99	0	0	0	0
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	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
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 3839/91

of 30 December 1991

fixing the import levies on syrups and certain other products in the sugar sector

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 464/91 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

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

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period between the day on which it is fixed and the first day of

the month following the month for which the basic amount is applicable, if the levy on white sugar differs by at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 14 (1) of Council Regulation (EEC) No 2727/75 ⁽⁵⁾, as last amended by Regulation (EEC) No 3577/90 ⁽⁶⁾, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁸⁾,

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁶⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 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;

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1992.

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

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1991 fixing the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4607	—
1702 20 90	0,4607	—
1702 30 10	—	55,74
1702 40 10	—	55,74
1702 60 10	—	55,74
1702 60 90	0,4607	—
1702 90 30	—	55,74
1702 90 60	0,4607	—
1702 90 71	0,4607	—
1702 90 90	0,4607	—
2106 90 30	—	55,74
2106 90 59	0,4607	—

COMMISSION REGULATION (EEC) No 3840/91

of 30 December 1991

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 464/91⁽²⁾, and in particular Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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 1714/88⁽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;

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 54, 28. 2. 1991, p. 22.

⁽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 152, 18. 6. 1988, p. 23.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

- 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 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 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 30 December 1991 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⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
1702 40 10 100		38,62
1702 60 10 000		38,62
1702 60 90 000	0,3862	
1702 90 30 000		38,62
1702 90 60 000	0,3862	
1702 90 71 000	0,3862	
1702 90 90 900	0,3862	
2106 90 30 000		38,62
2106 90 59 000	0,3862	

⁽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.

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 3841/91
of 30 December 1991
altering the export refunds on white sugar and raw sugar 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 464/91 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 3691/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3691/91 to the infor-

mation known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3691/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 350, 19. 12. 1991, p. 9.

ANNEX

to the Commission Regulation of 30 December 1991 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	35,53 ⁽¹⁾	
1701 11 90 910	35,53 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	35,53 ⁽¹⁾	
1701 12 90 910	35,53 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3862
1701 99 10 100	38,62	
1701 99 10 910	38,62	
1701 99 10 950	38,62	
1701 99 90 100		0,3862

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 3842/91
of 30 December 1991
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 Regula-
tion (EEC) No 1630/91 ⁽²⁾, and in particular Article 14 (8)
thereof,

Whereas the import levies on milk and milk products
were fixed by Commission Regulation (EEC) No
1653/91 ⁽³⁾, as last amended by Regulation (EEC) No
3642/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1653/91 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 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 151, 15. 6. 1991, p. 22.

⁽⁴⁾ OJ No L 344, 14. 12. 1991, p. 71.

ANNEX

to the Commission Regulation of 30 December 1991 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		17,99
0401 10 90		16,78
0401 20 11		24,68
0401 20 19		23,47
0401 20 91		30,00
0401 20 99		28,79
0401 30 11		76,54
0401 30 19		75,33
0401 30 31		146,80
0401 30 39		145,59
0401 30 91		245,84
0401 30 99		244,63
0402 10 11	(*)	128,20
0402 10 19	(*)	120,95
0402 10 91	(*) (*)	1,2095/kg + 29,75
0402 10 99	(*) (*)	1,2095/kg + 22,50
0402 21 11	(*)	179,98
0402 21 17	(*)	172,73
0402 21 19	(*)	172,73
0402 21 91	(*)	215,73
0402 21 99	(*)	208,48
0402 29 11	(*) (*) (*)	1,7273/kg + 29,75
0402 29 15	(*) (*)	1,7273/kg + 29,75
0402 29 19	(*) (*)	1,7273/kg + 22,50
0402 29 91	(*) (*)	2,0848/kg + 29,75
0402 29 99	(*) (*)	2,0848/kg + 22,50
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	146,80
0402 91 59	(*)	145,59
0402 91 91	(*)	245,84
0402 91 99	(*)	244,63
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,4317/kg + 26,13
0402 99 39	(*) (*)	1,4317/kg + 24,92
0402 99 91	(*) (*)	2,4221/kg + 26,13
0402 99 99	(*) (*)	2,4221/kg + 24,92
0403 10 02		128,20
0403 10 04		179,98

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

CN code	Note	Import levy
0403 10 06		215,73
0403 10 12	(¹)	1,2095/kg + 29,75
0403 10 14	(¹)	1,7273/kg + 29,75
0403 10 16	(¹)	2,0848/kg + 29,75
0403 10 22		27,09
0403 10 24		32,41
0403 10 26		78,95
0403 10 32	(¹)	0,2105/kg + 28,54
0403 10 34	(¹)	0,2637/kg + 28,54
0403 10 36	(¹)	0,7291/kg + 28,54
0403 90 11		128,20
0403 90 13		179,98
0403 90 19		215,73
0403 90 31	(¹)	1,2095/kg + 29,75
0403 90 33	(¹)	1,7273/kg + 29,75
0403 90 39	(¹)	2,0848/kg + 29,75
0403 90 51		27,09
0403 90 53		32,41
0403 90 59		78,95
0403 90 61	(¹)	0,2105/kg + 28,54
0403 90 63	(¹)	0,2637/kg + 28,54
0403 90 69	(¹)	0,7291/kg + 28,54
0404 10 11 * 11		22,45
0404 10 11 * 14		179,98
0404 10 11 * 17		215,73
0404 10 11 * 21		128,20
0404 10 11 * 24		179,98
0404 10 11 * 27		215,73
0404 10 19 * 11	(¹)	0,2245/kg + 22,50
0404 10 19 * 14	(¹)	1,7273/kg + 29,75
0404 10 19 * 17	(¹)	2,0848/kg + 29,75
0404 10 19 * 21	(¹)	1,2095/kg + 29,75
0404 10 19 * 24	(¹)	1,7273/kg + 29,75
0404 10 19 * 27	(¹)	2,0848/kg + 29,75
0404 10 91 * 11	(²)	0,2245/kg
0404 10 91 * 14	(²)	1,7273/kg + 6,04
0404 10 91 * 17	(²)	2,0848/kg + 6,04
0404 10 91 * 21	(²)	1,2095/kg + 6,04
0404 10 91 * 24	(²)	1,7273/kg + 6,04
0404 10 91 * 27	(²)	2,0848/kg + 6,04
0404 10 99 * 11	(²)	0,2245/kg + 22,50
0404 10 99 * 14	(²)	1,7273/kg + 28,54
0404 10 99 * 17	(²)	2,0848/kg + 28,54
0404 10 99 * 21	(²)	1,2095/kg + 28,54
0404 10 99 * 24	(²)	1,7273/kg + 28,54
0404 10 99 * 27	(²)	2,0848/kg + 28,54
0404 90 11		128,20
0404 90 13		179,98
0404 90 19		215,73
0404 90 31		128,20
0404 90 33		179,98
0404 90 39		215,73
0404 90 51	(¹)	1,2095/kg + 29,75
0404 90 53	(¹) (²)	1,7273/kg + 29,75
0404 90 59	(¹)	2,0848/kg + 29,75
0404 90 91	(¹)	1,2095/kg + 29,75
0404 90 93	(¹) (²)	1,7273/kg + 29,75
0404 90 99	(¹)	2,0848/kg + 29,75

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

CN code	Note	Import levy
0405 00 10		253,52
0405 00 90		309,29
0406 10 20	(*)	233,94
0406 10 80	(*)	285,03
0406 20 10	(*) (*)	404,51
0406 20 90	(*)	404,51
0406 30 10	(*) (*)	185,92
0406 30 31	(*) (*)	175,41
0406 30 39	(*) (*)	185,92
0406 30 90	(*) (*)	282,64
0406 40 00	(*) (*)	148,14
0406 90 11	(*) (*)	238,19
0406 90 13	(*) (*)	177,62
0406 90 15	(*) (*)	177,62
0406 90 17	(*) (*)	177,62
0406 90 19	(*) (*)	404,51
0406 90 21	(*) (*)	238,19
0406 90 23	(*) (*)	188,31
0406 90 25	(*) (*)	188,31
0406 90 27	(*) (*)	188,31
0406 90 29	(*) (*)	188,31
0406 90 31	(*) (*)	188,31
0406 90 33	(*)	188,31
0406 90 35	(*) (*)	188,31
0406 90 37	(*) (*)	188,31
0406 90 39	(*) (*)	188,31
0406 90 50	(*) (*)	188,31
0406 90 61	(*)	404,51
0406 90 63	(*)	404,51
0406 90 69	(*)	404,51
0406 90 73	(*)	188,31
0406 90 75	(*)	188,31
0406 90 77	(*)	188,31
0406 90 79	(*)	188,31
0406 90 81	(*)	188,31
0406 90 85	(*)	188,31
0406 90 89	(*) (*)	188,31
0406 90 93	(*)	233,94
0406 90 99	(*)	285,03
1702 10 10		24,98
1702 10 90		24,98
2106 90 51		24,98
2309 10 15		93,13
2309 10 19		120,95
2309 10 39		113,39
2309 10 59		93,71
2309 10 70		120,95
2309 90 35		93,13
2309 90 39		120,95
2309 90 49		113,39
2309 90 59		93,71
2309 90 70		120,95

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- (¹) The levy on 100 kg of product falling within this code is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream 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 dried milk 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.
-

COMMISSION REGULATION (EEC) No 3843/91
of 30 December 1991
fixing the export refunds on oil seeds

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 1720/91 ⁽²⁾,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds ⁽³⁾, as last amended by the Act of Accession of Greece, and in particular the first sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽⁴⁾, as last amended by Regulation (EEC) No 3696/91 ⁽⁵⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁶⁾, as last amended by Regulation (EEC) No 2206/90 ⁽⁷⁾, and in particular Article 2 (3) thereof,

Having regard to Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats ⁽⁸⁾, as last amended by Regulation (EEC) No 557/91 ⁽⁹⁾, and in particular Article 13 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1991/92 marketing year were fixed by Council Regulations (EEC) No 1722/91 ⁽¹⁰⁾ and (EEC) No 1723/91 ⁽¹¹⁾;

Whereas the abatement of the subsidy for colza and rape seed which arises, where appropriate, from the system of

maximum guaranteed quantities for the 1991/92 marketing year, has been fixed by Commission Regulation (EEC) No 3207/91 ⁽¹²⁾;

Whereas Article 27a (3) of Regulation No 136/66/EEC provides that the adjustment of the amount of aid for rape seed produced in Spain for the 1991/92 marketing year shall be fixed so that the adjusted target price is the same in Spain as in the Community as constituted at 31 December 1985;

Whereas Article 28 of Regulation No 136/66/EEC provides that a refund may be granted on exports to third countries of oil seeds harvested within the Community; whereas the amount of this refund may not exceed the difference between prices within the Community and prices on the world market where the former are higher than the latter; whereas Article 21 of Regulation No 136/66/EEC provides that, at present, Article 28 of that Regulation applies only to colza, rape and sunflower seeds;

Whereas the refund for colza and rape seeds produced in Spain or Portugal is adjusted in accordance with Council Regulation (EEC) No 478/86 ⁽¹³⁾;

Whereas Article 3 of Regulation No 142/67/EEC provides that when the refund is being calculated account must be taken of prices ruling on the various Community markets which are representative from the point of view of processing and exportation; the most favourable quotations recorded on the various markets of importing third countries and costs incurred in placing the goods on the world market; whereas, when the amount of the refund is being fixed, account must also be taken of the level of market prices within the Community for the oil seeds referred to in Article 21 of Regulation No 136/66/EEC and the future trend of these prices; whereas, furthermore, account should be taken of the economic aspect of the proposed exports and the situation in the Community regarding the supply of and demand for these seeds;

Whereas the abatement of the subsidy for colza and rape seed which arises from the system of maximum guaranteed quantities for the 1990/91 marketing year has been fixed by Commission Regulation (EEC) No 2509/90 ⁽¹⁴⁾;

Whereas Article 1 of Commission Regulation (EEC) No 651/71 of 29 March 1971 on certain detailed rules for the

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁵⁾ OJ No L 350, 19. 12. 1991, p. 22.

⁽⁶⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁸⁾ OJ No L 213, 11. 8. 1975, p. 1.

⁽⁹⁾ OJ No L 62, 8. 3. 1991, p. 23.

⁽¹⁰⁾ OJ No L 162, 26. 6. 1991, p. 31.

⁽¹¹⁾ OJ No L 162, 26. 6. 1991, p. 33.

⁽¹²⁾ OJ No L 328, 30. 11. 1991, p. 68.

⁽¹³⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽¹⁴⁾ OJ No L 237, 1. 9. 1990, p. 7.

application of export refunds on oil seeds⁽¹⁾, as last amended by Regulation (EEC) No 1815/84⁽²⁾, provides that the amount of the refund must be calculated on the basis of the weight of exported seeds; whereas this weight must be adjusted to take account of any differences between the percentages of moisture and impurities found to exist and those used to define the standard quality for which the target price is fixed; whereas, when this adjustment is being made, the weight of the exported seeds must be increased by the amount of the difference between the actual moisture and impurities content and that used to define the standard quality if the former is lower than the latter; whereas, if the opposite applies, the weight of the exported seeds must be reduced by the same amount;

Whereas the standard quality referred to above was defined in Article 2 of Council Regulation (EEC) No 1102/84⁽³⁾;

Whereas Article 2 of Regulation No 142/67/EEC provides that the refund may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 4 of Regulation (EEC) No 651/71 provides for the publication of the amount of the final refund obtained from the conversion into each of the national currencies of the amount of the refund in ecus plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84⁽⁴⁾, as last amended by Regulation (EEC) No 1539/90⁽⁵⁾, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price reduced by 7,5 % or the refund of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate of the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾.

(b) In the case of Member States other than those referred to in (a), the difference between:

- the agricultural conversion rate, and
- the average rate of the ecu as published in the C Series of the *Official Journal of the European Communities* during a period to be determined, multiplied by the factor referred to in the second indent of (a);

Whereas pursuant to Article 2 (2) of Regulation (EEC) No 1569/72 forward differential amounts are to be determined where the forward exchange rate for one or more currencies differs from the spot rate by at least a given percentage; whereas this percentage has been fixed at 0,5 by Regulation (EEC) No 1813/84;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas it follows from applying these provisions to the current situation of the oil seeds market and to the rates or prices of these products that, pursuant to Article 4 of Regulation (EEC) No 651/71, the amount of the refund in ecus and the amount of the final refund in each of the national currencies must, in the case of colza and rape seed, be fixed in accordance with the Annex to this Regulation; whereas it is not necessary to fix a refund for sunflower seed;

Whereas Article 13 of Regulation (EEC) No 2041/75 makes provision for the period of validity of certificates fixing refunds in advance to be reduced if the market situation warrants; whereas in the interests of sound market management a reduction should be made;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 shall be as set out in the Annex hereto.
2. There shall be no refund on sunflower seed.
3. Certificates fixing the export refund in advance shall be valid from their date of issue until the end of the following month.

Article 2

This Regulation shall enter into force on 1 January 1992.

⁽¹⁾ OJ No L 75, 30. 3. 1971, p. 16.

⁽²⁾ OJ No L 170, 29. 6. 1984, p. 46.

⁽³⁾ OJ No L 113, 28. 4. 1984, p. 8.

⁽⁴⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽⁵⁾ OJ No L 145, 8. 6. 1990, p. 20.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽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, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1991 fixing the export refunds on oil seeds

(amounts per 100 kilograms)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross refunds (ECU):						
— Spain	12,500	12,778	—	—	—	—
— Portugal	21,580	21,858	—	—	—	—
— other Member States	12,500	12,778	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	29,43	30,08	—	—	—	—
— Netherlands (Fl)	33,16	33,89	—	—	—	—
— BLEU (Bfrs/Lfrs)	606,95	620,45	—	—	—	—
— France (FF)	98,70	100,89	—	—	—	—
— Denmark (Dkr)	112,25	114,75	—	—	—	—
— Ireland (£ Irl)	10,985	11,229	—	—	—	—
— United Kingdom (£)	9,552	9,773	—	—	—	—
— Italy (Lit)	22 018	22 508	—	—	—	—
— Greece (Dr)	2 858,84	2 862,19	—	—	—	—
— Spain (Pta)	1 913,62	1 955,55	—	—	—	—
— Portugal (Esc)	4 555,88	4 613,89	—	—	—	—

COMMISSION REGULATION (EEC) No 3844/91
of 30 December 1991
fixing the amount of the subsidy on oil seeds

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 1720/91 ⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 3696/91 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3198/91 ⁽⁷⁾, as last amended by Regulation (EEC) No 3792/91 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3198/91 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁹⁾ shall be as set out in the Annexes hereto.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 350, 19. 12. 1991, p. 22.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 303, 1. 11. 1991, p. 34.

⁽⁸⁾ OJ No L 356, 24. 12. 1991, p. 77.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	17,060	17,458	17,806	18,084	16,622	16,612
— Portugal	26,140	26,538	26,886	27,164	25,702	25,692
— Other Member States	17,060	17,458	17,806	18,084	16,622	16,612
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	40,16	41,10	41,92	42,57	39,13	39,11
— Netherlands (Fl)	45,25	46,31	47,23	47,97	44,09	44,06
— BLEU (Bfrs/Lfrs)	828,37	847,70	864,59	878,09	807,10	806,62
— France (FF)	134,70	137,84	140,59	142,78	131,24	131,16
— Denmark (Dkr)	153,20	156,77	159,90	162,39	149,26	149,17
— Ireland (£ Irl)	14,992	15,342	15,647	15,892	14,607	14,698
— United Kingdom (£)	13,275	13,595	13,874	14,096	12,898	12,890
— Italy (Lit)	30 050	30 751	31 364	31 853	29 278	29 117
— Greece (Dr)	4 080,62	4 133,63	4 186,41	4 218,43	3 808,28	3 683,88
— Spain (Pta)	2 594,43	2 654,23	2 706,56	2 747,41	2 529,31	2 514,81
— Portugal (Esc)	5 493,61	5 576,20	5 645,19	5 699,07	5 398,06	5 375,54

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	18,310	18,708	19,056	19,334	17,872	17,862
— Portugal	27,390	27,788	28,136	28,414	26,952	26,942
— Other Member States	18,310	18,708	19,056	19,334	17,872	17,862
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	43,11	44,04	44,86	45,52	42,07	42,05
— Netherlands (Fl)	48,57	49,62	50,55	51,28	47,41	47,38
— BLEU (Bfrs/Lfrs)	889,07	908,39	925,29	938,79	867,80	867,31
— France (FF)	144,57	147,71	150,46	152,65	141,11	141,03
— Denmark (Dkr)	164,42	168,00	171,12	173,62	160,49	160,40
— Ireland (£ Irl)	16,090	16,440	16,746	16,990	15,705	15,796
— United Kingdom (£)	14,270	14,589	14,868	15,090	13,892	13,884
— Italy (Lit)	32 252	32 953	33 566	34 055	31 480	31 319
— Greece (Dr)	4 395,77	4 448,78	4 501,56	4 533,58	4 123,43	3 999,03
— Spain (Pta)	2 782,97	2 842,76	2 895,09	2 935,94	2 717,85	2 703,34
— Portugal (Esc)	5 754,45	5 837,04	5 906,03	5 959,91	5 658,90	5 636,39

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1. Gross aids (ECU):					
— Spain	29,989	30,498	30,829	31,160	30,827
— Portugal	37,037	37,543	37,874	38,205	37,882
— Other Member States	18,607	19,113	19,444	19,775	19,452
2. Final aids:					
(a) Seed harvested and processed in:					
— Federal Republic of Germany (DM)	43,80	45,00	45,77	46,55	45,79
— Netherlands (Fl)	49,36	50,70	51,58	52,45	51,60
— BLEU (Bfrs/Lfrs)	903,49	928,06	944,13	960,20	944,52
— France (FF)	146,91	150,91	153,52	156,14	153,59
— Denmark (Dkr)	167,09	171,63	174,60	177,58	174,68
— Ireland (£ Irl)	16,351	16,796	17,087	17,378	17,094
— United Kingdom (£)	14,467	14,874	15,139	15,403	15,133
— Italy (Lit)	32 775	33 667	34 250	34 832	34 263
— Greece (Dr)	4 441,88	4 516,73	4 559,12	4 599,49	4 503,16
— Portugal (Esc)	7 769,47	7 874,41	7 939,88	8 004,59	7 938,65
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 545,54	4 621,92	4 671,78	4 720,57	4 671,26
— in another Member State (Pta)	4 592,96	4 668,95	4 718,81	4 767,62	4 719,77

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
DM	2,037300	2,035890	2,034480	2,033500	2,033500	2,030090
Fl	2,298250	2,296860	2,295840	2,294370	2,294370	2,290270
Bfrs/Lfrs	41,934600	41,906800	41,883100	41,856000	41,856000	41,787700
FF	6,960170	6,956540	6,954220	6,953030	6,953030	6,948820
Dkr	7,937980	7,929050	7,924540	7,921740	7,921740	7,907340
£Irl	0,764808	0,764274	0,763346	0,762596	0,762596	0,755459
£	0,712455	0,712650	0,712849	0,712959	0,712959	0,713416
Lit	1 541,29	1 544,35	1 547,19	1 549,04	1 549,04	1 557,02
Dr	234,11800	238,55900	241,00800	243,58800	243,58800	250,78400
Esc	180,71100	181,28300	181,83800	182,11100	182,11100	183,33100
Pta	129,73700	129,96700	130,19200	130,44900	130,44900	131,16200

COMMISSION REGULATION (EEC) No 3845/91

of 30 December 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1624/91⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 3685/91⁽⁴⁾, and in particular Article 26a (7) thereof,

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

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

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1991/92 marketing year was fixed by Council Regulation (EEC) No 1625/91⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased

monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1626/91⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1991/92 year, has been fixed by Commission Regulation (EEC) No 2607/91⁽⁹⁾;

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

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

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

— in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85⁽¹³⁾, as last amended by Regulation (EEC) No 2205/90⁽¹⁴⁾,

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 10.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 349, 18. 12. 1991, p. 40.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 150, 15. 6. 1991, p. 11.

⁽⁸⁾ OJ No L 150, 15. 6. 1991, p. 13.

⁽⁹⁾ OJ No L 243, 31. 8. 1991, p. 55.

⁽¹⁰⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹¹⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹²⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽¹⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

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

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

into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 169, 29. 6. 1991, p. 29.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Peas used :							
— in Spain	7,948	8,106	8,264	8,422	8,422	8,422	—
— in Portugal	7,956	8,114	8,272	8,430	8,430	8,430	—
— in antother Member State	8,020	8,178	8,336	8,494	8,494	8,494	—
Field beans used :							
— in Spain	8,020	8,178	8,336	8,494	8,494	8,494	—
— in Portugal	7,956	8,114	8,272	8,430	8,430	8,430	—
— in another Member State	8,020	8,178	8,336	8,494	8,494	8,494	—

Products used in animal feed :

(ECU per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
A. Peas used :							
— in Spain	9,883	10,040	10,288	10,566	10,730	10,730	—
— in Portugal	9,921	10,079	10,326	10,603	10,766	10,766	—
— in another Member State	9,921	10,079	10,326	10,603	10,766	10,766	—
B. Field beans used :							
— in Spain	9,883	10,040	10,288	10,566	10,730	10,730	—
— in Portugal	9,921	10,079	10,326	10,603	10,766	10,766	—
— in another Member State	9,921	10,079	10,326	10,603	10,766	10,766	—
C. Sweet lupins harvested in Spain and used :							
— in Spain	12,215	12,215	12,335	12,496	12,715	12,715	—
— in Portugal	12,266	12,266	12,386	12,545	12,763	12,763	—
— in another Member State	12,266	12,266	12,386	12,545	12,763	12,763	—
D. Sweet lupins harvested in another Member State and used :							
— in Spain	12,215	12,215	12,335	12,496	12,715	12,715	—
— in Portugal	12,266	12,266	12,386	12,545	12,763	12,763	—
— in another Member State	12,266	12,266	12,386	12,545	12,763	12,763	—

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Products harvested in :							
— BLEU (Bfrs/Lfrs)	389,42	397,09	404,77	412,44	412,44	412,44	—
— Denmark (Dkr)	72,02	73,44	74,86	76,28	76,28	76,28	—
— Federal Republic of Germany (DM)	18,88	19,25	19,62	20,00	20,00	20,00	—
— Greece (Dr)	1 978,01	2 017,87	2 057,74	2 097,60	2 097,60	2 097,60	—
— Spain (Pta)	1 209,64	1 233,47	1 257,30	1 281,13	1 281,13	1 281,13	—
— France (FF)	63,32	64,57	65,82	67,07	67,07	67,07	—
— Ireland (£ Irl)	7,048	7,187	7,325	7,464	7,464	7,464	—
— Italy (Lit)	14 127	14 405	14 683	14 962	14 962	14 962	—
— Netherlands (Fl)	21,27	21,69	22,11	22,53	22,53	22,53	—
— Portugal (Esc)	1 673,58	1 706,55	1 739,52	1 772,49	1 772,49	1 772,49	—
— United Kingdom (£)	6,379	6,505	6,631	6,756	6,756	6,756	—

Amounts to be deducted in the case of :

- Peas used in Spain (Pta) : 10,86,
- Peas, and field beans used in Portugal (Esc) : 13,36.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Products harvested in :							
— BLEU (Bfrs/Lfrs)	481,73	489,40	501,39	514,84	522,76	522,76	—
— Denmark (Dkr)	89,09	90,51	92,73	95,21	96,68	96,68	—
— Federal Republic of Germany (DM)	23,36	23,73	24,31	24,96	25,35	25,35	—
— Greece (Dr)	2 462,69	2 502,55	2 565,11	2 635,31	2 676,87	2 676,87	—
— Spain (Pta)	1 496,36	1 520,20	1 557,45	1 599,23	1 623,81	1 623,81	—
— France (FF)	78,33	79,58	81,53	83,72	85,00	85,00	—
— Ireland (£ Irl)	8,718	8,857	9,074	9,318	9,461	9,461	—
— Italy (Lit)	17 475	17 754	18 189	18 677	18 964	18 964	—
— Netherlands (Fl)	26,32	26,74	27,39	28,13	28,56	28,56	—
— Portugal (Esc)	2 070,27	2 103,25	2 154,79	2 212,59	2 246,61	2 246,61	—
— United Kingdom (£)	7,891	8,017	8,214	8,434	8,564	8,564	—
Amounts to be deducted in the case of use :							
— Spain (Pta)	5,73	5,88	5,73	5,58	5,43	5,43	—
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	—

ANNEX IV

Corrective amount to be added to the amounts in Annex III

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	4,76	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,88	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,23	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	25,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	14,79	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,77	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,086	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	173	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,26	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	20,46	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,078	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX V

Partial aids

Field beans intended for animal feed :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Products harvested in :							
— BLEU (Bfrs/Lfrs)	481,73	489,40	501,39	514,84	522,76	522,76	—
— Denmark (Dkr)	89,09	90,51	92,73	95,21	96,68	96,68	—
— Federal Republic of Germany (DM)	23,36	23,73	24,31	24,96	25,35	25,35	—
— Greece (Dr)	2 462,69	2 502,55	2 565,11	2 635,31	2 676,87	2 676,87	—
— Spain (Pta)	1 496,36	1 520,20	1 557,45	1 599,23	1 623,81	1 623,81	—
— France (FF)	78,33	79,58	81,53	83,72	85,00	85,00	—
— Ireland (£ Irl)	8,718	8,857	9,074	9,318	9,461	9,461	—
— Italy (Lit)	17 475	17 754	18 189	18 677	18 964	18 964	—
— Netherlands (Fl)	26,32	26,74	27,39	28,13	28,56	28,56	—
— Portugal (Esc)	2 070,27	2 103,25	2 154,79	2 212,59	2 246,61	2 246,61	—
— United Kingdom (£)	7,891	8,017	8,214	8,434	8,564	8,564	—
Amounts to be deducted in the case of use :							
— Spain (Pta)	5,73	5,88	5,73	5,58	5,43	5,43	—
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	—

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	4,76	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,88	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,23	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	25,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	14,79	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,77	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,086	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	173	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,26	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	20,46	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,078	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX VII

Partial aid

Sweet lupins intended for use in animal feed :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Products harvested in :							
— BLEU (Bfrs/Lfrs)	595,59	595,59	601,42	609,14	619,72	619,72	—
— Denmark (Dkr)	110,15	110,15	111,22	112,65	114,61	114,61	—
— Federal Republic of Germany (DM)	28,88	28,88	29,16	29,53	30,05	30,05	—
— Greece (Dr)	3 055,82	3 055,82	3 086,42	3 126,95	3 182,54	3 182,54	—
— Spain (Pta)	1 850,06	1 850,06	1 868,16	1 892,14	1 925,02	1 925,02	—
— France (FF)	96,85	96,85	97,80	99,05	100,77	100,77	—
— Ireland (£ Irl)	10,779	10,779	10,885	11,024	11,216	11,216	—
— Italy (Lit)	21 606	21 606	21 817	22 097	22 481	22 481	—
— Netherlands (Fl)	32,54	32,54	32,85	33,28	33,85	33,85	—
— Portugal (Esc)	2 559,62	2 559,62	2 584,66	2 617,84	2 663,33	2 663,33	—
— United Kingdom (£)	9,757	9,757	9,852	9,979	10,152	10,152	—
Amounts to be deducted in the case of use in :							
— Spain (Pta)	7,69	7,69	7,69	7,39	7,24	7,24	—
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	—

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	3,46	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,64	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,17	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	18,18	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	10,76	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,56	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,063	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	126	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,19	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	14,88	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,057	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	233,659	130,412	6,89509	0,767417	1 538,24	2,31643	179,645	0,712645

COMMISSION REGULATION (EEC) No 3846/91
of 30 December 1991
fixing the rate of the aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

Whereas this percentage and the guide price were fixed by Council Regulation (EEC) No 1627/91⁽³⁾ for the 1991/92 marketing year;

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

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁴⁾, as last amended by Regulation (EEC) No 1110/89⁽⁵⁾, the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to

above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁶⁾, as last amended by Regulation (EEC) No 1757/90⁽⁷⁾;

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

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

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

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

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

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽³⁾ OJ No L 150, 15. 6. 1991, p. 15.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁵⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁶⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁷⁾ OJ No L 162, 28. 6. 1990, p. 21.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing;

Whereas, pursuant to Articles 120 (2) and 306 (2) of the Act of Accession, the additional aid applicable in these two Member States is to be adjusted by an amount equal to the amount of customs duties on imports of these products from third countries; whereas, in addition, in Spain the amount is to be adjusted by the difference, multiplied by the percentage referred to in Article 5 (2) of Regulation (EEC) No 1117/78, between the guide price applied in Spain and the common guide price;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the

Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1991 fixing the rate of the aid for dried fodder

Aid applicable from 1st January 1992 to dried fodder:

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates			Fodder otherwise dried	
	Spain	Portugal	Other Member States	Portugal	Other Member States
Aid	78,062	77,752	78,062	44,812	45,122

Aid in case of advance fixing for the month of:

(ECU/tonne)

February 1992	77,901	77,591	77,901	44,651	44,961
March 1992	77,774	77,463	77,774	44,523	44,834
April 1992	76,231	75,914	76,231	42,974	43,291
May 1992 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
June 1992 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
July 1992 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
August 1992 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
September 1992 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
October 1992 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000

⁽¹⁾ In accordance with Article 6(b) of Regulation (EEC) No 1528/78.

COMMISSION REGULATION (EEC) No 3847/91
of 30 December 1991
fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 1724/91 ⁽²⁾, and in particular Article 2 (7) thereof,

Whereas the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 2795/91 ⁽³⁾, as last amended by Regulation (EEC) No 3644/91 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2795/91 to the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the aid provided for in Article 2 of Regulation (EEC) No 1491/85 shall be as set out in the Annex hereto.

2. However, the amount of the aid for the 1991/92 marketing year for soya seed shall be confirmed or replaced with effect from 1 January 1992 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1991 fixing the aid for soya beans

(ECU/100 kg)

	Current period 1 ⁽¹⁾	First period 2 ⁽¹⁾	Second period 3 ⁽¹⁾	Third period 4 ⁽¹⁾	Fourth period 5 ⁽¹⁾	Fifth period 6 ⁽¹⁾
Seed harvested	22,781	22,697	22,578	22,638	22,502	22,511

⁽¹⁾ Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year for Member States other than Spain.

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 35.

⁽³⁾ OJ No L 269, 25. 9. 1991, p. 22.

⁽⁴⁾ OJ No L 344, 14. 12. 1991, p. 79.

COMMISSION REGULATION (EEC) No 3348/91

of 30 December 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 1630/91⁽²⁾, and in particular Article 17 (4) thereof,

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

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

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

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

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

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

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EEC) No 1157/91⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 112, 4. 5. 1991, p. 57.

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

Article 2

Where Article 8 (2) of Regulation (EEC) No 3035/80 is applied to exports of one of the goods referred to in

Article 4 (1), (2) or (3) of Regulation (EEC) No 570/88, the rate of the refund on milk products shall be that applicable to the use of reduced-price butter, unless the exporter provides proof that the product does not contain reduced-price butter.

Article 3

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Martin BANGEMANN

Vice-President

ANNEX

to the Commission Regulation of 30 December 1991 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 70,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	56,56 112,00
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	15,00 174,00 168,00

COMMISSION REGULATION (EEC) No 3849/91

of 30 December 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

which use third-country products under inward processing arrangements ;

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 464/91 ⁽²⁾, and in particular Article 19 (4) (a) and (7) thereof,

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

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

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

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

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

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁶⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁷⁾, 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 ⁽⁸⁾, as last amended by Regulation (EEC) No 1615/90 ⁽⁹⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted ;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁷⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁸⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁹⁾ OJ No L 152, 16. 6. 1990, p. 33.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to paragraphs 2 and 3, the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

2. For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the chemical products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1010/86, and that no application for such refund will be made.

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

- (a) applicable on the date of export of the goods, when the rate is not fixed in advance; or
- (b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1010/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 3 (2) of Commission Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Martin BANGEMANN

Vice-President

ANNEX

to the Commission Regulation of 30 December 1991 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Rate of refund in ECU/100 kg:

White sugar:	38,62
Raw sugar:	35,53
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$38,62 \times \frac{S^{(1)}}{100}$ or
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
Molasses:	—
Isoglucose ⁽²⁾ :	38,62 ⁽³⁾

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

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

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

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

COMMISSION REGULATION (EEC) No 3850/91**of 30 December 1991****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 3577/90 ⁽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 3381/90 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

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

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

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

Whereas in the absence of evidence that no production refund was granted pursuant to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sector ⁽⁷⁾, as last amended by Regulation (EEC) No 3655/90 ⁽⁸⁾, the export refund should be reduced by the amount of the production refund applicable on the day of acceptance of the export declaration; whereas this system is the only one which avoids the risk of fraud;Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁹⁾, as amended by Regulation (EEC) No 2026/83 ⁽¹⁰⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽¹¹⁾, as last amended by Regulation (EEC) No 1615/90 ⁽¹²⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;Whereas, now that a settlement has been reached between the European Economic Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽¹³⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽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 362, 27. 12. 1990, p. 33.⁽⁹⁾ OJ No L 62, 7. 3. 1980, p. 5.⁽¹⁰⁾ OJ No L 199, 22. 7. 1983, p. 12.⁽¹¹⁾ OJ No L 351, 14. 12. 1987, p. 1.⁽¹²⁾ OJ No L 152, 16. 6. 1990, p. 33.⁽¹³⁾ OJ No L 275, 29. 9. 1987, p. 36.

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

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

for in that Regulation, and that such refund will not be applied for.

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

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

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

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

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

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Martin BANGEMANN

Vice-President

ANNEX

to the Commission Regulation of 30 December 1991 fixing the rates of the refunds applicable from 1 November 1991 to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 90	Durum wheat : — used unprocessed : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases — used in the form of : — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — hulled grains of CN code 1104 and starch of CN code 1108 — germ of CN code 1104 — gluten of CN code 1109 — other (except flours of CN code 1101 and groats and meal of CN code 1103)	 6,786 12,338 5,481 8,221 3,197 — 9,134
1001 90 99	Common wheat and meslin : — used unprocessed : — on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America — in all other cases — used in the form of : — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — hulled grains of CN code 1104 and starch of CN code 1108 — germ of CN code 1104 — gluten of CN code 1109 — other (except flours of CN code 1101, and groats and meal of CN code 1103)	 5,024 9,134 5,481 8,221 3,197 — 9,134
1002 00 00	Rye : — used unprocessed — used in the form of : — pellets of CN code 1103, or pearled grains of CN code 1104 — rolled or flaked grains and hulled grains of CN code 1104 — germ of CN code 1104 — starch of CN code 1108 19 90 — gluten of CN code 2303 10 90 — other (except flours of CN code 1102)	 10,872 6,523 9,785 2,964 8,467 — 10,872
1003 00 90	Barley : — used unprocessed — used in the form of : — flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 — pellets of CN code 1103 — germs of CN code 1104 — starch of CN code 1108 19 90 — gluten of CN code 2303 10 90 — other	 9,145 6,401 5,487 2,964 8,467 — 9,145

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1004 00 90	Oats : – used unprocessed – used in the form of : – – pellets of CN code 1103, and pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	9,206 5,524 8,286 2,964 8,467 — 9,206
1005 90 00	Maize (Corn): – used unprocessed – used in the form of : – – flours of CN codes 1102 20 10 and 1102 20 90 – – groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 – – pellets of CN code 1103 – – hulled or perled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 12 00 – – gluten of CN code 2303 10 11 – – other	8,467 5,927 6,774 5,080 7,621 2,964 8,467 3,387 8,467
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	23,852 19,261 19,261
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	30,903 36,068 36,068
1006 40 00	Broken rice : – used unprocessed – used in the form of : – – flour of CN code 1102, groats and meal or pellets of CN code 1103 – – flaked grains of CN 1104 – – starch of CN code 1108 19 10 – – other	12,456 12,456 7,474 12,456 —
1007 00 90	Sorghum	6,096
1101 00 00	Wheat or meslin flour : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	 6,002 10,913
1102 10 00	Rye flour	20,959
1103 11 10	Durum wheat groats and meal : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	 10,518 19,123
1103 11 90	Common wheat groats and meal : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	 6,002 10,913

⁽¹⁾ The quantities of semi-processed products used must be multiplied, as the case may be by the coefficients shown in Annex I to Regulation (EEC) No 2744/75.

COMMISSION REGULATION (EEC) No 3851/91

of 30 December 1991

fixing the rates of the refunds applicable to eggs and egg yolks 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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75;

Whereas, in accordance with the second 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 a period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas, in accordance with paragraph 2 of that Article, when that rate is being determined particular account should be taken of:

- (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 market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions; and
- (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 a specific rate of refund should be fixed for eggs in shell, exported in the form of egg albumin, taking into account the difference between the prices of such eggs on the Community market and on the world market;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

ANNEX

to the Commission Regulation of 30 December 1991 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	Rate of refund (ECU/100 kg)
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	– Of poultry :	
0407 00 30	– – Other :	
	a) On exportation of ovalbumin of CN code 3502 10	25,00
	b) On exportation of other goods	18,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	– Egg yolks :	
0408 11	– – Dried :	
ex 0408 11 10	– – – Suitable for human consumption : not sweetened	96,00
0408 19	– – Other :	
	– – – Suitable for human consumption :	
ex 0408 19 11	– – – – Liquid : not sweetened	47,00
ex 0408 19 19	– – – – Frozen : not sweetened	51,00
	– Other :	
0408 91	– – Dried :	
ex 0408 91 10	– – – Suitable for human consumption : not sweetened	90,00
0408 99	– – Other :	
ex 0408 99 10	– – – Suitable for human consumption : not sweetened	15,00

COMMISSION REGULATION (EEC) No 3852/91
of 30 December 1991
altering the corrective amount applicable to the refund on cereals

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 3577/90⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16(4) thereof,

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 the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 3543/91⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16(4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 3543/91 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 335, 6. 12. 1991, p. 18.

ANNEX

to the Commission Regulation of 30 December 1991 altering the corrective amount
applicable to the refund on cereals

Product code	Destination (1)	(ECU/tonne)						
		Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		1	2	3	4	5	6	7
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	0	0	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 130	01	0	0	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 150	01	0	0	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 170	01	0	0	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 180	01	0	0	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	— 35,00	— 35,00	— 35,00	—	—
1102 10 00 700	01	0	0	— 35,00	— 35,00	— 35,00	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00
1103 11 10 400	01	0	0	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00
1103 11 10 900	01	0	0	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00
1103 11 90 200	01	0	0	— 35,00	— 35,00	— 35,00	— 35,00	— 35,00
1103 11 90 800	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 all third countries.

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 3853/91**of 30 December 1991****altering 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 Regulation (EEC)
No 3577/90 ⁽²⁾, and in particular the fourth sentence of
the second subparagraph of Article 16 (4) thereof,

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 the corrective amount applicable to the refund
on malt was fixed by Regulation (EEC) No 3472/91 ⁽⁴⁾, as
amended by Regulation (EEC) No 3530/91 ⁽⁵⁾;

Whereas, on the basis of today's cif prices and cif forward
delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present
applicable to the refund on malt should be altered,

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 the
export refunds fixed in advance in respect of malt is
hereby altered to the amount set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 328, 30. 11. 1991, p. 25.

⁽⁵⁾ OJ No L 334, 5. 12. 1991, p. 40.

ANNEX

to the Commission Regulation of 30 December 1991 altering the corrective amount applicable to the refund on malt

Product code	(ECU/tonne)					
	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1107 10 11 000	0	0	0	- 35	- 35	- 35
1107 10 19 000	0	0	0	- 35	- 35	- 35
1107 10 91 000	0	0	0	- 35	- 35	- 35
1107 10 99 000	0	0	0	- 35	- 35	- 35
1107 20 00 000	0	0	0	- 35	- 35	- 35

Product code	(ECU/tonne)					
	6th period 7	7th period 8	8th period 9	9th period 10	10th period 11	11th period 12
1107 10 11 000	- 35	- 35	- 35	- 35	- 35	- 35
1107 10 19 000	- 35	- 35	- 35	- 35	- 35	- 35
1107 10 91 000	- 35	- 35	- 35	- 35	- 35	- 35
1107 10 99 000	- 35	- 35	- 35	- 35	- 35	- 35
1107 20 00 000	- 35	- 35	- 35	- 35	- 35	- 35

COMMISSION REGULATION (EEC) No 3854/91

of 30 December 1991

altering 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 1806/89 ⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,whereas the corrective amount applicable to the refund on rice and broken rice was fixed by Commission Regulation (EEC) No 3725/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3725/91 to the infor-

mation known to the Commission that the corrective amount at present in force should be altered to the amount set out in the Annex hereto,

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, as fixed in the Annex to Regulation (EEC) No 3725/91, is hereby altered to the amount set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽³⁾ OJ No L 351, 20. 12. 1991, p. 41.

ANNEX

to the Commission Regulation of 30 December 1991 altering the corrective amount
applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (1)	Current 1	1st period 2	2nd period 3	3rd period 4
1006 20 11 000	—	—	—	—	—
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	—	—	—	—	—
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	—	—	—	—	—
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	—	—	—	—	—
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
	05	0	0	0	0
1006 30 94 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 94 900	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, Canary Islands, Ceuta and Melilla,
- 03 Zones IV, V a), VII c), Canada and zone VIII, except Suriname, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1),
- 05 Zone I.

NB : The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 3049/89 (JO No L 292, 11. 10. 1989, p. 10).

COMMISSION DECISION No 3855/91/ECSC
of 27 November 1991
establishing Community rules for aid to the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first and second paragraphs of Article 95 thereof,

Having regard to the Consensus concluded with the United States of America concerning trade in certain steel products ⁽¹⁾,

Having consulted the Consultative Committee and with the unanimous assent of the Council,

WHEREAS:

I

Any aid in any form whatsoever and whether specific or non-specific which Member States might grant to their steel industries is prohibited pursuant to Article 4 (c) of the Treaty.

As from 1 January 1986, Commission Decision No 3484/85/ECSC ⁽²⁾, replaced from 1 January 1989 by Decision No 322/89/ECSC ⁽³⁾, established rules authorizing the grant of aid to the steel industry in certain cases expressly provided for.

The rules cover aid, whether specific or non-specific, financed by Member States in any form whatsoever.

Their aim is firstly not to deprive the steel industry of aid for research and development or for bringing plants into line with new environmental standards. The rules also authorize social aid to encourage the partial closure of plants or finance the permanent cessation of all ECSC activities by the least-competitive enterprises. Finally, they prohibit the grant of any other operating or investment aid to steel firms in the Community, albeit with an exemption regarding regional investment aid in certain Member States.

The strict regime thus established, which now applies to the entire territory of the 12 Member States, has ensured fair competition in this industry in recent years. It is consistent with the objective pursued through the

completion of the single market. It also conforms to the rules on State aid laid down in the Consensus on the steel industry concluded between the Community and the United States in November 1989, which is valid until 31 March 1992. It should therefore continue to be applied, albeit with a number of technical modifications.

Decision No 322/89/ECSC will expire on 31 December 1991.

The Community thus finds itself faced with a situation not specifically provided for in the ECSC Treaty and yet requiring action. In these circumstances, recourse must be had to the first paragraph of Article 95 of the EEC Treaty, so as to enable the Community to pursue the objectives set out in Articles 2 to 4 thereof.

II

In order to cover a significant part of the period remaining before the expiry of the ECSC Treaty in 2002, this Decision will apply until 31 December 1996.

In order to ensure that the steel industry and other industries have equal access to aid for research and development, in so far as this is permitted by the Treaties, the compatibility of these aid schemes with the common market will be assessed in the light of the Community framework on State aid for research and development. As the provisions on aid for environmental protection are identical to those contained in the framework on State aid in environmental matters, they have not been changed. If the rules laid down by these two general frameworks were changed substantially during the term of validity of this Decision, a proposal for an amendment would be presented.

Where a firm ceases all ECSC activity, aid for closure may be paid without restriction as to the nature of that firm's steel production.

As regional investment aids are exceptional in nature, there would be no justification in maintaining them beyond the appropriate period for the modernization of the steel plants concerned, which is set at three years. This possibility is hereby extended, under the same conditions as for Greece, to existing small and medium-sized enterprises in Portugal in order to take account of the fact that Protocol 20 to the Act of Accession prevented them from receiving aid for restructuring for a

⁽¹⁾ OJ No L 368, 18. 12. 1989, p. 185.

⁽²⁾ OJ No L 340, 18. 12. 1985, p. 1.

⁽³⁾ OJ No L 38, 10. 2. 1989, p. 8.

period of five years following accession. In the case of Germany, they must be accompanied by an overall reduction in capacity in the five new Länder. In order to permit effective monitoring of the application of these provisions, each specific case must be notified. Where the investments for which aid is to be granted reach a certain threshold, Member States will be consulted beforehand.

To avoid discrimination due to the variety of forms which State aid may take, transfers of State resources to public or private steel firms, in the form of acquisitions of shareholdings or provisions of capital or similar financing, must be subject to the same procedures as aid so that the Commission can determine whether such operations involve an aid element. This will be the case where the financial transfer is not a genuine provision of risk capital according to usual investment practice in a market economy. The compatibility of any such aid elements with the Treaty must be assessed by the Commission in the light of the criteria laid down in this Decision. For this purpose, all such financial transfers must be notified to the Commission and may not be implemented if before the end of the standstill period laid down in Article 6 (5) the Commission determines that they contain aid elements and initiates the procedure provided for in Article 6 (4).

This Decision will be applied in accordance with current or future international commitments of the Community concerning State aid to the steel industry.

In order to improve transparency with regard to aid, the Commission will draw up an annual report on the implementation of this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. Aid to the steel industry, whether specific or non-specific, financed by Member States or their regional or local authorities or through State resources in any form whatsoever may be deemed Community aid and therefore compatible with the orderly functioning of the common market only if it satisfies the provisions of Articles 2 to 5.

2. The term 'aid' also covers the aid elements contained in transfers of State resources by Member States, regional or local authorities or other bodies to steel undertakings in the form of acquisitions of shareholdings or provisions of capital or similar financing (such as bonds convertible into shares, or loans, the interest on which is at least partly dependent on the undertaking's financial performance) which cannot be regarded as a genuine provision of risk capital according to usual investment practice in a market economy.

3. Aid coming within the terms of this Decision may be granted only after the procedures laid down in Article 6 have been followed and shall not be payable after 31 December 1996.

The deadline for payments of aid falling under Article 5 is 31 December 1994 with the exception of the special fiscal concessions (*Investitionszulage*) in the five new Länder as provided for in the German 'Tax amendment law 1991', which may be payable up to 31 December 1995.

Article 2

Aid for research and development

Aid granted to defray expenditures by steel undertakings on research and development projects may be deemed compatible with the common market if it is in compliance with the rules laid down in the Community framework for State aid for research and development⁽¹⁾.

Article 3

Aid for environmental protection

1. Aid granted to steel undertakings for bringing into line with new statutory environmental standards plants which entered into service at least two years before the introduction of the standards may be deemed compatible with the common market.

2. The total amount of aid granted for this purpose may not exceed 15 % net grant equivalent of the investment costs directly related to the environmental measures concerned. Where the investment is associated with an increase in the capacity of the plant, the eligible costs shall be proportionate to the initial capacity of the plant.

Article 4

Aid for closures

1. Aid towards the costs of payments to workers made redundant or accepting early retirement may be deemed compatible with the common market provided that:

— the payments do not exceed those customary under the rules in force in the Member States on 1 January 1991 and actually arise from the partial or total closure of steel plants that have been in regular production up to the time of notification of the aid and whose closure has not already been taken into

⁽¹⁾ OJ No C 83, 11. 4. 1986, p. 2.

account for the purposes of applying Commission Decisions No 257/80/ECSC ⁽¹⁾, No 2320/81/ECSC ⁽²⁾ and No 218/89/ECSC ⁽³⁾ on aid to the steel industry or the Act of Accession of Spain and Portugal,

- the aid does not exceed 50 % of that portion of such payments which is not defrayed directly pursuant to Article 56 (1) (c) or (2) (b) of the ECSC Treaty by the Member State or by the Community according to the modalities laid down by the Commission in the bilateral conventions but is payable by the undertaking concerned.

2. Aid to steel undertakings which permanently cease production of ECSC iron and steel products may be deemed compatible with the orderly functioning of the common market, provided that the undertakings:

- became a legal entity before 1 January 1991,
- have been regularly producing ECSC iron and steel products up to the date of notification of the aid,
- have not reorganized their production or plant structure since 1 January 1991, and
- are not directly or indirectly controlled, within the meaning of Decision No 24/54 of the High Authority ⁽⁴⁾, by, and do not themselves directly or indirectly control, an undertaking that is itself a steel undertaking or controls other steel undertakings,

and that the closure of their plants has not already been taken into account for the purposes of applying the Decisions referred to in paragraph 1 or the Act of Accession of Spain and Portugal or granting a favourable opinion pursuant to Article 54 of the ECSC Treaty.

The amount of aid may not exceed the higher of the following two values, as determined by an independent consultant's report:

- the discounted value of the contribution to fixed costs obtainable from the plants over a three-year period, less any advantages the aided firm derives from their closure, or

- the residual book value of the plants (ignoring that portion of any revaluations since 1 January 1990 which exceeded the national inflation rate).

Article 5

Aid granted to steel undertakings for investment under general regional aid schemes may until 31 December 1994 be deemed compatible with the common market, provided that the aided undertaking:

- is located in the territory of Greece and the aided investment does not lead to an increase in production capacity,
- is a small or medium-sized undertaking according to the prevailing Community criteria for aid to such undertakings, located in the territory of Portugal, which became a legal entity before 1 July 1991 and the aided investment does not lead to an increase in production capacity,
- is located in the territory of the former German Democratic Republic and the aid is accompanied by a reduction in the overall production capacity of that territory.

Article 6

1. The Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid of the types referred to in Articles 2 to 5. It shall likewise be informed of plans to grant aid to the steel industry under schemes on which it has already taken a decision under the EEC Treaty. The notifications of aid plans required by the Article must be lodged with the Commission at the latest by 30 June 1994 as regards aid covered by Article 5 and 30 June 1996 as regards all other aid.

2. The Commission shall be informed, in sufficient time for it to submit its comments, and by 30 June 1996 at the latest, of any plans for transfers of State resources, by Member States, regional or local authorities or other bodies to steel undertakings in the form of acquisition of shareholdings or provisions of capital or similar financing.

The Commission shall determine whether the financial transfers involve aid elements within the meaning of Article 1 (2) and, if so, shall examine whether they are compatible with the common market under the provisions of Articles 2 to 5.

⁽¹⁾ OJ No L 29, 6. 2. 1980, p. 5.

⁽²⁾ OJ No L 228, 13. 8. 1981, p. 17.

⁽³⁾ OJ No L 86, 31. 3. 1989, p. 76.

⁽⁴⁾ OJ of the ECSC No 9, 11. 5. 1954, p. 345/54.

3. The Commission shall seek the views of the Member States on plans for closure aid, for regional investment aid when the amount of the aided investment or of the total aided investments during 12 consecutive months is in excess of ECU 10 million, and on other major aid proposals notified to it before adopting a position on them. It shall inform the Member States of the position it has adopted on all aid proposals, specifying the form and volume of the aid.

4. If, after giving notice to the interested parties concerned to submit their comments, the Commission finds that aid in a given case is incompatible with the provisions of this Decision, it shall inform the Member State concerned of its decision. The Commission shall take such a decision not later than three months after receiving the information needed to assess the proposed aid. Article 88 of the Treaty shall apply in the event of a Member State's failing to comply with that decision. The planned measures falling within paragraph 1 or 2 may be put into effect only with the approval of and subject to any conditions laid down by the Commission.

5. If the Commission fails to initiate the procedure provided for in paragraph 4 or otherwise to make its position known within two months of receiving notification of a proposal, the planned measures may be put into effect provided that the Member State first informs the Commission of its intention to do so. Where the Commission seeks the views of Member States under the provisions of paragraph 3, the abovementioned time period shall be three months.

6. All individual awards of the types of aid referred to in Articles 4 and 5 shall be notified to the Commission in

accordance with the procedure provided for in paragraph 1. The Commission also reserves the right to require that some or all individual awards of aid of the types referred to in Articles 2 and 3 be notified in accordance with paragraph 1.

Article 7

Member States shall supply the Commission twice a year with reports on the aid disbursed over the previous six months, the uses to which the aid was put and the results obtained over the same period. The reports shall include particulars of all financial operations carried out by the Member States or local or regional authorities in relation to publicly-owned steel undertakings. They must be supplied within two months following the end of each six-month period and be set out in a form to be determined by the Commission.

Article 8

The Commission shall draw up annual reports on the implementation of this Decision for the Council and, for information, for the Parliament and the Consultative Committee.

Article 9

This Decision shall enter into force on 1 January 1992.

It shall apply until 31 December 1996.

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

Done at Brussels, 27 November 1991.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 3856/91**of 18 December 1991****laying down detailed rules for the application of Council Regulation (EEC) No 4028/86 as regards measures for the provision of facilities at fishing ports**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector⁽¹⁾, as amended by Regulation (EEC) No 3944/90⁽²⁾, and in particular Articles 27 and 28 thereof,

Whereas Article 27 of Regulation (EEC) No 4028/86 provides for the granting of financial aid for projects involving investments in the provision of facilities at fishing ports;

Whereas investments eligible for the grant of Community financial aid towards projects for the provision of facilities at fishing ports pursuant to Regulation (EEC) No 4028/86 should therefore be defined;

Whereas applications for Community assistance must contain information enabling the Commission to take a decision thereon and must be submitted in a standardized form;

Whereas payment applications to the Commission by the Member States concerned must contain certain information permitting verification that the expenditure meets the requirements of Regulation (EEC) No 4028/86;

Whereas applications are to be lodged through the competent authorities of the Member States, which must examine them in order to formulate an opinion for the attention of the Commission;

Whereas the Commission must have access to sufficient information to enable it to take a decision as to the substance;

Whereas, in order that proper checks may be made, Member States must keep at the Commission's disposal, for three years following the final payment, the documents on which the aid calculations were based;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Fishing Industry,

Article 1

1. The investments listed in Annex I shall be eligible for Community financial aid as part of a project for the provision of facilities at fishing ports within the meaning of Title VIII of Regulation (EEC) No 4028/86 provided that they relate to back-up facilities for fishing or for the marketing of fishery products and are to be made in respect of those activities only.

2. The investments listed in Annex II shall not qualify for Community aid pursuant to Title VIII of Regulation (EEC) No 4028/86.

Article 2

1. Projects as referred to in Article 1 (1), submitted to the Commission through the Member States concerned, must contain the particulars specified in Annex III and must be presented in the form shown in that Annex.

2. Part A of Annex III shall be submitted to the Commission in duplicate. Part B of Annex III shall be retained by the competent authorities of the Member State concerned.

3. The Member State concerned shall certify having checked the accuracy of the relevant information set out in Part B of Annex III, and on the basis of that information shall inform the Commission of its opinion under point 1 of Annex III, part A. At the same time, the Member State shall specify the criteria which it applies for the selection of projects and the grant of its financial contribution as provided for in point 14 of Annex III, part A.

4. The projects referred to in paragraph 1 shall be entered in the Commission's records on the day of their receipt by the Commission.

Article 3

1. Applications for payment shall be made to the Commission through the Member States concerned. They must contain the particulars specified in Annex IV and be presented in the form shown in that Annex.

2. The Member State concerned shall certify that the information contained in the applications referred to in paragraph 1 is accurate.

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 380, 31. 12. 1990, p. 1.

3. Competent authorities shall send to the Commission, within three months of the date of entry into force of this Regulation, a detailed description of the control methods employed to certify the accuracy of the data contained in the payment requests. The competent authorities shall inform the Commission of any subsequent amendments to the control methods.

Article 4

Member States shall keep at the Commission's disposal, for a period of three years following the payment of the balance of the Community aid, all the documents, or certified copies thereof, used for calculation of the aid provided for in Regulation (EEC) No 4028/86 together with the complete files on the applicants.

Article 5

1. Commission Regulation (EEC) No 2321/88⁽¹⁾ is hereby repealed. References to that Regulation in Community legislation shall be taken to refer to this Regulation.

2. Applications for payment may be made pursuant to Regulation (EEC) No 2321/88 in respect of applications for Community aid submitted prior to the date of entry into force of this Regulation.

Article 6

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, 18 December 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 202, 27. 7. 1988, p. 18.

*ANNEX I***INVESTMENTS ELIGIBLE FOR COMMUNITY FINANCIAL AID AS PART OF A PROJECT FOR THE PROVISION OF FACILITIES AT FISHING PORTS WITHIN THE MEANING OF TITLE VIII OF REGULATION (EEC) No 4028/86**

Investments eligible for Community financial aid at fishing ports should relate to back-up facilities for fishing or for the marketing of fishery products. Investments shall be a single project or parts of an overall fishing harbour development.

Eligible investments will cover in particular:

- (a) auction halls and facilities for first hand sale;
- (b) supporting facilities attached to or in close proximity to the auction hall and/or port for primary processing and packing of fish for distribution;
- (c) storage facilities, cold storage and deep-freezing facilities;
- (d) facilities to improve quality and hygiene for handling and marketing fish;
- (e) ice supplies:
 - plant and equipment for the production, storage and distribution of ice;
- (f) water supplies:
 - the installation of water supplies at ports and in fishing vessels;
- (g) fish-landing equipment:
 - cranes and other equipment for landing fish,
 - fish pumps,
 - conveyor belts or other conveyors such as fork-lift trucks, bucket conveyors or sorting rings;
- (h) fuel supplies:
 - fuel tanks and supply facilities such as pumps, piping, filters and centrifuges;
- (i) the improvement of back-up facilities for fishing vessels:
 - slip dock or gridiron,
 - slipway,
 - ship elevator,
 - buildings for the storage of fishing gear,
 - small workshops for the maintenance and repair of vessels and equipment,
 - shops supplying various types of equipment required by fishing vessels and their crews;
- (j) alterations to or the provision of facilities at quays in order to improve safety conditions during embarkation or the landing of products:
 - anti-slip coverings on stairways and on quays,
 - gangway ladders to facilitate access to vessels,
 - lighting system for quays,
 - cleaning equipment for quays.

*ANNEX II***INVESTMENTS WHICH DO NOT QUALIFY FOR COMMUNITY FINANCIAL AID PURSUANT TO TITLE VIII OF REGULATION (EEC) No 4028/86**

1. Investments to be made principally in the marketing or processing of fishery products for purposes other than human consumption. Investments may, however, be eligible if they are to be made solely in the treatment, processing or marketing of waste fishery products.
 2. Investments linked principally with the marketing or processing of products coming from non-member countries.
-

ANNEX III

PART A

(to be transmitted by the Member State to the Commission)

Member State :

Date of recorded receipt
at the Commission :

Project No

(to be completed by the Commission)

PROJECT FOR FACILITIES AT FISHING PORTS

(to be completed by the Member State in duplicate)

In respect of the project for facilities at fishing ports submitted by⁽¹⁾
 and registered on .././..

Address :

The (name of competent authority) hereby declares that :

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. The Member State has given approval | ☐ | ☐ |
| 2. The project relates to investments eligible for the provision of facilities at fishing ports within the meaning of Article 1 (1) of this Regulation | ☐ | ☐ |
| 3. The project is included in a Community support framework within the meaning of Council Regulation (EEC) No 4042/89 ⁽²⁾ | ☐ | ☐ |
| 4. The project is of public interest and is proposed by : | | |
| 5. The project relates to the fishing ports | | |
| 6. Port received Community aid previously | ☐ | ☐ |
| if so, when how much | | |
| for what purpose | | |
| 7. Project has received planning permission | ☐ | ☐ |
| 8. The project is located ;
an objective 1 region | ☐ | ☐ |
| 9. Summary of investments covered by Annex I is attached | ☐ | ☐ |
| 10. This particular application has not received Community aid before | ☐ | ☐ |
| 11. Project works start (date) ⁽³⁾ .././.. Ends (date) .././.. | | |

⁽¹⁾ Give the name of the main applicant, the latter being the natural or legal person with final responsibilities for the financial cost of implementation.

⁽²⁾ OJ No. L 388, 30. 12. 1989, p. 1.

⁽³⁾ Only works which are carried out after the date of receipt of the application are eligible for Community aid.

12. The investment has been submitted to the Commission with a view to obtaining Community aid ⁽¹⁾

1. Contribution of beneficiary

of which : 1.1. own funds

.....

1.2. loans

.....

1.3. payments in kind and work on own account

.....

2. Member States contribution as capital grant

3. Other contributions

4. Community aid requested

5. Total investment

6. Total investment ⁽²⁾

13. Description of investment :

- short description of project (one page only) summarizing objectives and nature of the investment. The description must show how the investment links with other projects and the development of the fishing ports,
- technical description of project and work envisaged with figures (size, capacity, etc),
- copy of schedule of cost estimates for the investment.

14. Opinion of the Member State and criteria used for selection of this project were ⁽³⁾ :

.....

.....

.....

15. The public authority or body responsible for forwarding supporting documents is the following :

Department to be contacted : Telephone No :

Person responsible : Telex No :

The undersigned hereby certifies having checked the accuracy of the above information.

Date :

Signature :

⁽¹⁾ Community aid and financial contributions from Member States for port facilities as set out in Annex VI to Regulation (EEC) No 4028/86.

⁽²⁾ Eligible investment is the investment net of value added tax (VAT).

Except for inflation no increase in the anticipated eligible investment amount notified after the final date for submission of aid applications to the Commission shall be taken into account for the calculation of the Community aid.

⁽³⁾ Includes the justification of the needs and benefits of the investment and on indication of the importance and priority the Member State gives to this investment.

SUMMARY OF INVESTMENTS COVERED BY ANNEX I TO REGULATION (EEC) No 3856/91

1.	Purchase of land⁽¹⁾:	
2.	Construction of roads and excavation work⁽²⁾:	
2.1.	Green spaces ⁽¹⁾ :	
3.	Construction⁽²⁾:	
3.1.	Auction hall	.....
3.2.	Supporting facilities	.....
3.3.	Storage: cold, deep freezing	.....
3.4.	Production, storage and distribution of ice	.....
3.5.	Water supplies	.....
3.6.	Fuel supplies	.....
3.7.	Improvement of back-up facilities for fishing vessels	.....
3.8.	Workshops, shops, other buildings	.....
3.9.	Slip dock, slipway	.....
3.10.	Other buildings (offices, accommodation, etc.) ⁽¹⁾	
4.	Plant and equipment⁽³⁾:	
4.1.	Auction hall	.....
4.2.	Supporting facilities	.....
4.3.	Freezer and refrigeration plant and equipment	.....
4.4.	Water supplies	.....
4.5.	Landing of fish	.....
4.6.	Improvement of back-up facilities for fishing vessels	.....
5.	Facilities at quays:	.....
6.	Other investments:	.....
7.	Sub-total:	.....
8.	Fees and overheads⁽⁴⁾:	
9.	Contingencies⁽⁴⁾:	
10.	Inflation:	.....
11.	Total:	.....

Estimates must relate to the scheduled duration of the work and supporting documents should be attached (estimates of civil engineers and of specialized firms which supply machines and secondary equipment, work plants).

⁽¹⁾ Non-eligible costs.

⁽²⁾ Eligible costs are construction and acquisition of immovable property, other than purchase of land.

⁽³⁾ Eligible costs are acquisition of new machinery and equipment, including computers, software and computer programmes.

⁽⁴⁾ Eligible costs for item 8 plus item 9 must not be greater than 12 % of total eligible costs of all other eligible costs.

PART B

Explanatory notes

As appropriate, the information which should be obtained and retained by the Member State is set out below :

1. Information concerning the applicant and/or beneficiary and the project should include the general data

1. Applicant/beneficiary address.
2. Principle shareholders.
3. Beneficiaries' bank account.
4. Project description :
 - location
 - investment costs
 - aid requested
 - beneficiaries contribution
 - details of loan
5. General information on state of preparation of estimates, estimated timetables for starting and ending work.
6. Signature of applicant.

2. Detailed information should include

1. Description of the project summarizing objectives and nature of the investment. Includes a description of how the project fits into and contributes to the overall coordinated port development. Justify the need for the project.
2. Applicant (to be completed only if the applicant is not also the beneficiary):
 - 2.1. object and scope of the applicant's main activities ;
 - 2.2. links between the applicant, beneficiary and the project ;
 - 2.3. attach :
 - copy of memorandum and articles of association and certificate of incorporation, or partnership agreement, for local authority copy or appropriate extracts from statutes,
 - extract from the trade register.
3. **Beneficiary**
 - 3.1. object and scope of beneficiary's main activities ;
 - 3.2. geographical area covered by these activities ;
 - 3.3. economic situation include balance sheets and profit and loss accounts for the past three years ;
 - 3.4. attach :
 - copy of memorandum and articles of association and certificate of incorporation,
 - extract from the trade register,
 - copy of the rules of association (cooperative — if such information is not in the rules, indicate the basis of participation, e.g. region covered, annual turnover, membership, etc.).
4. **Description of the present situation and that forecast after completion of the project**
 - 4.1. existing plant and capacity (indicate the location) ;
 - 4.2. products concerned :
 - 4.2.1. input of fish products before and after completion of project ;
 - 4.2.2. indicate the origin of the products, broken down as follows :
 - area of collection of the project (see under Section 4.5),
 - other Community regions,
 - non-EEC countries ;

- 4.3. production/marketing programme :
 - 4.3.1. product output before and after completion of project ;
 - 4.3.2. indicate the outlets for the products. In the case of increase in capacity or new production, provide a detailed explanation of the justification for the outlets forecast. Indicate the part of the output given for intervention in the past, and likely to be given for intervention in the future ;
 - 4.3.3. explain the marketing policy relating to the products concerned ;
- 4.4. prices paid to producers in the past four years ;
- 4.5. area of collection of products :
 - 4.5.1. geographical boundaries (see Section 4.2.2), description with map ;
 - 4.5.2. description of production structures, (sufficiently detailed to enable a judgement to be given on the project) ;
 - 4.5.3. total production of the products concerned (giving seasonal distribution, when appropriate), for the past three years and the expected future development ;
- 4.6. description of economic benefits for producers to be derived from the project. (Attach all relevant supporting documents, for example copies of supply contracts or other undertakings.)

5. Measures proposed

- 5.1. general description of planned plant, its technical use and the needs it will meet ; indication of planned hours of operation. Also where the project is part of a larger scheme a description of the other investments planned ;
- 5.2. geographical location ;
- 5.3. detailed technical description of the proposed work (plans to be attached ; distinguish between existing buildings and new construction) ;
- 5.4. estimate of total cost of work (indicate basis of calculation and date of estimates) :
 - for construction work : break-down of costs,
 - for plant and equipment : copies of tenders received,
 - summary table, analyzing total costs, giving where possible for each item figures for the specification (e.g. m³, hl, power, capacity, etc.).

6. Proposed financing

- 6.1. sources of funding for project ;
- 6.2. number of instalments of aid requested ;
- 6.3. statement of profit and loss for last three years and forecast for future three years.

7. Specific information for certain types of project :

- 7.1. Where there are specific Community rules applicable to the sector concerned, (e.g.) the hygiene regulations of the Community, indicate to what extent these rules are fulfilled.

ANNEX IV

PROVISION OF FACILITIES AT FISHING PORTS

CERTIFICATE FOR PAYMENT OF A PROPORTION OF THE AID

MODEL 1

Project No : Port of :

Beneficiary :

Address :

The⁽¹⁾ being the intermediate authority appointed for this purpose by the national authorities, hereby states that the supporting documents referred to in the description sent to the Commission pursuant to Article 3 of Commission Regulation (EEC) No 3856/91⁽²⁾ have been inspected.

THIS INSPECTION INDICATES THAT:

1. The work was begun on
2. In the case of public tender⁽³⁾, the date of publication of the tender notice relating to the project in the *Official Journal of the European Communities* is :
 — date,
 — reference (No etc).

3. On total costs actually paid in respect of eligible expenditure, ; without taking into consideration the recoverable part of the value added tax, amounted to (in national currency).
4. The expenditure specified above was financed as shown in MODEL 2 of this certificate.
5. The costs referred to above can be broken down among the various categories of work planned, as shown in the list of documents supporting this application for payment (MODEL 4).
6. The national financial contribution and that of the beneficiary, taken into consideration all aids of whatever nature, satisfy, or will satisfy by the date of completion of the work, the requirements of Articles 28 of Regulation (EEC) No 4028/86.
7. The beneficiary undertakes to complete the work within⁽⁴⁾.
8. The supporting documents that have been checked are kept by

Drawn up at

Certified by the competent authority

.....
(signature and stamp)⁽¹⁾ Name or description of intermediate authority.⁽²⁾ OJ No L 362, 31. 12. 1991, p. 61.⁽³⁾ See Council Directives 77/62/EEC, 80/767/EEC and 71/305/EEC (OJ No L 13, 15. 1. 1977, p. 1, OJ No L 215, 18. 8. 1980, p. 1 and OJ No L 185, 16. 8. 1971, p. 5).⁽⁴⁾ Form of undertaking to be attached. If the date of completion is more than six months later than the scheduled date, reasons must be given.

ANNEX TO THE CERTIFICATE : FINANCING OF EXPENDITURE

(Incurred in paying a proportion of the aid)

MODEL 2

Financing of expenditure up to :

Project No :

Beneficiary (beneficiaries) :
.....**1. Contribution of beneficiary (beneficiaries) :**

- own capital :
- payments in kind ⁽¹⁾ :
- loans at market rate :
- financial institution :
.....

2. Member States' contribution ⁽²⁾ :

- capital grant ⁽³⁾ :
- capital grant equivalent (subsidies) :
- other aid :
.....
.....

3. Total :

.....

Date :

Signature :
(Beneficiary)

Attestation of competent authority :

Date, signature and stamp :

.....
.....
.....⁽¹⁾ Give bases for calculation.⁽²⁾ Including regional and/or local contributions.⁽³⁾ Instructions for payment were given on, payment to be made to account No, bank

FINANCIAL PLAN ENVISAGED FOR TOTAL INVESTMENT

MODEL 3

Project No :

Beneficiary (beneficiaries) :
.....

1. Contribution of beneficiary (beneficiaries):

- own capital :
- payments in kind ⁽¹⁾ :
- loans at market rate :

2. Member States' contribution ⁽²⁾:

- capital grant :
- capital grant equivalent (subsidies) :
- other aid :
.....

3. Other contribution ⁽³⁾:

-
.....

4. Total :

.....

Date :

Signature :
(Beneficiary)

Attestation of competent authority

Date, signature and stamp

.....
.....
.....

⁽¹⁾ Give bases for calculation.
⁽²⁾ Including regional and/or local contributions.
⁽³⁾ In the case of aid, state only the amounts already received by the beneficiary.

LIST OF ACCOUNTING DOCUMENTS

MODEL 4

(Period from to)

Project No :

Cate- gory (⁽¹⁾)	No	Subject	Costs according to estimates	Accounting documents (⁽²⁾)			Amount, net of recoverable VAT	Method of payment (⁽³⁾)	Date of payment (⁽⁴⁾)	Payments made Amount without decimal point, net of recoverable VAT
				No	Date	Issued by	Subject (brief description)			

(⁽¹⁾) See Annex I to the aid application.
(⁽²⁾) All documents concerning the implementation of the project financed must be listed.
(⁽³⁾) Method of payment : 1. Bank, 2. Cheque, 3. Cash.
(⁽⁴⁾) The date to be shown is that of actual payment and not the date on which the debt falls due, for example, in the case of payment by bill of exchange.

Date :

Attestation of competent authority :
Date, signature and stamp :
.....
.....
.....

Signature of beneficiary :

ANNEX TO THE CERTIFICATE :
EXPLANATIONS FOR DIFFERENCES BETWEEN WORK PLANNED
AND WORK COMPLETED

MODEL 5

Project No :

Work and measures planned according to original file		Work and measures completed		Reasons for differences (*)
Brief description	Costs net of recoverable VAT	Brief description	Costs net of recoverable VAT	

(*) Relevant invoices attached and, where necessary, correspondence on the subject between the Ministry and the beneficiary.

Date :

Attestation of competent authority :

Date, signature and stamp :

.....

Date and signature of beneficiary :

.....

.....

CERTIFICATE FOR THE PAYMENT OF THE BALANCE OF THE FULL AMOUNT OF THE AID

MODEL 6

Project No : Port of :

Beneficiary :

Address :

The⁽¹⁾ being the intermediate authority appointed for this purpose by the Article 3 of Regulation (EEC) 3856/91⁽²⁾ have been inspected.

THIS INSPECTION INDICATES THAT :

1. Work was commenced on
2. On the construction and development work at the port of was completed.
3. The total costs actually paid, not including the recoverable part of the VAT, amount to (in national currency).
4. The expenditure specified above was financed as shown in the Annex to this certificate.
5. The costs referred to above can be broken down among the various categories of work planned, as shown in the list of documents supporting this application for payment (Model 8).
6. The completed work was inspected at the site by (name, qualifications) on and was found to tally with that described in the Decision granting the Community aid, with the exception of work in categories for which explanations are given in the Model of this certificate (This inspection report must be available at the premises of the intermediate authority.)
7. The beneficiary's financial contribution and that of the Member State satisfy the requirements of Article 28 of Regulation (EEC) No 4028/86.
8. The special conditions set out in the Annex to the Decision granting the aid have been observed.
9. The supporting documents that have been checked are kept by

.....

Drawn up at on

Certified by the competent authority

.....
(Signature and stamp)⁽¹⁾ Name or description of intermediate authority.⁽²⁾ OJ No L 362, 31. 12. 1991, p. 61.

ANNEX TO THE CERTIFICATE : FINANCING OF EXPENDITURE INCURRED

(For the final payment application)

MODEL 7

Financing of expenditure incurred up to :

Project No : Port of :

1. Contribution of beneficiary (beneficiaries) :

- own capital :
- payment in kind ⁽¹⁾ :
- loans at market rate ⁽²⁾ :

2. Member States' contribution :

- capital grant paid on :
- capital grant equivalent :
- other aid (to be specified) :
.....

3. Already received from the Commission :

Total :

4. The undersigned hereby undertakes to provide from his own funds or from loans to be concluded on normal market terms ⁽²⁾ any difference arising from a smaller contribution from the Commission and/or the Member States towards the financing of the project concerned.

Date :

Signature :
(beneficiary)

Attestation of competent authority :

Date, signature and stamp :

.....
.....
.....

⁽¹⁾ Give bases for calculations.

⁽²⁾ Loan on normal market terms means any loan at a non-subsidized rate of interest.

LIST OF ACCOUNTING DOCUMENTS

MODEL 8

(Period from to)

Project No :

Cate- gory (⁽¹⁾)	No	Subject	Costs according to estimates	Accounting documents (⁽²⁾)			Amount, net of recoverable VAT	Method of payment (⁽³⁾)	Date of payment (⁽⁴⁾)	Payments made Amount without decimal point, net of recoverable VAT
				No	Date	Issued by	Subject (brief description)			

(⁽¹⁾) See Annex I to the aid application.
(⁽²⁾) All documents concerning the implementation of the project financed must be listed.
(⁽³⁾) Method of payment : 1. Bank, 2. Cheque, 3. Cash.
(⁽⁴⁾) The date to be shown is that of actual payment and not the date on which the debt falls due, for example, in the case of payment by bill of exchange.

Date :

Attestation of competent authority :
Date, signature and stamp :
.....
.....
.....

Signature of beneficiary :

ANNEX TO THE CERTIFICATE :
EXPLANATIONS FOR DIFFERENCES BETWEEN WORK PLANNED
AND WORK COMPLETED

MODEL 9

Project No :

Work and measures planned according to original file		Work and measures completed		Reasons for differences (1)
Brief description	Costs net of recoverable VAT	Brief description	Costs net of recoverable VAT	

(1) Relevant invoices attached and, where necessary, correspondence on the subject between the Ministry and the beneficiary.

Date :

Attestation of competent authority :

Date, signature and stamp :

Date and signature of beneficiary :

COMMISSION REGULATION (EEC) No 3857/91

of 30 December 1991

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽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 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3821/91⁽⁷⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁸⁾ amended Council Regulation (EEC) No 2744/75⁽⁹⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

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

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

Whereas these exchange rates being those recorded on 27 December 1991;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹⁰⁾ as last amended by Regulation (EEC) No 1740/78⁽¹¹⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to Regulation (EEC) No 3821/91 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1992.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 357, 28. 12. 1991, p. 84.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹¹⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1991 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) (*)
1102 30 00	155,47	158,49
1102 90 30	246,31	252,35
1102 90 90	148,53	151,55
1103 12 00	246,31	252,35
1103 14 00	155,47	158,49
1103 19 90	148,53	151,55
1103 21 00	294,12	300,16
1103 29 30	246,31	252,35
1103 29 50	155,47	158,49
1103 29 90	148,53	151,55
1104 12 10	139,58	142,60
1104 12 90	273,68	279,72
1104 19 10	294,12	300,16
1104 19 91	264,01	270,05
1104 19 99	262,12	268,16
1104 22 10 10 (*)	139,58	142,60
1104 22 10 90 (*)	246,31	249,33
1104 22 30	246,31	249,33
1104 22 50	218,94	221,96
1104 22 90	139,58	142,60
1104 29 11	217,32	220,34
1104 29 19	232,99	236,01
1104 29 31	261,44	264,46
1104 29 39	232,99	236,01
1104 29 91	166,67	169,69
1104 29 99	148,53	151,55
1104 30 10	122,55	128,59

CN code	(ECU/tonne)	
	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) ^(*)
1107 10 11	290,85	301,73
1107 10 19	217,32	228,20
1108 11 00	359,48	380,03
1108 19 10	222,94	253,77
1109 00 00	653,60	834,94

(*) Taric code: clipped oats.

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

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

COMMISSION REGULATION (EEC) No 3858/91

of 30 December 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 464/91⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1849/91⁽³⁾, as last amended by Regulation (EEC) No 3827/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1849/91 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 27 December 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 December 1991.

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

Done at Brussels, 30 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 16.

⁽⁴⁾ OJ No L 357, 28. 12. 1991, p. 96.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 30 December 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,34 ⁽¹⁾
1701 11 90	39,34 ⁽¹⁾
1701 12 10	39,34 ⁽¹⁾
1701 12 90	39,34 ⁽¹⁾
1701 91 00	46,07
1701 99 10	46,07
1701 99 90	46,07 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COUNCIL REGULATION (EEC) No 3859/91
of 23 December 1991

**amending Regulations (EEC) No 3420/83, (EEC) No 288/82 and (EEC) No 1765/82
 in order to liberalize or suspend quantitative restrictions in respect of Albania,
 extending the suspension of certain quantitative restrictions in respect of
 countries of Eastern and Central Europe and laying down the import
 arrangements applicable to products originating in the Baltic States**

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 Council Regulation (EEC) No 3420/83 of 14 November 1983 on import arrangements for products originating in State-trading countries, not liberalized at Community level ⁽¹⁾, applies to imports of products originating in, *inter alia*, Albania and the Union of Soviet Socialist Republics (USSR), of which Estonia, Latvia and Lithuania, hereinafter referred to as 'the Baltic States', were part until the restoration of their sovereignty and independence; whereas the Baltic States should therefore be included in the list of countries in Annex I to the said Regulation;

Whereas the Community and its Member States, at the extraordinary ministerial meeting on European political cooperation held in Brussels on 27 August 1991, confirmed their decision to establish diplomatic relations with the Baltic States and emphasized their commitment to support the said States in their economic and political development;

Whereas, in view of the above, there is a need to define the import arrangements applicable to products originating in the Baltic States;

Whereas Council Regulation (EEC) No 1765/82 of 30 June 1982 on common rules for imports from the State-trading countries ⁽²⁾ provides that imports of the products mentioned in the Annex thereto shall not be subject to quantitative restrictions; whereas that Regulation applies to imports originating *inter alia* in the USSR, of which the Baltic States formed part, and those States should therefore be included among the countries listed in the Annex;

Whereas the Council, at its meeting in Brussels on 30 September and 1 October 1991, agreed in principle to the inclusion of the Baltic States and Albania in the G-24

programme of coordinated assistance; whereas this programme provides facilities for the access of products from the countries of central and eastern Europe to the Community market;

Whereas, in order to contribute to the modernization of the economic fabric of these countries through, in particular, an increase in their exports, specific quantitative restrictions should therefore be removed and other 'non-specific' quantitative restrictions applicable to the release for free circulation in the Community of certain products originating in these countries should be suspended; whereas the Community has already adopted similar measures with regard to Bulgaria, Hungary, Poland, Romania and Czechoslovakia in Regulation (EEC) No 2727/90 ⁽³⁾; whereas in the same Regulation provision was also made for the suspension of certain residual quantitative restrictions still applicable to Yugoslavia; whereas the suspension of those quantitative restrictions has been granted to these countries only until 31 December 1991;

Whereas it seems appropriate to extend the suspension until 31 December 1992 and to extend the same type of measures to the Baltic States and Albania on the same conditions, taking account of the provisions of the Act of Accession (Articles 177 and 364) of the Kingdom of Spain and the Portuguese Republic; whereas, however, with regard to Yugoslavia, in Regulation (EEC) No 3300/91 ⁽⁴⁾, the Council suspended trade concessions in respect of that country, but the Community and its Member States, in the framework of political cooperation, have decided to apply selective positive measures in favour of parties contributing to progress towards peace; whereas the benefit of the suspension of quantitative restrictions should therefore be limited to products originating in the Republics of Bosnia-Herzegovina, Croatia, Macedonia and Slovenia only;

Whereas the name 'Czechoslovakia' has been changed to 'the Czech and Slovak Federal Republic' (CSFR);

Whereas this Regulation is adopted without prejudice to any present or future specific Community measures regarding trade in textile products,

⁽¹⁾ OJ No L 346, 8. 12. 1983, p. 6. Regulation as last amended by 3049/91 (OJ No L 292, 23. 10. 1991, p. 1).

⁽²⁾ OJ No L 195, 5. 7. 1982, p. 1. Regulation as last amended by Regulation (EEC) No 1434/90 (OJ No L 138, 31. 5. 1990, p. 1).

⁽³⁾ OJ No L 262, 26. 9. 1990, p. 11.

⁽⁴⁾ OJ No L 315, 15. 11. 1991, p. 11.

HAS ADOPTED THIS REGULATION :

Article 1

Article 2 (1) of Regulation (EEC) No 3420/83 shall be replaced by the following :

'1. The release for free circulation of the products listed in Annex III originating in State-trading countries shall be subject to quantitative restrictions in the Member States as indicated in that Annex against those products. The quantitative restrictions applicable to Estonia, Latvia and Lithuania shall be those listed in that Annex marked "N" or relating to textile products. For these three countries and for Albania, Bulgaria, Hungary, Poland, the Czech and Slovak Federal Republic (CSFR), Romania and the Soviet Union, Member States may maintain quantitative restrictions only on products listed in Annex I, as amended by Regulation (EEC) No 196/91 ^(*), to Regulation (EEC) No 288/82 ^(**). Notwithstanding this, the application of these quantitative restrictions to the release for free circulation of products originating in any of these countries other than the Soviet Union is hereby suspended in all Member States save Spain and Portugal until 31 December 1992. This suspension shall not apply to textile products reimported into the Community after undergoing processing or working in Albania, Estonia, Latvia or Lithuania. In the event of any one of the products in question causing or threatening to cause economic difficulties in the Community or a region thereof, the relevant quantitative restriction may be reintroduced under the procedure laid down in Title IV.

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

Done at Brussels, 23 December 1991.

For the Council

The President

Y. VAN ROOY

^(*) OJ No L 21, 26. 1. 1991, p. 1.

^(**) OJ No L 35, 9. 2. 1982, p. 1. Regulation as last amended by Regulation (EEC) No 2978/91 (OJ No L 284, 12. 10. 1991, p. 1).'

Article 2

Estonia, Latvia and Lithuania are hereby added to the list of countries contained in Annex I to Regulation (EEC) No 3420/83 and the Annex to Regulation (EEC) No 1765/82. In the same Annexes, the designation 'Czechoslovakia' shall be replaced by 'the Czech and Slovak Federal Republic' (CSFR).

Article 3

In the third indent of Article 1 (2) of Regulation (EEC) No 288/82 ⁽¹⁾, the term 'Yugoslavia' shall be replaced by 'the Republics of Bosnia-Herzegovina, Croatia, Macedonia and Slovenia', and the date '31 December 1991' shall be replaced by '31 December 1992'.

Article 4

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

It shall apply from 1 January 1992.

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1. Regulation as last amended by Regulation (EEC) No 2978/91 (OJ No L 284, 12. 10. 1991, p. 1).

COUNCIL REGULATION (EEC) No 3860/91**of 23 December 1991****on an emergency measure to supply food products to the population of Albania**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, and in particular Article 7 (5) and Article 8 thereof,

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⁽²⁾, and in particular Article 6 (6) and Article 7 (4) 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⁽³⁾, and in particular Article 6 (5) and Article 7 (2) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽⁴⁾, and in particular Article 35 thereof,

Having regard to the proposal from the Commission,

Whereas the market for certain agricultural products may feature production situations which make it possible to dispose of such products on special terms;

Whereas provision should be made for the supply of food products to the population of Albania in order to improve the very critical conditions of supply in that country; whereas the Community has intervention stocks of agricultural products and whereas such products should be used to implement the measure in question; whereas, in the case of some of these products, the measures required could be adopted by the Commission itself, pursuant to the Regulation in force;

Whereas it is for the Commission to lay down the detailed rules for the application of this measure,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1. Regulation as last amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17. 12. 1980, p. 23).

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EEC) No 1630/91 (OJ No L 150, 15. 6. 1991, p. 19).

⁽³⁾ OJ No L 148, 29. 6. 1968, p. 24. Regulation as last amended by Regulation (EEC) No 1628/91 (OJ No L 150, 15. 6. 1991, p. 16).

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 1623/91 (OJ No L 150, 15. 6. 1991, p. 8).

Article 1

An emergency measure is hereby adopted, under the conditions laid down in the following Articles, for free supply to the population of Albania of certain food products to be determined, available as a result of intervention. Expenditure on this measure shall be limited to ECU (budgetary) 35 million.

Article 2

1. The products may be supplied unprocessed or in processed form.
2. The measure may also relate to food products obtained through a commercial exchange of products from intervention stocks against goods belonging to the same group of products.
3. The supply costs, including transport and, where applicable, processing, shall be determined by invitation to tender or, an account of the urgency of the situation, by direct agreement procedure.
4. The costs shall be reimbursed to the operators concerned in respect of the supply of products for which proof is provided that they have reached the delivery stage laid down.
5. Products consigned pursuant to this Regulation shall not qualify for export refunds and shall not be subject to the arrangements concerning monetary compensatory amounts.

Article 3

The detailed rules for the application of this Regulation shall be adopted by the Commission in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or, as the case may be, in the corresponding Articles in the other Regulations on the common organization of the markets in question.

Article 4

The Commission shall be responsible for verifying the delivery operations and for the application of the criteria adopted when the aid is distributed to the population concerned.

Article 5

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, 23 December 1991.

For the Council

The President

Y. VAN ROOY

COUNCIL REGULATION (EEC) No 3861/91**of 23 December 1991****on an emergency measure to supply food products to the populations of Estonia,
Latvia and Lithuania**

THE COUNCIL 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⁾, and in particular Article 7 (5) and Article 8 thereof,

Having regard to the proposal from the Commission,

Whereas the market for certain agricultural products may feature production situations which make it possible to dispose of such products on special terms;

Whereas provision should be made to supply cereal products to Estonia, Latvia and Lithuania in order to improve the conditions of supply to the populations of those countries and maintain their livestock herds; whereas the Community has intervention stocks of agricultural products; whereas such products should be used to implement the measure in question;

Whereas it is for the Commission to lay down the detailed rules for the application of the measure in question,

HAS ADOPTED THIS REGULATION:

Article 1

An emergency measure is hereby adopted, under the conditions laid down in the following Articles, for free supply to the populations of Estonia, Latvia and Lithuania of certain cereal products to be determined, available as a result of intervention.

Expenditure on this measure shall be limited to ECU (budgetary) 45 million.

Article 2

1. The products may be supplied unprocessed or in processed form.
2. The measure may also relate to food products obtained through a commercial exchange of products from intervention stocks against goods belonging to the same group of products.
3. The supply costs, including transport and, where applicable, processing, shall be determined by invitation to tender or, on account of the urgency of the situation, by direct agreement procedure.
4. The costs shall be reimbursed to the operators concerned in respect of the supply of products for which proof is provided that they have reached the delivery stage laid down.
5. Products consigned pursuant to this Regulation shall not qualify for export refunds and shall not be subject to the arrangements concerning monetary compensatory amounts.

Article 3

The detailed rules for the application of this Regulation shall be adopted by the Commission in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Article 4

The Commission shall be responsible for verifying the delivery operations and for the application of the criteria adopted when the aid is distributed to the populations concerned.

Article 5

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, 23 December 1991.

For the Council

The President

Y. VAN ROOY

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1. Regulation as last amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17. 12. 1990, p. 23).

COUNCIL REGULATION (EEC) No 3862/91
of 23 December 1991

amending Regulation (EEC) No 3587/91 extending into 1992 in particular the application of Regulation (EEC) No 3832/90 applying generalized tariff preferences for 1991 in respect of certain textile products originating in developing 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 it is envisaged to implement in respect of Czechoslovakia, Poland and Hungary by means of interim agreements at a date yet to be decided in 1992 the preferential system provided for under the Europe agreements concluded with those countries; whereas in order that such preferential advantages should not be accumulated with those provided for in Regulation (EEC) No 3832/90⁽¹⁾ changes should be made to the administration of the tariff quotas and fixed amounts laid down in the said Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 of Regulation (EEC) No 3587/91⁽²⁾ the current text becomes paragraph 1, and the following paragraph shall be added:

“2. The following paragraph shall be added to Article 2 of Regulation (EEC) No 3832/90:

“3. By way of derogation from the provisions of the preceding paragraphs, the volumes of the tariff

quotas listed in Annex I and made available to Czechoslovakia, Hungary and Poland for the period of 1992 preceding the entry into force of the preferential arrangements provided for under the Europe agreements with those countries shall be limited on a *pro rata* basis.”

The following paragraph shall be added to Article 5 of Regulation (EEC) No 3832/90:

“6. By way of derogation from paragraphs 1 and 3, the Member States shall return to the Community reserve on 1 January 1992 their entire national shares of tariff quotas in respect of Czechoslovakia, Hungary and Poland.”

The following paragraph shall be added to Article 8 of Regulation (EEC) No 3832/90:

“3. By way of derogation from paragraphs 1 and 2, the volumes of the fixed amounts listed in Annex II and made available to Czechoslovakia, Hungary and Poland for the period of 1992 preceding the entry into force of the preferential arrangements provided for under the Europe agreements with those countries shall be limited on a *pro rata* basis.”

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 23 December 1991.

For the Council

The President

Y. VAN ROOY

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39. Regulation as amended by Regulation (EEC) No 3835/90 (OJ No L 370, 31. 12. 1990, p. 126).

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 1.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 December 1991

granting a medium-term loan to the Soviet Union and its constituent Republics

(91/658/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (¹),

Whereas bilateral links between the Community and the Soviet Union (USSR) were strengthened by the cooperation agreement which entered into force on 1 April 1990 ;

Whereas the Community wishes to support the efforts of the USSR and its constituent Republics to bring about political reform and economic restructuring ;

Whereas the USSR and its constituent Republics are facing a critical economic and financial situation ;

Whereas the Soviet authorities have asked the European Community, the United States of America, Japan, Canada and other industrialized countries for financial assistance to underpin the development of democratic processes within the USSR and its constituent Republics and to help the country face up to the worsening food and medical situation ;

Whereas the Soviet authorities have supplied adequate information on their needs in these areas ;

Whereas the granting by the Community of a medium-term loan of ECU 1 250 million to the USSR and its constituent Republics is an appropriate means of providing food and medical aid and supporting the continuation of the economic reforms ;

Whereas the assistance granted pursuant to this Decision is in addition to that already committed in the form of food aid to the USSR (food aid amounting to ECU 250 million and a credit guarantee of ECU 500 million for exports of agricultural and food products) ;

Whereas it is appropriate that the Community, in applying this Decision, should ensure balanced distribution between the Republics in accordance with their actual needs and that traditional trading links between the Republics are not disrupted ;

Whereas Community assistance to the USSR and its constituent Republics forms part of an overall package which should be based on balanced contributions by the main industrialized countries ;

Whereas provision should be made for measures to ensure that, while not compromising the normal conditions of supply according to the rules of the market, the Community loan is used to finance imports of agricultural and food products and medical supplies originating in the Community and in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Lithuania, Latvia, Estonia and Yugoslavia in so far as these countries are able to supply them ;

Whereas exports financed pursuant to this Decision may help to restore trade between the countries of central and eastern Europe and between those countries and the USSR on the basis of transactions being paid for in convertible currencies ;

(¹) OJ No C 326, 16. 12. 1991.

Whereas the question of the risks associated with guarantees from the general budget of the European Communities will be examined in the context of the renewal in 1992 of the interinstitutional agreement on budgetary discipline and improvement of the budgetary procedure ;

Whereas the Community loan should be managed by the Commission ;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS :

Article 1

1. The Community shall grant to the USSR and its constituent Republics a medium-term loan of not more than ECU 1 250 million in principal, in three successive instalments and for a maximum duration of three years, in order to enable agricultural and food products and medical supplies originating in the Community, Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Lithuania, Latvia, Estonia and Yugoslavia to be imported.

2. The overall proportion of the loan used to finance imports originating in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Lithuania, Latvia, Estonia and Yugoslavia shall be 50 %, subject to the export capacities of these countries.

Article 2

For the purposes of Article 1, the Commission is hereby empowered to borrow, on behalf of the European Economic Community, the necessary resources that will be placed at the disposal of the USSR and its constituent Republics in the form of a loan.

Article 3

The loan referred to in Article 2 shall be managed by the Commission.

Article 4

1. The Community is hereby empowered to finalize, in concert with the authorities of the USSR and its constituent Republics and in consultation with the committee referred to in Article 6 and, for financial issues, with the Monetary Committee, the economic and financial conditions to be attached to the loan, the rules governing the provision of funds and the necessary guarantees to ensure loan repayment.

2. The economic conditions shall in particular relate to the pursuit of a process of economic reforms in the agri-

foodstuffs industry and markets in the USSR and its constituent Republics and especially to aspects linked to product distribution.

3. Imports of products financed by the loan shall be effected at world market prices. Free competition shall be guaranteed for the purchase and supply of products, which shall meet internationally recognized standards of quality.

4. The other detailed rules relating to the purchase, receipt, transport and distribution of products from the Community, the importation of which is financed by the loan, shall be adopted in accordance with the procedure set out in Article 6 (2) on the basis of the results of the contacts between the Commission and the authorities of the USSR and its constituent Republics.

5. The Commission shall keep the committee referred to in Article 6 regularly informed of the flow of imports into the USSR and its constituent Republics from Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Lithuania, Latvia, Estonia and Yugoslavia.

6. In administering the loan, the Commission shall ensure balanced distribution between the Republics in accordance with their actual needs. The Commission shall also avoid disrupting traditional trading links between the Republics.

7. The Commission will monitor the correct consignment of supplies at final beneficiary level, regardless of the origin of the products.

Article 5

The Commission shall, in liaison with the committee referred to in Article 6 and with the Monetary Committee, verify at regular intervals that the loan conditions referred to in Article 4 are being fulfilled.

Article 6

1. The Commission shall be assisted in matters falling within Articles 3 and 4 by a committee made up of representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission shall defer application of the measures which it has decided for a period of two months from the date of communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

Article 7

The loan shall be made available to the USSR and its constituent Republics in three successive instalments, in accordance with Article 1 and subject to Article 5.

The initial instalment shall be released as soon as the borrowing operations have been concluded.

The USSR and its constituent Republics shall be responsible for repayment of the principal and interest on the basis of the procedures laid down in Article 4 (1).

Article 8

1. The borrowing and lending operations referred to in Articles 1 and 2 shall be carried out using the same value

date and shall not involve the Community in the transformation of maturities, in any exchange or interest-rate risk or in any other commercial risk.

2. The Commission shall take the necessary steps, if the USSR and its constituent Republics so wish, to ensure that an early repayment clause is included in the loan conditions and can be exercised.

3. All related costs incurred by the Community in concluding and carrying out the operations provided for in this Decision shall be borne by the USSR and its constituent Republics.

4. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraph 2.

Article 9

At least once a year, the Commission shall address a report to the European Parliament and to the Council, which will include an evaluation, on the implementation of this Decision.

Done at Brussels, 16 December 1991.

For the Council

The President

W. KOK

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3818/91 of 27 December 1991 fixing the export refunds on products processed from cereals and rice

(Official Journal of the European Communities No L 357 of 28 December 1991)

Page 77, in the Annex:

— product codes 1103 13 19 100, 1103 13 19 300, 1103 13 19 500 and 1103 13 19 900 are deleted,

for: '1103 13 11 100',

read: '1103 13 10 100',

for: '1103 13 11 300',

read: '1103 13 10 300',

for: '1103 13 11 500',

read: '1103 13 10 500',

for: '1103 13 11 900',

read: '1103 13 10 900'.

NOTICE TO READERS

From 1 January 1992 *Directives will have an official number forming part of the title*, in the same way as acts in Section I, although the number will be attributed not at the time of publication but when the Directive is adopted (so that it can be notified with the number and consequently the method of reference can be standardized). (It is therefore possible that, since the time taken to print texts varies according to their length, Directives will not always appear in the *Official Journal of the European Communities* in numerical order.)

To avoid confusion, the numbers of Directives will continue to be given in the present form, i.e. year/number/Community initials.

For ease of reference, Directives will systematically be placed at the beginning of Section II.