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## Legislation

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**Notice to readers (see page 3 of the cover)**

## I

(Acts whose publication is obligatory)

## COMMISSION REGULATION (EEC) No 40/92

of 9 January 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, 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<sup>(5)</sup> 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 8 January 1992;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 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 10 January 1992.

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

Done at Brussels, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 250, 7. 9. 1991, p. 1.

## ANNEX

to the Commission Regulation of 9 January 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Levy                                 |
|------------|--------------------------------------|
| 0709 90 60 | 136,82 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 136,82 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 185,33 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 185,33 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 162,99                               |
| 1001 90 99 | 162,99                               |
| 1002 00 00 | 167,95 <sup>(6)</sup>                |
| 1003 00 10 | 146,12                               |
| 1003 00 90 | 146,12                               |
| 1004 00 10 | 136,58                               |
| 1004 00 90 | 136,58                               |
| 1005 10 90 | 136,82 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 136,82 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 145,35 <sup>(4)</sup>                |
| 1008 10 00 | 69,80                                |
| 1008 20 00 | 137,05 <sup>(4)</sup>                |
| 1008 30 00 | 90,39 <sup>(5)</sup>                 |
| 1008 90 10 | (7)                                  |
| 1008 90 90 | 90,39                                |
| 1101 00 00 | 241,19 <sup>(6)</sup>                |
| 1102 10 00 | 248,18 <sup>(6)</sup>                |
| 1103 11 10 | 301,43 <sup>(6)</sup>                |
| 1103 11 90 | 259,48 <sup>(6)</sup>                |

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

<sup>(2)</sup> 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'.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

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

<sup>(8)</sup> 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 41/92

of 9 January 1992

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(4)</sup>, 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 <sup>(5)</sup> 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 8 January 1992;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 10 January 1992.

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

Done at Brussels, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 168, 29. 6. 1991, p. 4.

## ANNEX

to the Commission Regulation of 9 January 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)

| CN code    | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>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<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>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 42/92

of 9 January 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria<sup>(3)</sup>, as last amended by Regulation (EEC) No 728/91<sup>(4)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco<sup>(5)</sup>, as last amended by Regulation (EEC) No 729/91<sup>(6)</sup>, and in particular Article 5 thereof,

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

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey<sup>(9)</sup>, as last amended by Regulation (EEC) No 730/91<sup>(10)</sup>, and in particular Article 10 (2) thereof,

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

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

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender<sup>(13)</sup> specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situa-

tion on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 6 and 7 January 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

*Article 3*

This Regulation shall enter into force on 10 January 1992.

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

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 24.

<sup>(4)</sup> OJ No L 80, 27. 3. 1991, p. 1.

<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.

<sup>(6)</sup> OJ No L 80, 27. 3. 1991, p. 2.

<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.

<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.

<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.

<sup>(10)</sup> OJ No L 80, 27. 3. 1991, p. 3.

<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.

<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.

<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX I

## Minimum import levies on olive oil

*(ECU/100 kg)*

| CN code    | Non-member countries  |
|------------|-----------------------|
| 1509 10 10 | 72,00 <sup>(1)</sup>  |
| 1509 10 90 | 72,00 <sup>(1)</sup>  |
| 1509 90 00 | 83,00 <sup>(2)</sup>  |
| 1510 00 10 | 77,00 <sup>(1)</sup>  |
| 1510 00 90 | 122,00 <sup>(3)</sup> |

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

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Turkey : ECU 11,48 per 100 kg <sup>(\*)</sup> provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 12,69 per 100 kg <sup>(\*)</sup> provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

<sup>(\*)</sup> These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

<sup>(2)</sup> For imports of oil falling within this CN code :

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

<sup>(3)</sup> For imports of oil falling within this CN code :

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

## ANNEX II

## Import levies on other olive oil sector products

*(ECU/100 kg)*

| CN code    | Non-member countries |
|------------|----------------------|
| 0709 90 39 | 15,84                |
| 0711 20 90 | 15,84                |
| 1522 00 31 | 36,00                |
| 1522 00 39 | 57,60                |
| 2306 90 19 | 6,16                 |

## COMMISSION REGULATION (EEC) No 43/92

of 9 January 1992

establishing a deadline for the presentation by the Member States of  
regionalization plans

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

Having regard to Council Regulation No 136/66/EEC of  
22 September 1966 on the establishment of a common  
organization of the market in oils and fats<sup>(1)</sup>, as last  
amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in  
particular Article 38 thereof,

Having regard to Council Regulation (EEC) No 3766/91  
of 16 December 1991 establishing a support system for  
producers of soya beans, rape seed and sunflower seed<sup>(3)</sup>,  
and in particular Article 2 (4) thereof,

Whereas a deadline should be set for the presentation by  
the Member States of regionalization plans, as provided  
for in Article 2 (4) of Regulation (EEC) No 3766/91 ;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

The date provided for in Article 2 (4) of Regulation (EEC)  
No 3766/91 is 31 January 1992.

*Article 2*

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

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

Done at Brussels, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No L 356, 24. 12. 1991, p. 17.

## COMMISSION REGULATION (EEC) No 44/92

of 9 January 1992

amending Regulation (EEC) No 3398/91 on the sale by invitation to tender of skimmed-milk powder for the manufacture of compound feedingstuffs and amending Regulation (EEC) No 569/88

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1630/91 <sup>(2)</sup>, and in particular Article 7 (5) thereof,

Whereas Article 8 of Commission Regulation (EEC) No 3398/91 <sup>(3)</sup> provides that a minimum selling price for skimmed-milk powder shall be fixed on the basis of the tenders received under each round; whereas the price offered in those tenders may vary substantially, depending in particular on the age and location of the quantities of powder offered for sale; whereas it is therefore appropriate to provide for the possibility of fixing different minimum prices;

Whereas Article 8 (2) provides for the lodging of a processing security; whereas it is appropriate to specify with which body the said security should be lodged;

Whereas Article 12 specifies the rate to be used for the conversion into national currency of certain amounts expressed in ecus; whereas it is necessary to include therein the price to be paid to the tenderer;

Whereas Article 14 provides for the insertion of paragraph 41 in Part II of the Annex to Commission Regulation (EEC) No 569/88 <sup>(4)</sup>, as last amended by Regulation (EEC) No 3755/91 <sup>(5)</sup>; whereas it is necessary to amend the wording of this paragraph in the light of the provisions concerning the lodging of the processing security;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3398/91 is hereby amended as follows:

1. Article 8 is amended as follows:

— in paragraph 1, the following sentence is added to the first subparagraph:

'This price may differ according to the age and location of the quantities of skimmed-milk powder offered for sale.'

— in paragraph 2, the following subparagraph is added:

'This security shall be lodged in the Member State in which processing into compound feedingstuffs is to take place, with the body designated by that Member State.'

2. Article 12 is replaced by the following:

*Article 12*

The price tendered referred to in Article 6 (2), the tendering security referred to in Article 7 (1), the minimum price referred to in Article 8 (1) and the processing security referred to in Article 8 (2) shall be converted into national currency at the agricultural conversion rate applicable on the closing date for the submission of tenders under the round in question.'

*Article 2*

In Part II of the Annex to Regulation (EEC) No 569/88, paragraph 41 is replaced by the following:

'41. Commission Regulation (EEC) No 3398/91 of 20 November 1991 on the sale by invitation to tender of skimmed-milk powder for the manufacture of compound feedingstuffs <sup>(1)</sup>:

Section 44 of the SAD or the most appropriate section of the document used:

1. Para desnaturizar o transformar [Reglamento (CEE) n° 3398/91];

til denaturering eller forarbejdning (forordning (EØF) nr. 3398/91);

Zu denaturieren oder zu verarbeiten (Verordnung (EWG) Nr. 3398/91);

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 19.

<sup>(3)</sup> OJ No L 320, 22. 11. 1991, p. 16.

<sup>(4)</sup> OJ No L 55, 1. 3. 1988, p. 1.

<sup>(5)</sup> OJ No L 352, 21. 12. 1991, p. 71.

Για να μετουσιωθεί ή να μεταποιηθεί  
[κανονισμός (ΕΟΚ) αριθ. 3398/91];

To be denatured or processed (Regulation  
(EEC) No 3398/91);

A dénaturer ou transformer [règlement (CEE)  
n° 3398/91];

Destinato alla denaturazione o alla trasforma-  
zione [Regolamento (CEE) n. 3398/91];

Voor denaturering of verwerking [Verordening  
(EEG) nr. 3398/91];

A desnaturar ou transformar [Regulamento  
(CEE) n° 3398/91].

2. The final date for denaturing or processing  
into compound feedingstuffs.

### *Article 3*

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

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

Done at Brussels, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 45/92

of 9 January 1992

amending Regulation (EEC) No 598/86 concerning the target ceiling for the 1991/92 marketing year for imports into Spain of common wheat of bread-making quality

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade<sup>(1)</sup>, as last amended by Regulation (EEC) No 3296/88<sup>(2)</sup>, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 598/86 of 28 February 1986 on the application of the supplementary trade mechanism to imports into Spain of common wheat of bread-making quality from the Community as constituted at 31 December 1985<sup>(3)</sup>, as last amended by Regulation (EEC) No 2956/91<sup>(4)</sup>, sets a target ceiling for the 1991/92 marketing year for imports of common wheat of bread-making quality into Spain;

Whereas, on the basis of Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM)<sup>(5)</sup>, as last amended by Regulation (EEC) No 3296/88, the Commission has been notified on 14 October 1991 of applications received for STM licences for imports into Spain of common wheat of bread-making quality which are equivalent to the ceiling set; whereas measures were taken by Commission Regulation (EEC) No 3041/91 of 17 October 1991 concerning

applications for STM licences for cereals submitted on 14 October 1991 for imports of common wheat into Spain<sup>(6)</sup>;

Whereas, in the present situation on the market for common wheat of bread-making quality in Spain, a feature of which is limited supply compared with demand, provision should be made for an increase in the target ceiling for the current marketing year in order to ensure normal supply to the market;

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*

In Article 4 of Regulation (EEC) No 598/86, '650 000' is replaced by '750 000'.

*Article 2*

Regulation (EEC) No 3041/91 is hereby repealed.

*Article 3*

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

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

Done at Brussels, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 58, 1. 3. 1986, p. 16.

<sup>(4)</sup> OJ No L 281, 9. 10. 1991, p. 13.

<sup>(5)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(6)</sup> OJ No L 288, 18. 10. 1991, p. 19.

## COMMISSION REGULATION (EEC) No 46/92

of 9 January 1992

on olive oil storage contracts for the 1991/92 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Article 20d (3) and (4) thereof,

Whereas Article 20d (3) of Regulation No 136/66/EEC provides that, when certain conditions are met, a decision may be taken that producer groups and associations recognized pursuant to Council Regulation (EEC) No 1360/78<sup>(3)</sup> may conclude storage contracts for olive oil; whereas the market situation during the first month of the 1991/92 marketing year has been such that the conditions laid down by Commission Regulation (EEC) No 314/88<sup>(4)</sup> are met; whereas permission to conclude storage contracts should therefore be granted for the 1987/88 marketing year;

Whereas the aim behind private storage contracts is temporary withdrawal of products from a market in imbalance, without change of ownership, so that they can be put on the market again when the situation has returned to normal; whereas it should therefore be specified that storage contracts may be entered into only for olive oil produced during the current marketing year;

Whereas only recognized groups and associations may be authorized to store oil produced by their members; whereas in order to enable them to refrain from marketing the oil that they hold aid should be granted;

Whereas the aim behind private storage must be the improved marketing of olive oil; whereas the period during which storage contracts may be concluded should therefore be restricted; whereas, moreover, the offering of oil for intervention on expiry of the storage contract

should be discouraged; whereas it is accordingly desirable to reduce the storage aid if the oil is subsequently offered for intervention;

Whereas it is desirable to specify that entitlement for a storage contract is annulled by the acceptance of an export declaration;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The intervention agencies in the producer Member States shall conclude olive-oil storage contracts for the 1991/92 marketing year as provided for in this Regulation.

*Article 2*

1. Storage contracts (hereinafter called 'contracts') shall be concluded only with recognized groups or associations within the meaning of Regulation (EEC) No 1360/78 which hold olive oil of Community origin produced by their own members and which have appropriate storage facilities at their disposal.

2. Contracts shall relate only to olive-oil qualities that may be offered for intervention and to lots of at least 100 tonnes net of the same quality. In Portugal, however the minimum size of lots shall be 25 tonnes.

3. Contracts shall be concluded for a period of 60 days. They shall be automatically renewed for 60-day periods if the party concerned does not, before expiry of the period, ask the intervention agency to cancel the contract, always provided that the new expiry date is not later than 31 October 1992 and, except where the possibility of concluding new contracts or renewing them is suspended, as provided for in Regulation (EEC) No 314/88.

4. The maximum quantity that may be covered by contracts at any one time during the 1991/92 marketing year shall be 200 000 tonnes.

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

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No L 166, 23. 6. 1978, p. 1.

<sup>(4)</sup> OJ No L 31, 3. 2. 1988, p. 16.

*Article 3*

1. With a view to conclusion of a contract, a written application must be lodged, by 15 April 1992 at the latest, with the intervention agency of the Member State in which the olive oil is located. It must be accompanied by proof that a security of ECU 0,5 per 100 kilograms of oil has been lodged.

2. Applications must be lodged on Mondays or Tuesdays of each week. On Wednesdays Member States shall notify the Commission of the quantities for which valid applications have been made and for which contracts expired in the previous week.

The Commission shall each week total the quantities for which applications have been made and shall, until exhaustion of the maximum quantity specified in Article 2 (5), authorize Member States to accept the applications made. Should there be a risk of exhaustion of the quantity it shall authorize acceptance of quantities applied for proportionally to the quantity available.

3. After authorization by the Commission, contracts shall be concluded without discrimination and as rapidly as possible. The date of conclusion of the contract shall be that of sending notification of acceptance of the relevant application by the intervention agency. The date of commencement of the contract shall be the day following the date of conclusion, unless the applicant has requested a later date.

4. Only olive oil produced in the Community during the current marketing year may be the subject of a contract.

*Article 4*

1. Contracts shall be drawn up in two copies and shall include the following information :

- (a) the business name of the storing party ;
- (b) its full postal address ;
- (c) the name and address of the intervention agency ;
- (d) the exact address of the place of storage ;
- (e) the number and individual particulars of the lots covered by the contract and the net weight and quality of each lot ;
- (f) the consent of the owner of the oil stored, if the holder is not himself the owner ;
- (g) the date of commencement of the contract ;
- (h) the reference to this Regulation ;
- (i) the date of conclusion of the contract.

2. Contracts shall make the following obligations incumbent upon the storer :

- (a) that of holding in store during the period stipulated the agreed quantity of the relevant product on his own behalf and at his own risk ;

- (b) that of storing oils of differing qualities in separate and identifiable containers ;

- (c) that of authorizing the intervention agency to verify at any time that the obligations laid down in the contract are in fact being complied with.

3. The storer may cancel the contract at any moment. He shall thereby lose entitlement to aid for the current 60-day period.

4. The obligation of compliance with the quantity shown in the contract shall be deemed to be met if at least 98 % of that quantity has been maintained in store.

*Article 5*

1. For each 60-day period, the following aid shall be granted :

- ECU 3,5 per 100 kilograms if the storage agency provides evidence within 60 days of the date of expiry of the contract that the olive oil has been marketed,
- ECU 1 per 100 kilograms in all other cases.

2. For the purposes of this Regulation 'marketed' shall mean that the oil has either been sold and delivered to a packaging plant approved pursuant to Commission Regulation (EEC) No 2677/85<sup>(1)</sup> or, if it is lampante virgin oil to a refiner, or has been exported.

3. An amount of ECU 1 per 100 kilograms may be paid in advance on conclusion or renewal of the contract against security for an equivalent amount.

4. The rate applicable for the conversion into national currency of the amount of the storage aid shall be the agricultural conversion rate in force on the day of conclusion of the contract.

5. The amount of the aid shall be calculated by reference to the net weight ascertained on the date of commencement of the contract.

*Article 6*

1. Subject to the provisions of Article 7, the aid shall be paid only where all the obligations in the contract have been complied with.

The aid shall be paid, and the securities specified in Articles 3 (1) and 5 (3) released after verification of compliance with the said obligations, within 60 days of expiry of the contract.

2. Acceptance of an export declaration shall terminate the storage arrangement. In this case no aid shall be paid for the period in progress at the time of such acceptance for the quantity entered in the export declaration.

<sup>(1)</sup> OJ No L 254, 25. 9. 1985, p. 5.

*Article 7*

1. In cases of *force majeure*, the intervention agency shall determine what action it deems necessary given the circumstances invoked. Such action may, in particular, involve payment of the aid due pro rata for the quantity stored and the actual period of storage.

2. Member States shall inform the Commission of all cases they deem to be cases of *force majeure* and of the action taken in each case.

*Article 8*

1. The Member States shall take all action necessary to ensure, throughout the contractual storage period, verification of compliance with the obligations laid down in the contract. Such verification shall include physical inspection of the goods in store, removed from store or placed in store and verification of the appropriate registers.

Physical inspection shall include verification of the nature and the quality of the stocks and the possibility of their identification and shall include checks as to whether the

quantities stored and marked tally with the quantities declared.

2. Failure to comply with the contractual obligations shall entail forfeiture of the security specified in Article 3 (1), without prejudice to any other penalties applicable.

3. Member States shall notify to the Commission national measures adopted in implementation of this Regulation, with a specimen of the contract.

*Article 9*

Member States shall notify the Commission by the 10th of each month:

- of the quantities and qualities of olive oil for which contracts have been concluded or renewed during the preceding month,
- by quality, of the total quantities of olive oil in storage at the end of the preceding month, and the total number of current contracts.

*Article 10*

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, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 47/92****of 9 January 1992****adopting definitive measures on the issuing of STM licences for milk and milk products in regard to Spain**

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade <sup>(1)</sup>, as last amended by Regulation (EEC) No 3296/88 <sup>(2)</sup>, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten <sup>(3)</sup>, as last amended by Regulation (EEC) No 334/91 <sup>(4)</sup>, fixes the indicative ceiling for imports into Spain of certain products in the milk and milk products sector for 1991 ;

Whereas applications for STM licences lodged solely in the Community of Ten during the period 25 to 29 November 1991 for cheese category 5a relate to quantities in excess of that fraction of the indicative ceiling set aside for the fourth quarter of 1991 ;

Whereas the Commission accordingly adopted, by an emergency procedure, suitable interim protective measures by Regulation (EEC) No 3541/91 <sup>(5)</sup> ; whereas definitive measures must be adopted ; whereas, in view of

the market situation in Spain, an increase in indicative ceilings cannot be contemplated at present ;

Whereas, as part of the definitive measures referred to in Article 85 (3) of the Act, the suspension of the issuing of STM licences provided for in the abovementioned Regulations until the end of the fourth quarter of 1991 should be confirmed ;

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*

The issuing of STM licences applied for in the Community of Ten for products in the milk and milk products sector as referred to in Regulation (EEC) No 3541/91 is hereby definitively suspended for the fourth quarter of 1991.

*Article 2*

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

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

Done at Brussels, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 58, 1. 3. 1986, p. 28.

<sup>(4)</sup> OJ No L 39, 13. 2. 1991, p. 15.

<sup>(5)</sup> OJ No L 335, 6. 12. 1991, p. 13.

## COMMISSION REGULATION (EEC) No 48/92

of 9 January 1992

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(6)</sup>, 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 <sup>(7)</sup>, as last amended by Regulation (EEC) No 5/92 <sup>(8)</sup>;Whereas Council Regulation (EEC) No 1906/87 <sup>(9)</sup> amended Council Regulation (EEC) No 2744/75 <sup>(10)</sup> 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 8 January 1992;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74 <sup>(11)</sup> as last amended by Regulation (EEC) No 1740/78 <sup>(12)</sup> the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

## Article 1

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

## Article 2

This Regulation shall enter into force on 10 January 1992.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.  
<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.  
<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.  
<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.  
<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.  
<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 9.  
<sup>(7)</sup> OJ No L 357, 28. 12. 1991, p. 84.  
<sup>(8)</sup> OJ No L 1, 4. 1. 1992, p. 11.  
<sup>(9)</sup> OJ No L 182, 3. 7. 1987, p. 49.  
<sup>(10)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(11)</sup> OJ No L 168, 25. 6. 1974, p. 7.  
<sup>(12)</sup> 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, 9 January 1992.

For the Commission  
Ray MAC SHARRY  
Member of the Commission

ANNEX

to the Commission Regulation of 9 January 1992 altering the import levies on products processed from cereals and rice

(ECU/tonne)

| CN code    | Import levies |                                                   |
|------------|---------------|---------------------------------------------------|
|            | ACP or OCT    | Third countries<br>(other than<br>ACP or OCT) (*) |
| 2302 10 10 | 62,35         | 68,35                                             |
| 2302 10 90 | 133,61        | 139,61                                            |
| 2302 20 10 | 62,35         | 68,35                                             |
| 2302 20 90 | 133,61        | 139,61                                            |
| 2302 30 10 | 62,35         | 68,35                                             |
| 2302 30 90 | 133,61        | 139,61                                            |
| 2302 40 10 | 62,35         | 68,35                                             |
| 2302 40 90 | 133,61        | 139,61                                            |

(\*) 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 49/92

of 9 January 1992

fixing the export refunds 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice <sup>(4)</sup>, as last amended by Regulation (EEC) No 1906/87 <sup>(5)</sup>, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed

from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 <sup>(6)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(7)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 10 January 1992.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(7)</sup> 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, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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*ANNEX*

to the Commission Regulation of 9 January 1992 fixing the export refunds on malt

| <i>(ECU/tonne)</i> |        |
|--------------------|--------|
| Product code       | Refund |
| 1107 10 19 000     | 102,00 |
| 1107 10 99 000     | 128,00 |
| 1107 20 00 000     | 149,00 |

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

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## COMMISSION REGULATION (EEC) No 50/92

of 9 January 1992

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Council Regulation (EEC) No 3577/90 <sup>(2)</sup>,

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 <sup>(3)</sup>,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 10 January 1992.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(6)</sup> OJ No L 131, 22. 5. 1975, p. 15.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> 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, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# **ANNEX**

**to the Commission Regulation of 9 January 1992 fixing the corrective amount applicable to the refund on malt**

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

| <i>(ECU/tonne)</i> |                 |                 |                 |                  |                   |                   |
|--------------------|-----------------|-----------------|-----------------|------------------|-------------------|-------------------|
| Product code       | 6th period<br>7 | 7th period<br>8 | 8th period<br>9 | 9th period<br>10 | 10th period<br>11 | 11th period<br>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 51/92

of 9 January 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas export possibilities exist for a quantity of 250 000 tonnes of soft wheat flour to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3562/91 <sup>(4)</sup>, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds <sup>(5)</sup> provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

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

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

were fixed in Commission Regulation No 162/67/EEC <sup>(6)</sup>, as last amended by Regulation (EEC) No 2849/91 <sup>(7)</sup>;

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 <sup>(8)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(9)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

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

HAS ADOPTED THIS REGULATION:

#### Article 1

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

#### Article 2

This Regulation shall enter into force on 10 January 1992.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 94, 7. 4. 1989, p. 13.

<sup>(4)</sup> OJ No L 336, 7. 12. 1991, p. 30.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 78.

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

<sup>(7)</sup> OJ No L 272, 28. 9. 1991, p. 62.

<sup>(8)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(9)</sup> 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, 9 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 9 January 1992 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

| (ECU/tonne)    |                 |                  |
|----------------|-----------------|------------------|
| Product code   | Destination (°) | Amount of refund |
| 0709 90 60 000 | —               | —                |
| 0712 90 19 000 | —               | —                |
| 1001 10 10 000 | —               | —                |
| 1001 10 90 000 | 04              | 120,00           |
|                | 05              | 40,00            |
|                | 06              | 35,00            |
|                | 02              | 0                |
| 1001 90 91 000 | —               | —                |
| 1001 90 99 000 | 04              | 70,00            |
|                | 05              | 32,00            |
|                | 02              | 20,00            |
| 1002 00 00 000 | 03              | 31,00            |
|                | 07              | 85,00            |
|                | 02              | 30,00            |
| 1003 00 10 000 | —               | —                |
| 1003 00 90 000 | 04              | 31,00            |
|                | 05              | 32,00            |
|                | 02              | 30,00            |
| 1004 00 10 000 | —               | —                |
| 1004 00 90 000 | —               | —                |
| 1005 10 90 000 | —               | —                |
| 1005 90 00 000 | 04              | 60,00            |
|                | 02              | 0                |
| 1007 00 90 000 | —               | —                |
| 1008 20 00 000 | —               | —                |
| 1101 00 00 100 | 01              | 110,00           |
| 1101 00 00 130 | 01              | 102,00           |
| 1101 00 00 150 | 01              | 93,00            |
| 1101 00 00 170 | 01              | 85,00            |
| 1101 00 00 180 | 01              | 79,00            |
| 1101 00 00 190 | —               | —                |
| 1101 00 00 900 | —               | —                |
| 1102 10 00 500 | 01              | 110,00           |
| 1102 10 00 700 | —               | 0                |
| 1102 10 00 900 | —               | —                |
| 1103 11 10 200 | 01              | 196,50           |
| 1103 11 10 400 | 01              | 0                |
| 1103 11 10 900 | 01              | 0                |
| 1103 11 90 200 | 01              | 110,00           |
| 1103 11 90 800 | —               | —                |

(<sup>1</sup>) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Countries on the territory of the former USSR
- 06 Algeria,
- 07 Zone II b).

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*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).

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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 27 November 1991

on the compliance of certain air fares with the requirements of Article 3 (1) of  
Council Regulation (EEC) No 2342/90

(92/8/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2342/90 of 24 July 1990 on fares for scheduled air services<sup>(1)</sup>, and in particular Article 5 (3) thereof,

Whereas the United Kingdom requested the Commission, by letters dated 27 December 1990 and 23 January 1991 to examine, pursuant to Article 5 (1) of Regulation (EEC) No 2342/90, a number of fare increases filed by Community air carriers for certain routes to and from the United Kingdom;

Whereas the United Kingdom withdrew that request in relation to some of the routes, by letter dated 16 July 1991;

Whereas a detailed examination of the information on costs and revenues as provided by the air carriers concerned following various requests of the Commission has led to certain conclusions,

HAS ADOPTED THIS DECISION:

*Article 1*

The air fares listed in Annex I to this Decision comply with Article 3 (1) of Regulation (EEC) No 2342/90.

*Article 2*

The air fares listed in Annex II to this Decision do not comply with Article 3 (1) of Regulation (EEC) No 2342/90. These fares cannot, therefore, serve as reference fares for subsequent seasons. Member States concerned have not fulfilled their obligations pursuant to the said Article 3 (1). They shall take appropriate measures in order to comply with these obligations and shall inform the Commission accordingly.

Moreover, some of the fares in respect of which the request has been withdrawn do not comply with the said Article 3 (1).

*Article 3*

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the Italian Republic, the Portuguese Republic, the Kingdom of Spain and the United Kingdom and to the air carriers Sabena, SAS, Air France, Lufthansa, Olympic Airways, Alitalia, Tap Air and British Airways.

Done at Brussels, 27 November 1991.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

<sup>(1)</sup> OJ No L 217, 11. 8. 1990, p. 1.

## ANNEX I

TABLE I

Fares for which the Commission's examination, pursuant to Article 5 of Regulation (EEC) No 2342/90, has led to the conclusion that they are in compliance with the criteria laid down in Article 3 (1) of that Regulation :

| Route   | Airline | Fare        |             |
|---------|---------|-------------|-------------|
|         |         | Outbound    | Inbound     |
| LHR-CPH | BA      | GBP 206     |             |
| MAN-CPH | BA      | GBP 195     | DKK 2 775   |
| LHR-BRU | BA      | GBP 138     |             |
| MAN-BRU | BA      | GBP 165     |             |
| LHR-LIN | BA      | GBP 188     |             |
| LGW-LIN | BA      | GBP 188     |             |
| MAN-LIN | BA      | GBP 241     | LIT 668 000 |
| LHR-TRN | BA      | GBP 190     |             |
| LHR-VCE | BA      | GBP 217     |             |
| LHR-BLQ | BA      | GBP 216     | LIT 624 000 |
| LHR-ATH | BA      | GBP 312     |             |
| LHR-BCN | BA      | GBP 203     | ESP 43 400  |
| LGW-BCN | BA      | GBP 203     | ESP 43 400  |
| LHR-AGP | BA      | GBP 239     | ESP 60 050  |
| LGW-AGP | BA      | GBP 239     | ESP 60 050  |
| LHR-LIS | BA      | GBP 220     |             |
| LGW-LIS | BA      | GBP 220     |             |
| LIS-LON | TP      | PTE 75 300  | GBP 220     |
| FAO-LGW | TP      | PTE 81 000  | GBP 237     |
| CPH-LHR | SK      |             | GBP 206     |
| CPH-MAN | SK      | DKK 2 775   | GBP 195     |
| BRU-LHR | SN      | BEF 9 300   | GBP 138     |
| BRU-MAN | SN      | BEF 11 940  | GBP 165     |
| MAD-LON | IB      | ESP 54 250  | GBP 216     |
| BCN-LON | IB      | ESP 43 400  | GBP 203     |
| AGP-LON | IB      | ESP 60 040  | GBP 239     |
| LIN-LON | AZ      |             | GBP 188     |
| PSA-LHR | AZ      |             | GBP 209     |
| TRN-LHR | AZ      |             | GBP 190     |
| VCE-LHR | AZ      |             | GBP 217     |
| BLQ-LHR | AZ      |             | GBP 216     |
| LIN-MAN | AZ      | LIT 668 000 | GBP 241     |

TABLE II

Fares which, on the basis of the information available by 17 July 1991, comply with the criteria laid down in Article 3 (1) but for which the request has been withdrawn by the competent authorities of the United Kingdom

| Route   | Airline | Fare                      |         |
|---------|---------|---------------------------|---------|
|         |         | Outbound                  | Inbound |
| LHR-HAJ | BA      | GBP 182                   | —       |
| LHR-DUS | BA      | GBP 135                   | —       |
| BHX-DUS | BA      | GBP 165                   | —       |
| LHR-CGN | BA      | GBP 135                   | —       |
| LON-FRA | BA      | GBP 168                   | —       |
| MAN-FRA | BA      | GBP 196                   | —       |
| LHR-STR | BA      | GBP 185                   | —       |
| LHR-BRE | BA      | GBP 163                   | —       |
| DUS-LHR | LH      | —                         | GBP 135 |
| DUS-BHX | LH      | —                         | GBP 165 |
| CGN-LHR | LH      | —                         | GBP 135 |
| FRA-LON | LH      | —                         | GBP 168 |
| FRA-MAN | LH      | —                         | GBP 196 |
| TXL-LHR | LH      | Information not available |         |

## ANNEX II

TABLE I

Fares for which the Commission's examination, pursuant to Article 5 of Regulation (EEC) No 2342/90, has led to the conclusion that they are NOT in compliance with the criteria laid down in Article 3 (1) of that Regulation :

| Route   | Airline | Fare        |             |
|---------|---------|-------------|-------------|
|         |         | Outbound    | Inbound     |
| LHR-CPH | BA      |             | DKK 2 715   |
| LHR-BRU | BA      |             | BEF 9 300   |
| MAN-BRU | BA      |             | BEF 11 940  |
| LHR-NCE | BA      | GBP 192     | FRF 2 725   |
| LHR-FCO | BA      | GBP 237     | LIT 702 000 |
| LHR-LIN | BA      |             | LIT 558 000 |
| LGW-LIN | BA      |             | LIT 558 000 |
| LHR-PSA | BA      | GBP 209     | LIT 624 000 |
| LHR-VCE | BA      |             | LIT 633 000 |
| LHR-ATH | BA      |             | GRD 97 300  |
| LGW-FAO | BA      | GBP 237     | PTE 81 000  |
| LHR-MAD | BA      | GBP 216     | ESP 54 250  |
| LGW-MAD | BA      | GBP 216     | ESP 54 250  |
| LHR-LIS | BA      |             | PTE 75 300  |
| LGW-LIS | BA      |             | PTE 75 300  |
| MAN-CDG | BA      | GBP 194     | FRF 2 500   |
| BHX-CDG | BA      | GBP 176     | FRF 2 295   |
| FCO-LHR | AZ      | LIT 702 000 | GBP 237     |
| LIN-LON | AZ      | LIT 558 000 |             |
| PSA-LHR | AZ      | LIT 624 000 |             |
| VCE-LHR | AZ      | LIT 633 000 |             |
| BLQ-LHR | AZ      | LIT 624 000 |             |
| CPH-LHR | SK      | DKK 2 715   |             |
| CDG-MAN | AF      | FRF 2 500   | GBP 194     |
| CDG-BHX | AF      | FRF 2 295   | GBP 176     |
| NCE-LHR | AF      | FRF 2 725   | GBP 192     |
| ATH-LHR | OA      | GRD 97 300  | GBP 312     |

TABLE II

Fares which did not, on the basis of the information available by 17 July 1991, comply with the criteria laid down in Article 3 (1) but for which the request has been withdrawn by the competent authorities of the United Kingdom :

| Route   | Airline | Fare                      |         |
|---------|---------|---------------------------|---------|
|         |         | Outbound                  | Inbound |
| LHR-HAM | BA      | GBP 182                   | DEM —   |
| MAN-DUS | BA      | GBP 185                   | DEM —   |
| BHX-FRA | BA      | GBP 201                   | DEM —   |
| LHR-MUC | BA      |                           | DEM 740 |
| LHR-TXL | BA      | GBP 205                   | DEM 811 |
| HAM-LHR | LH      | —                         | GBP 182 |
| HAJ-LHR | LH      | —                         | GBP 182 |
| FRA-BHX | LH      | —                         | GBP 201 |
| MUC-LHR | LH      | DEM 740                   | GBP 200 |
| STR-LHR | LH      | —                         | GBP 185 |
| BRE-LHR | LH      | —                         | GBP 163 |
| TXL-LHR | LH      | Information not available |         |

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 2608/91 of 30 August 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**

*(Official Journal of the European Communities No L 243 of 31 August 1991)*

Page 58, Annex, title :

*for:* 'Rates of 30 August 1991 to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty',

*read:* 'Rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty'.

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**Corrigendum to Commission Regulation (EEC) No 2875/91 of 30 September 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**

*(Official Journal of the European Communities No L 274 of 1 October 1991)*

Page 32, Annex, title :

*for:* 'Rates of 30 September 1991 to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty',

*read:* 'Rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty'.

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**Corrigendum to Commission Regulation (EEC) No 3490/91 of 29 November 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**

*(Official Journal of the European Communities No L 328 of 30 November 1991)*

Page 76, Annex, title :

*for:* 'Annex to the Commission Regulation of 29 November 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',

*read:* 'Annex to the Commission Regulation of 29 November 1991 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty'.

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**Corrigendum to 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**

*(Official Journal of the European Communities No L 362 of 31 December 1991)*

Page 46, Annex, title :

*for:* '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',

*read:* 'Annex to the Commission Regulation of 30 December 1991 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty'.

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