COMMISSION REGULATION (EEC) No 3548/89

of 28 November 1989

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals [1], as last amended by Regulation (EEC) No 2860/89 [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 the opinion of the Monetary Committee,

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

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals [7], as last amended by Regulation (EEC) No 1740/78 [8], provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas, in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Council Regulation (EEC) No 2742/75 [9], as last amended by Regulation (EEC) No 1009/86 [10], the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories [11], as amended by Regulation (EEC) No 967/89 [12];

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 10, 0714 10 90 and 0714 90 10 originating in certain third countries [13], as amended by Regulation (EEC) No 3837/88 [14], and Council Regulation (EEC) No 885/89 of 5 April 1989 on the arrangements applying to imports for

[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 274, 23. 9. 1989, p. 41.
[3] OJ No L 166, 25. 6. 1976, p. 1.
[4] OJ No L 177, 24. 6. 1989, p. 1.
[5] OJ No L 281, 1. 11. 1975, p. 65.
[6] OJ No L 182, 3. 7. 1987, p. 49.
[7] OJ No L 168, 25. 6. 1974, p. 7.
[8] OJ No L 202, 26. 7. 1978, p. 8.
[9] OJ No L 281, 1. 11. 1975, p. 57.
[10] OJ No L 94, 9. 4. 1986, p. 6.
[11] OJ No L 61, 1. 3. 1985, p. 4.
[12] OJ No L 103, 15. 4. 1989, p. 1.
[13] OJ No L 43, 13. 2. 1987, p. 9.
[14] OJ No L 340, 10. 12. 1988, p. 1.

1989 of products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 originating in third countries which are not members of the GATT, other than China [1], lay down the terms on which the import levy is limited to 6 % *ad valorem;*

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose [2], as amended by Regulation (EEC) No 222/88 [3], stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [4], as last amended by Regulation (EEC) No 1636/87 [5],

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 December 1989.

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

Done at Brussels, 28 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

---

[1] OJ No L 94, 7. 4. 1989, p. 1.
[2] OJ No L 281, 1. 11. 1975, p. 20.
[3] OJ No L 28, 1. 2. 1988, p. 1.
[4] OJ No L 164, 24. 6. 1985, p. 1.
[5] OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 28 November 1989 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
0714 10 10 (1)	45,10	113,40	118,23
0714 10 91	42,08	113,40	115,21
0714 10 99	45,10	113,40	118,23
0714 90 11	42,08	113,40 (3)	115,21
0714 90 19	45,10	113,40 (3)	118,23
1102 20 10	49,89	217,46	223,50
1102 20 90	27,87	123,23	126,25
1102 30 00	3,02	147,71	150,73
1102 90 10	81,78	207,38	213,42
1102 90 30	66,30	201,71	207,75
1102 90 90	45,94	132,51	135,53
1103 12 00	66,30	201,71	207,75
1103 13 11	49,89	217,46	223,50
1103 13 19	49,89	217,46	223,50
1103 13 90	27,87	123,23	126,25
1103 14 00	3,02	147,71	150,73
1103 19 10	98,27	208,53	214,57
1103 19 30	81,78	207,38	213,42
1103 19 90	45,94	132,51	135,53
1103 21 00	49,92	209,92	215,96
1103 29 10	98,27	208,53	214,57
1103 29 20	81,78	207,38	213,42
1103 29 30	66,30	201,71	207,75
1103 29 40	49,89	217,46	223,50
1103 29 50	3,02	147,71	150,73
1103 29 90	45,94	132,51	135,53
1104 11 10	45,94	117,51	120,53
1104 11 90	90,20	230,42	236,46
1104 12 10	37,17	114,30	117,32
1104 12 90	73,00	224,12	230,16
1104 19 10	49,92	209,92	215,96
1104 19 30	98,27	208,53	214,57
1104 19 50	49,89	217,46	223,50
1104 19 91	6,04	250,83	256,87
1104 19 99	81,78	233,84	239,88
1104 21 10	70,35	184,34	187,36
1104 21 30	70,35	184,34	187,36
1104 21 50	111,24	288,03	294,07
1104 21 90	45,94	117,51	120,53
1104 22 10 10 (9)	37,17	114,30	117,32
1104 22 10 90 (10)	63,28	201,71	204,73
1104 22 30	63,28	201,71	204,73
1104 22 50	56,59	179,30	182,32
1104 22 90	37,17	114,30	117,32
1104 23 10	42,00	193,30	196,32
1104 23 30	42,00	193,30	196,32
1104 23 90	27,87	123,23	126,25

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1104 29 10*10 (4)	35,45	155,10	158,12
1104 29 10*20 (5)	71,17	154,08	157,10
1104 29 10*30 (6)	70,35	207,86	210,88
1104 29 10*40 (7)	70,35	207,86	210,88
1104 29 10*90 (8)	70,35	207,86	210,88
1104 29 30*10 (4)	42,03	186,59	189,61
1104 29 30*20 (5)	85,00	185,36	188,38
1104 29 30*30 (6)	70,35	207,86	210,88
1104 29 30*40 (7)	70,35	207,86	210,88
1104 29 30*90 (8)	70,35	207,86	210,88
1104 29 91	27,89	118,95	121,97
1104 29 95	55,28	118,17	121,19
1104 29 99	45,94	132,51	135,53
1104 30 10	24,33	87,47	93,51
1104 30 90	24,31	90,61	96,65
1106 20 10	45,10	111,58 (3)	118,23
1106 20 91	59,77	190,87 (3)	215,05
1106 20 99	59,77	190,87 (3)	215,05
1107 10 11	54,28	207,58	218,46
1107 10 19	43,31	155,10	165,98
1107 10 91	85,78	205,07	215,95 (2)
1107 10 99	66,85	153,23	164,11
1107 20 00	76,10	178,58	189,46 (2)
1108 11 00	74,19	256,56	277,11
1108 12 00	59,77	194,50	215,05
1108 13 00	59,77	194,50	215,05
1108 14 00	59,77	97,25	215,05
1108 19 10	30,83	211,81	242,64
1108 19 90	59,77	97,25 (3)	215,05
1109 00 00	278,86	466,48	647,82
1702 30 51	147,88	253,70	350,42
1702 30 59	105,71	194,50	260,99
1702 30 91	147,88	253,70	350,42
1702 30 99	105,71	194,50	260,99
1702 40 90	105,71	194,50	260,99
1702 90 50	105,71	194,50	260,99
1702 90 75	150,31	265,78	362,50
1702 90 79	103,76	184,84	251,33
2106 90 55	105,71	194,50	260,99
2302 10 10	18,71	49,37	55,37
2302 10 90	33,25	105,79	111,79
2302 20 10	18,71	49,37	55,37
2302 20 90	33,25	105,79	111,79
2302 30 10	18,71	49,37	55,37
2302 30 90	33,25	105,79	111,79
2302 40 10	18,71	49,37	55,37
2302 40 90	33,25	105,79	111,79
2303 10 11	230,06	241,62	422,96

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

(2) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

(3) In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

— arrow-root falling within CN codes 0714 90 11 and 0714 90 19,

— flours and meal of arrow-root falling within CN code 1106 20,

— arrow-root starch falling within CN code 1108 19 90.

(4) TARIC code: wheat.

(5) TARIC code: rye.

(6) TARIC code: millet.

(7) TARIC code: sorghum.

(8) TARIC code: others.

(9) TARIC code: clipped oats.

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