COMMISSION REGULATION (EEC) No 3848/90

of 28 December 1990

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

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States 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 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) [10];

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries [11] reduces by 50 % the levy or importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

(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 281, 1. 11. 1975, p. 65.
(6) OJ No L 182, 3. 7. 1987, p. 49.
(7) OJ No L 168, 25. 6. 1974, p. 7.
(8) OJ No L 202, 26. 7. 1978, p. 8.
(9) OJ No L 366, 29. 12. 1990, p. 1.
(10) OJ No L 84, 30. 3. 1990, p. 85.
(11) OJ No L 370, 31. 12. 1990.

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries [1], as last amended by Regulation (EEC) No 3842/90 [2], 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 [3], as amended by Regulation (EEC) No 222/88 [4], 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 [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, 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 January 1991.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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(1) OJ No L 43, 13. 2. 1987, p. 9.
(2) See page 8 of this Official Journal.
(3) OJ No L 281, 1. 11. 1975, p. 20.
(4) OJ No L 28, 1. 2. 1988, p. 1.
(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 28 December 1990 fixing 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) (8)
0714 10 10 (1)	147,03	153,68
0714 10 91	150,66 (3) (7)	150,66
0714 10 99	148,85	153,68
0714 90 11	150,66 (3) (7)	150,66
0714 90 19	148,85 (3)	153,68
1102 20 10	257,90	263,94
1102 20 90	146,15	149,17
1102 30 00	207,10	210,12
1102 90 10	271,19	277,23
1102 90 30	265,01	271,05
1102 90 90	150,72	153,74
1103 12 00	265,01	271,05
1103 13 11	257,90	263,94
1103 13 19	257,90	263,94
1103 13 90	146,15	149,17
1103 14 00	207,10	210,12
1103 19 10	283,50	289,54
1103 19 30	271,19	277,23
1103 19 90	150,72	153,74
1103 21 00	311,54	317,58
1103 29 10	283,50	289,54
1103 29 20	271,19	277,23
1103 29 30	265,01	271,05
1103 29 40	257,90	263,94
1103 29 50	207,10	210,12
1103 29 90	150,72	153,74
1104 11 10	153,67	156,69
1104 11 90	301,32	307,36
1104 12 10	150,17	153,19
1104 12 90	294,46	300,50
1104 19 10	311,54	317,58
1104 19 30	283,50	289,54
1104 19 50	257,90	263,94
1104 19 91	351,68	357,72
1104 19 99	265,97	272,01
1104 21 10	241,06	244,08
1104 21 30	241,06	244,08
1104 21 50	376,65	382,69
1104 21 90	153,67	156,69
1104 22 10 10 (4)	150,17	153,19
1104 22 10 90 (5)	265,01	268,03
1104 22 30	265,01	268,03

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) (8)
1104 22 50	235,57	238,59
1104 22 90	150,17	153,19
1104 23 10	229,25	232,27
1104 23 30	229,25	232,27
1104 23 90	146,15	149,17
1104 29 11	230,20	233,22
1104 29 15	209,48	212,50
1104 29 19	236,42	239,44
1104 29 31	276,93	279,95
1104 29 35	252,00	255,02
1104 29 39	236,42	239,44
1104 29 91	176,54	179,56
1104 29 95	160,65	163,67
1104 29 99	150,72	153,74
1104 30 10	129,81	135,85
1104 30 90	107,46	113,50
1106 20 10	147,03 (3)	153,68
1106 20 91	227,05 (3)	251,23
1106 20 99	227,05 (3)	251,23
1107 10 11	308,08	318,96
1107 10 19	230,20	241,08
1107 10 91	268,17	279,05 (2)
1107 10 99	200,38	211,26
1107 20 00	233,52	244,40 (2)
1108 11 00	380,78	401,33
1108 12 00	230,68	251,23
1108 13 00	230,68	251,23 (6)
1108 14 00	115,34	251,23
1108 19 10	296,98	327,81
1108 19 90	115,34 (3)	251,23
1109 00 00	692,32	873,66
1702 30 51	300,89	397,61
1702 30 59	230,68	297,17
1702 30 91	300,89	397,61
1702 30 99	230,68	297,17
1702 40 90	230,68	297,17
1702 90 50	230,68	297,17
1702 90 75	315,22	411,94
1702 90 79	219,22	285,71
2106 90 55	230,68	297,17
2302 10 10	65,38	71,38
2302 10 90	140,11	146,11
2302 20 10	65,38	71,38
2302 20 90	140,11	146,11
2302 30 10	65,38	71,38
2302 30 90	140,11	146,11
2302 40 10	65,38	71,38
2302 40 90	140,11	146,11
2303 10 11	286,56	467,90

(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 715/90 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 :

— products falling within CN code ex 0714 10 91,

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

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

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

(4) Taric code : clipped oats.

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

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

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

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