COMMISSION REGULATION (EEC) No 1400/91

of 28 May 1991

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), as last amended by Regulation (EEC) No 523/91 (11);

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries (12) 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 58, 5. 3. 1991, p. 1.
(12) 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 June 1991.

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

Done at Brussels, 28 May 1991.

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) OJ No L 367, 29. 12. 1990, p. 8.
(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 May 1991 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)	143,74	150,39
0714 10 91	147,37 (3) (7)	147,37
0714 10 99	145,56	150,39
0714 90 11	147,37 (3) (7)	147,37
0714 90 19	145,56 (3)	150,39
1102 20 10	243,32	249,36
1102 20 90	137,88	140,90
1102 30 00	155,50	158,52
1102 90 10	265,27	271,31
1102 90 30	248,35	254,39
1102 90 90	144,54	147,56
1103 12 00	248,35	254,39
1103 13 11	243,32	249,36
1103 13 19	243,32	249,36
1103 13 90	137,88	140,90
1103 14 00	155,50	158,52
1103 19 10	276,73	282,77
1103 19 30	265,27	271,31
1103 19 90	144,54	147,56
1103 21 00	287,59	293,63
1103 29 10	276,73	282,77
1103 29 20	265,27	271,31
1103 29 30	248,35	254,39
1103 29 40	243,32	249,36
1103 29 50	155,50	158,52
1103 29 90	144,54	147,56
1104 11 10	150,32	153,34
1104 11 90	294,74	300,78
1104 12 10	140,73	143,75
1104 12 90	275,94	281,98
1104 19 10	287,59	293,63
1104 19 30	276,73	282,77
1104 19 50	243,32	249,36
1104 19 91	264,06	270,10
1104 19 99	255,08	261,12
1104 21 10	235,79	238,81
1104 21 30	235,79	238,81
1104 21 50	368,43	374,47
1104 21 90	150,32	153,34
1104 22 10 10 (4)	140,73	143,75
1104 22 10 90 (5)	248,35	251,37
1104 22 30	248,35	251,37
1104 22 50	220,75	223,77
1104 22 90	140,73	143,75
1104 23 10	216,29	219,31
1104 23 30	216,29	219,31

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) (8)
1104 23 90	137,88	140,90
1104 29 11	212,49	215,51
1104 29 15	204,47	207,49
1104 29 19	226,74	229,76
1104 29 31	255,63	258,65
1104 29 35	245,98	249,00
1104 29 39	226,74	229,76
1104 29 91	162,97	165,99
1104 29 95	156,81	159,83
1104 29 99	144,54	147,56
1104 30 10	119,83	125,87
1104 30 90	101,39	107,43
1106 20 10	143,74 (3)	150,39
1106 20 91	214,01 (3)	238,19
1106 20 99	214,01 (3)	238,19
1107 10 11	284,39	295,27
1107 10 19	212,49	223,37
1107 10 91	262,32	273,20 (2)
1107 10 99	196,00	206,88
1107 20 00	228,42	239,30 (2)
1108 11 00	351,49	372,04
1108 12 00	217,64	238,19
1108 13 00	217,64	238,19 (6)
1108 14 00	108,82	238,19
1108 19 10	222,98	253,81
1108 19 90	108,82 (3)	238,19
1109 00 00	639,08	820,42
1702 30 51	283,88	380,60
1702 30 59	217,64	284,13
1702 30 91	283,88	380,60
1702 30 99	217,64	284,13
1702 40 90	217,64	284,13
1702 90 50	217,64	284,13
1702 90 75	297,40	394,12
1702 90 79	206,83	273,32
2106 90 55	217,64	284,13
2302 10 10	61,92	67,92
2302 10 90	132,70	138,70
2302 20 10	61,92	67,92
2302 20 90	132,70	138,70
2302 30 10	61,92	67,92
2302 30 90	132,70	138,70
2302 40 10	61,92	67,92
2302 40 90	132,70	138,70
2303 10 11	270,36	451,70

(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.