COMMISSION REGULATION (EEC) No 1078/92

of 29 April 1992

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 674/92 [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 674/92, and in particular Article 12 (4) thereof,

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 [4], as last amended by Regulation (EEC) No 1906/87 [5], 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 [6], as last amended by Regulation (EEC) No 1740/78 [7], 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 [8];

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, 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 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States [9], as last amended by Regulation (EEC) No 444/92 [10];

Whereas Article 3 (4) of Council Regulation (EEC) No 3763/91 [11] allows that within the limit of an annual quantity of 8 000 tonnes, the levy shall not be applied to imports into the French department of Réunion of wheat bran falling within CN code 2302 30 from the African, Caribbean and Pacific (ACP) States;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community [12] no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 73, 19. 3. 1992, p. 7.
[3] OJ No L 166, 25. 6. 1976, p. 1.
[4] OJ No L 281, 1. 11. 1975, p. 65.
[5] OJ No L 182, 3. 7. 1987, p. 49.
[6] OJ No L 168, 25. 6. 1974, p. 7.
[7] OJ No L 202, 26. 7. 1978, p. 8.
[8] OJ No L 366, 29. 12. 1990, p. 1.
[9] OJ No L 84, 30. 3. 1990, p. 85.
[10] OJ No L 52, 27. 2. 1992, p. 7.
[11] OJ No L 356, 24. 12. 1991, p. 1.
[12] OJ No L 263, 19. 9. 1991, p. 1.

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries [1] prolonged by Regulation (EEC) No 3588/91 [2] 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;

Whereas Council Regulations (EEC) No 518/92 [3], (EEC) No 519/92 [4] and (EEC) No 520/92 [5] of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 585/92 [6] lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

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 [7], as last amended by Regulation (EEC) No 3842/90 [8], 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 [9], as amended by Regulation (EEC) No 222/88 [10], 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 [11], as last amended by Regulation (EEC) No 2205/90 [12],

— 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 May 1992.

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

Done at Brussels, 29 April 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

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[1] OJ No L 370, 31. 12. 1990, p. 121.
[2] OJ No L 341, 12. 12. 1991, p. 6.
[3] OJ No L 56, 29. 2. 1992, p. 3.
[4] OJ No L 56, 29. 2. 1992, p. 6.
[5] OJ No L 56, 29. 2. 1992, p. 9.
[6] OJ No L 62, 7. 3. 1992, p. 40.
[7] OJ No L 43, 13. 2. 1987, p. 9.
[8] OJ No L 367, 29. 12. 1990, p. 8.
[9] OJ No L 281, 1. 11. 1975, p. 20.
[10] OJ No L 28, 1. 2. 1988, p. 1.
[11] OJ No L 164, 24. 6. 1985, p. 1.
[12] OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 29 April 1992 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (9)	
	ACP	Third countries (other than ACP) (8)
0714 10 10 (1)	141,73	148,38
0714 10 91	145,36 (3) (7)	145,36
0714 10 99	143,55	148,38
0714 90 11	145,36 (3) (7)	145,36
0714 90 19	143,55 (3)	148,38
1102 20 10	256,43	262,47
1102 20 90	145,31	148,33
1102 30 00	144,62	147,64
1102 90 10	261,65	267,69
1102 90 30	222,41	228,45
1102 90 90	149,41	152,43
1103 12 00	222,41	228,45
1103 13 10	256,43	262,47
1103 13 90	145,31	148,33
1103 14 00	144,62	147,64
1103 19 10	299,92	305,96
1103 19 30	261,65	267,69
1103 19 90	149,41	152,43
1103 21 00	278,60	284,64
1103 29 10	299,92	305,96
1103 29 20	261,65	267,69
1103 29 30	222,41	228,45
1103 29 40	256,43	262,47
1103 29 50	144,62	147,64
1103 29 90	149,41	152,43
1104 11 10	148,27	151,29
1104 11 90	290,72	296,76
1104 12 10	126,03	129,05
1104 12 90	247,12	253,16
1104 19 10	278,60	284,64
1104 19 30	299,92	305,96
1104 19 50	256,43	262,47
1104 19 91	245,57	251,61
1104 19 99	263,66	269,70
1104 21 10	232,58	235,60
1104 21 30	232,58	235,60
1104 21 50	363,40	369,44
1104 21 90	148,27	151,29
1104 22 10 10 (4)	126,03	129,05
1104 22 10 90 (5)	222,41	225,43
1104 22 30	222,41	225,43
1104 22 50	197,70	200,72
1104 22 90	126,03	129,05
1104 23 10	227,94	230,96
1104 23 30	227,94	230,96

(ECU/tonne)

CN code	Import levies (9)	
	ACP	Third countries (other than ACP) (8)
1104 23 90	145,31	148,33
1104 29 11	205,86	208,88
1104 29 15	221,60	224,62
1104 29 19	234,37	237,39
1104 29 31	247,65	250,67
1104 29 35	266,59	269,61
1104 29 39	234,37	237,39
1104 29 91	157,88	160,90
1104 29 95	169,95	172,97
1104 29 99	149,41	152,43
1104 30 10	116,09	122,13
1104 30 90	106,85	112,89
1106 20 10	141,73 (3)	148,38
1106 20 90	225,73 (3)	249,91
1107 10 11	275,51	286,39
1107 10 19	205,86	216,74
1107 10 91	258,74	269,62 (2)
1107 10 99	193,33	204,21 (11)
1107 20 00	225,31	236,19 (2)
1108 11 00	340,52	361,07
1108 12 00	229,36	249,91
1108 13 00	229,36	249,91 (6)
1108 14 00	114,68	249,91
1108 19 10	207,37	238,20
1108 19 90	114,68 (3)	249,91
1109 00 00	619,12	800,46
1702 30 51	299,17	395,89
1702 30 59	229,36	295,85
1702 30 91	299,17	395,89
1702 30 99	229,36	295,85
1702 40 90	229,36	295,85
1702 90 50	229,36	295,85
1702 90 75	313,41	410,13
1702 90 79	217,96	284,45
2106 90 55	229,36	295,85
2302 10 10	61,96	67,96
2302 10 90	132,78	138,78
2302 20 10	61,96	67,96
2302 20 90	132,78	138,78
2302 30 10	61,96 (10)	67,96
2302 30 90	132,78 (10)	138,78
2302 40 10	61,96	67,96
2302 40 90	132,78	138,78
2303 10 11	284,92	466,26

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

(2) In accordance with Council Regulation (EEC) No 1180/77 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 :

— 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.

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

(9) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

(10) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.

(11) Products falling within this code, imported from Poland, the Czech and Slovak Federal Republic or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.