COMMISSION REGULATION (EEC) No 1621/93

of 25 June 1993

laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 regarding the system for fixing the import levies for cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals (1), and in particular 9 to 12 thereof;

Whereas pursuant to Article 10 of Regulation (EEC) No 1766/92 a levy equal for each product to the threshold price less the cif price is charged on imports of the products listed in Article 1 (1) (a), (b) and (c), export malt; whereas the cif prices are calculated for Rotterdam on the basis of the most favourable purchasing opportunities on the world market; whereas, to that end, the Commission must take account of all the prices charged on the world market of which it is aware, and also of all the prices quoted on the major international commodities exchanges; whereas, however, when it is clear from the information available to the Commission that certain prices are not representative of real market trends either because of the quality of the goods, or because of quantitative restrictions, or because the price announced is not based on normal market conditions, then such prices may be disregarded; whereas account should also be taken of prices not made at Rotterdam by applying a correction to take account of differences in transport costs for other ports in relation to Rotterdam;

Whereas, it is advisable when the coefficients of equivalence are being determined, that they should be based on the characteristics and prices of the different qualities of products usually offered on the world market and that, in the case of flour, account should be taken of the moisture and ash content as well as its baking value;

Whereas if qualities of products not mentioned in this Regulation are offered on the world market, the Commission must be in a position to apply new or different coefficients of equivalence for a given period until this Regulation is amended to bring it up to date;

Whereas the cif price should remain unchanged where the prices or quotations have not been made known to the Commission, or if they are not representative, or to prevent the Community market from being disturbed by sudden fluctuations in the levies which do not reflect real market trends;

Whereas, where no information is available to the Commission on offer prices for wheat, meslin and rye flour or wheat groats and meal the Commission should be able to calculate the cif prices for those products by applying a conversion rate to the basic cereal used for the manufacture of the products;

Whereas, for certain products falling within CN code 1107, it is necessary to determine the fixed component provided for in Article 11 (1) (B) of Regulation (EEC) No 1766/92;

Whereas the common threshold price is the Community market's sole protection, whereas, if imports were to enter that market at prices below the threshold price, the normal disposal of homegrown cereals would be seriously threatened; whereas it is therefore necessary, where the levy has been fixed in advance, to fix the premium provided for in Article 12 (2) of Regulation (EEC) No 1766/92 so that the product imported under this procedure may enter the Community under conditions which cannot disturb its balance; whereas to this end premium needs to cover the difference between the cif price and a cif forward delivery price, where the latter is lower than the former, determined on the basis of prices reflecting the real trend of the future market;

Whereas, in order to prevent the procedure for fixing levies from becoming excessively complex, a minimum level should be fixed below which fluctuations in cif prices, premiums or threshold prices give rise to no adjustments to the levy;

Whereas, pursuant to Article 12 (3) of Regulation (EEC) No 1766/92, the products listed in Article 1 (1) (c) of that Regulation may be made subject, in whole or in part, to the provisions for the advance fixing of the levy; whereas major fluctuations in world-market prices make it difficult to conclude long-term contracts in accordance with the requirements and customary practices of the international trade in those products; whereas, to permit the traditional importation of those products into the Community despite those circumstances, advance fixing of the levy should be extended to those products, whereas, when the levy is fixed in advance, a premium should be charged to ensure that imported flour does not, when reaching the Community market, jeopardize the equilibrium of the market;

(1) OJ No L 181, 1. 7. 1992, p. 21.

Whereas this Regulation incorporates, whilst adjusting them to present market conditions, the provisions of Commission Regulation 157/67/EEC [1], as last amended by Regulation (EEC) No 31/76 [2], Commission Regulation 158/67/EEC [3], as last amended by Regulation (EEC) No 2644/91 [4], Commission Regulation 159/67/EEC [5] and Commission Regulation (EEC) No 971/73 [6]; whereas, therefore, the aforesaid Regulations should be repealed;

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

1. The following factors shall be used to calculate the cif prices referred to in Article 10 of Regulation (EEC) No 1766/92:

(a) the prices charges on the world market of which the Commission has been made aware by the Member States or through its own channels;

(b) the most favourable actual purchasing opportunities actually available;

(c) the prices quoted on the major international commodities exchanges.

However, certain prices and quotations may be excluded, especially where they involve cereals which do not correspond to the fair average quality, or prices which are not representative of the market or of the long-term market trend, or offers where the seller has options on the quality or the place of origin.

2. Adjustments shall be made:

(a) for prices which are not quoted on Rotterdam, by taking into account the differences in freight rates between the port of loading and the port of destination on the one hand, and the port of loading and Rotterdam on the other;

(b) To compensate for deviations in quality from the standard quality for which the special price had been fixed, by applying the coefficients of equivalence listed in Annexes I and II to this Regulation.

If qualities of products not listed in the Annexes to this Regulation are offered on the world market, the Commission may apply coefficients of equivalence derived from these listed in the Annexes, in such cases, account should be taken of the characteristics of the products in question in relation to the qualities of products listed in the Annex, together with the differences in prices between these products. However, this provision may be applied only for 21 days in respect of any one coefficient of equivalence. Beyond that period, the relevant Annex to this Regulation must be revised in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 1766/92. However, such revision shall be without prejudice to the validity of the provisional coefficients used by the Commission.

3. The cif price shall remain unchanged:

— if the price changed for a given quantity used as the basis for the earlier fixing of the cif price is no longer available to the Commission for subsequent fixing and if the prices which remain available are such that they would quickly lead to considerable fluctuations in the cif price which, in the opinion of the Commission, would not be sufficiently representative of the market trend,

— if the Commission has no information at its disposal or does not have sufficiently representative information to fix a cif price.

Article 2

Where no information is available on representative prices or representative quotations for wheat, meslin and rye flour or wheat groats and meal, the Commission shall calculate the cif prices for those products by applying a conversion rate to the cif price of the base cereal.

This conversion rate shall be fixed at 1,40 for the manufacture of a tonne of common wheat flour, groats and meal, and 1,55 for the manufacture of a tonne of durum wheat groats or meal.

Article 3

For products falling within CN code 1107, the variable component referred to in Article 11 (1) (a) of Regulation (EEC) No 1766/92 shall be fixed taking account of the quantity of the basic cereal needed to manufacture the product in question. To that end, the levy applicable to the basic cereal shall be multiplied by a coefficient of 1,33 for the products falling within CN codes 1107 10 19 and 1107 10 99, a coefficient of 1,55 for the product falling within CN code 1107 20 00 and a coefficient of 1,78 for the products falling within CN codes 1107 10 11 and 1107 10 91.

The fixed component referred to in Article 11 (1) (B) of Regulation (EEC) No 1766/92 shall be fixed at ECU 10,88.

Article 4

1. Where the cif prices for the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92, with the exception of malt, are greater than the cif forward delivery prices for the same products, the premiums referred to in Article 12 (2) of the aforementioned Regulation shall be equal to the difference between the said prices.

(1) OJ No 128, 27. 6. 1967, p. 2533/67.
(2) OJ No L 5, 10. 1. 1976, p. 18.
(3) OJ No 128, 27. 6. 1967, p. 2536/67.
(4) OJ No L 247, 5. 9. 1991, p. 23.
(5) OJ No 128, 27. 6. 1967, p. 2542/67.
(6) OJ No L 95, 11. 4. 1973, p. 4.

The scale of premiums shall include a premium for the current month and a premium for each subsequent month, and may cover a period equal to or greater than the term of validity of the licences.

2. The premiums for products falling within CN code 1107 shall be fixed by applying the coefficients referred to in Article 3 of this Regulation to the premiums fixed for the basic cereal.

Article 5

If the cif price exceeds the cif forward delivery price by ECU 1 per tonne or less, the premium shall be fixed at zero.

The scale or premiums shall be amended only if the difference is greater than ECU 1.

The levy shall be amended only if the calculation shows a fluctuation of more then ECU 1 per tonne in relation to the levy as previously fixed.

Article 6

Article 12 (2) of Regulation (EEC) No 1766/92 shall also apply to the products listed in Article 1 (c) thereof.

However, the levy for products falling within CN code 1107 shall be amended using the threshold prices for the basic cereals, after application of the coefficients referred to in Article 3 of this Regulation.

Article 7

Regulation (EEC) No 156/67/EEC, 158/67/EEC, 159/67/EEC and (EEC) No 971/73 are hereby repealed.

Article 8

This Regulation shall enter into force on 1 July 1993.

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

Done at Brussels, 25 June 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Coefficients of equivalence for cereals as grain

Country of origin	Description of cereal quality	Coefficient of equivalence in ECU per 1 000 kg	
		Amount to be deducted from the cereal quality	Amount to be added to the price for the cereal quality
	COMMON WHEAT		
USA	Soft Red Winter Garlicky II and III	3,02	
	Soft Red Winter I and II	4,53	
	Western White II	4,53	
	Soft White II	4,53	
	Hard Winter/Dark Hard Winter I and II (up to 12,4 % guaranteed protein content or without guaranteed protein content)	10,88	
	Hard Winter/Dark Hard Winter I and II (12,5 to 12,9 % guaranteed protein content)	11,79	
	Hard Winter/Dark Hard Winter I and II (13 to 13,4 % guaranteed protein content)	12,69	
	Hard Winter/Dark Hard Winter I and II (13,5 to 13,9 % guaranteed protein content)	13,60	
	Hard Winter/Dark Hard Winter I and II (14 % or more guaranteed protein content)	14,51	
	Red Spring/Northern Spring/Dark Northern Spring I and II (up to 12,4 % guaranteed protein content or without guaranteed protein content)	11,49	
	Red Spring/Northern Spring/Dark Northern Spring I and II (12,5 to 12,9 % guaranteed protein content)	12,39	
	Red Spring/Northern Spring/Dark Northern Spring I and II (13 to 13,4 % guaranteed protein content)	13,30	
	Red Spring/Northern Spring / Dark Northern Spring I and II (13,5 to 13,9 % guaranteed protein content)	14,21	
	Red Spring/Northern Spring/Dark Northern Spring I and II (14 to 14,4 % guaranteed content)	15,11	
	Red Spring/Northern Spring/Dark Northern Spring I and II (14,5 % or more guaranteed protein content)	16,02	
Canada	No 1 Canada Western Red Spring (up to 12,4 % guaranteed protein content or without guaranteed protein content)	12,09	
	No 1 Canada Western Red Spring (12,5 to 12,9 % guaranteed protein content)	13,00	
	No 1 Canada Western Red Spring (13 to 13,4 % guaranteed protein content)	13,90	
	No 1 Canada Western Red Spring (13,5 to 13,9 % guaranteed protein content)	14,81	
	No 1 Canada Western Red Spring (14 to 14,4 % guaranteed protein content)	15,72	
	No 1 Canada Western Red Spring (14,5 % or more guaranteed protein content)	16,62	
	No 1 Manitoba Northern	15,11	
	No 2 Manitoba Northern	14,51	
	No 3 Manitoba Northern	12,69	
	No 4 Manitoba Northern	10,88	
	No 5 Canada	7,25	
Saudi Arabia		14,00	

Country of origin	Description of cereal quality	Coefficient of equivalence in ECU per 1 000 kg	
		Amount to be deducted from the cereal quality	Amount to be added to the price for the cereal quality
Argentina	Southern Wheat (Bahia Blanca, Necochea)	10,88	
	Up River (Rosa Fee)	10,88	
	Down River (Buenos Aires)	10,88	
Australia	Faq	8,16	
	Hard	10,88	
	Prime Hard (14 % or more guaranteed protein content)	14,51	
Sweden	English Milling	0	
Bulgaria	English Milling	2,72	
Romania	English Milling	4,53	
Territory of the former USSR	Type 441	10,88	
	Type 431	12,69	
	Type 121 (SKS 14) (14 % ore more guaranteed protein content)	15,11	
	DURUM WHEAT		
Canada	Canada Western Amber Durum I	3,93	
	Canada Western Amber Durum II	3,32	
	Canada Western Amber Durum III	0	0
	Canada Western Amber Durum IV	0	0
	Canada Western Amber Durum V		2,42
USA	Hard Amber Durum I	0	0
	Hard Amber Durum II		1,21
	Hard Amber Durum III		2,42
Argentina	Candeal Taganrog	0	0
Morocco			6,04
Tunisia		0	0
Iraq	Faq		9,67
	Italiano		2,42
Syria	Faq		9,67
	Italiano		2,42
Turkey	Anatolia		9,67
	Thrace		7,25
Israel		0	0
	RYE		
USA	USA II	0	0
	USA III		0,60
	Plump	0	0
Canada	Western I and II	0	0
	Western III		1,81
Argentina	Plata	0	0
Territory of the former USSR		0	0
Sweden		0	0
Turkey		0	0
Poland		0	0 (a)
	BARLEY		
USA	USA II	0	0
	USA III		1,51
	USA IV		3,02
	USA V		4,84
	Western I and II 45 1b/bushel or better	0	0
	USA II Two Row	1,51	

Country of origin	Description of cereal quality	Coefficient of equivalence in ECU per 1 000 kg	
		Amount to be deducted from the cereal quality	Amount to be added to the price for the cereal quality
Canada	Western Two Row I and II	1,51	
	Feed I and II		1,51
	Feed III		2,42
Argentina	Plata 62/63 to 64/65 kg/hl	0	0
	Plata 65/66 to 66/67 kg/hl	0,91	
	Plata 67/68 to 68/69 kg/hl	1,51	
Australia	Chevalier V	0	0
	Chevalier III and IV	1,51	
	Beecher Barley	0,91	
	Queensland Two Row	1,51	
North Africa: Algeria, Tunisia, Morocco			3,63
Turkey	White Barley		2,42
	Bigarrée		3,63
Iraq			4,84
Syria	Bigarrée of less than 64 kg/hl		4,84
	White Barley and Bigarrée 64/65 kg/hl		3,02
Norway		0	0
Sweden		0	0
Territory of the former USSR	Baltic	0	0
	Black Sea	0,91	
	OATS		
USA	Extra Heavy White Oats I and II 38 to 40 lb	0	0
	Heavy White Oats I and and II 39 lb		1,21
Canada	Western Oats I, II, III extra	0	0
	Extra No 1 Feed and No 1 Feed	0	0
Argentina	Plata	0	0
Australia	Victorian Feed Oats	0	0
	Western Oats I and II	0	0
Territory of the former USSR		0	0
Sweden		0	0
Finland		0	0
	MAIZE		
USA	Yellow Corn I and II	0	0
	Yellow Corn III		0,60
	Yellow Corn IV		1,21
	Yellow Corn V		2,42
	White Corn I and II	0	0
	Wihite Corn III		0,60
	White Corn IV		1,21
	White Corn V		2,42
Argentina	Plata	1,51	
Uruguay		0	0
Paraguay			1,51
Brazil			1,51
Mexico			1,51

Country of origin	Description of cereal quality	Coefficient of equivalence in ECU per 1 000 kg	
		Amount to be deducted from the cereal quality	Amount to be added to the price for the cereal quality
Republic of South Africa	Yellow Flint	1,51	
	White Dant		1,51
Zimbabwe	Yellow	1,51	
	White		1,51
Angola	Yellow Round	0	0
Kenya	Yellow	0	0
Morocco		0	0
Burma		0	0
India		0	0
Indonesia		0	0
Bulgaria		0	0
Territory of the former Yugoslavia		0	0
Romania		0	0
Territory of the former USSR		0	0
	SORGHUM		
USA	US Grain Sorghum Yellow II	0	0
Argentina	Granifero	0	0
Mexico		0	0
	MILLET		
USA	Dakota White	0	0
Argentina		0	0
Australia		0	0
	BUCKWHEAT		
USA		0	0
Canada			2,42
Brazil			6,04
Republic of South Africa		0	0
Poland		0	0
China			10,88

ANNEX II

A. Coefficients of equivalence for wheat, meslin and spelt flour

Flour with an ash content in the dry matter, ... by 100 kg of flour, of (expressed in mg)	Coefficients of equivalence in ECU per 1 000 kg of flour			
	For a moisture content of 15,5 %		For a moisture content of less than 15,5 %	
	Amount to deduct from the price of the quality of flour	Amount to add to the price of the quality of flour	Amount to deduct from the price of the quality of flour	Amount to add to the price of the quality of flour
up to 425	10,88		14,14	
426 – 475	6,35		9,61	
476 – 525	2,72		5,98	
526 – 575	0	0	3,26	
576 – 625		1,45	1,81	
626 – 675		2,90	0,36	
676 – 725		4,35		1,09
726 – 775		5,80		2,54
776 – 825		7,25		3,99
826 – 875		9,07		5,80
876 – 925		10,88		7,62
926 – 975		12,69		9,43
976 – 1 025		14,51		11,24
1 026 – 1 075		16,32		13,06
1 076 – 1 125		18,13		14,87
1 550 – 1 650		29,01		25,75

B. Coefficients of equivalence for flour manufactured from certain qualities of common wheat

Flour manufactured from certain qualities of common wheat		Coefficient of equivalence in ECU per 1 000 kg of flour	
Country of origin	Description of the quality	Amount to deduct from the price of the quality of flour	Amount to add to the price of the quality of flour
USA and other third countries	Soft Red Winter other qualities of common wheat with a backing value at least equivalent to the quality of European wheat	0	0
USA	Hard Red Winter, Dark Hard Winter	9,07	
	Northern Spring, Red Spring, Dark Northern Spring	12,09	
Canada	Manitoba	15,11	
Territory of the former USSR		9,07	

C. Coefficients of equivalence for rye flour

Flour with an ash content in the dry matter, by .... 100 kg of flour, of (expressed in mg)	Coefficients of equivalence in ECU per 1 000 kg of flour			
	For a moisture content of 15,5 %		For a moisture content of less than 15,5 %	
	Amount to deduct from the price of the quality of flour	Amount to add to the price of the quality of flour	Amount to deduct from the price of the quality of flour	Amount to add to the price of the quality of flour
up to 550	14,14			
551 – 700	11,36		17,89	
701 – 850	0		15,11	
851 – 1 050		5,08	3,75	1,33
1 051 – 1 250		10,28		6,53
1 251 – 1 600		14,14		10,40
more than 1 600	18,98		15,23	