COMMISSION REGULATION (EC) No 439/94

of 28 February 1994

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 Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1993 on the common organization of the market in cereals [1], as amended by Regulation (EEC) No 2193/93 [2], and in particular Article 11 (3) 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 1544/93 [4], 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 11 (1) (A) of Regulation (EEC) No 1766/92 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Commission Regulation (EEC) No 1620/93 of 25 June 1993 on the import and export system for products processed from cereals and rice [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 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 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 [8], as last amended by Regulation (EC) No 235/94 [9];

Whereas Article 3 (4) of Council Regulation (EEC) No 3763/91 [10], as amended by Regulation (EEC) No 3714/92 [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 Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries [13], as last amended by Regulation (EC) No 3668/93 [14], 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;

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[1] OJ No L 181, 1. 7. 1992, p. 21.
[2] OJ No L 196, 5. 8. 1993, p. 22.
[3] OJ No L 166, 25. 6. 1976, p. 1.
[4] OJ No L 154, 25. 6. 1993, p. 5.
[5] OJ No L 155, 26. 6. 1993, p. 29.
[6] OJ No L 168, 25. 6. 1974, p. 7.
[7] OJ No L 202, 26. 7. 1978, p. 8.
[8] OJ No L 84, 30. 3. 1990, p. 85.
[9] OJ No L 30, 3. 2. 1994, p. 12.
[10] OJ No L 356, 24. 12. 1991, p. 1.
[11] OJ No L 378, 23. 12. 1992, p. 23.
[12] OJ No L 263, 19. 9. 1991, p. 1.
[13] OJ No L 370, 31. 12. 1990, p. 121.
[14] OJ No L 338, 31. 12. 1993, p. 22.

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 3909/92 [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 1766/92 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 the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 [5], as amended by Regulation (EC) No 3528/93 [6], are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 [7],

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 1620/93 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1994.

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

Done at Brussels, 28 February 1994.

For the Commission

René STEICHEN

Member of the Commission

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[1] OJ No L 43, 13. 2. 1987, p. 9.
[2] OJ No L 394, 31. 12. 1992, p. 23.
[3] OJ No L 281, 1. 11. 1975, p. 20.
[4] OJ No L 28, 1. 2. 1988, p. 1.
[5] OJ No L 387, 31. 12. 1992, p. 1.
[6] OJ No L 320, 22. 12. 1993, p. 32.
[7] OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 28 February 1994 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (7)	
	ACP	Third countries (other than ACP)
0714 10 10 (1)	117,61	124,26
0714 10 91	121,24 (2) (6)	121,24
0714 10 99	119,43	124,26
0714 90 11	121,24 (2) (6)	121,24
0714 90 19	119,43 (2)	124,26
1102 20 10	154,91	160,95
1102 20 90	87,78	90,80
1102 30 00	118,29	121,31
1102 90 10	218,23	224,27
1102 90 30	171,11	177,15
1102 90 90	98,48	101,50
1103 12 00	171,11	177,15
1103 13 10	154,91	160,95
1103 13 90	87,78	90,80
1103 14 00	118,29	121,31
1103 19 10	211,57	217,61
1103 19 30	218,23	224,27
1103 19 90	98,48	101,50
1103 21 00	170,23	176,27
1103 29 10	211,57	217,61
1103 29 20	218,23	224,27
1103 29 30	171,11	177,15
1103 29 40	154,91	160,95
1103 29 50	118,29	121,31
1103 29 90	98,48	101,50
1104 11 10	123,66	126,68
1104 11 90	242,48	248,52
1104 12 10	96,96	99,98
1104 12 90	190,12	196,16
1104 19 10	170,23	176,27
1104 19 30	211,57	217,61
1104 19 50	154,91	160,95
1104 19 91	200,86	206,90
1104 19 99	173,79	179,83
1104 21 10	193,98	197,00
1104 21 30	193,98	197,00
1104 21 50	303,10	309,14
1104 21 90	123,66	126,68
1104 22 10 10 (3)	96,96	99,98
1104 22 10 90 (4)	171,11	174,13
1104 22 30	171,11	174,13
1104 22 50	152,10	155,12
1104 22 90	96,96	99,98
1104 23 10	137,70	140,72
1104 23 30	137,70	140,72
1104 23 90	87,78	90,80
1104 29 11	125,78	128,80
1104 29 15	156,33	159,35
1104 29 19	154,48	157,50
1104 29 31	151,31	154,33
1104 29 35	188,06	191,08
1104 29 39	154,48	157,50
1104 29 91	96,46	99,48
1104 29 95	119,89	122,91
1104 29 99	98,48	101,50
1104 30 10	70,93	76,97
1104 30 90	64,55	70,59
1106 20 10	117,61 (2)	124,26
1106 20 90	134,93 (2)	159,11
1108 11 00	208,05	228,60
1108 12 00	138,56	159,11
1108 13 00	138,56	159,11 (5)
1108 14 00	69,27	159,11
1108 19 10	169,62	200,45
1108 19 90	69,27 (2)	159,11
1109 00 00	378,28	559,62
1702 30 51	180,73	277,45
1702 30 59	138,56	205,05
1702 30 91	180,73	277,45
1702 30 99	138,56	205,05
1702 40 90	138,56	205,05
1702 90 50	138,56	205,05
1702 90 75	189,33	286,05
1702 90 79	131,67	198,16
2106 90 55	138,56	205,05
2302 10 10	41,84	47,84
2302 10 90	89,66	95,66
2302 20 10	41,84	47,84
2302 20 90	89,66	95,66
2302 30 10	41,84 (8)	47,84
2302 30 90	89,66 (8)	95,66
2302 40 10	41,84	47,84
2302 40 90	89,66	95,66
2303 10 11	172,12	353,46

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

(2) 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.

(3) Taric code : clipped oats.

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

(5) 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.

(6) 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.

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

(8) 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.