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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3137/82**of 19 November 1982****laying down detailed rules for the granting of financial compensation in respect of certain fishery products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 13 (7) thereof,

Having regard to Council Regulation (EEC) No 2202/82 of 28 July 1982 laying down general rules for the granting of financial compensation in respect of certain fishery products ⁽²⁾,

Whereas, to ensure market transparency, any use made of the margin of tolerance referred to in Article 13 (1) (a) of Regulation (EEC) No 3796/81 should receive adequate publicity;

Whereas, to take account of the local and contingent nature of the said margin, it is necessary to lay down the condition for its use and period of application;

Whereas, to guarantee normal conditions of competition between producers' organizations established in a specific area which make use of the margin of tolerance at different levels, provision should be made for aligning prices on those set by one of those organizations;

Whereas the minimum daily quantity for which financial compensation is granted should be fixed;

Whereas the method for the calculation of financial compensation should be laid down;

Whereas the granting of financial compensation should be subject to the condition that each producers' organization keep a register of the quantities withdrawn;

Whereas, to verify whether the data in the register correspond to the quantities actually put up for sale and withdrawn, each Member State should introduce a system of surveillance;

Whereas account should be taken of the quantities of products put up for sale, withdrawn or carried over by a producers' organization or one of its members in another Member State; whereas, for this purpose, the authorities of the Member State in which the products have been put up for sale, withdrawn or carried over should issue and circulate documents certifying that these operations have been carried out;

Whereas detailed rules should be laid down for the calculation of advances on financial compensation and the amount of the corresponding security should be fixed; whereas rules should also be laid down for the lodging, release and forfeiture of such securities;

Whereas the conversion rate applicable to financial compensation and advances should be defined;

Whereas, in the case of an infraction of limited importance of the financial rules of compensation, taking into account the innovative nature of the said rules, the minimal financial advantage resulting from this infraction should not be sanctioned by the total suppression of the right to financial compensation but only by a standard reduction thereof;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 235, 10. 8. 1982, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for the granting of the financial compensation referred to in Article 13 of Regulation (EEC) No 3796/81, hereinafter referred to as 'the basic Regulation'.

Article 2

1. Any producers' organization which applies the margin of tolerance provided for in Article 13 (1) (a) of the basic Regulation shall communicate to the competent authorities of the Member State by which it is recognized, at least two working days before the date of such application, the level of the withdrawal price applicable to each product category in its area of activity or any part thereof.

The level referred to above shall apply for a period of no less than five and of no more than 25 working days.

Subject to compliance with the minimum period referred to above, in the event that a producers' organization intends to modify the period of application of the margin of tolerance or the level of the withdrawal price, it shall inform the competent authorities of its decision at least two working days before the date of application of the decision. Any modification of the period of application or of the level of the withdrawal price may not be of a duration of less than five working days.

2. The competent authorities of the Member State concerned shall immediately publicize in accordance with regional custom and practice the price levels, periods and areas to which they apply, as communicated in accordance with paragraph 1.

Article 3

The provisions of Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾ shall apply. However, for the purpose of this Regulation, Saturdays, Sundays and holidays shall also be considered as working days in so far as quantities are put up for sale on those days in accordance with the provisions of Article 3 (b) and (c) of Regulation (EEC) No 2202/82.

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

Article 4

Where application of the margin of tolerance leads to the fixing of several levels at which a category of product is withdrawn by the producers' organizations established in a given area, each producers' organization established in that area may apply, with effect from its date of application and for the period concerned, the price level fixed by another producers' organization under Article 13 (1) (a) of the basic Regulation.

In this event, the first producers' organization shall immediately communicate its decision on alignment to the competent authorities of the Member State concerned, who shall publicize this decision in accordance with Article 2 (2).

Article 5

The minimum quantity referred to in the second subparagraph of Article 13 (2) of the basic Regulation shall be fixed at 15 kilograms per product category, per market day and per producers' organization.

Article 6

For the purpose of granting financial compensation, the producers' organization shall keep a register showing, in particular:

- the monthly quantities put up for sale during the fishing year, broken down by product,
- the monthly quantities withdrawn from the market distinguishing by product category those intended to benefit from financial compensation and by product those intended to benefit from the carry-over premium referred to in Article 14 of the basic Regulation.

This register shall be kept in accordance with the model indicated in Annex I.

Article 7

The financial compensation granted to the producers' organization shall be calculated in accordance with the method laid down in Annex II.

Article 8

Each Member State shall establish rules for surveillance in order to check that the information contained in the register provided for in Article 6

corresponds to the quantities effectively put up for sale and withdrawn from the market by the producers' organization concerned.

The Member States shall communicate to the Commission the measures taken in application of the preceding subparagraph as soon as they have been adopted, and at all events before 1 January 1983.

Article 9

Where a producers' organization or one of its members puts products up for sale in a Member State other than the one in which it has been recognized, the competent authority of the first Member State shall issue to the organization in question or to its member a document certifying:

- the quantities put up for sale in its territory by the party concerned, broken down by product,
- the quantities withdrawn from the market to benefit from financial compensation, broken down by product category, and those intended to benefit from the carry-over premium referred to in Article 14 of the basic Regulation, broken down by product.

This document must also indicate any withdrawal price applied in accordance with the provisions of Article 12 (2) of the basic Regulation.

The issuing authority shall transmit a copy of this document to the body responsible for granting financial compensation in the other Member State. Each Member State shall communicate the name and address of the aforesaid body to the other Member States and to the Commission.

Article 10

The Member State shall grant each month, on application, to the producers' organization concerned an advance on financial compensation, on condition that the applicant has lodged a security equal to 105 % of the amount of the advance.

Advances shall be calculated in accordance with the method laid down in Annex III.

Article 11

The security referred to in Article 10 shall be lodged, at the choice of the applicant, in cash or in the form

of a guarantee provided by an establishment meeting the criteria laid down by the Member State from which the advance is requested. The security shall be released after the end of the fishing year in question, in proportion to the quantities of products for which entitlement of financial compensation has been recognized.

The security shall be forfeit:

- (a) immediately, for quantities in respect of which the advance has been paid unduly;
- (b) after the end of the fishing year:
 - entirely, except in cases of *force majeure*, if within a period of four months from the end of the fishing year in question, the evidence required to determine eligibility for financial compensation has not been submitted. However, if such evidence has been submitted within two months at the latest after the expiry date of the abovementioned period, the security shall be refunded, less an amount equal to 10 % of the security lodged for each month's or part of a month's delay in submitting the evidence in question,
 - in proportion to any quantities for which entitlement to financial compensation is not recognized.

Article 12

The conversion rate to be applied to the advance shall be the representative rate in force on the last day of the month in respect of which the request for an advance is submitted. Should the fishing year be extended beyond 31 December of the year in question, the representative rate to be applied to the advance for the month or months covered by such extension shall be the rate in force on 31 December.

The conversion rate to be applied to the financial compensation shall be the representative rate in force on 31 December of the current year, even if the fishing year is extended beyond that date.

Article 13

1. In the event that a producers' organization or one of its members has committed an infringement of limited importance of the rules for financial compensation, and that organization can prove to the satisfaction of the Member State concerned that the infringement was committed without intent to defraud or in the absence of gross negligence, the Member State shall withhold an amount equal to

10 % of the Community withdrawal price applicable to the quantities in question which have been withdrawn and which did not receive a carry-over premium.

2. Member States shall notify the Commission each month of the cases in which they have applied the provisions of paragraph 1.

Article 14

Commission Regulation (EEC) No 3559/73 of

21 December 1973 laying down detailed rules for granting financial compensation and indemnities, fixing the withdrawal price and determining the buying-in price for certain fishery products ⁽¹⁾ is hereby repealed.

Article 15

This Regulation shall enter into force on 1 January 1983.

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

Done at Brussels, 19 November 1982.

For the Commission
Giorgios CONTOGEORGIS
Member of the Commission

⁽¹⁾ OJ No L 361, 29. 12. 1973, p. 53.

ANNEX I

CHRONOLOGICAL REGISTER OF QUANTITIES PUT UP FOR SALE, WITHDRAWALS AND CARRY-OVERS, FOR EACH MONTH (*) IN RESPECT OF SPECIES

Month	Quantities put up for sale		Monthly withdrawals (**)				Carry-over in terms of withdrawals equivalent (***) (7) = (6) × 0.80	Total of adjusted withdrawals (***) (8) = (5) + (7)	Cumulative Total of adjusted withdrawals (***) (9)
	during the month (1)	cumulative total (2)	Total (for financial compensation and carry-over) (***) (3)	of which: for financial compensation		of which: carried over (***) (6)			
				Quantities withdrawn by categories (4)	Total all categories (5)				
January									
February									
.									
.									
.									
...									
Year									

(*) The quantities withdrawn are considered on a monthly basis. All withdrawals (for financial compensation and carry-over) undertaken during the course of a specific month are thus considered as undertaken simultaneously on the last day of the month in question.

(**) Minimum quantities as referred in Article 5 of this Regulation: not included.

(***) Columns (3), (6), (7) and (8) must not be completed for Mediterranean sardines and anchovies during the period of application of the system of special carry-over premium established for these species. During this period the heading of column (9) in respect of these species should be 'Cumulative total of withdrawals'.

All figures rounded up or down to 5.

ANNEX II

METHOD OF CALCULATION FOR FINANCIAL COMPENSATION

Species:

- A. Quantities put up for sale during fishing year (see column (1) of Annex I): kg
- B. Total of adjusted withdrawals during fishing year (see column (8) of Annex I): kg
- C. Average intervention percentage: % ($\frac{B}{A} \times 100$)

FIRST TRANCHE = (Quantities put up for sale $\times$ 0.05 = kg)
 (financial compensation = 0.85 $\times$ withdrawal price)

	1. Quantities withdrawn (kg) by product category (*)	2. Corresponding withdrawal price (ECU/kg) (**)	3. Percentage of compensation	4. Financial compensation (ECU) (1 $\times$ 2 $\times$ 3)
Category			0.85	
Category			0.85	
.....			0.85	
Carry-overs (withdrawals equivalent)				
Total of adjusted withdrawals				
Total financial compensation relating to first tranche				

(*) Quantities withdrawn (adjusted withdrawals) must be allotted to each tranche in chronological order of monthly withdrawal (cf. column (8) of Annex I). When the adjusted withdrawals of a month M have to be divided between two tranches, the division between the two tranches must be done uniformly *pro rata* for all product categories (cf. column (4) of Annex I), including carry-overs expressed in withdrawal equivalent (cf. column (7) of Annex I).

(**) The withdrawal price for each product category is the Community withdrawal price in force on the date of withdrawal, adjusted if necessary by the adjustment coefficient referred to in Article 12 (2) of the basic Regulation.

Financial compensation is equal to the addition of the financial compensation in respect to each tranche. In all calculations figures are rounded up or down to 5.

SECOND TRANCHE = (Quantities put up for sale $\times$ 0.05 = kg)
(financial compensation = 0.70 $\times$ withdrawal price)

same table as for first tranche

THIRD TRANCHE = (Quantities put up for sale $\times$ 0.05 = kg)
(financial compensation = 0.55 $\times$ withdrawal price)

same table as for first tranche

FOURTH TRANCHE = (Quantities put up for sale $\times$ 0.05 = kg)
(financial compensation = 0.40 $\times$ withdrawal price)

same table as for first tranche

FIFTH TRANCHE = (Quantities withdrawn (adjusted withdrawals) in excess of 20 % of annual quantities put up for sale).

These quantities qualify neither for financial compensation nor for carry-over premiums.

*ANNEX III***METHOD OF CALCULATION FOR ADVANCES ON FINANCIAL COMPENSATION (*)**

Month:

Species:

- A. Quantities marketed from 1 January to the last day of the month concerned (see column (2) of Annex I): kg
- B. Cumulative total of adjusted withdrawals during the same period (see column (9) of Annex I): kg
- C. Average withdrawal percentage (adjusted): % ($\frac{B}{A} \times 100$)

For the calculation of tranches refer to the method indicated in Annex II

The advance for the month in question is equal to the sum of the advances for each tranche.

Total of estimated advances (1)	Total of advances received for the previous months (2)	Advance payable for the month concerned (3) = (1) - (2)

In all calculations figures are rounded up or down to 5.

(*) Calculation based, if necessary, on provisional information (to be confirmed within two months of the month concerned).

COMMISSION REGULATION (EEC) No 3138/82**of 19 November 1982****laying down detailed rules for the grant of a special carry-over premium for
Mediterranean sardines and anchovies**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽¹⁾, and in particular Article 14 (7) thereof,

Having regard to Council Regulation (EEC) No 2204/82 of 28 July 1982 laying down general rules for the grant of a special carry-over premium for Mediterranean sardines and anchovies ⁽²⁾,

Whereas Regulation (EEC) No 2204/82 provides for a system of contracts between Community producers and processors;

Whereas to help stabilize the market in the products in question and ensure regular supplies to processors, the contracts concerned should be concluded for a certain period; whereas they must contain a minimum of details describing the operation; whereas, however, in order to ensure that the transactions based on these contracts are as effective as possible, the contracting parties should, within a certain limit, be enabled to amend, by means of a supplementary clause, the quantities initially specified in the contracts; whereas, in order to ensure, during specific periods, planning of production in line with market conditions, the number of contracts conferring a right to the special carry-over premium which may be concluded between the same contracting parties should be limited;

Whereas any revision of the amounts of the special carry-over premium of the purchase price or of the representative rate changes the economic conditions; whereas provision should therefore be made for the possibility of amending the abovementioned contracts accordingly;

Whereas a purchase price should be fixed at a sufficiently remunerative level to encourage producers to supply the processing industry; whereas the purchase price must reflect market trends for the prod-

ucts in question; whereas, however, this price may not be lower than the Community withdrawal price;

Whereas in order to permit constant monitoring recipients of the premium must keep the authority responsible for supervising their processing activities informed at all times;

Whereas in order to ensure the proper operation of the control provided for in Article 4 of Regulation (EEC) No 2204/82 recipients of the premium must keep stock records; whereas these stock records must contain the information required for the said control;

Whereas the health and technical provisions adopted by the national authorities make it possible to ensure that the products in question have completely and permanently undergone one or more of the processes referred to in Article 14 (5) of Regulation (EEC) No 3796/81; whereas it should be checked that the processed products in question conform to the said provisions;

Whereas in order to ensure payment of the special carry-over premium within a reasonable time for quantities which are eligible for it, the manner in which applications are to be submitted by those concerned should be specified;

Whereas the rules for granting an advance should be specified and the amount of the relevant security fixed; whereas the rules for the provision, release and forfeiting of the security must also be laid down;

Whereas the exchange rate applicable to the special carry-over premium and the advances should be fixed;

Whereas in order to ensure that a revision of the amounts of the special carry-over premium influences the conditions of supply of the Community industry without delay, the revised amounts should be applied to all quantities the processing of which commences a week after the date of the said revision;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

⁽¹⁾ OJ No L 379, 29. 12. 1981, p. 1.

⁽²⁾ OJ No L 235, 10. 8. 1982, p. 7.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for the application of the special carry-over premium referred to in Article 14 (3) of Regulation (EEC) No 3796/81, hereinafter called 'the basic Regulation', for sardines and anchovies caught in the Mediterranean area and intended for the processing industry.

Article 2

1. The contracts referred to in Article 3 (1) (a) and (2) (a) of Regulation (EEC) No 2204/82, hereinafter called 'purchase contracts' shall be concluded in writing.

2. For the purpose of the provisions referred to in paragraph 1, processor shall mean any natural or legal person who:

- subjects Mediterranean sardines and anchovies to one or more of the processes referred to in Article 14 (5) of the basic Regulation,
- fulfils the conditions laid down by national legislation in the Member State concerned for executing one or more of the processes referred to in the preceding indent.

Article 3

1. Each purchase contract must be concluded for a period of at least two months and must contain at least the following information:

- the name and address of the contracting parties,
- the dates when the contract takes effect and when it expires,
- the quantities of raw material to which it relates, broken down by category of product and by type of processing envisaged,
- the schedule and place of deliveries,
- the prices to be paid to the vendors by category of product and the time limits and other conditions of payment.

2. During the period of validity of each purchase contract, the contracting parties may decide to amend, by a supplementary clause, the quantities initially entered in the contract. These additional clauses may relate to a total of up to 25 % of the initial quantities.

3. During the period of validity of each purchase contract the contracting parties may not conclude with each other new contracts for the products in question.

4. Where the amounts of the carry-over premium referred to in the Annex to Regulation (EEC) No 2204/82, the minimum purchase price referred to in Article 3 (1) of that Regulation or the representative rate are revised, the contracting parties may amend the provisions of current purchase contracts or put an end to their execution.

Article 4

1. The minimum purchase price referred to in Article 3 (1) of Regulation (EEC) No 2204/82 shall be equal to the Community withdrawal price for each category of product referred to in the Annex to that Regulation, plus 5 %.

2. If, following a change in the representative rate, the purchase prices laid down in current contracts, expressed in national currency, become lower than the minimum purchase price referred to in paragraph 1, expressed in national currency, the prices in question must be adjusted.

Article 5

1. In the cases referred to in Article 3 (1) (b) of Regulation (EEC) No 2204/82 each producers' organization shall keep a daily record in accordance with the specimen contained in the Annex. The producers' organization shall notify the authority responsible for supervision:

- before the 15th of each month of the quantities of fresh sardines and anchovies put up for sale during the preceding month,
- of the quantities to be processed by the organization or entrusted to a processor for processing as soon as any such decision has been taken.

2. For the purposes of this Article products put up for sale means the quantities disposed of without further processing through the producers' organization or sent by it for processing.

3. The provisions of this Article shall also apply to the producers referred to in Article 3 (2) (b) of Regulation (EEC) No 2204/82.

Article 6

1. The stock records provided for in Article 4 (2) of Regulation (EEC) No 2204/82 must be kept daily and contain at least the following information:

(a) as regards taking delivery of the products:

- the date on which the product is taken over,
- the quantity of the product concerned, by species and by category,
- the place of storage,
- in the case of purchase by the processing industry, the invoice number,
- where the product is entrusted by a producers' organization or one of the producers referred to in Article 3 (2) (b) of Regulation (EEC) No 2204/82 to a processing plant, the number of the transfer voucher;

(b) as regards the processing of the products:

- the quantity to be processed,
- the dates when processing commenced and ended;
- the types of processing,
- the quantity processed, by species and by category, and the place of processing,
- an identification of the lots processed for which the premium has been requested and their place of storage;

(c) as regards the intended use of the merchandise:

- for each lot removed, the quantity of finished product, the number and date of the invoice.

2. Where the purchase contract provides for the supply of one of the products referred to in the Annex to Regulation (EEC) No 2204/82, having undergone primary processing for the purpose of transport or stabilization and intended to undergo further processing in accordance with the Annex to that Regulation, the vendor shall be required to furnish the purchaser established in the same Member State with a certificate, issued by the competent authority of the Member State, attesting that the special carry-over premium has or has not been granted for the products in question at the time of their primary processing. Where a producers' organization or one of the producers referred to in Article 3 (2) (b) of Regulation (EEC) No 2204/82 entrusts the products in question to a processor established in the same Member State, the accounts

of the processor concerned may be checked by the competent authority of that Member State.

3. Where one of the processes referred to in Article 14 (5) of the basic Regulation is carried out in a Member State other than that which recognized the producers' organization on whose behalf the processing is undertaken or, in the case of the producers referred to in Article 3 (2) (b) of Regulation (EEC) No 2204/82, in a Member State other than Greece, proof that this processing has taken place shall be furnished by the control document T No 5, in conformity with the provisions of Commission Regulation (EEC) No 223/77 ⁽¹⁾ and the provisions of this Regulation.

The said copy must show:

- in section 41, the description of the merchandise in the state in which it was at the time of dispatch;
- in section 104, one of the following entries in capital letters:
 - Processing qualifying for a special carry-over premium (specify the type of processing)
Regulation (EEC) No 3796/81, Article 14,
 - Forarbejdning, der er omfattet af en særlig prolongationspræmie (forarbejdningens art skal angives)
Forordning (EØF) nr. 3796/81, artikel 14,
 - Verarbeitung, für die eine Sonderübertragungsprämie (nähere Angabe über Form der Verarbeitung) gewährt wird
Verordnung (EWG) Nr. 3796/81, Artikel 14,
 - Μεταποίηση που απολαμβάνει ειδική προμείωση (διευκρινίσατε το είδος της μεταποίησης)
Κανονισμός (ΕΟΚ) αριθ. 3796/81, άρθρο 14,
 - Transformation bénéficiant d'une prime de report spéciale (préciser le type de transformation)
Règlement (CEE) n° 3796/81, article 14,
 - Trasformazione che beneficia di un premio speciale di riporto (specificare il tipo di trasformazione)
Regolamento (CEE) n. 3796/81, articolo 14,
 - Behandeling of verwerking die in aanmerking komt voor een speciale uitstelpremie (behandeling of verwerking omschrijven)
Verordening (EEG) nr. 3796/81, artikel 14.

⁽¹⁾ OJ No L 38, 9. 2. 1977, p. 20.

Where one of the processes referred to in Article 14 (5) of the basic Regulation is carried out under a purchase contract in a Member State other than that which recognized the producers' organization or, in the case of the producers referred to in Article 3 (2) (a) of Regulation (EEC) No 2204/82, in a Member State other than Greece, the competent authority of the Member State which recognized the producers' organization or, as the case may be, the competent Greek authority shall issue the vendor with a certificate stating that the product has or has not received a special carry-over premium in the Member State concerned. This certificate shall be passed on by the vendor to the purchaser.

Article 7

Only such products as have undergone one or more of the processes referred to in Article 14 (5) of the basic Regulation in accordance with the health and technical provisions in force in the Member State in which the recipient of the premium is established and relating to products for human consumption shall be eligible for the special carry-over premium.

The Member States concerned shall take such measures as are necessary to ensure compliance with these national provisions.

Article 8

1. Applications for payment of the special carry-over premium shall be submitted by those concerned to the competent authorities of the Member State concerned:

- (a) in the cases provided for in Article 3 (1) (a) and (2) (a) of Regulation (EEC) No 2204/82, once the processing operations on all the quantities provided for in the purchase contract and supplementary clauses thereto have been completed, and at the latest within three months from the end of the processing of all the quantities purchased;
- (b) in the cases provided for in Article 3 (1) (b) and (2) (b) of Regulation (EEC) No 2204/82, every month, in respect of the quantities processed during the previous month;
- (c) in the case, however, where a producers' organization or one of the producers referred to in Article 3 (2) (b) of Regulation (EEC) No 2204/82 entrusts the merchandise in question to a processor and the contract relating thereto is valid for more than one month, once all processing operations have been completed, and at the latest within three months of the end of the operations provided for in the said contract.

2. Each application for the carry-over premium must contain at least the following information:

- the applicant's name and address,
- the quantities of the products concerned, by species and category and by type of processing and, in the case where the amount of the premium has been changed during execution of a contract, the dates when the processing commenced and ended,
- in the case of a purchase contract, the invoice number and the contract number,
- in the case of processing by a producers' organization or by the producer referred to in Article 3 (2) (b) of Regulation (EEC) No 2204/82, the date on which the product is taken over and the number of the notification referred to in the second indent of Article 5 (1),
- where the product is entrusted by a producers' organization or by one of the producers referred to in Article 3 (2) (b) of Regulation (EEC) No 2204/82 to a processing plant, the numbers of the transfer vouchers and the number of the notification referred to in the second indent of Article 5 (1),
- where appropriate, a certificate as referred to in Article 6 (2) and (3) or the reference of the control document T No 5,
- the quantities of finished products obtained, by type of processing.

Article 9

In the cases referred to in Article 8 (1) (a) and (c), the Member State may each month grant an advance on the special carry-over premium to persons applying therefor, provided that they provide a security equal to 105 % of the amount of the advance.

Advances shall be calculated on the basis of the quantities processed at the time of the application for the advance less the quantities for which an advance has already been paid.

Article 10

The security referred to in Article 9 shall be provided, at the choice of the applicant, in cash or in the form of a guarantee provided by an establishment meeting the criteria laid down by the Member State from which the advance is requested. The security shall be released after the Member State has checked that the conditions laid down in Article 8 (1) (a) and (b) of Regulation (EEC) No 2204/82 have been complied with, as well as the provisions

of this Regulation, in proportion to the quantities recognized as qualifying for the special carry-over premium.

The security shall be forfeit:

- (a) immediately, for quantities for which the advance has been paid unduly;
- (b) after completion of the processing operations provided for in the contracts referred to in Article 8 (1) (a) and (c);
 - in its entirety, except in cases of *force majeure*, if within a period of three months from the end of the operations provided for in the abovementioned contracts application has not been made for the special carry-over premium. However, if the application is submitted not later than the second month after expiry of the period specified above, the security shall be refunded, less an amount equal to 10 % of the security lodged for each month's or part of a month's delay in submitting the application in question,
 - in proportion to any quantities for which entitlement to the special carry-over premium is not recognized.

Article 11

The exchange rate applicable to the advance and the special carry-over premium shall be the representative rate in force on the day of:

- conclusion of the purchase contracts referred to in Article 2 (1),
- the notifications referred to in the second indent of Article 5 (1).

Article 12

In the event of revision of the amounts of the special carry-over premium referred to in the Annex

to Regulation (EEC) No 2204/82 or of the minimum purchase price referred to in Article 3 (1) of that Regulation, the new amounts shall apply immediately to all quantities for which processing commenced one week after the said revision.

Article 13

1. Each Member State shall notify the Commission of the name and address of the agency or agencies designated for control and of the control measures which must be set up before 1 January 1983 in order to apply the special carry-over premium system.

2. Member States shall also notify the Commission before the 15th of each month of:

- the quantities of sardines and anchovies expected to be processed during the preceding month under purchase contracts or on the basis of information contained in the notifications referred to in the second indent of Article 5 (1), broken down by species and by type of processing,
- the quantities of sardines and anchovies expected to be delivered to processors during the current month and the next two months under purchase or processing contracts, broken down by type of processing envisaged,
- the quantities of sardines and anchovies for which the special carry-over premium has been paid during the preceding month, broken down by species and type of processing, and expenditure on the grant of the special carry-over premium for the quantities in question.

Article 14

This Regulation shall enter into force on 1 January 1983.

It shall apply until 31 December 1986.

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

Done at Brussels, 19 November 1982.

For the Commission
Giorgios CONTOGEORGIS
Member of the Commission

ANNEX

DAILY RECORD OF QUANTITIES OFFERED FOR SALE, WITHDRAWALS AND SPECIAL CARRY-OVER PREMIUMS FOR THE SPECIES

Name of the producers' organization, or of the producer referred to in Article 3 (2) (b) of Regulation (EEC) No 2204/82

(kilograms)

Date	Quantities offered for sale						
	Total categories taken together	of which qualifying for financial compensation (all categories taken together)	of which qualifying for the special carry-over premium				of which quantities sold for final consumption or other uses (all categories taken together)
			individual categories	supplied to a processor on the basis of a purchase contract	processed by the producers' organization or the producer (Article 3 (2) (b))	sent by the producers' organization or the producer to a proces- sor for processing (Article 3 (2) (b))	
1.1	...	...	E ₃	...	a) b) c)	a) b) c)	
2.1			E ₄	...	a) b) c)	a) b) c)	
January							
...							
...							
...							
Year							

a) Quantities intended for the manufacture of preserves falling within heading No 16.04 of the Common Customs Tariff.

b) Quantities intended for production of salted products, presented in hermetically sealed packs.

c) Quantities intended for other processing.

All figures are rounded in accordance with the rule of 5.

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