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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3227/92

of 5 November 1992

fixing the import levies on cereals and on wheat or rye flour, groats and meal

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 1738/92⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1820/92⁽⁵⁾ and subsequent amending Regulations;

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 Regulation (EEC) No 1676/85,

- 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 these exchange rates being those recorded on 4 November 1992;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1820/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 November 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 1.

ANNEX

to the Commission Regulation of 5 November 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°) (ECU/tonne)
0709 90 60	134,53 (°) (°)
0712 90 19	134,53 (°) (°)
1001 10 10	165,59 (°) (°) (10)
1001 10 90	165,59 (°) (°) (10)
1001 90 91	133,76
1001 90 99	133,76 (11)
1002 00 00	154,30 (°)
1003 00 10	122,35
1003 00 90	122,35 (11)
1004 00 10	114,37
1004 00 90	114,37
1005 10 90	134,53 (°) (°)
1005 90 00	134,53 (°) (°)
1007 00 90	137,67 (°)
1008 10 00	41,25 (11)
1008 20 00	107,43 (°)
1008 30 00	42,88 (°)
1008 90 10	(°)
1008 90 90	42,88
1101 00 00	200,10 (°) (11)
1102 10 00	228,86 (°)
1103 11 10	270,18 (°) (10)
1103 11 90	215,45 (°)

(1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(2) 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.

(3) Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

(4) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

(5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

(7) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

(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 levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

(10) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

(11) Products falling within this code, imported from Poland, Czechoslovakia 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.

COMMISSION REGULATION (EEC) No 3228/92

of 5 November 1992

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

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 1738/92 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1821/92 ⁽⁵⁾ and subsequent amending Regulations;

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 Regulation (EEC) No 1676/85,

— 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 these exchange rates being those recorded on 4 November 1992;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 November 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 4.

ANNEX

to the Commission Regulation of 5 November 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	14,33	14,33	16,38
1001 90 99	0	14,33	14,33	16,38
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0,24	0,24	0,24
1004 00 90	0	0,24	0,24	0,24
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	20,06	20,06	22,93

B. Malt

CN code	(ECU/tonne)				
	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	25,51	25,51	29,16	29,16
1107 10 19	0	19,06	19,06	21,79	21,79
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3229/92

of 5 November 1992

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commis-

sion decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

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⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, 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;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 2 and 3 November 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION:

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 6 November 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽²⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3094/92 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 3230/92

of 5 November 1992

adopting interim protective measures in so far as concerns Spain in regard to applications for STM licences coming from the Community of Ten for milk and milk products lodged between 26 and 30 October 1992

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, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 608/86⁽¹⁾ laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten, as last amended by Regulation (EEC) No 705/92⁽²⁾, fixes the indicative ceilings for milk sector products for 1992 and splits these up into monthly ceilings;

Whereas applications for STM licences in the Community of Ten for cheese of category 4 lodged between 26 and 30 October 1992 relate to quantities higher than the ceiling set for the month of November 1992;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the indicative ceiling will be attained or exceeded; whereas to this effect it is necessary, as an interim protective measure, in view of the number of requests, for the products concerned and only for the

Community of Ten, to issue licences up to a percentage of the quantities applied for in category 4 and to suspend all further issuing of licences for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86, lodged between 26 and 30 October 1992 for the Community of Ten and lodged with the Commission, for milk products falling within:

— category 4 of CN code ex 0406 are hereby accepted up to 61 %.

2. The issuing of STM licences in the Community of Ten is hereby provisionally suspended for products falling within category 4.

3. Without prejudice to any definitive measures the Commission may take, further applications for STM licences may be lodged from 23 November 1992 for all products in respect of that fraction of the indicative ceiling applicable from 1 December 1992.

Article 2

This Regulation shall enter into force on 9 November 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽²⁾ OJ No L 75, 21. 3. 1992, p. 29.

COMMISSION REGULATION (EEC) No 3231/92**of 5 November 1992****concerning applications for STM licences for cereals submitted on 2 November 1992 for imports of maize into Portugal**

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, and in particular Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 1351/92 of 26 May 1992 laying down detailed rules for applying the supplementary trade mechanism (STM) to imports of cereals into Portugal during the 1992/93 marketing year⁽¹⁾ sets a target ceiling of 345 000 tonnes for maize to be broken down into equal monthly quantities;

Whereas, pursuant to Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM)⁽²⁾, as last amended by Regulation (EEC) No 3296/88⁽³⁾, the Commission has been notified of applications received on 2 November 1992 for STM licences for imports of maize into Portugal which are well in excess of the ceiling set; whereas measures should be taken to deal with this situation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences which were submitted on 2 November 1992 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by a coefficient of:

— 0,09 for maize falling within CN code 1005 90 00.

2. The issue of STM licences concerning imports of maize into Portugal from 3 to 30 November 1992 is hereby suspended.

Article 2

This Regulation shall enter into force on 6 November 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 145, 27. 5. 1992, p. 47.

⁽²⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽³⁾ OJ No L 293, 27. 10. 1988, p. 7.

COMMISSION REGULATION (EEC) No 3232/92**of 5 November 1992****adopting interim protective measures on applications for STM licences in the beef and veal sector submitted during the period 26 to 29 October 1992 for trade with Spain and Portugal**

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, and in particular Article 85 (1) and Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 3810/91 of 18 December 1991 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted on 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 4026/89 and (EEC) No 3815/90 ⁽¹⁾, as last amended by Regulation (EEC) No 2934/92 ⁽²⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued in November and December 1992;

Whereas Article 85 (1) of the Act of Accession makes provision for the Commission to take the interim protective measures necessary where an examination of the trend in intra-Community trade shows a significant increase in imports carried out or foreseeable in the current year or part thereof;

Whereas an examination of licence application lodged from 26 to 29 October 1992 shows that the quantities

applied for are likely to bring about a serious disturbance of the market for live animals; whereas, as an interim protective measure, licences should only be issued for up to a given percentage of the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

For live animals of the bovine species, other than pure-bred breeding animals and animals for bullfights:

1. applications for STM licences for the following products submitted between 26 and 29 October 1992 and notified to the Commission shall be accepted for 81,566 % for Spain and 57,208 % for Portugal;
2. further applications may be submitted from 16 November 1992.

Article 2

This Regulation shall enter into force on 6 November 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 357, 28. 12. 1991, p. 53.

⁽²⁾ OJ No L 293, 9. 10. 1992, p. 10.

COMMISSION REGULATION (EEC) No 3233/92**of 5 November 1992****laying down detailed rules for implementing the specific wine sector aid arrangements for the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, and in particular Articles 23 and 29 (3) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Articles 2 (4) and 12 thereof,

Whereas Article 21 of Regulation (EEC) No 1600/92 introduces an aid scheme to support production of Madeira liqueur wines within the limits of the region's traditional requirements; whereas the scheme comprises aid for the purchase of rectified concentrated must produced elsewhere in the Community, aid for the purchase of vinous alcohol obtained from Community distillation operations at a sum determined by tendering procedure and aid for the ageing of liqueur wines paid over three wine years in respect of wines whose ageing period is a minimum of five years and paid each year for a maximum quantity of 20 000 hectolitres; whereas the necessary detailed rules of application should be adopted;

Whereas, in order to supply Madeira with vinous alcohol; the conditions for tendering for the supply operation should be defined; whereas the tendering cover the determination of the price for purchasing alcohol obtained from Community distillation operations under conditions which do not disturb the Community market in alcohol and spirit drinks and should cover delivery to Madeira; whereas provision should be made to guarantee that the product is indeed used to produce liqueur wines in Madeira;

Whereas, in order to ensure that the aid scheme for the ageing of liqueur wines can be administered in a proper and uncomplicated manner, contracts should be concluded between the interested producers and the competent agency in Madeira for ageing the wine for at least five years; whereas, in the same spirit, payment of

the aid should be distributed equally over the contract period and made contingent on the lodging on a one-off performance security for a reasonable sum;

Whereas Articles 22 and 29 of Regulation (EEC) No 1600/92 introduce a per hectare aid scheme in the Azores and Madeira for the continued cultivation of vines for the production of quality wines *psr* in traditional production zones; whereas the detailed rules needed to administer the scheme and to ensure monitoring of the conditions adopted by the Council should be laid down;

Whereas the rates to be used to convert into national currency the amounts fixed pursuant to the above aid schemes should be determined; whereas, in order to avoid the risk of monetary distortion, the rate to be used should be closer to economic reality than the agricultural conversion rate while respecting application of the correcting factor referred to in Article 2 (2) of Regulation (EEC) No 1676/86; whereas Article 3a of Commission Regulation (EEC) No 3152/85⁽⁴⁾, as last amended by Regulation (EEC) No 3237/90⁽⁵⁾, laying down detailed rules for the application of Regulation (EEC) No 1676/85, provides for the publication of such a rate;

Whereas the measures provided for by Regulation (EEC) No 1600/92 are applicable from 1 July 1992; whereas the detailed rules in this Regulation should be applicable from that date;

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

HAS ADOPTED THIS REGULATION:

TITLE I**Aid for the purchase of rectified concentrated musts for Madeira***Article 1*

1. Producers located in the region of Madeira who wish to receive aid for the purchase of rectified concentrated musts for use in vinification to sweeten Madeira liqueur wines, pursuant to Article 21 (2) of Regulation (EEC) No 1600/92, shall lodge with the competent agency prior

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁵⁾ OJ No L 310, 9. 11. 1990, p. 18.

to a date determined by the latter but by 31 October at the latest an application comprising at least the following:

- a copy of the purchase contract for rectified concentrated must of Community origin,
- the quantity of rectified concentrated musts for which aid is requested expressed in hectolitres and % by volume,
- the date of reception of the musts,
- the starting date scheduled for making the wines and the place where this is to be done.

2. The aid shall be ECU 10 per hectolitre.

3. Aid shall be granted for a maximum quantity of 3 600 hectolitres per marketing year.

Article 2

1. The competent agency shall take all the necessary steps to ensure the accuracy of the applications and to check that the musts for which aid is requested are used accordingly.

2. The competent agency shall pay the aid to the producer before the end of the wine year in question, without prejudice to possible delays caused by additional checks.

TITLE II

Aid for the purchase of vinous alcohol from intervention agencies

Article 3

1. For the purposes of Article 21 (3) of Regulation (EEC) No 1600/92, the amount of the aid for the supply of vinous alcohol to the market in liqueur wines in Madeira shall be determined periodically by invitations to tender for the supply of neutral alcohol obtained from Community wine distillation operations up to a limit of 7 000 hectolitres per wine year.

2. The tender shall be for the determination of the price of purchasing the neutral alcohol held by intervention agencies and obtained from Community distillation operations and its delivery to Madeira for use in the making of liqueur wines in accordance with the traditional methods practised in the region.

3. Taking into account the tenders received, the Commission shall, in accordance with the procedure referred to in Article 23 of Regulation (EEC) No 1600/92, decide to:

- award the tenders, or
- not award the tenders.

4. Where the Commission decides to award a tender the successful tenderer shall be the one making the

highest bid. If bids are for the same price the successful tenderer shall be decided by the drawing of lots.

5. The main factors determining the decision in accordance with paragraph 3 shall be:

- the prices applicable to the purchase by the intervention agencies of the alcohol obtained from Community distillation operations;
- the various costs associated with the supply;
- the necessity not to disturb the Community market in alcohol and spirit drinks.

6. The Commission shall inform the tenderers of the action taken as regards their bids without delay by written telecommunication and shall notify the Member States holding the alcohol and the successful tenderer of its decision. In the event that the supply is awarded the Commission shall notify the agency holding the alcohol and the competent agency for verifying execution of the supply to Madeira of the identity of the successful tenderer.

7. Within twenty days of the date of the notification awarding the tender the successful tenderer shall supply proof to the agency holding the alcohol that it has lodged the performance security with the competent agency.

Article 4

The Annex to the Regulation opening the specific invitation to tender shall act as the invitation to tender and shall contain the following information:

- the formalities for submitting tenders and the information they should contain,
- the use and final destination of the alcohol to be sold,
- the amount of the performance security,
- the Commission department to which tenders are to be addressed,
- the address of the body holding the alcohol for the benefit of which the above securities are to be lodged,
- the address of the store where the alcohol is being held,
- the time limits for removal of the alcohol from the stores and for its use,
- the formalities for obtaining samples for analysis.

Article 5

1. All the alcohol must be removed from the intervention stores within the time limit indicated in the invitation to tender.

2. The alcohol shall be removed against presentation of a removal order issued by the agency holding the alcohol after payment for the quantity corresponding to the removal. The quantity shall be determined to the nearest

hectolitre of alcohol at 100 % vol. The removal order shall indicate the time limit by which the removal of the alcohol from the intervention agency's stores must be carried out.

3. Ownership of the alcohol for which a removal order is issued shall be transferred on the date of issue of the order. From that date on the successful tenderer shall bear all risks, in particular theft, loss or destruction of the product; he shall also be liable for all storage and financial costs relating to quantities which are not removed.

Article 6

1. The alcohol shall be supplied within the time limit indicated in the invitation to except in the event of *force majeure*.

2. The performance security shall be released by the competent agency once the successful tenderer has provided the proof required for that purpose under Title V of Commission Regulation (EEC) No 2220/85⁽¹⁾ for the quantity removed.

3. Proof of performance shall be provided by production of a contract of sale, commercial sales invoices or declaration of use of the alcohol in question made out to an operator established in Madeira and indicating that the product must be used for the making of Madeira liqueur wines by traditional methods. The contract, invoices or declarations must be stamped by the competent agency responsible for monitoring the progress of this type of operation.

TITLE III

Aid for the ageing of Madeira liqueur wines

Article 7

1. Aid for the ageing of Madeira liqueur wines as provided for in Article 21 (5) or Regulation (EEC) No 1600/92 shall be granted for batches of liqueur wines produced by traditional methods in the region whose ageing period is a minimum of five years. A batch is understood to be a quantity of wine put into store on the same date for ageing purposes whose ageing period continues uninterrupted for at least five years.

2. Aid for the ageing of Madeira liqueur wines shall be granted to producers in the region who make application to the competent agency in the first two months of each year.

If the total quantity for which applications are submitted is greater than 20 000 hectolitres a uniform reduction percentage shall be applied to each application.

The total amount of product in respect of which a producer submits an application may not be greater than that which is the subject of the production declaration in accordance with Commission Regulation (EEC) No 3929/87⁽²⁾ for the wine year in question.

3. Operators who wish to be eligible for the aid scheme shall conclude an ageing contract for a minimum period of five years with the competent agency.

The contract shall be concluded on the basis of an application for aid submitted once at the beginning of the above period. The application must state at least:

- (a) the producer's name and address;
- (b) the number of batches to which the ageing contract relates with a precise identification of each batch (vat number, quantity stored, precise location, etc);
- (c) for each batch: the harvest year, the technical characteristics of the liqueur wine (total alcoholic strength, actual alcoholic strength, sugar content, total acidity, volatile acidity);
- (d) for each batch: the nature of the containers,
- (e) for each batch: indication of the first and last day of the storage period.

4. Performance in accordance with the ageing contract shall confer the right to payment of the total amount of aid determined at the time the contract was signed. The aid shall be paid in instalments of one third of the total during the first, third and fifth years of storage.

5. Acceptance of the contract shall be subject to the lodging of a performance security for the contract period corresponding to 40 % of the total amount of the aid. The security shall be lodged in accordance with the provisions of Regulation (EEC) No 2220/85.

6. The competent agency shall verify compliance with the ageing contract by means, in particular, of checks of the producer's records and on-site inspections.

The performance security shall be released on confirmation that the contract has been duly performed.

If the competent agency discovers that the liqueur wine which is the subject of the contract is not fit to be offered or delivered for immediate human consumption, it shall cancel the contract.

Except in the event of *force majeure*, such cancellation of the contract shall entail the recovery of payments made and the seizure of the performance security.

Where *force majeure* is invoked, such cases shall be notified to the competent agency within three working days of their occurrence.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ No L 369, 29. 12. 1987, p. 59.

TITLE IV

Aid for the production of quality wines psr in Madeira and the Azores*Article 8*

The flat rate per hectare aid for continuing to cultivate vines suitable for the production of quality wines psr provided for in Articles 22 and 29 of Regulation (EEC) No 1600/92 shall be granted at the request of vinegrowers or their groups or organizations for areas planted with vine varieties suitable for the production of quality wines psr.

These areas must:

- (a) have been fully utilized and harvested and had all normal cultivation work carried out;
- (b) have been covered by harvest and production declarations as specified in Commission Regulation (EEC) No 3929/87;
- (c) meet maximum yield requirements set by the Member State as indicated in Article 22 of Regulation (EEC) No 1600/92.

Article 9

1. The application for the per hectare aid shall be lodged by the interested party with the competent authority during the period fixed by the latter and by 15 May at the latest of each year for the following wine year. However, for the 1992/93 wine year applications shall be submitted by 15 January 1993 at the latest.

2. The application shall state at least the following:

- (a) the name, first name and address of the producer, group or organization;
- (b) the areas cultivated for the production of quality wines psr, in hectares and ares, with their land register reference or an indication recognized as equivalent by the agency responsible for verification of the areas;
- (c) the grape variety used;
- (d) an estimate of the potential crop.

Article 10

The Member State shall, after recording the actual harvest and yields on the areas concerned, pay the aid prior to 1 April of the wine year for which it is granted.

Article 11

The Member State shall notify the Commission by 30 April at the latest of the areas for which aid applications were lodged and aid actually paid.

TITLE V

General provisions*Article 12*

The rate to be applied for conversion into national currency

- (a) of the aid for the purchase of rectified concentrated musts referred to in Title I shall be the agricultural conversion rate valid on the day on which the application for aid is submitted;
- (b) of the aid for the supply of vinous alcohol held by the intervention agencies referred to in Title II shall be the representative market rate referred to in Article 3a of Regulation (EEC) No 3152/85 valid on the date on which the time limit fixed for the submission of bids under the invitation to tender expires;
- (c) of the aid for the ageing of liqueur wines referred to in Title III shall be, for the payment of each instalment, the representative market rate referred to in Article 3a of Regulation (EEC) No 3152/85 valid on the date on which the aid instalment is paid; for the lodging of the performance security provided for in Article 7, the rate to be used shall be the representative market rate valid on the first day of the annual period for the submission of aid applications;
- (d) of the flat rate per hectare aid referred to in Title IV shall be the agricultural conversion rate valid on the first day of the wine year for which the aid is paid.

Article 13

1. Portugal shall ensure, by documentary investigation and on-the-spot checks, that the information provided in support of aid applications is accurate.

2. In cases where aid has been paid unduly the competent departments shall recover the amounts paid, plus interest running from the date of payment until that of actual recovery. The interest rate shall be that in force for similar recovery operations under national law.

3. The aid recovered and any interest shall be made over to the paying departments or agencies, which shall make a deduction proportionate to the Community financing rate from the volume of expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 14

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3234/92**of 5 November 1992****laying down detailed rules for the application of the specific aid arrangements
for the continued cultivation of vines for the production of quality wines psr in
the Canary islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, and in particular Article 19 (3) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Article 12 thereof,

Whereas Article 19 of Regulation (EEC) No 1601/92 introduces a system of aid per hectare for the continued cultivation of vines for the production of quality wines psr in the traditional production areas in the Canary Islands; whereas provision should be made for the detailed rules necessary to administer that scheme and for verifying compliance with the conditions laid down by the Council; whereas the detailed rules must cover the information which is to appear in aid applications to permit in particular areas under such vines to be identified and checks to be carried out;

Whereas the measures provided for in Regulation (EEC) No 1601/92 apply from 1 July 1992; whereas provision should be made for the application of detailed rules laid down in this Regulation to apply from that date;

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

HAS ADOPTED THIS REGULATION:

Article 1

The flat-rate aid per hectare for the continued cultivation of vines for the production of quality wine psr provided for in Article 19 of Regulation (EEC) No 1601/92 shall be granted on application by wine-growers or groups or organizations of wine-growers in respect of areas under vine varieties suitable for the production of quality wines psr which:

- (a) have been fully cultivated and harvested and are subjected to all normal cultivation work;
- (b) have been covered by harvest and production declarations as provided for in Commission Regulation (EEC) No 3929/87⁽⁴⁾;
- (c) comply with the maximum yields laid down by the Member State as referred to in Article 19 (1) of Regulation (EEC) No 1601/92.

Article 2

1. Applications for aid per hectare shall be lodged by the party concerned with the competent authority during the period laid down by the latter and by no later than 15 May of each year in respect of the following wine year. However, for the 1992/93 wine year, applications shall be submitted by 15 January 1993 at the latest.

2. Aid applications shall state at least the following:

- (a) the name, first name and address of the wine-grower or group or organization of winegrowers;
- (b) the areas cultivated for the production of quality wines psr in hectares and areas with the land register reference to those areas or a reference recognized as equivalent by the body responsible for verifying such areas;
- (c) the grape variety used;
- (d) the estimated production.

Article 3

After ascertaining that the harvest has taken place and determining the yields of the areas concerned, the Member State shall pay the aid before 1 April of the wine year in respect of which the aid is granted.

Article 4

The Member State in question shall notify the Commission by 30 April of the areas which have been covered by aid applications and in respect of which aid has actually been paid.

Article 5

The rate to be used for converting the flat-rate aid per hectare provided for in Article 1 into currency shall be the agricultural conversion rate applying on the first day of the wine year in respect of which the aid is paid.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 369, 29. 12. 1987, p. 59.

Article 6

1. Spain shall verify the accuracy of the information provided in support of aid applications by enquiries and on-the-spot inspections.

2. Where aid has been paid unduly, the competent authorities shall recover the amounts paid plus interest accruing from the date of payment of the aid until its actual recovery. The rate of interest applying shall be that in force for similar recovery operations under national law.

3. Aid recovered and any interest due shall be paid to the paying agencies or bodies and deducted by the latter from expenditure defrayed by the European Guidance and Guarantee Fund in proportion to the Community contribution.

Article 7

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3235/92
of 5 November 1992
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1813/92⁽³⁾, as last amended by Regulation (EEC) No 3222/92⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1813/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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 subparagraph 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 these exchange rates being those recorded on 4 November 1992,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 November 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 183, 3. 7. 1992, p. 18.

⁽⁴⁾ OJ No L 320, 5. 11. 1992, p. 27.

⁽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 5 November 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	39,11 ⁽¹⁾
1701 11 90	39,11 ⁽¹⁾
1701 12 10	39,11 ⁽¹⁾
1701 12 90	39,11 ⁽¹⁾
1701 91 00	45,85
1701 99 10	45,85
1701 99 90	45,85 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 3236/92

of 5 November 1992

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾ provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas export possibilities exist for a quantity of 50 000 tonnes of hard wheat meal to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁴⁾, as last amended by Regulation (EEC) No 2804/92⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁶⁾, as last amended by Regulation (EEC) No 468/92⁽⁷⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, if the refund system is to operate normally, refunds 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⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,
- 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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 1432/92⁽¹⁰⁾ as amended by Regulation (EEC) No 2015/92⁽¹¹⁾, prohibits

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 171, 26. 6. 1992, p. 47.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 282, 26. 9. 1992, p. 40.

⁽⁶⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁷⁾ OJ No L 53, 28. 2. 1992, p. 15.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽¹⁰⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽¹¹⁾ OJ No L 205, 22. 7. 1992, p. 2.

trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 November 1992.

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

Done at Brussels, 5 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 5 November 1992 fixing export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)		
Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	50,00
	02	20,00
1001 90 91 000	01	0
1001 90 99 000	04	67,00
	05	21,00
	02	20,00
1002 00 00 000	03	21,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	04	65,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	78,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	103,00
1101 00 00 130	01	97,00
1101 00 00 150	01	90,00
1101 00 00 170	01	83,00
1101 00 00 180	01	78,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 500	01	103,00
1102 10 00 700	—	—
1102 10 00 900	—	—
1103 11 10 200	01	140,00
1103 11 10 400	01	120,00
1103 11 10 900	01	0
1103 11 90 200	01	103,00
1103 11 90 800	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Poland.

(²) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/88/EEC

of 26 October 1992

amending Directive 74/63/EEC on undesirable substances and products in animal nutrition

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas experience has demonstrated that there are grounds for amending certain provisions of Directive 74/63/EEC ⁽⁴⁾;

Whereas, moreover, the restriction of the scope of Directive 74/63/EEC to animals belonging to species normally nourished and kept or consumed by man does not rule out the possibility that feedingstuffs containing undesirable substances or products might be distributed to animals living freely in the wild;

Whereas it is accordingly advisable that the definition of the term 'animals' should in future cover species living freely in the wild in order that all feedingstuffs conform to the requirements prescribed by Directive 74/63/EEC;

Whereas Directive 74/63/EEC must apply to raw materials and feedingstuffs from the date of their introduction

into the Community; whereas it should therefore be stipulated that the maximum levels of undesirable substances or products set apply in general from the date on which the raw materials and feedingstuffs are put into circulation, including all stages of marketing, and in particular from the date of their importation;

Whereas it is advisable to establish the principle that raw materials used in animal nutrition must be sound, genuine and of merchantable quality; whereas, therefore, it is necessary to prohibit the use or putting into circulation of raw materials which, because they contain too high a level of undesirable substances or products, result in the maximum levels for compound feedingstuffs laid down in Annex I to the Directive 74/63/EEC being exceeded;

Whereas Directive 74/63/EEC set maximum levels for certain substances or products undesirable in certain raw materials; whereas, for such a restriction to have full effect, namely a reduction in the total quantity of undesirable substances ingested by animals, it is advisable to state clearly that the measure applies to all consignments immediately they are put into circulation in the Community; whereas it is therefore forbidden to mix severely contaminated consignments with other consignments of raw material or with consignments of feedingstuffs in order to comply with the maximum levels set by the Directive 74/63/EEC;

Whereas experience has shown that the information system introduced by the Directive 74/63/EEC within the official control departments should be improved so that Member States are also informed by operators of cases where the provisions of the Directive are not complied with; whereas, in such cases, Member States will be required to take all measures to enable use in animal

⁽¹⁾ OJ No C 288, 6. 11. 1991, p. 6 and OJ No C 260, 9. 10. 1992, p. 10.

⁽²⁾ OJ No C 241, 21. 9. 1992, p. 222.

⁽³⁾ OJ No C 79, 30. 3. 1992, p. 17.

⁽⁴⁾ OJ No L 38, 11. 2. 1974, p. 31. Last amended by Commission Directive 92/63/EEC. (OJ No L 221, 6. 8. 1992, p. 49).

nutrition to be excluded; whereas Member States will, if appropriate, be obliged to ensure that the effected consignments of raw materials or feedingstuffs is destroyed, if this has been decided by its owner;

Whereas the Community should apply to exporters to third countries at least the same rules on health as apply within the Community,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 74/63/EEC is hereby amended as follows:

1. Article 2 (f) shall be replaced by the following:

'(f) animals: animals belonging to species normally nourished and kept or consumed by man as well as animals living freely in the wild in cases where they are nourished with feedingstuffs.'

2. The following Article shall be inserted:

'Article 2a

1. Member States shall prescribe that raw materials may only be put into circulation in the Community if they are sound, genuine and of merchantable quality.

2. In particular, and subject to the provisions in Part A of Annex II, raw materials cannot be considered as sound, genuine and of merchantable quality if the level of undesirable substances or products is so high as to make it impossible to respect the maximum levels fixed for compound feedingstuffs in Annex I.'

3. In Article 3a (1) and (2) the word 'marketed' shall each time be replaced by the words 'put into circulation'.

4. The following Article shall be added:

'Article 3c

Member States shall prescribe that a consignment of a raw material detailed in Part A of Annex II with a content of an undesirable substance or product higher than the maximum level fixed in column 3 of the abovementioned Annex must not be mixed with other consignments of raw material or with consignments of feedingstuffs.'

5. In Article 7 the words 'marketing restrictions' shall be replaced by the words 'restrictions on their circulation'.

6. Article 8 shall be amended as follows:

(a) the following paragraph shall be inserted:

'2a. Member States shall prescribe that where an operator (importer, producer, etc.) or a person who, by virtue of his professional activities, possesses, or

has possessed, or has had direct contact with a consignment of raw materials or of feedingstuffs and has knowledge to the effect that:

— the consignment of raw materials is unsuitable for any use in animal feedingstuffs because of contamination by an undesirable substance or product covered by this Directive, and therefore does not meet the provisions of Article 2a (1) and consequently constitutes a serious risk for animal and public health;

— the consignment of feedingstuffs does not meet the provisions of Annex I, and therefore constitutes a serious risk for animal and public health;

such a person or operator shall immediately inform the official authorities even if the destruction of the consignment is envisaged.

After verifying the information received, Member States shall ensure that, in the case of a contaminated consignment, the measures necessary are taken to ensure that the consignment is not used in animal nutrition.

Member States shall ensure that the final destination of the contaminated consignment, including possible destruction, cannot have harmful effects on public or animal health or on the environment.'

(b) Paragraph 3 shall be replaced by the following:

'3. If a consignment of raw material or a consignment of feedingstuffs is likely to be sent to a Member State after it has been judged not to comply with the provisions of this Directive on account of an excessive content of undesirable substances or products in another Member State, the latter Member State shall immediately give the other Member States and the Commission any useful information concerning that consignment.'

7. Article 11 shall be replaced by the following:

'Article 11

1. The Member States shall apply at least the provisions of this Directive to feedingstuffs intended for export to third countries.

2. Paragraph 1 does not affect the right of Member States to allow the re-exportation to the exporting third country of consignments of feedingstuffs which do not fulfil the requirements of this Directive.'

Article 2

Member States shall bring into force not later than 31 December 1993 the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Member States shall communicate to the Commission the texts of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 26 October 1992.

For the Council

The President

J. GUMMER

COMMISSION

DECISION No 1/92 OF THE EEC-ANDORRA JOINT COMMITTEE of 19 October 1992

amending Decision No 7/91 introducing a derogation from the definition of 'originating products' to take into account the specific situation of the Principality of Andorra regarding its output of certain processed agricultural products

(92/515/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement in the form of an exchange of letters between the European Economic Community and the Principality of Andorra, and in particular Article 17 (8) thereof,

Whereas under Decision No 7/91 certain pastes including marzipan in immediate packings of a net content of 1 kilogram or more, which were manufactured in Andorra from non-originating products, are considered to originate in Andorra; whereas it has been found that the products concerned are also exported in immediate packings of a net content of less than 1 kilogram; whereas this category should also be included in the annex to Decision No 7/91, while the annual limits should remain unchanged; whereas for ease of comprehension the annex is here set out in full,

HAS DECIDED AS FOLLOWS:

Article 1

The annex to Decision No 7/91 is hereby replaced by the annex to this Decision.

Article 2

This Decision shall apply from 1 June 1992.

Done at Andorre La Vieille, 19 October 1992.

For the Joint Committee

The Chairman

Antoni ARMENGOL ALEIX

ANNEX

CN code	Description of the goods	Annual quantity (kg)
1704	Sugar confectionery (including white chocolate), not containing cocoa:	
1704 90 51 and ex 1704 90 99	— pastes, including marzipan	5 000
1704 90 75	— toffees, caramels and similar sweets	500
1806	Chocolate and other food preparations containing cocoa:	
ex 1806 31 00 ex 1806 32	— other preparations containing cocoa in blocks, slabs or bars:	
	— almond paste, coated in chocolate and ganache	500
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa:	
ex 1905 30 59	— sweet biscuits of the type known as 'Madeleines'	80 000

COMMISSION DECISION

of 28 October 1992

on the establishment of a supplement to the addendum to the Community support framework for Community structural assistance in Greece on the improvement of the conditions under which agricultural and forestry products are processed and marketed

(Only the Greek text is authentic)

(92/516/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, and in particular Article 8 (5) thereof,

Having regard to Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products⁽²⁾, as amended by Regulation (EEC) No 3577/90⁽³⁾, and in particular Article 7 (2) thereof,

After consultation of the Committee for the development and reconversion of regions,

Whereas the Commission has approved by Decision 90/203/EEC⁽⁴⁾ the Community support framework for structural assistance in Greece;

Whereas the Commission has approved by Decision 92/80/EEC⁽⁵⁾ the addendum to the Community support framework for Community structural assistance in Greece on the improvement of the conditions under which agricultural and forestry products are processed and marketed;

Whereas the Hellenic Government submitted to the Commission on 30 March 1992, one sectoral plan on the modernization of the conditions under which agricultural and forestry products are processed and marketed referred to in Article 2 of Regulation (EEC) No 866/90 referring to animal feedingstuffs;

Whereas the plan submitted by the Member State include descriptions of the main priorities selected and indications of the use to be made of assistance under the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section in implementing the plan;

Whereas measures falling within the scope of Regulation (EEC) No 866/90 and 867/90 of 29 March 1990 on improving the processing and marketing conditions for forestry products⁽⁶⁾ may be taken into consideration by the Commission when establishing the Community support frameworks for areas covered by Objective 1 as provided for in Title III of Regulation (EEC) No 2052/88;

Whereas this supplement to the addendum to the Community support framework has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas all measures which constitute the addendum are in conformity with Commission Decision 90/342/EEC of 7 June 1990 on the selection criteria to be adopted for investments for improving the processing and marketing conditions for agricultural and forestry products⁽⁷⁾;

Whereas the Commission is prepared to examine the possibility of the other Community lending instruments contributing to the financing of this addendum in accordance with the specific provisions governing them;

Whereas in accordance with Article 10 (2) of Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽⁸⁾, this Decision is to be sent as a declaration of intent to the Member State;

Whereas in accordance with Article 20 (1) and (2) of Regulation (EEC) No 4253/88 budgetary commitments relating to the contribution from the structural Funds to the financing of the operations covered by the Community support framework will be made on the basis of subsequent Commission decisions approving the operations concerned;

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽²⁾ OJ No L 91, 6. 4. 1990, p. 1.

⁽³⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽⁴⁾ OJ No L 106, 26. 4. 1990, p. 26.

⁽⁵⁾ OJ No L 31, 7. 2. 1992, p. 42.

⁽⁶⁾ OJ No L 91, 6. 4. 1990, p. 7.

⁽⁷⁾ OJ No L 163, 29. 6. 1990, p. 71.

⁽⁸⁾ OJ No L 374, 31. 12. 1988, p. 1.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee for Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

The supplement to the addendum to the Community support framework for Community structural assistance on the improvement of the conditions under which agricultural and forestry products are processed and marketed in Greece covering the period from 1 January 1991 to 31 December 1993, is hereby established.

The Commission declares that it intends to contribute to the implementation of this supplement to the Community support framework in accordance with the detailed provisions thereof and in compliance with the rules and guidelines of the structural Funds and the other existing financial instruments.

Article 2

The supplement to the addendum to the Community support framework contains the following essential information:

- (a) a statement of the main priorities for joint action in the following sector:

Animal feedingstuffs

- (b) an indicative financing plan specifying, at constant 1992 prices, the total cost of the priorities adopted for joint action by the Community and the Member State concerned, ECU 19 907 000 for the whole period, and the financial arrangements envisaged for budgetary assistance from the Community, broken down as follows:

Animal feedingstuffs:	ECU 7 465 000
Total:	ECU 7 465 000.

The resultant national financing requirement, approximately ECU 1 991 000 for the public sector and ECU 10 451 000 for the private sector, may be partially covered by Community loans from the European Investment Bank and the other loan instruments.

Article 3

This declaration of intent is addressed to the Hellenic Republic.

Done at Brussels, 28 October 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission