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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 531/93**of 9 March 1993****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 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3873/92 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 8 March 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3873/92 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 10 March 1993.

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 9 March 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries ^(*)
0709 90 60	135,06 ^(?) ^(?)
0712 90 19	135,06 ^(?) ^(?)
1001 10 00	172,66 ⁽¹⁾ ^(?) ⁽¹⁰⁾
1001 90 91	138,87
1001 90 99	138,87 ⁽¹¹⁾
1002 00 00	149,49 ⁽⁶⁾
1003 00 10	126,86
1003 00 20	126,86
1003 00 80	126,86 ⁽¹¹⁾
1004 00 00	114,71
1005 10 90	135,06 ^(?) ^(?)
1005 90 00	135,06 ^(?) ^(?)
1007 00 90	136,92 ^(*)
1008 10 00	45,97 ⁽¹¹⁾
1008 20 00	82,05 ^(*)
1008 30 00	35,91 ^(?)
1008 90 10	^(?)
1008 90 90	35,91
1101 00 00	207,10 ⁽⁶⁾ ⁽¹¹⁾
1102 10 00	221,97 ⁽⁶⁾
1103 11 30	279,85 ⁽⁶⁾ ⁽¹⁰⁾
1103 11 50	279,85 ⁽⁶⁾ ⁽¹⁰⁾
1103 11 90	222,35 ⁽⁶⁾

⁽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 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No-L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽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 (OJ No L 166, 28. 6. 1991, p. 42) 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 532/93**of 9 March 1993****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 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 8 March

1993, as regards floating currencies, should be used to calculate the levies;

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 10 March 1993.

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 9 March 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour*(ECU/tonne)*

CN code	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	4,07
0712 90 19	0	0	0	4,07
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	4,79	4,79	4,90
1005 10 90	0	0	0	4,07
1005 90 00	0	0	0	4,07
1007 00 90	0	7,60	7,60	7,60
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	10,51	10,58	10,51
1008 90 90	0	10,51	10,58	10,51
1101 00 00	0	0	0	0

B. Malt*(ECU/tonne)*

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
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 533/93

of 9 March 1993

opening a standing invitation to tender for the supply to Albania of 30 000 tonnes of bread-making common wheat held in the Rouen region by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1567/92 of 15 June 1992 on a second emergency measure for the supply of food products to the population of Albania ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1738/92 ⁽³⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 1616/92 ⁽⁴⁾, as amended by Regulation (EEC) No 2098/92 ⁽⁵⁾, provides that contracts for the supply of cereals under Regulation (EEC) No 1567/92 are to be allocated by invitation to tender;

Whereas Commission Regulation (EEC) No 1570/77 ⁽⁶⁾, as last amended by Regulation (EEC) No 606/92 ⁽⁷⁾, lays down in particular quality criteria for bread-making common wheat accepted for intervention;

Whereas a standing invitation to tender should be opened for the supply of an instalment of bread-making common wheat held by the French intervention agency;

Whereas experience has shown the need to be sure that the scheduling of deliveries is respected; that therefore an amount should be deducted from the performance guarantee in certain cases of delayed deliveries;

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

On the terms laid down in Regulation (EEC) No 1616/92, the French intervention agency shall open a standing

invitation to tender for the supply to Albania of bread-making common wheat held in the Rouen region by the said agency.

Article 2

The invitation to tender shall cover 30 000 tonnes of bread-making common wheat in bulk to be supplied from a port in the Rouen region, cif (ex-ship), to the Albanian port of Durres.

Article 3

1. Tenders may relate only to the entire lot of 30 000 tonnes specified in the notice of invitation to tender provided for in Article 14 of Regulation (EEC) No 1616/92, in accordance with the delivery specifications in Annex III hereto.

2. Notwithstanding Article 11 (3) of Regulation (EEC) No 1616/92 when delivery delays occur, for each day of delay 0,05 % of the security specified in Article 8 of that Regulation shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.

3. The part of the security, referred to in Article 8 of Regulation (EEC) No 1616/92, corresponding to any additional costs incurred by the Community, pursuant to Article 9 (2) of that Regulation or to the corresponding Articles relating to the other sectors, shall also be forfeit.

4. The provisions of the preceding paragraphs shall apply where delivery delay is attributable to the operator.

Article 4

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall be 11 a. m., Brussels time, on 18 March 1993.

2. The time limit for the submission of tenders in response to the second and last partial invitation to tender shall be 11 a. m., Brussels time, on 1 April 1993.

3. Notwithstanding Article 14 of Commission Regulation (EEC) No 1616/92 the intervention agency concerned shall publish, at least three days before the date laid down for the first partial invitation to tender, a notice of invitation.

⁽¹⁾ OJ No L 166, 20. 6. 1992, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 170, 25. 6. 1992, p. 18.

⁽⁵⁾ OJ No L 210, 25. 7. 1992, p. 15.

⁽⁶⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁷⁾ OJ No L 65, 11. 3. 1992, p. 25.

Article 5

Tenders must be submitted to the French intervention agency.

The French intervention agency shall forward tenders to the Commission in accordance with the model in Annex I hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 1616/92 shall take the form shown in Annex II.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Albanian authorities with the documents required for supply purposes as specified in the notice of invitation to tender drawn up by the French intervention agency.

2. The successful tenderer shall regularly inform the Albanian authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the take-over stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 52 per tonne.

Article 10

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

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Standing invitation to tender for the supply to Albania of 30 000 tonnes of bread-making common wheat held in the Rouen region by the French intervention agency

(Regulation (EEC) No 533/93)

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

ANNEX II**SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned :
(name, first name, business name)

acting on behalf of the Albanian Government, hereby certify that the goods mentioned below have been taken over :

— Name of vessel :

— Place and date of taking-over :

— Product :

— Tonnage taken over :

Remarks or reservations :

.....

.....

ANNEX III**Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Albanian port of Durres.

One lot of 30 000 tonnes in three shipments :

— 10 000 tonnes : arrival date between 11 and 12 April 1993,

— 10 000 tonnes : arrival date between 22 and 23 April 1993,

— 10 000 tonnes : arrival date between 2 and 3 May 1993.

The deliveries may take place before the dates laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Durres.

If no bid has been accepted on 18 March 1993, the above dates should be postponed by seven days.

The same should apply if no bid has been accepted on 25 March 1993.

COMMISSION REGULATION (EEC) No 534/93**of 9 March 1993****closing an invitation to tender for the supply of white sugar as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

*Article 1*Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

For Lot A of the Annex to Regulation (EEC) No 335/93 the invitation to tender is closed.

Whereas, by Regulation (EEC) No 335/93⁽³⁾, the Commission issued an invitation to tender for the supply of 36 tonnes of white sugar as food aid; whereas the conditions of the supply; as regards Lot A, should be reviewed and the invitation to tender for that lot consequently be closed,*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.⁽³⁾ OJ No L 38, 16. 2. 1993, p. 21.

COMMISSION REGULATION (EEC) No 535/93
of 9 March 1993

**laying down detailed implementing rules for the specific measures for supplying
the Canary Islands with products from the beef and veal sector as regards the
amounts of aid**

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⁾, as amended by Regulation (EEC) No 3714/92⁽²⁾, and in particular Articles 3 (4) and 4 (4) thereof,

Whereas Commission Regulation (EEC) No 252/93⁽³⁾ amended the list of processed products in the beef and veal sector; whereas Annex II to Commission Regulation (EEC) No 1912/92⁽⁴⁾, as last amended by Regulation

(EEC) No 3661/92⁽⁵⁾, should be adapted to the aforementioned amendment;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 1912/92 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 28, 5. 2. 1993, p. 48.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 31.

⁽⁵⁾ OJ No L 370, 19. 12. 1992, p. 16.

ANNEX

ANNEX II

Aid amounts for products indicated in Annex I ex-Community market

Product code	Amount of aid (ECU/100 kg net weight)
0201 10 00 110 (*)	85
0201 10 00 120	65
0201 10 00 130 (*)	115
0201 10 00 140	88
0201 20 20 110 (*)	115
0201 20 20 120	88
0201 20 30 110 (*)	85
0201 20 30 120	65
0201 20 50 110 (*)	146
0201 20 50 120	110,50
0201 20 50 130 (*)	85
0201 20 50 140	65
0201 20 90 700	65
0201 30 00 100 (*)	208,50
0201 30 00 150 (*)	125
0201 30 00 190 (*)	84
0202 10 00 100	65
0202 10 00 900	88
0202 20 10 000	88
0202 20 30 000	65
0202 20 50 100	110,50
0202 20 50 900	65
0202 20 90 100	65
0202 30 90 400 (*)	125
0202 30 90 500 (*)	84
1602 50 10 120	108 (*)
1602 50 10 140	96 (*)
1602 50 10 160	77 (*)
1602 50 10 170	51 (*)
1602 50 10 190	51
1602 50 10 240	36
1602 50 10 260	26
1602 50 10 280	16
1602 50 31 125	116 (*)
1602 50 31 135	73 (*)
1602 50 31 195	36
1602 50 31 325	103 (*)
1602 50 31 335	65 (*)
1602 50 31 395	36
1602 50 39 125	116 (*)
1602 50 39 135	73 (*)
1602 50 39 195	36
1602 50 39 325	103 (*)
1602 50 39 335	65 (*)
1602 50 39 395	36
1602 50 39 425	77 (*)
1602 50 39 435	48,50 (*)
1602 50 39 495	36
1602 50 39 505	36
1602 50 39 525	77 (*)
1602 50 39 535	48,50 (*)
1602 50 39 595	36
1602 50 39 615	36
1602 50 39 625	16
1602 50 39 705	36
1602 50 39 805	26
1602 50 39 905	16

Product code	Amount of aid (ECU/100 kg net weight)
1602 50 80 135	73 (?)
1602 50 80 195	36
1602 50 80 335	65 (?)
1602 50 80 395	36
1602 50 80 435	48,50 (?)
1602 50 80 495	36
1602 50 80 505	36
1602 50 80 515	16
1602 50 80 535	48,50 (?)
1602 50 80 595	36
1602 50 80 615	36
1602 50 80 625	16
1602 50 80 705	36
1602 50 80 805	26
1602 50 80 905	16

NB: The product codes as well as the footnotes are defined in Regulation (EEC)
No 3846/87, as amended.

COMMISSION REGULATION (EEC) No 536/93**of 9 March 1993****laying down detailed rules on the application of the additional levy on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector⁽¹⁾, and in particular Article 11 thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, and in particular Article 1 thereof,

Whereas the application of the arrangements regarding the additional levy on milk and milk products were extended in accordance with Regulation (EEC) No 3950/92 for a further seven consecutive 12 month periods from 1 April 1993; whereas that Regulation repeals the previous provisions concerned and replaces them; whereas new detailed rules for the application of Regulation (EEC) No 3950/92 should accordingly be laid down and the detailed rules which the Commission adopted under the previous arrangements should be repealed;

Whereas this Regulation concerns firstly the additional factors necessary for the final calculation of the levy payable by producers, secondly the measures to ensure payment of the levy in good time and lastly the rules on checks permitting verification of proper collection of the levy;

Whereas the characteristics of milk which are considered to be representative and in particular the way its fat content is to be taken into account when the final quantities is based on a reference fat content, which must, like the individual reference quantity to which it is related, be that available on 31 March 1993; whereas special provisions must cover cases where the reference quantity for deliveries is increased or established by converting a reference quantity for direct sales; whereas the experience gained demonstrates the need for very specific rules applicable to milk producers beginning production;

Whereas it is necessary to make it quite clear that under no circumstances can individual downward corrections relating to the fat content of delivered milk result in a deduction from the levy payment of any quantity in excess of the guaranteed total quantity in a Member State;

Whereas experience gained has shown that major delays in both the transmission of figures on collections or direct sales and payment of the levy, have prevented the arrangements from being fully effective; whereas, therefore, lessons should be learned from the past and the necessary conclusions drawn by laying down strict requirements as regards notification and payment deadlines and providing for penalties where deadlines are not met;

Whereas pursuant to Article 2 (4) of Regulation (EEC) No 3950/92 the Commission is responsible for laying down criteria for determining which priority categories of producer are to benefit from reimbursement of the levy where the Member State has decided not to fully reallocate unused quantities in its territory; whereas a Member State may only be authorized to use other criteria, in agreement with the Commission, in the event that the criteria laid down by the Commission cannot be fully applied in that Member State;

Whereas under Regulation (EEC) No 3950/92 purchasers bear chief responsibility for the correct implementation of the arrangements; whereas it is therefore essential that Member States approve the purchasers operating in their territory;

Whereas, lastly, the Member States must have suitable means of conducting ex-post checks to verify whether and to what extent the levy has been collected in accordance with the provisions in force; whereas such checks must involve at least a certain number of measures which should be specified;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of calculating the additional levy introduced by Regulation (EEC) No 3950/92:

⁽¹⁾ OJ No L 405, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

1. within the meaning of Article 2 (1) of that Regulation 'quantities of milk or milk equivalent marketed' in a Member State means all quantities of milk or milk equivalent which leave any holding in the territory of that Member State.

Quantities presented by producers for treatment or processing under contract shall be deemed deliveries ;

2. the equivalence formulae to be used shall be :

$$\text{— 1 kg cream} = \frac{26,3 \text{ kg milk} \times \% \text{ fat content of cream}}{100}$$

$$\text{— 1 kg butter} = 22,5 \text{ kg milk.}$$

In the case of cheese and all other milk products, Member States may determine equivalences using the dry-extract content and the fat content of the types of cheese or products concerned or fix the quantities of milk equivalent on a flat-rate basis by reference to the number of dairy cows held by the producer and an average milk yield per cow representative of the herd.

If the producer can provide proof to the satisfaction of the competent authority of the quantities actually used for the manufacture of the products in question, the Member State shall use such proof in place of the abovementioned equivalences ;

3. where wholly or partly skimmed milk is delivered, the producer must prove to the satisfaction of the competent authority that the fat content of the milk has been used to calculate the levy. In the absence of such proof, deliveries of such milk shall be treated as whole milk when the levy is calculated ;
4. the target price and the agricultural conversion rate applicable shall be those applying on the last day of the 12 month period concerned.

Article 2

1. The characteristics of milk, including fat content, considered representative within the meaning of Article 11 of Regulation (EEC) No 3950/92 shall be those associated with the individual reference quantity available on 31 March 1993.

Where the individual reference quantity B amended the following provisions apply :

- (a) the representative fat content of milk shall not change where additional reference quantities are allocated from the national reserve or where the reference quantity is increased pursuant to Article 4 (2) of Regulation (EEC) No 3950/92 ;

- (b) where, pursuant to Article 4 (2) of Regulation (EEC) No 3950/92, the reference quantity for deliveries is established by converting the reference quantity for direct sales, the representative fat content for the reference quantity for deliveries shall be 3,8 % ;

- (c) where Articles 6 and 7 and the third, fourth and fifth indents of Article 8 of Regulation (EEC) No 3950/92 are applied, the representative fat content shall be transferred with the reference quantity with which it is associated.

In such cases, the resulting representative fat content shall be equal to the average of the initial and transferred representative contents, weighted by the initial and transferred reference quantities ;

- (d) in the case of producers whose entire reference quantity comes from the national reserve and who commenced production after 1 April 1992, the representative fat content of milk shall be the average fat content of milk delivered during the first 12 months of production. However, the representative content may not exceed the average national fat content of milk collected in the Member State during the 12-month reference period except where the producer provides proof each year that his herd includes dairy breeds which call for a higher content to be taken into account. In the absence of such proof, the representative fat content shall be fixed at the level of the average national fat content of the milk collected in the Member State during the 12-month reference period.

2. In order to draw up the definitive statement for purposes of the levy as referred to in Article 3 for each producer, the average fat content of the milk and/or milk equivalent he has delivered shall be compared with the representative fat content of his production :

- if the difference is positive, the quantity of milk or milk equivalent delivered shall be increased by 0,18 % per 0,1 gram of additional fat per kilogram of milk,
- if the difference is negative, the quantity of milk or milk equivalent delivered shall be reduced by 0,18 % per 0,1 gram of fat lacking per kilogram of milk.

Where the quantity of milk delivered is expressed in litres, the 0,18 % adjustment per 0,1 gram of fat content shall be multiplied by the coefficient 0,971.

3. If the quantity of milk collected in a Member State is greater than the quantity as corrected in accordance with paragraph 2, the levy shall be payable on the difference between the quantity collected and the guaranteed total quantity of deliveries available in the Member State.

Article 3

1. At the end of each of the periods referred to in Article 1 of Regulation (EEC) No 3950/92, the purchaser shall establish a statement for each producer showing, opposite the producer's reference quantity and the representative fat content of his production, the quantity and fat content of the milk and/or milk equivalent which he has delivered during the period.

In the case of leap years, the quantity of milk or milk equivalent shall be reduced by one sixtieth of the quantities delivered in February and March.

2. Before 15 May each year, the purchasers shall forward to the competent authority of the Member State a summary of the statements drawn up for each producer or, where appropriate, by decision of the Member State, the total quantity, the quantity corrected in accordance with Article 2 (2) and average fat content of the milk and/or milk equivalent delivered to it by producers and the sum of the individual reference quantities and the average representative fat content of such producers' production.

Where that time limit is not observed, the purchaser shall be liable to a penalty equal to the amount of the levy due for a 0,1 % overrun on the quantities of milk and milk equivalent delivered to them by producers. Such penalty may not exceed ECU 20 000.

3. Member States may provide that the competent authority shall notify the purchaser of the levies payable by him after reallocating, or not, by decision of the Member State, all or part of the unused reference quantities either directly to the producers concerned or to purchasers with a view to their subsequent allocation among the producers concerned.

4. Before 1 September each year, the purchaser liable for levies shall pay the competent body the amount due in accordance with rules laid down by the Member State.

Where the time limit for payment is not met, the sums due shall bear interest at a rate per annum fixed by the Member State and which shall not be lower than the rate of interest which the latter applies for the recovery of wrongly paid amounts.

Article 4

1. In the case of direct sales, at the end of each of the periods referred to in Article 1 of Regulation (EEC) No 3950/92, the producer shall make a declaration

summarizing by product the quantities of milk and/or other milk products sold directly for consumption and/or to wholesalers, cheese maturers and the retail trade.

In the case of leap years, the quantity of milk or milk equivalent shall be reduced by $1/60$ of the quantities sold directly in February and March or by $1/336$ of the quantities sold directly in the 12-month period in question.

2. Before 15 May each year, the producer shall forward declarations to the competent authority of the Member State.

Where that time limit is not observed, the producer shall be liable to the levy on all the quantities of milk and milk equivalent sold directly in excess of his reference quantity or, where there is no overrun, to a penalty equal to the amount of levy due for a 0,1 % overrun of his reference quantity. Such penalty may not exceed ECU 1 000.

Where a declaration is not submitted before 1 July, the second paragraph of Article 5 of Regulation (EEC) No 3950/92 shall apply 30 days after the Member State has served notice.

3. The Member State may provide that the competent authority shall notify the producer of the levies payable by him after reallocating, or not, by decision of the Member State, all or part of the unused reference quantities to the producers concerned.

4. Before 1 September each year, the producer shall pay the amount due to the competent body in accordance with rules laid down by the Member State.

Where the time limit for payment is not met, the sums due shall bear interest at a rate per annum fixed by the Member State and which shall not be lower than the rate of interest which the latter applies for the recovery of amounts wrongly paid.

Article 5

1. Where appropriate, Member States shall determine the priority categories of producers as referred to in Article 2 (4) of Regulation (EEC) No 3950/92 on the basis of one or more of the following objective criteria, in order of priority:

- (a) formal acknowledgement by the competent authority of the Member State that all or part of the levy has been wrongly charged;
- (b) the geographical location of the holding, and primarily mountain areas as defined in Article 3 (3) of Council Directive 75/268/EEC⁽¹⁾;

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

- (c) the maximum stocking density on the holding for the purposes of extensive livestock production ;
- (d) the amount by which the individual reference quantity is exceeded ;
- (e) the volume of the producer's reference quantity.

Where the financial resources available for a given period are not used up after the abovementioned criteria have been applied, the Member State may adopt other objective criteria with the agreement of the Commission.

2. Member States shall take any additional measures necessary to ensure payment of levies due to the Community within the time limit laid down.

Where the set of documents referred to in Article 3 (5) of Commission Regulation (EEC) No 2776/88 ⁽¹⁾, which the Member States must transmit to the Commission each month, shows that this time limit has not been met, the Commission shall reduce advances on entry in the accounts of agricultural expenditure in proportion to the amount due or an estimate thereof.

Interest paid pursuant to Article 3 (4) and Article 4 (4) shall be deducted by the Member States from expenditure on milk and milk products.

Article 6

Reference quantities not or no longer allocated to individuals shall be included in the national reserve referred to in Article 5 of Regulation (EEC) No 3950/92. Reference quantities for deliveries and those for direct sales shall be recorded separately.

Article 7

1. Member States shall take all the verification measures necessary to ensure payment of the levy on quantities of milk and milk equivalent marketed in excess of any of the quantities referred to in Article 3 of Regulation (EEC) No 3950/92. To that end :

- (a) all purchasers operating in the territory of a Member State must be approved by that Member State.

Purchasers shall be approved only where they :

- provide proof of their status as dealers from the viewpoint of national laws,
- have premises in the Member State concerned where the stock accounts, registers and other documents referred to in (c) may be consulted by the competent authority,
- undertake to keep up to date the stock accounts, registers and other documents referred to in (c),

- undertake to forward the declarations provided for in Article 3 (2) to the competent authority of the Member State concerned.

Approval shall be withdrawn where the above-mentioned provisions are not observed ; it may be withdrawn where it is ascertained that the purchaser has repeatedly failed to comply with any other obligation under Regulation (EEC) No 3950/92 or this Regulation ;

- (b) producers shall be required to ensure that purchasers to whom they deliver are approved ;
- (c) purchasers shall keep available to the competent authority of the Member State for at least three years stock accounts per 12-month period with details of the name and address of each producer, the reference quantity available at the beginning and at the end of each period, the quantities of milk or milk equivalent which he has delivered per month or four-week period, the representative and average fat contents of his deliveries, together with the commercial documents, correspondence and other information referred to in Council Regulation (EEC) No 4045/89 ⁽²⁾ permitting such stock accounts to be verified ;
- (d) purchasers shall be responsible for recording under the additional levy arrangements all quantities of milk and/or other milk products delivered to them ; to that end they shall keep available to the competent authority for at least three years the list of purchasers and undertakings treating or processing milk and/or other milk products supplying them with milk or other milk products and, per month, the quantities delivered by each supplier ;
- (e) on collection at holdings, milk and/or other milk products shall be accompanied by a document identifying the delivery. In addition, purchasers shall keep records of each individual delivery for at least three years ;
- (f) producers with reference quantities for direct sales shall keep available to the competent authority of the Member State for at least three years stock accounts by 12-month period with details of the quantities, per month and per product, of milk and/or milk products sold directly for consumption and/or to wholesalers, cheese maturers and the retail trade, together with registers of livestock held on holdings and used for milk production, in accordance with Article 4 (1) of Council Directive 92/102/EEC ⁽³⁾, and supporting documents enabling such stock accounts to be verified.

⁽¹⁾ OJ No L 249, 8. 9. 1988, p. 9.

⁽²⁾ OJ No L 388, 30. 12. 1989, p. 18.

⁽³⁾ OJ No L 355, 5. 12. 1992, p. 32.

2. The Member States shall take any further measures necessary to :

- verify cases of total or partial abandonment of milk production and/or reference quantities in accordance with Article 8 of Regulation (EEC) No 3950/92 where relevant provisions thereof are applied,
- ensure that the parties concerned are aware of the penal or administrative sanctions to which they are liable where they fail to comply with the provisions of Regulation (EEC) No 3950/92 and this Regulation.

3. Member States shall physically verify the accuracy of the accounting with regard to the quantities of milk and milk equivalent marketed and, to that end, shall check milk transport during collection at farms and shall, in particular, check :

- (a) at the premises of the purchasers, the statements referred to in Article 3 (1), the credibility of stock accounts and supplies as referred to in paragraph 1 (c) and (d) with regard to the commercial documents and other documents proving how the collected milk and milk equivalent have been used ;
- (b) at the premises of the producers with a reference quantity for direct sales, the credibility of the declaration referred to in Article 4 (1) and the stock accounts referred to in paragraph 1 (f).

The checks shall be determined by the Member States on the basis of a risk analysis. The number of checks per year may not be less than :

- 40 % of the number of purchasers, in the case of (a),
- 5 % of the number of producers concerned, in the case of (b).

Article 8

Member States shall notify the Commission of :

- the measures adopted for the application of Regulation (EEC) No 3950/92 and this Regulation, and any amendments thereto, within one month following their adoption,

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

Done at Brussels, 9 March 1993.

- their duly reasoned decisions where recourse is had to Article 6 (2) of Regulation (EEC) No 3950/92,
- before 1 March each year, the quantities transferred in accordance with the second subparagraph of Article 4 (2) of Regulation (EEC) No 3950/92,
- before 1 September each year, the duly completed questionnaire as set out in the Annex. Where that time limit is not observed, the Commission shall make a flat-rate reduction to advances on the entry of agricultural expenditure in the accounts,
- the results and information necessary to evaluate measures implemented pursuant to the first and second indents of Article 8 of Regulation (EEC) No 3950/92.

Article 9

Commission Regulation (EEC) No 1546/88⁽¹⁾ is hereby repealed.

However, it shall continue to apply to ensure the fulfilment of obligations regarding the implementation of the additional levy scheme for the ninth period and, if necessary, previous periods.

To ensure the continuity of the national measures enforcing compliance with the additional levy scheme, references to Article 5c of Council Regulation (EEC) No 804/68⁽²⁾, to Regulation (EEC) No 857/84⁽³⁾ or to Regulation (EEC) No 1546/88 may, during a transitional period, be treated as reference to Regulation (EEC) No 3950/92 and this Regulation.

Article 10

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

It shall apply from the 12-month period commencing on 1 April 1993.

However, in the event of administrative difficulties, the Member States concerned may postpone application of Article 7 (1) (a), (b) and (e) until 31 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 139, 4. 6. 1988, p. 12.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 13.

ANNEX

**Annual questionnaire on the application of the arrangements on additional levies on milk
and milk products introduced by Regulation (EEC) No 3950/92**

PERIOD OF APPLICATION :

MEMBER STATE :

1. Deliveries

- 1.1. Number of purchasers
of which groups of purchasers
- 1.2. Sum of individual reference quantities allocated for deliveries (tonnes)
- 1.3. Number of procedure
of which producers with reference quantities for direct sales also
- 1.4. Number of request for application of Article 4 (2) of Regulation (EEC) No 3950/92
and quantities concerned (tonnes)
- 1.5. Average representative fat content (g/kg)
- 1.6. Quantity of deliveries of milk and milk equivalent (tonnes)
of which milk products in milk equivalent (tonnes)
- 1.7. Average real fat content of deliveries (g/kg)
- 1.8. Adjustment of deliveries to representative fat content (tonnes)
- 1.9. Number of temporary transfers of reference quantities recorded at 31 December
and quantities concerned (tonnes)
- 1.10. Unused reference quantities before possible reallocation (tonnes)
- 1.11. Number of producers by category benefiting under Article 2 (4) of Regulation (EEC) No 3950/92
amounts redistributed by category of producers (national currency)
amounts allocated to finance measures under the first indent of Article 8 of Regulation (EEC) No 3950/92
(national currency)

2. Direct sales

- 2.1. Sum of individual reference quantities allocated for direct sales (tonnes)
- 2.2. Number of producers
- 2.3. Quantities covered by direct sales of milk and milk equivalent (tonnes)
of which milk products in milk equivalent (tonnes)
of which — cream and butter
— cheese
— yoghurt
— other
- 2.4. Unused reference quantities before possible reallocation (tonnes)
- 2.5. Amount of levies collected allocated for measures under the first indent of Article 8 of Regulation (EEC)
No 3950/92 (national currency)

COMMISSION REGULATION (EEC) No 537/93

of 9 March 1993

fixing the coefficient reducing agricultural prices applicable from the beginning of the 1993/94 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, and in particular Article 12 thereof,

Whereas Article 9 of Regulation (EEC) No 3813/92 provides that the prices fixed in ecus are to be reduced at the beginning of the marketing year following a monetary realignment; whereas, in order to apply this reduction, equal to a 25 % change in the correction factor referred to in Article 1 (c) of that Regulation, a reduction factor by which the agricultural prices must be divided should be fixed;

Whereas Commission Regulation (EEC) No 3387/92⁽²⁾ fixed the correction factor at 1,195066, replaced with effect from 3 February 1993 by 1,205454 by Commission Regulation (EEC) No 219/93⁽³⁾; whereas the coefficient for reducing agricultural prices fixed in Article 2 of Regulation (EEC) No 3387/92 must be adjusted to take account of the monetary realignment of 30 January 1993;

Whereas the changes to the correction factors to be taken into account for calculating the coefficient for reducing agricultural prices from the next marketing year are those

which have been made during the current marketing year;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

The coefficient for reducing agricultural prices to be applied in accordance with Article 9 of Regulation (EEC) No 3813/92 is hereby fixed at:

- 1,010078 for prices and amounts in the fruit and vegetable and olive oil sectors adjusted by the coefficient of 1,002650 in 1992,
- 1,002159 for prices and amounts in the fruit and vegetable, sheepmeat and goatmeat and fishery product sectors adjusted by the coefficient of 1,010561 in 1993,
- 1,012674 for the other prices and amounts concerned.

Article 2

Regulation (EEC) No 3387/92 is hereby replaced.

Article 3

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

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 344, 21. 11. 1992, p. 27.

⁽³⁾ OJ No L 26, 3. 2. 1993, p. 13.

COMMISSION REGULATION (EEC) No 538/93
of 9 March 1993

amending Regulation (EEC) No 3886/92 laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No 805/68 on the common organization of the market in beef and veal and repealing Regulations (EEC) No 1244/82 and (EEC) No 714/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 125/93⁽²⁾, and in particular Articles 4b (8), 4c (4) 4d (8) and 4e (5) thereof,

Whereas Council Regulation (EEC) No 125/93 laid down rules on a few special problems left unresolved by the reform of the common agricultural policy in the beef and veal sector; whereas, furthermore, it has proved necessary to supplement certain provisions in the detailed implementing rules; whereas Commission Regulation (EEC) No 3886/92⁽³⁾ should be adjusted accordingly;

Whereas the restriction of animals eligible for the deseasonalization premium to castrated male bovine animals has made this scheme accessible to additional Member States; whereas, as a result, the final date for determining the eligible Member States should be changed, and the special features of the system for granting the special premium at the time of slaughter should be taken into account;

Whereas the creation of additional rights to the suckler cow premium, due to the increase in the maximum milk reference quantity and to the abolition of the limit of 10 animals in mixed holding eligible to claim this premium, makes it necessary to lay down detailed rules for the allocation of such rights to individual producers; whereas those detailed rules must cover *inter alia* the lodging and content of applications, and the conditions for checking them; whereas, furthermore, special transitional rules allowing the harmonious administration of the premium scheme in its first year of operation, should be laid down in particular owing to the different retention periods to be complied with; Whereas option A, as set out in Article 8 (1) of the aforesaid Regulation (EEC) No 3866/92 in relation to the granting of the premium at the time of slaughter, does not make it possible to grant the premium separately for the second age bracket, as defined in

Article 2 (2) thereof; whereas, in order to prevent discrimination under the general premium scheme, it is necessary to include that possibility in that option;

Whereas it is also appropriate to resolve certain questions of drafting or certain technicalities;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3886/92 is hereby amended as follows:

1. in Articles 4, 28, 35 and 41, 'submission' is replaced by 'lodging';
2. the first indent of Article 8 (1) is replaced by the following:

— grant of premium for the first or second age bracket and combined grant for the two age brackets together, provided that their production structure so allows (option A), or';
3. the first indent of Article 15 (c) is replaced by the following:

— two months before slaughter or from the date on which animals for which an application has been made in respect of the first or second age bracket are first placed on the market; in this case, only those animals which, on the starting date of the retention period, fall within the age brackets provided for in Article 2 (2), shall be eligible';
4. in Article 19, '31 December 1992', is replaced by '28 February 1993';
5. the second sentence of Article 21 (2) is replaced by the following:

'The application shall be accompanied by the national administrative documents, save in the case of animals which have received the special premium exclusively pursuant to former Article 4a of Regulation (EEC) No 805/68 and in the case of Member States applying Article 15 (a) hereof.';

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 391, 31. 12. 1992, p. 20.

6. in Article 23, 'Article 4 (5)' is replaced by 'Article 4d (5) and (6)';
7. in Article 27, the first sentence of paragraph 3 is replaced by the following:
'each producer shall be informed, as soon as possible and at the latest by 31 October 1993, of the amount of his individual ceiling, including additional rights granted pursuant to Article 4d (6) third subparagraph, of Regulation (EEC) No 805/68.';
8. in Article 29, the following indent is added:
— the number of additional rights granted to producers pursuant to Article 4d (6), third subparagraph, of Regulation (EEC) No 805/68.';
9. after Article 30, the following Article is inserted:
'Article 30a
Additional rights
1. Every producer who may be eligible for the suckler cow premium for 1993 pursuant to the first subparagraph of Article 4d (6) of Regulation (EEC) No 805/68 may, during a period to be determined by the Member State within the period 15 February to 15 May, lodge an application for the granting of additional rights within the meaning of the third subparagraph of the said Article 4d (6). Applications shall contain all necessary information, in particular:
— the name and address of the producer,
— the number of additional premium rights applied for,
— a declaration by the producer that, from 1 January 1993, he has kept a number of eligible suckler cows equal to the number of additional rights applied for and premium rights already acquired pursuant to Article 4d (2) and (3) of Regulation (EEC) No 805/68,
— an undertaking by the producer to keep the number of cows referred to in the third indent until 30 June 1993 inclusive,

— a declaration indicating the individual milk reference quantity assigned to the producer at the beginning of the 12-month period of application of the additional levy scheme which commences in the 1993 calendar year. If this quantity is not known on the date on which the application is lodged, it shall be notified to the competent authority as soon as possible.

2. Applications shall be subjected to administrative and on-the-spot checks similar to those specified in Commission Regulation (EEC) No 3887/92 (*). Where it is revealed that the number of animals declared to be kept exceeds the number of animals actually found, the number of rights applied for shall be reduced by the percentages laid down in Article 10 of the abovementioned Regulation.

(*) OJ No L 391, 31. 12. 1992, p. 36.';

10. in the first paragraph of Article 37, '37' is replaced by '36';

11. Article 58 is amended as follows:

— the present text becomes paragraph 1, and the following paragraphs are added:

'2. For granting the suckler cow premium in respect of 1993, additional rights granted pursuant to the third subparagraph of Article 4d (6) of Regulation (EEC) No 805/68 shall be taken into account, even if they were granted after the lodging of the premium application.

3. For 1993, Article 24 (2) shall not apply to applications submitted pursuant to Article 4d (6) of Regulation (EEC) No 805/68.'

Article 2

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

It shall apply with effect from 1 January 1993.

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 539/93

of 9 March 1993

determining to what extent licence applications submitted during February 1993 for live bovine animals weighing between 160 and 300 kg as part of an import quota provided for under interim agreements concluded between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic (CSFR) may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 247/93 of 4 February 1993 opening for 1993 and laying down detailed rules for the application of an import quota for live bovine animals weighing between 160 and 300 kg, originating in and coming from the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Federal Republic⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas Article 1 (1) of Regulation (EEC) No 247/93 lays down the number of head of live bovine animals weighing between 160 and 300 kg for fattening or slaughter originating in and coming from Poland, Hungary, the Czech Republic or the Slovak Republic which may be imported under special conditions during 1993;

Whereas the quantities for which import licence applications have been submitted exceed the quantities avail-

able; whereas, pursuant to Article 3 (4) of Regulation (EEC) No 247/93, a single percentage reduction in the quantities applied for should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications submitted for 1993 under the import arrangements referred to in Regulation (EEC) No 247/93 shall be reduced by 97,733 %.

Article 2

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

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 28, 5. 2. 1993, p. 39.

COMMISSION REGULATION (EEC) No 540/93
of 9 March 1993
amending the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2759/75 of the Council of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular the second sentence of Article 15 (5) thereof,

Whereas the export refunds on pigmeat were fixed by Commission Regulation (EEC) No 359/93⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 359/93 to

the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2759/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 359/93 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 10 March 1993.

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 41, 18. 2. 1993, p. 38.

ANNEX

to the Commission Regulation of 9 March 1993 altering the export refunds on pigmeat

(ECU/100 kg net weight)			(ECU/100 kg net weight)		
Product code	Destination of refund (1)	Amount of refund (2)	Product code	Destination of refund (1)	Amount of refund (2)
0103 91 10 000	01	24,00	0210 12 19 900	01	—
0103 92 19 000	01	24,00	0210 19 40 100	01	25,00
0203 11 10 000	01	35,00	0210 19 40 900	01	—
0203 12 11 100	01	35,00	0210 19 51 100	01	25,00
0203 12 11 900	01	—	0210 19 51 310	01	17,00
0203 12 19 100	01	35,00	0210 19 51 390	01	—
0203 12 19 900	01	—	0210 19 51 900	01	—
0203 19 11 100	01	35,00	0210 19 81 100	01	70,00
0203 19 11 900	01	—	0210 19 81 300	01	52,00
0203 19 13 100	01	35,00	0210 19 81 900	01	—
0203 19 13 900	01	—	1601 00 10 100	01	35,00
0203 19 15 100	01	24,00	1601 00 10 900	01	—
0203 19 15 900	01	—	1601 00 91 100	01	58,00
0203 19 55 120	01	25,00	1601 00 91 900	01	—
0203 19 55 190	01	25,00	1601 00 99 100	01	40,00
0203 19 55 311	01	17,00	1601 00 99 900	01	—
0203 19 55 319	01	—	1602 10 00 000	01	16,00
0203 19 55 391	01	17,00	1602 20 90 100	01	30,00
0203 19 55 399	01	—	1602 20 90 900	01	—
0203 19 55 900	01	—	1602 41 10 100	01	30,00
0203 21 10 000	01	35,00	1602 41 10 210	01	50,00
0203 22 11 100	01	35,00	1602 41 10 290	01	26,00
0203 22 11 900	01	—	1602 41 10 900	01	—
0203 22 19 100	01	35,00	1602 42 10 100	01	30,00
0203 22 19 900	01	—	1602 42 10 210	01	44,00
0203 29 11 100	01	35,00	1602 42 10 290	01	26,00
0203 29 11 900	01	—	1602 42 10 900	01	—
0203 29 13 100	01	35,00	1602 49 11 110	01	30,00
0203 29 13 900	01	—	1602 49 11 190	01	50,00
0203 29 15 100	01	24,00	1602 49 11 900	01	—
0203 29 15 900	01	—	1602 49 13 110	01	30,00
0203 29 55 120	01	25,00	1602 49 13 190	01	44,00
0203 29 55 190	01	25,00	1602 49 13 900	01	—
0203 29 55 311	01	17,00	1602 49 15 110	01	30,00
0203 29 55 319	01	—	1602 49 15 190	01	44,00
0203 29 55 391	01	17,00	1602 49 15 900	01	—
0203 29 55 399	01	—	1602 49 19 110	01	20,00
0203 29 55 900	01	—	1602 49 19 190	01	36,00
0210 11 11 100	01	25,00	1602 49 19 900	01	—
0210 11 11 900	01	—	1602 49 30 100	01	26,00
0210 11 31 110	01	70,00	1602 49 30 900	01	—
0210 11 31 190	01	—	1602 49 50 100	01	16,00
0210 11 31 910	01	52,00	1602 49 50 900	01	—
0210 11 31 990	01	—	1602 90 10 100	01	28,00
0210 12 11 100	01	17,00	1602 90 10 900	01	—
0210 12 11 900	01	—	1902 20 30 100	01	16,00
0210 12 19 100	01	35,00	1902 20 30 900	01	—

(1) The destinations are as follows:

01 All destinations.

(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 product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 541/93**of 9 March 1993****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 3814/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 29/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 496/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 29/93 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, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 8 March 1993, as regards floating currencies, should be used to calculate the levies,

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 10 March 1993.

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

Done at Brussels, 9 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 5, 9. 1. 1993, p. 14.

⁽⁵⁾ OJ No L 52, 4. 3. 1993, p. 14.

ANNEX

to the Commission Regulation of 9 March 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	37,06 ⁽¹⁾
1701 11 90	37,06 ⁽¹⁾
1701 12 10	37,06 ⁽¹⁾
1701 12 90	37,06 ⁽¹⁾
1701 91 00	44,07
1701 99 10	44,07
1701 99 90	44,07 ⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 December 1992

on financial measures by Spain in respect of the coal industry in 1991, 1992 and 1993

(Only the Spanish text is authentic)

(93/145/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing the Community rules for State aid to the coal industry⁽¹⁾, and in particular Articles 2 (1) and 10 thereof,

Whereas :

I

By letter of 10 February 1992, the Spanish Government informed the Commission, pursuant to Decision 91/3/ECSC⁽²⁾, of its plan to reduce aid to cover the operating losses up to 31 December 1993 of the undertakings Hunosa, Minas de Figaredo and Mina de la Camocha, as part of a plan to restructure, rationalize and modernize the Spanish coal industry.

By letter of 16 November 1992 the Spanish Government also provided the Commission, in response to its request of 25 February 1992, with additional information, as well as informing it of the financial measures it intends to take in respect of the coal industry in 1991, 1992 and 1993.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 5, 8. 1. 1991, p. 25.

Under Decision No 2064/86/ECSC, the Commission must give a ruling on the following financial measures in respect of Hunosa, Minas de Figaredo and Mina de la Camocha :

- aid to cover operating losses totalling Pta 50 034 million in 1991, Pta 50 034 million in 1992 and Pta 49 978 million in 1993,
- aid totalling Pta 14 348 million for 1992 for the constitution of a provision to cover social expenditure to be paid out to workers made redundant and other exceptional costs following measures to restructure, rationalize and modernize these undertakings,
- aid totalling Pta 8 734 million for 1992 for the constitution of a provision to defray the specific depreciation costs of fixed assets in connection with pit closures arising from measures to restructure, rationalize and modernize these undertakings.

II

The undertakings Hunosa, Minas de Figaredo and Mina de la Camocha are located in the central Asturias coal-field; they work a difficult seam with high production costs. Their operating losses are covered partly by the general State budget in the form of contracts which these undertakings have signed with the State.

The increase in aid in recent years caused the Commission to check whether Decision No 2064/86/ECSC was being complied with.

Following this investigation the Commission asked the Spanish authorities to submit a plan for reducing this aid over a period ending on 31 December 1993 at the latest, as part of a plan to restructure, rationalize and modernize the Spanish coal industry.

The plan for these three undertakings which have signed contracts with the State, as submitted by the Spanish Government, provides for a reduction of 895 000 tonnes in annual production (23 % reduction) and the loss of 6 541 jobs (32 % reduction).

III

By Decisions 91/3/ECSC, 89/102/ECSC⁽¹⁾, 88/505/ECSC⁽²⁾ and 87/454/ECSC⁽³⁾ the Commission authorized aid to cover the operating losses of Hunosa, Minas de Figaredo and Mina dela Camocha for 1990, 1989, 1988 and 1987 on the grounds that it would help the process of restructuring the coal industry, particularly by staggering the dates of closure of certain pits with no prospect of economic viability, in the context of regional industrial redevelopment policy. The aid would thus help to solve the social and regional problems related to developments in the coal industry, in accordance with the third indent of Article 2 (1) of Decision No 2064/86/ECSC.

The aid which the Spanish Government intends to grant, totalling Pta 50 034 million for 1991, Pta 50 034 million for 1992 and Pta 49 978 million for 1993, is intended to cover operating losses and aims to offset part of the difference between average estimated costs and average estimates revenue for each tonne produced. The aid will not exceed estimated operating losses and thus complies with Article 3 (1) of Decision No 2064/86/ECSC.

The aid to be granted to the undertakings in question for 1991, 1992 and 1993 must be examined in the light of Decisions 91/3/ECSC and No 2064/86/ECSC.

The conclusion of such examination is that steadily deteriorating geological conditions will mean that the production capacity reductions planned in the period to the end of 1993 will not significantly improve the competitiveness of the three undertakings, as the cost of production per tonne will continue to rise. However, the aid planned for 1991 and 1992 has stabilized in relation to the aid authorized by the Commission for 1990, and the figures for 1993 show the beginning of a downward trend in relation to previous years.

As capacity reductions will involve the closure of the production units making the biggest losses, the planned measures will help improve the competitiveness of the Community's coal industry.

The Commission also welcomes the fact that the plans submitted reveal a significant increase in the intensity of the restructuring efforts carried out by the undertakings concerned, and that the aid notified is to come out of the

general State budget, thus guaranteeing greater transparency of aid systems.

Reducing the amount of aid to reflect falling coal production will prevent the creation of replacement production capacity with no long-term prospect of economic viability and is a first step towards greater discipline in the management of these undertakings and towards a more rapid restructuring of the industry, leading in the long term to a significant reduction in aid.

By staggering the dates of closure of certain pits with no prospect of economic viability, the aid will help to solve the social and regional problems related to developments in the coal industry, pursuant to the third indent of Article 2 (1) of Commission Decision No 2064/86/ECSC.

IV

To enable the Commission to complete its study of the compatibility of aid to cover the operating losses of Mina de la Camocha with Decision No 2064/86/ECSC, the Spanish authorities should be asked to submit before 30 June 1993 the additional plan which they have undertaken to send the Commission. Pending receipt of this information, Spanish Government aid to Mina de la Camocha for 1993 must not exceed the amount authorized for 1992.

V

The aid totalling Pta 11 687 million for the constitution of a provision to cover exceptional social expenditure is designed to cover part of the cost of payments to some 6 000 workers of Hunosa, Minas de Figaredo and Mina de la Camocha forced to take early retirement by 31 December 1993 under the plan for the restructuring, rationalization and modernization of the Spanish coal industry.

The aid will also be used for the constitution of a provision to cover other exceptional expenditure relating to closures, totalling Pta 2 661 million, to finance the cost of maintaining the pumping equipment of closed pits.

These financial measures are not related to current production and should be considered as inherited liabilities. Pursuant to Article 8 of Decision No 2064/86/ECSC they may be considered compatible with the common market provided the amount does not exceed the costs.

As the aim is to constitute provisions, the Spanish Government will inform the Commission each year of the aid actually paid out and the costs covered by such aid.

VI

It follows from the phased closure of pits over the period to 31 December 1993 that a substantial proportion of the fixed assets of the undertakings concerned will be irrecoverable. The Spanish Government intends to constitute a provision which, through a financial measure totalling Pta 8 734 million, will defray part of the specific depreciation costs connected with the closure of pits arising from measures to restructure, rationalize and modernize the industry.

⁽¹⁾ OJ No L 38, 10. 2. 1989, p. 39.

⁽²⁾ OJ No L 274, 6. 10. 1988, p. 41.

⁽³⁾ OJ No L 241, 25. 8. 1987, p. 16.

This measure has to be considered as 'other aid' on which the Commission is required to be consulted pursuant to Article 10 (2) of Decision No 2064/86/ECSC. The purpose of this measure is to accelerate depreciation in connection with the closure, by 31 December 1993 at the latest, of the pits making the biggest losses, and, by enabling the closures to be phased more, to solve the social and regional problems related to developments in the coal industry pursuant to the third indent of Article 2 (1) of Decision No 2064/86/ECSC.

As the aim is to constitute a provision, the Spanish Government will inform the Commission each year of the aid actually paid out and the costs covered by such aid.

VII

The aid measures covered by this Decision are therefore compatible with the proper functioning of the common market.

This Decision does not prejudice the question of the compatibility of the NSCCT system (new system of public contracts for coal used in power stations) with the provisions of the Treaties,

HAS ADOPTED THIS DECISION:

Article 1

Spain is hereby authorized to grant undertakings which have signed contracts with the State, aid to cover operating losses totalling:

- Pta 50 034 million for 1991,
- Pta 50 034 million for 1992,
- Pta 49 978 million for 1993.

Article 2

Spain is hereby authorized to grant aid totalling Pta 23 082 million for 1992, the total amount being made up of the following items:

- aid totalling Pta 14 348 million for the constitution of a provision to cover exceptional social expenditure to be paid out to workers made redundant and other exceptional expenditure in connection with the maintenance of pumping equipment in pits to be closed following measures to restructure, rationalize and modernize the Spanish coal mining undertakings which have signed contracts with the State,
- aid totalling Pta 8 734 million for the constitution of a provision to defray the specific depreciation costs of irrecoverable fixed assets arising from measures to restructure, rationalize and modernize the Spanish coal mining undertakings which have signed contracts with the State.

Article 3

Spain shall, by 30 June 1993, provide the Commission with information on the second part of the business plan for the Mina de la Camocha undertaking.

Article 4

Spain shall inform the Commission each year of payments made to beneficiaries from the provisions authorized in Article 2.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 23 December 1992.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION DECISION

of 23 December 1992

on a financial measure by Spain in respect of the coal industry in 1992 and 1993
and additional financial measures in respect of that industry in 1991

(Only the Spanish text is authentic)

(93/146/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Coal and Steel Community,

Having regard to Commission Decision No 2064/86/
ECSC of 30 June 1986 establishing Community rules for
State aid to the coal industry⁽¹⁾,

Whereas :

I

By letter dated 13 September 1991 the Spanish Government provided the Commission with information on strategic plans for undertakings not covered by contracts with the State requested by the Commission in Decision 91/599/ECSC⁽²⁾. By letter of 16 November 1992 the Spanish Government, in response to the Commission's requests of 24 October and 16 November 1991, also provided additional information on the strategic plans.

By letter of 16 November 1992 the Spanish Government, pursuant to Article 9 (2) of Decision No 2064/86/ECSC, informed the Commission of the financial measures it intends to take, directly or indirectly, in respect of the coal industry for 1992 and 1993 and of the additional financial measures it intends to take in respect of that industry for 1991.

Under Decision No 2064/86/ECSC the Commission must give a ruling on the following financial measures :

- Ofico (Electricity Compensation Office) financial measures totalling Pta 2 286 million for 1992 and Pta 2 059 million for 1993,
- aid totalling Pta 27 935 million for 1991 for the constitution of a provision to cover exceptional social expenditure in favour of workers made redundant following measures to restructure, rationalize and modernize undertakings not covered by contracts with the State,
- aid totalling Pta 18 680 million for 1991 for the constitution of a provision to defray part of the specific depreciation costs of fixed assets and other exceptional costs arising from measures to restructure,

rationalize and modernize undertakings not covered
by contracts with the State,

- investment aid totalling Pta 3 500 million for 1993,
- aid totalling Pta 120 million for 1993 for improving the mining environment.

II

The aim of the Ofico financial measure is to refund the electricity-generating companies the price supplements over and above a reference price of the order of ECU 107 per tonne coal equivalent (tce) in 1992 which those companies have to pay the coal-mining undertakings to cover virtually all the latter's operating losses. The system applies to those mining undertakings that have concluded coal supply contracts with the electricity generators under the NSCCT (new system of public contracts for coal used in power stations).

This is a measure linked to coal sales which, even if not borne directly by public authority budgets, is nevertheless financed from charges rendered compulsory by the fact of State intervention.

It also gives coal industry undertakings an economic advantage and therefore represents aid to this industry within the meaning of Article 1 (1) of Decision No 2064/86/ECSC.

In its Decision 91/599/ECSC the Commission gave a ruling on Ofico compensatory payments for 1991 and on aid to cover exceptional costs arising from the restructuring of undertakings the total or partial closure of which was considered to be certain. The Commission also asked the Spanish Government to provide it with information on strategic plans for the other undertakings by 30 June 1991.

The Spanish Government provided information on strategic plans for 146 undertakings in a letter dated 13 September 1991, supplemented by a letter dated 16 November 1992. The restructuring, rationalization and modernization activities include the complete closure of 56 undertakings, the partial closure of six undertakings and specific activities to improve the competitiveness of 12 others. These measures will entail a 1,9 million tonne reduction in annual underground production capacity by 31 December 1993 and the loss of 7 645 jobs.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 324, 26. 11. 1991, p. 30.

By 31 December 1993 annual production capacity benefiting from a price subsidy via Ofico financial measures will have fallen to 0,32 million tonnes, compared with 4,4 million tonnes in 1990. In its letter the Spanish Government states that the production capacity remaining after implementation of the plan to reduce Ofico subsidies (9,2 million tonnes year) will cost less than the reference price for Spanish coal sold to power stations under the NSCCT and will thus no longer benefit from a subsidy.

The restructuring, rationalization and modernization activities will concentrate on the following coalfields: western and central Asturias, Bierzo-Villablino, Leon-North, Palencia, Teruel, Pirenaica and the Balearic Islands.

III

By Decisions 87/454/ECSC⁽¹⁾, 88/505/ECSC⁽²⁾, 90/198/ECSC⁽³⁾, 91/594/ECSC⁽⁴⁾ and 91/599/ECSC, the Commission authorized Ofico financial measures to cover price subsidies totalling Pta 11 770 million in 1987, Pta 11 182 million in 1988, Pta 12 625 million in 1989, Pta 12 625 million in 1990 and Pta 6 208 million in 1991.

Financial measures totalling Pta 2 289 million for 1992 and Pta 2 059 million for 1993 are intended to cover the price authorities payable by the electricity-generating companies to the coal producers. These price subsidies cover virtually all the operating losses of the production capacity which should break even on the basis of the reference price applied in Spain following the implementation of the restructuring, rationalization and modernization measures which are the subject of this Decision.

The measures planned for 1992 and 1993 represent a reduction of 63 and 67 % respectively on 1991, as a result of the reduction in the activities of the pits with the biggest losses. This will contribute to the improved competitiveness of the Community coal industry. Consequently, these measures are compatible with the objectives of Article 2 (1) of Decision No 2064/86/ECSC.

⁽¹⁾ OJ No L 241, 25. 8. 1987, p. 16.
⁽²⁾ OJ No L 274, 6. 10. 1988, p. 41.
⁽³⁾ OJ No L 105, 25. 4. 1990, p. 19.
⁽⁴⁾ OJ No L 317, 19. 11. 1991, p. 32.

IV

The aid totalling Pta 27 935 million for the constitution of a provision to cover exceptional social expenditure is designed to cover part of the cost of redundancy payments to 5 345 workers of the undertakings affected by this Decision who will have to be laid off before 31 December 1993 following the implementation of the plan for the restructuring, rationalization and modernization of the Spanish coal industry.

This measure is not related to current production and should be considered an inherited liability. According to Article 8 of Decision No 2064/86/ECSC, it may be considered compatible with the common market provided the amount does not exceed the costs.

This measure will facilitate the process of restructuring, rationalizing and modernizing the Community coal industry by helping to improve its competitiveness by closing down production capacity which has no prospect of becoming economically viable in the long term.

Although it approved of the aid in principle, the Commission, in Decision 91/599/ECSC, ruled only on the amount of Pta 6 323 million, corresponding to social expenditure relating to total or partial closures considered at the time to be inevitable.

On the basis of the information provided, the Commission is now in a position to rule on an additional amount of Pta 27 935 million, corresponding to social expenditure relating to total or partial closures on which it has not yet ruled.

As the aim is to constitute a provision, the Spanish Government will inform the Commission each year of the payments actually made, the amount of aid concerned and the number of beneficiaries.

V

It follows from the plan for total and partial closures submitted by the Spanish authorities that a substantial proportion of the fixed assets of the undertakings concerned will be irrecoverable. Moreover, undertakings will incur exceptional expenditure as capacity is gradually closed down between now and 31 December 1993.

The Spanish Government proposes to constitute a provision totalling Pta 18 680 million, which will defray part of the specific depreciation costs of fixed assets and other exceptional costs arising from measures to restructure, rationalize and modernize the industry. Although it approved of the aid in principle, the Commission, in Decision 91/599/ECSC, ruled only on the amount of Pta 9 237 million, corresponding to specific depreciation costs and other exceptional costs arising from total or partial closures now considered to be inevitable.

On the basis of the information provided, the Commission is now in a position to rule on an additional amount of Pta 18 680 million, corresponding to specific depreciation costs of fixed assets and other exceptional costs arising from total or partial closures on which it has not yet ruled.

This measure will facilitate the process of restructuring, rationalizing and modernizing the Community coal industry by helping to improve its competitiveness by closing down production capacity which has no prospect of becoming economically viable in the long term in accordance with the criteria and objectives of Article 2 of Decision No 2064/86/ECSC.

As the aim is to constitute a provision, the Spanish Government will inform the Commission each year of the aid actually paid out, the mines to which it is paid and the corresponding reductions in capacity.

VI

In 1993 the Spanish Government is planning to grant aid totalling Pta 3 500 million to mining investment projects proposed by various undertakings to help restructure, rationalize and modernize the Spanish coal industry.

The aid is designed to improve the competitiveness of the production capacity of those undertakings which should break even on the basis of the Spanish reference price after implementation of the plan to restructure, rationalize and modernize the Spanish coal industry.

This measure complies with Articles 2 and 5 of Decision No 2064/86/ECSC.

VII

In 1993 the Spanish Government is planning to grant aid totalling Pta 120 million in respect of the mining environment. This aid is for work on spoil heaps and water purification.

The aid must be notified to the Commission under point (b) of Annex 2 as referred to in Article 9 (2) of Decision

No 2064/86/ECSC and assessed in accordance with Article 10 (2) of that Decision.

The aid is to improve the environment in the areas concerned and will thus help to solve the regional problems related to developments in the coal industry, pursuant to the third indent of Article 2 (1) of Decision No 2064/86/ECSC.

VIII

The aid measures covered by this Decision are therefore compatible with the proper functioning of the common market.

This Decision does not prejudice the question of the compatibility of the NSCCT system with the provisions of the Treaties,

HAS ADOPTED THIS DECISION:

Article 1

The compensatory payment to be made to electricity producers in respect of undertakings that have negotiated contracts with the said electricity producers under the NSCCT system (new system of public contracts for coal used in power stations) is authorized for an amount not exceeding Pta 2 286 million in 1992 and Pta 2 059 million in 1993.

Article 2

Spain is authorized to grant aid totalling Pta 46 615 million for 1991, the total amount being made up of the following aid:

- an amount not exceeding Pta 27 935 million in aid for the constitution of a provision to cover exceptional social expenditure to be paid out to workers made redundant following measures to restructure, rationalize and modernize undertakings not covered by contracts,
- an amount not exceeding Pta 18 680 million in aid for the constitution of a provision to defray part of the specific depreciation costs of fixed assets and other exceptional costs arising from measures to restructure, rationalize and modernize undertakings not covered by contracts.

Article 3

Spain is authorized to grant aid totalling Pta 3 620 million in 1993 to undertakings not covered by contracts, the total amount being made up of the following aid:

- investment aid totalling Pta 3 500 million,
- aid totalling Pta 120 million for improving the mining environment.

Article 4

Spain shall inform the Commission each year of the payments made to beneficiaries from the provisions authorized under Article 2.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 23 December 1992.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 449/93 of 26 February 1993 fixing the export refunds on syrups and certain other sugar products exported in the natural state

(Official Journal of the European Communities No L 49 of 27 February 1993)

On page 39, Annex, product code 1702 90 90 900, column 'Amount of refund':

for: '0,3806 (°) (°)',

read: '0,3806 (°) (°) (°)';

after footnote (°) add the following footnote (°):

(°) The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

Corrigendum to Commission Decision 92/588/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of France for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 3, in the second visa, after '3946/92 (°)' read:

'and in particular Article 4,'.

Corrigendum to Commission Decision 92/589/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of Belgium for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 9, in the second visa, after '3946/92 (°)' read:

'and in particular Article 4,'.

Corrigendum to Commission Decision 92/590/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of the Netherlands for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 15, in the second visa, after '3946/92 (°)' read:

'and in particular Article 4,'.

Corrigendum to Commission Decision 92/591/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of Germany for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 21, in the second visa, after '3946/92 (?)' read :
'and in particular Article 4,'.

Corrigendum to Commission Decision 92/592/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of Italy for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 27, in the second visa, after '3946/92 (?)' read :
'and in particular Article 4,'.

Corrigendum to Commission Decision 92/593/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of the United Kingdom for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 33, in the second visa, after '3946/92 (?)' read :
'and in particular Article 4,'.

Corrigendum to Commission Decision 92/594/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of Ireland for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 39, in the second visa, after '3946/92 (?)' read :
'and in particular Article 4,'.

Corrigendum to Commission Decision 92/595/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of Denmark for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 45, in the second visa, after '3946/92 (?)' read :
'and in particular Article 4.'

Corrigendum to Commission Decision 92/596/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of Greece for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 51, in the second visa, after '3946/92 (?)' read :
'and in particular Article 4.'

Corrigendum to Commission Decision 92/597/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of Spain for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 57, in the second visa, after '3946/92 (?)' read :
'and in particular Article 4.'

Corrigendum to Commission Decision 92/598/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of Portugal for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 401 of 31 December 1992)

On page 63, in the second visa, after '3946/92 (?)' read :
'and in particular Article 4.'
