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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 577/93**

**of 8 March 1993**

**totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1993)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Annex I to the Agreement establishing an Association between the European Economic Community and Malta<sup>(2)</sup> the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it would also be appropriate provisionally to adjust or supplement certain of the tariff benefits provided for in the said Annex; whereas, in respect of products listed in the Annex to this Regulation and originating in Malta, the Community should accordingly suspend the fixed component of the charge applicable to goods covered by Regulation (EEC) No 3033/80 and the customs duty applicable to other goods at the levels indicated for each product from 1 January to 31 December 1993;

Whereas, in the context of the said tariff suspensions, the Portuguese Republic will apply customs duties calculated in accordance with the said Protocol to the Agreement establishing an Association between the European Economic Community and Malta consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community<sup>(3)</sup>;

Whereas the decision for the suspension of customs duties on products covered by this Regulation should be taken by the Community,

*Article 1*

1. From 1 January to 31 December 1993 products listed in the Annex and originating in Malta shall be imported into the Community at the rates of duty indicated in the Annex for each product.

Within the context of these tariff suspensions the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and Malta consequent on the accession of Spain and Portugal.

2. For the purposes of applying this Regulation, the rules of origin shall be those in force at the time for the implementation of the Agreement establishing an Association between the European Economic Community and Malta.

*Article 2*

Where products benefiting from the arrangements, provided for in Article 1, are imported into the Community in such quantities or at such prices that they cause or threaten to cause material injury to Community producers of like or directly competing products, the duties applicable may be partially or totally reimposed on the products concerned. Such measures may be taken also in the event of material injury or threat of material injury limited to one region of the Community.

*Article 3*

1. In order to implement Article 2 the Commission may adopt a Regulation reimposing customs duties for a given period.

<sup>(1)</sup> OJ No L 323, 29. 11. 1980, p. 1. Regulation as last amended by Regulation (EEC) No 1436/90 (OJ No L 138, 31. 5. 1990, p. 9).

<sup>(2)</sup> OJ No L 61, 14. 3. 1971, p. 3.

<sup>(3)</sup> OJ No L 81, 23. 3. 1989, p. 11.

2. Where a Member State asks the Commission to adopt such a Regulation, the Commission shall reach its decision within a maximum of 10 working days from the day on which it receives the request and shall inform the Member States of the action taken.

3. Any Member State may refer the measure taken by the Commission to the Council within 10 working days of notification. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The

Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

*Article 4*

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

It shall apply as from 1 January 1993.

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

Done at Brussels, 8 March 1993.

*For the Council*

*The President*

N. HELVEG PETERSEN

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## ANNEX

## List of products falling within Chapters 1 to 24 originating in Malta (a)

| Order No | CN code                                              | Description                                                                    | Rate of duty (b) |
|----------|------------------------------------------------------|--------------------------------------------------------------------------------|------------------|
| (1)      | (2)                                                  | (3)                                                                            | (4)              |
| 16.0040  | 0206 10 99<br>0206 21 00                             | Edible offal fresh, chilled or frozen<br>Of bovine animals                     | 2 %              |
| 16.0055  | 0208 10 10                                           | Other meat and edible meat offal, fresh, chilled or frozen of domestic rabbits | 7 %              |
| 16.0060  | 0208 10 90                                           | Of rabbits, other than domestic rabbits, or hares                              | Free             |
| 16.0070  | 0208 20 00                                           | Of frogs' legs                                                                 |                  |
| 16.0160  | 0302 65                                              | Dogfish and other sharks                                                       | 4 %              |
| 16.0210  | 0303 75                                              | Dogfish and other sharks                                                       | 4 %              |
| 16.0230  | 0304 10 11<br>0304 20 11                             | Fish fillets and other fish meat, chilled or frozen<br>Frozen fillets of trout | 10 %             |
| 16.0330  | 0306 12                                              | Lobsters                                                                       | 4 %              |
| 16.0340  | 0306 13 10                                           | Shrimps and prawns                                                             |                  |
| 16.0350  | 0306 13 90                                           | Other shrimps and prawns                                                       | 4,5 %            |
| 16.0360  | 0306 14                                              | Crabs                                                                          | 4 %              |
| 16.0370  | 0306 19 10                                           | Freshwater crayfish                                                            |                  |
| 16.0380  | ex 0306 19 90                                        | <i>Perullus</i> spp,                                                           |                  |
| 16.0400  | 0306 22                                              | Lobsters                                                                       | 4 %              |
| 16.0410  | 0306 23 10                                           | Shrimps and prawns                                                             |                  |
| 16.0420  | 0306 23 90                                           | Other shrimps and prawns                                                       | 4,5 %            |
| 16.0500  | 0307 39 90                                           | Mussels ( <i>Perna</i> spp.)                                                   | 4 %              |
| 16.0510  | 0307 41<br>0307 49 11                                | Cuttlefish and squid                                                           |                  |
| 16.0520  | 0307 49 19                                           | Cuttlefish                                                                     | 5,5 %            |
| 16.0530  | 0307 49 31<br>0307 49 33<br>0307 49 35<br>0307 49 38 | Squid                                                                          | 4 %              |
| 16.0540  | 0307 49 51                                           | Cuttlefish                                                                     |                  |
| 16.0550  | 0307 49 71<br>0307 49 91<br>0307 49 99               | Squid                                                                          |                  |

(a) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

(b) Without prejudice to the levying of any additional duties applicable.

| (1)     | (2)                                                                                                             | (3)                                                                                                                                                                                                                                                            | (4)   |
|---------|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 16.0560 | 0307 51 00<br>0307 59 10<br>0307 59 90<br>0307 91 00<br>0307 99 13<br>0307 99 19<br>0307 99 90                  | Octopus                                                                                                                                                                                                                                                        | 4 %   |
| 16.0570 | 0409 00 00                                                                                                      | Natural honey                                                                                                                                                                                                                                                  | 25 %  |
| 16.0580 | ex 0410 00 00                                                                                                   | Edible products of animal origin, not elsewhere specified or included<br>— Royal jelly                                                                                                                                                                         | 4 %   |
|         | ex 0410 00 00                                                                                                   | — Other                                                                                                                                                                                                                                                        | 2 %   |
| 16.0690 | 0603 90 00                                                                                                      | Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, dried, dyed, bleached, impregnated or otherwise prepared                                                                                                               | 7 %   |
| 16.0734 | 0707 00 19                                                                                                      | Cucumber, fresh or chilled, from 16 May to 31 October                                                                                                                                                                                                          | 16 %  |
| 16.0740 | ex 0709 20 00                                                                                                   | Other vegetable, fresh or chilled<br>Asparagus, from 31 October                                                                                                                                                                                                | 12 %  |
| 16.0750 | ex 0709 30 00                                                                                                   | Aubergines, from 1 January to 31 March                                                                                                                                                                                                                         | 9 %   |
| 16.0760 | ex 0709 40 00                                                                                                   | Celery, other than celeriac, from 1 January to 31 March                                                                                                                                                                                                        |       |
| 16.0790 | ex 0709 90 90                                                                                                   | Pumpkins and courgettes, from 1 January to the last day of February<br>Other, excluding parsley and okra ( <i>Hibiscus esculentus</i> L. or <i>Abelmoschus esculentus</i> (L) Moench) from 1 January to 31 March                                               | 9 %   |
| 16.0825 | 0711 40 00                                                                                                      | Cucumbers and gherkins                                                                                                                                                                                                                                         | 12 %  |
| 16.0860 | ex 0712 30 00                                                                                                   | Mushrooms, excluding cultivated mushrooms                                                                                                                                                                                                                      | 6 %   |
| 16.0880 | 0713 10 90                                                                                                      | Dried leguminous vegetables, shelled, whether or not skimmed or split                                                                                                                                                                                          | 2 %   |
| 16.1070 | ex 0807 10 10                                                                                                   | Watermelons, from 1 November to 30 April                                                                                                                                                                                                                       | 6,5 % |
| 16.1300 | 0814 00 00                                                                                                      | Peel of citrus fruit or melons, fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions                                                                                                                  | Free  |
| 16.1610 | 1212 10 91                                                                                                      | Locust bean seeds, not decorticated, crushed or ground                                                                                                                                                                                                         | Free  |
| 16.1620 | 1212 10 99                                                                                                      | Other locust bean seeds                                                                                                                                                                                                                                        | 6 %   |
| 16.2020 | 1515 21 10                                                                                                      | Other fixed vegetable fats and oils (including jojoba oil) and their fractions<br>Maize (corn) oil and its fractions for technical or industrial uses other than the manufacture of foodstuffs for human consumption (e)                                       | 2,5 % |
| 16.2290 | ex 1602 90 31                                                                                                   | Prepared or preserved rabbit                                                                                                                                                                                                                                   | 14 %  |
| 16.2510 | 1704 90 30                                                                                                      | White chocolate                                                                                                                                                                                                                                                | 4 %   |
| 16.2520 | ex 1704 90 51<br>1704 90 55<br>1704 90 61<br>1704 90 65<br>1704 90 71<br>1704 90 75<br>1704 90 81<br>1704 90 99 | Other plates, including marzipan<br>Throat pastilles and cough drops<br>Sugar-coated (panned) goods<br>Gum confectionery and jelly confectionery<br>Boiled sweets whether or not filled<br>Toffees, caramels and similar sweets<br>Compressed tablets<br>Other | 6 %   |

| (1)     | (2)                                          | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (4)  |
|---------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 16.2580 | ex 1901 10 00<br>1901 20 00<br>ex 1901 90 90 | Food preparations of flour, meal, starch nor malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included<br>Preparations for infant use, put for retail sale, not containing cocoa powder<br>Mixed and doughs for the preparation of bakers' wares of heading No 1905<br>Other, not containing cocoa powder | Free |
| 16.2600 | 1904 10 10<br>1904 10 30<br>1904 10 90       | Prepared foods obtained by the swelling or roasting for cereals or cereal products (for example, corn flakes), cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared<br>Prepared food obtained by the swelling or roasting of cereals or cereal products                                                                                                                                                                                                                                                                                                                   | Free |
| 16.2610 | 1904 90 10                                   | Of rice                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3 %  |
| 16.2620 | 1904 90 90                                   | Of other cereals                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2 %  |
| 16.2630 | 1905 10 00                                   | Crispbread                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Free |
| 16.2660 | 1905 90 10                                   | Matzos                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Free |
| 16.2670 | 1905 90 20                                   | Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Free |
| 16.2680 | 1905 90 30                                   | Bread                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 4 %  |
| 16.2690 | 2001 20 00                                   | Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid<br>— Onions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 14 % |
| 16.2700 | 2001 90 50<br>ex 2001 90 80                  | — Mushrooms<br>— Other, excluding 'mixed pickles', sweet peppers and papaya chutney                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 14 % |
| 16.2750 | ex 2004 90 30                                | Capers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12 % |
| 16.2800 | 2005 90 30                                   | Capers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12 % |
| 16.2820 | ex 2006 00 39                                | Fruits, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)<br>Other, with a sugar content exceeding 13 % by weight<br>Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0805 40 00, 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80                                                                                                                                                                                                                           | 6 %  |
| 16.2830 | ex 2006 00 90                                | Other, with a sugar content not exceeding 13 %<br>Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0805 40 00, 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80                                                                                                                                                                                                                                                                                                                                            | 6 %  |
| 16.2840 | ex 2007 10 90                                | Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked, preparations, whether or not containing added sugar or other sweetening matter<br>Other<br>Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80                                                                                                                                                                                                                 | 8 %  |
| 16.2850 | ex 2007 91 10<br>ex 2007 91 30               | Jams and marmalades of citrus fruit<br>With a sugar content exceeding 30 % by weight, excluding orange jam and marmalade<br>With sugar content exceeding 13 % but not exceeding 30 % by weight, excluding orange jam and marmalade                                                                                                                                                                                                                                                                                                                                                                     | 18 % |

| (1)     | (2)                                       | (3)                                                                                                                                                                                                                                                                                                                                         | (4)  |
|---------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 16.2860 | ex 2007 91 90                             | Other, excluding orange jam and marmalade                                                                                                                                                                                                                                                                                                   | 19 % |
| 16.2865 | 2007 99 31                                | Jam, jellies marmalades, cherry purée and cherry pastes with a sugar content exceeding 30 % by weight                                                                                                                                                                                                                                       | 25 % |
| 16.2870 | ex 2007 99 39                             | With a sugar content exceeding 30 % by weight<br>Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80                                                                                              | 8 %  |
| 16.2880 | ex 2007 10 10<br>ex 2007 99 59            | With a sugar content exceeding 13 % but not exceeding 30 % by weight<br>Fruit falling within heading Nos 0801, 0803, 0804 (except figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80                                                                       | 8 %  |
| 16.2890 | ex 2007 99 90                             | Other<br>Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 30 and 0810 90 80                                                                                                                                   | 8 %  |
| 16.2900 | 2008 11 91<br>2008 11 99<br>ex 2008 19 10 | Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included<br>Ground-nuts<br>Other, including mixtures in immediate packings of a net content exceeding 1 kg, excluding almonds, walnuts and hazelnuts | 6 %  |
| 16.3290 | 2009 20 11                                | Fruit juices (including grape musts) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter<br>Grapefruit juices                                                                                                                                               | 28 % |
| 16.3300 | 2009 20 19                                | Grapefruit juice                                                                                                                                                                                                                                                                                                                            | 28 % |
| 16.3310 | 2009 20 91<br>2009 20 99                  | Grapefruit juice                                                                                                                                                                                                                                                                                                                            | 7 %  |
| 16.3320 | ex 2009 30 31<br>ex 2009 30 39            | Citrus fruit juices (excluding lemon juices) containing added sugar<br>Citrus fruit juices (excluding lemon juices) not containing added sugar                                                                                                                                                                                              | 13 % |
| 16.3340 | 2009 30 91<br>2009 30 95                  | Other citrus fruit juices<br>With an added sugar content exceeding 30 % by weight<br>With an added sugar content not exceeding 30 % by weight                                                                                                                                                                                               | 14 % |
| 16.3360 | 2009 40 30                                | Pineapple juice                                                                                                                                                                                                                                                                                                                             | 17 % |
| 16.3370 | 2009 40 91                                | Pineapple juice                                                                                                                                                                                                                                                                                                                             | 17 % |
| 16.3400 | ex 2009 80 39                             | Date juice                                                                                                                                                                                                                                                                                                                                  | Free |
| 16.3550 | 2102 10 31<br>2102 10 39                  | Bakers' yeast                                                                                                                                                                                                                                                                                                                               | 4 %  |
| 16.3580 | 2102 20 90                                | Other                                                                                                                                                                                                                                                                                                                                       | Free |
| 16.3760 | 2309 10 90                                | Preparation of a kind used in animal feeding<br>Other dog or cat food                                                                                                                                                                                                                                                                       | 3 %  |

## Taric codes

| Order No | CN code                            | Taric code                                                                                                                           |
|----------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 16.0380  | ex 0306 19 90                      | 0306 19 90*20                                                                                                                        |
| 16.0580  | ex 0410 00 00                      | 0410 00 00*10                                                                                                                        |
|          | ex 0410 00 00                      | 0410 00 00*90                                                                                                                        |
| 16.0740  | ex 0709 20 00                      | 0709 20 00*12<br>*92                                                                                                                 |
| 16.0750  | ex 0709 30 00                      | 0709 30 00*10<br>*20                                                                                                                 |
| 16.0760  | ex 0709 40 00                      | 0709 40 00*13<br>*91                                                                                                                 |
| 16.0790  | ex 0709 90 90                      | 0709 90 90*12<br>*23<br>*24<br>*31<br>*51<br>*52<br>*58<br>*91                                                                       |
| 16.0860  | ex 0712 30 00                      | 0712 30 00*22<br>0712 30 00*24<br>0712 30 00*27                                                                                      |
| 16.1070  | ex 0807 10 10                      | 0807 10 10*10<br>*20                                                                                                                 |
| 16.2290  | ex 1602 90 31                      | 1602 90 31*20                                                                                                                        |
| 16.2520  | ex 1704 90 51                      | 1704 90 51*90                                                                                                                        |
| 16.2580  | ex 1901 10 00<br><br>ex 1901 90 90 | 1901 10 00*16<br>1901 10 00*18<br>1901 10 00*96<br>1901 10 00*98<br>1901 90 90*16<br>1901 90 90*18<br>1901 90 90*97<br>1901 90 90*99 |

| Order No | CN code                        | Taric code                                                                          |
|----------|--------------------------------|-------------------------------------------------------------------------------------|
| 16.2700  | ex 2001 90 80                  | 2001 90 80*41<br>*49<br>*51<br>*59<br>*61<br>*69<br>*70<br>*92<br>*93<br>*97<br>*98 |
| 16.2750  | ex 2004 90 30                  | 2004 90 30*20                                                                       |
| 16.2820  | ex 2006 00 39                  | 2006 00 39*10                                                                       |
| 16.2830  | ex 2006 00 90                  | 2006 00 90*10                                                                       |
| 16.2840  | ex 2007 10 90                  | 2007 10 90*10                                                                       |
| 16.2850  | ex 2007 91 10<br>ex 2007 91 30 | 2007 91 10*19<br>2007 91 30*19                                                      |
| 16.2860  | ex 2007 91 90                  | 2007 91 90*19                                                                       |
| 16.2870  | ex 2007 99 39                  | 2007 99 39*10                                                                       |
| 16.2880  | ex 2007 10 10<br>ex 2007 99 59 | 2007 10 10*10<br>2007 99 59*10                                                      |
| 16.2890  | ex 2007 99 90                  | 2007 99 90*10                                                                       |
| 16.2900  | ex 2008 19 10                  | 2008 19 10*90                                                                       |
| 16.3320  | ex 2009 30 31<br>ex 2009 30 39 | 2009 30 31*90<br>2009 30 39*90                                                      |
| 16.3400  | ex 2009 80 39                  | 2009 80 39*20                                                                       |

## COUNCIL REGULATION (EEC) No 578/93

of 8 March 1993

establishing ceilings and Community surveillance for imports of certain products originating in Malta (1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an Association between the European Economic Community and Malta <sup>(1)</sup>, as supplemented by the Additional Protocol <sup>(2)</sup>, by the Supplementary Protocol to the Agreement <sup>(3)</sup> and the Protocol extending the first stage of this Agreement <sup>(4)</sup> provided, in Article 2 of Annex I, for the total abolition of customs duties in respect of the products to which the Agreement applies; whereas, however, exemption from duties in respect of a number of products is subject to ceilings above which the customs duties applicable to third countries may be re-established;

Whereas, therefore, it is necessary to establish ceilings to be applied in 1993; whereas the application of ceilings requires a surveillance system for imports of these products originating in Malta;

Whereas the decision for the establishment of the said ceilings and for the installation of a surveillance system should be taken by the Community, in the execution of its international obligations, in order to enable the departments of the Commission to be kept aware of the level of imports of the said products;

Whereas, to ensure the efficiency of this surveillance system, Member States are required nevertheless to charge imports of the products in question against the ceilings as and when the products are entered with the customs authorities for free circulation; whereas such administration should provide the possibility of re-establishing customs duties once the said ceilings have been reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission and the latter must in particular be able to follow the progress of quantities charged against the ceilings and keep the Member States informed;

whereas this cooperation has to be particularly close since the Commission must be able to take appropriate measures to re-establish customs tariffs if one of the ceilings is reached,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December 1993 imports into the Community of the products listed in the Annex and originating in Malta shall be subject to annual ceilings and Community surveillance.

The description of the products referred to in the first subparagraph, the corresponding CN codes and the ceilings are set out in the Annex.

2. Quantities shall be charged against the ceilings as and when the products are entered with customs authorities for free circulation accompanied by a movement certificate in accordance with the rules contained in the Protocol concerning the definition of the concept of originating products and methods of administrative cooperation annexed to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta <sup>(5)</sup>.

Goods may be charged against the ceilings only if the movement certificate is submitted before the date on which customs duties are re-established.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it in the manner defined in the preceding subparagraphs.

Member States shall inform the Commission of imports charged in accordance with the above procedure at the intervals and within the time limits specified in paragraph 4.

3. As soon as the ceilings are reached, the Commission may adopt a Regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries.

<sup>(1)</sup> OJ No L 61, 14. 3. 1971, p. 2.

<sup>(2)</sup> OJ No L 304, 29. 11. 1977, p. 2.

<sup>(3)</sup> OJ No L 81, 23. 3. 1989, p. 2.

<sup>(4)</sup> OJ No L 116, 9. 5. 1991, p. 67.

<sup>(5)</sup> OJ No L 111, 28. 4. 1976, p. 3.

4. Member States shall send the Commission not later than the 15th day of each month statements of the quantities charged during the preceding month.

*Article 2*

The Commission, in close cooperation with the Member States, shall take all appropriate measures for the purposes of applying this Regulation.

*Article 3*

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

It shall apply as from 1 January 1993.

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

Done at Brussels, 8 March 1993.

*For the Council*

*The President*

N. HELVEG PETERSEN

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## ANNEX

## List of products subject to import ceilings in 1993

| Order No | CN code (1)   | Description                                                                                                                                                                                                                        | Level of ceiling (tonnes)          |
|----------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 11.0010  | 5204          | Cotton sewing thread, whether or not put up for retail sale :                                                                                                                                                                      | } application of ceiling suspended |
|          |               | – Not put up for retail sale :                                                                                                                                                                                                     |                                    |
|          | 5204 11 00    | – – Containing 85 % or more by weight of cotton                                                                                                                                                                                    |                                    |
|          | 5204 19 00    | – – Other                                                                                                                                                                                                                          |                                    |
|          | 5205          | Cotton yarn (other than sewing thread), containing 85 % or more by weight of cotton, not put up for retail sale                                                                                                                    |                                    |
|          | 5206          | Cotton yarn (other than sewing thread), containing less than 85 % by weight of cotton, not put up for retail sale                                                                                                                  |                                    |
|          | 5604          | Rubber thread and cord, textile covered ; textile yarn, and strip and the like falling within code 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics :                                                |                                    |
|          | ex 5604 90 00 | – Other :<br>– – Of cotton                                                                                                                                                                                                         |                                    |
| 11.0020  | 5208          | Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m <sup>2</sup>                                                                                                                  | } application of ceiling suspended |
|          | 5209          | Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m <sup>2</sup>                                                                                                                      |                                    |
|          | 5210          | Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m <sup>2</sup>                                                                   |                                    |
|          | 5211          | Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m <sup>2</sup>                                                                       |                                    |
|          | 5212          | Other woven fabrics of cotton                                                                                                                                                                                                      |                                    |
|          | 5801          | Woven pile fabrics and chenille fabrics, other than fabrics falling within code 5806 :                                                                                                                                             |                                    |
|          |               | – of cotton :                                                                                                                                                                                                                      |                                    |
|          | 5801 21 00    | – – Uncut weft pile fabrics                                                                                                                                                                                                        |                                    |
|          | ex 5811 00 00 | Quilted textile products of cotton in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, other than embroidery falling within code 5810                              |                                    |
|          | ex 6308 00 00 | Sets consisting of woven fabric and yarn, of cotton, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale |                                    |
| 11.0030  | 5506          | Synthetic staple fibres, carded, combed or otherwise processed for spinning                                                                                                                                                        | } application of ceiling suspended |
|          | 5507 00 00    | Artificial staple fibres, carded, combed or otherwise processed for spinning                                                                                                                                                       |                                    |

(1) The Taric codes are to be found on the last page of this Annex.

| Order No | CN code    | Description                                                                                                                                                                                               | Level of ceiling (tonnes)        |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 11.0040  | 5608       | Knotted netting of twine, cordage or rope ; made-up fishing nets and other made-up nets, of textile materials :                                                                                           | application of ceiling suspended |
|          |            | – Of man-made textile materials :                                                                                                                                                                         |                                  |
|          | 5608 19    | – – Other :                                                                                                                                                                                               |                                  |
|          |            | – – – Made-up nets :                                                                                                                                                                                      |                                  |
|          |            | – – – – Of nylon or other polyamides :                                                                                                                                                                    |                                  |
|          | 5608 19 19 | – – – – – Other                                                                                                                                                                                           |                                  |
|          |            | – – – – – Other :                                                                                                                                                                                         |                                  |
|          | 5608 19 39 | – – – – – Other                                                                                                                                                                                           |                                  |
|          | 5608 90 00 | – Other                                                                                                                                                                                                   |                                  |
|          | 6101       | Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those falling within code 6103    |                                  |
|          | 6102       | Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those falling within code 6104 |                                  |
|          | 6103       | Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted                                                      |                                  |
|          | 6104       | Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted                  |                                  |
|          | 6106       | Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted                                                                                                                                 |                                  |
|          | 6107       | Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted :                                                                           |                                  |
|          |            | – Other :                                                                                                                                                                                                 |                                  |
|          | 6107 91 00 | – – Of cotton                                                                                                                                                                                             |                                  |
|          | 6107 92 00 | – – Of man-made fibres                                                                                                                                                                                    |                                  |
|          | 6107 99 00 | – – Of other textile materials                                                                                                                                                                            |                                  |
|          | 6108       | Women's or girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted :                                             |                                  |
|          |            | – Other :                                                                                                                                                                                                 |                                  |
|          | 6108 91 00 | – – Of cotton                                                                                                                                                                                             |                                  |
|          | 6108 92 00 | – – Of man-made fibres                                                                                                                                                                                    |                                  |
|          | 6108 99    | – – Of other textile materials                                                                                                                                                                            |                                  |
|          | 6108 99 10 | – – – Of wool or fine animal hair                                                                                                                                                                         |                                  |
|          | 6108 99 90 | – – – Other                                                                                                                                                                                               |                                  |
|          | 6110       | Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted :                                                                                                                    |                                  |
|          | 6110 10    | – Of wool or fine animal hair :                                                                                                                                                                           |                                  |
|          |            | – – Other :                                                                                                                                                                                               |                                  |
|          |            | – – – Men's or boys' :                                                                                                                                                                                    |                                  |
|          | 6110 10 31 | – – – – Of wool                                                                                                                                                                                           |                                  |
|          |            | – – – – Of fine animal hair :                                                                                                                                                                             |                                  |
|          | 6110 10 35 | – – – – – Of Kashmir goats                                                                                                                                                                                |                                  |
|          | 6110 10 38 | – – – – – Other                                                                                                                                                                                           |                                  |
|          |            | – – – Women's or girls' :                                                                                                                                                                                 |                                  |
|          | 6110 10 91 | – – – – Of wool                                                                                                                                                                                           |                                  |
|          |            | – – – – Of fine animal hair :                                                                                                                                                                             |                                  |
|          | 6110 10 95 | – – – – – Of Kashmir goats                                                                                                                                                                                |                                  |
|          | 6110 10 98 | – – – – – Other                                                                                                                                                                                           |                                  |

| Order No            | CN code    | Description                                                                                                                  | Level of ceiling (tonnes)                          |
|---------------------|------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 11.0040<br>(cont'd) | 6110 20    | — Of cotton :                                                                                                                | application<br>of ceiling<br>suspended<br>(cont'd) |
|                     |            | — — Other :                                                                                                                  |                                                    |
|                     | 6110 20 91 | — — — Men's or boys'                                                                                                         |                                                    |
|                     | 6110 20 99 | — — — Women's or girls'                                                                                                      |                                                    |
|                     | 6110 30    | — Of man-made fibres :                                                                                                       |                                                    |
|                     |            | — — Other :                                                                                                                  |                                                    |
|                     | 6110 30 91 | — — — Men's or boys'                                                                                                         |                                                    |
|                     | 6110 30 99 | — — — Women's or girls'                                                                                                      |                                                    |
|                     | 6110 90    | — Of other textile materials :                                                                                               |                                                    |
|                     | 6110 90 10 | — — Of flax or ramie                                                                                                         |                                                    |
|                     | 6110 90 90 | — — Other                                                                                                                    |                                                    |
|                     | 6111       | Babies' garments and clothing accessories, knitted or crocheted :                                                            |                                                    |
|                     | 6111 10    | — Of wool or fine animal hair :                                                                                              |                                                    |
|                     | 6111 10 90 | — — Other                                                                                                                    |                                                    |
|                     | 6111 20    | — Of cotton :                                                                                                                |                                                    |
|                     | 6111 20 90 | — — Other                                                                                                                    |                                                    |
|                     | 6111 30    | — Of synthetic fibres :                                                                                                      |                                                    |
|                     | 6111 30 90 | — — Other                                                                                                                    |                                                    |
|                     | 6111 90 00 | — Of other textile materials                                                                                                 |                                                    |
|                     | 6112       | Track suits, ski suits and swimwear, knitted or crocheted :                                                                  |                                                    |
|                     |            | — Track suits :                                                                                                              |                                                    |
|                     | 6112 11 00 | — — Of cotton                                                                                                                |                                                    |
|                     | 6112 12 00 | — — Of synthetic fibres                                                                                                      |                                                    |
|                     | 6112 19 00 | — — Of other textile materials                                                                                               |                                                    |
|                     | 6112 20 00 | — Ski suits                                                                                                                  |                                                    |
|                     |            | — Men's or boy's swimwear :                                                                                                  |                                                    |
|                     | 6112 31    | — — Of synthetic fibres :                                                                                                    |                                                    |
|                     | 6112 31 90 | — — — Other                                                                                                                  |                                                    |
|                     | 6112 39    | — — Of other textile materials :                                                                                             |                                                    |
|                     | 6112 39 90 | — — — Other                                                                                                                  |                                                    |
|                     |            | — Women's or girls' swimwear :                                                                                               |                                                    |
|                     | 6112 41    | — — Of synthetic fibres :                                                                                                    |                                                    |
|                     | 6112 41 90 | — — — Other                                                                                                                  |                                                    |
|                     | 6112 49    | — — Of other textile materials :                                                                                             |                                                    |
|                     | 6112 49 90 | — — — Other                                                                                                                  |                                                    |
|                     | 6113 00    | Garments, made up of knitted or crocheted fabrics falling within code 5903, 5906 or 5907 :                                   |                                                    |
|                     | 6113 00 90 | — Other                                                                                                                      |                                                    |
|                     | 6114       | Other garments, knitted or crocheted                                                                                         |                                                    |
|                     | 6117       | Other made up clothing accessories, knitted or crocheted ; knitted or crocheted parts of garments or of clothing accessories |                                                    |
|                     | 6301       | Blankets and travelling rugs :                                                                                               |                                                    |
|                     | 6301 20    | — Blankets (other than electric blankets) and travelling rugs, of wool or of fine animal hair :                              |                                                    |
|                     | 6301 20 10 | — — Knitted or crocheted                                                                                                     |                                                    |
|                     | 6301 30    | — Blankets (other than electric blankets) and travelling rugs, of cotton :                                                   |                                                    |
|                     | 6301 30 10 | — — Knitted or crocheted                                                                                                     |                                                    |
|                     | 6301 40    | — Blankets (other than electric blankets) and travelling rugs, of synthetic fibres :                                         |                                                    |
|                     | 6301 40 10 | — — Knitted or crocheted                                                                                                     |                                                    |
|                     | 6301 90    | — Other blankets and travelling rugs :                                                                                       |                                                    |
|                     | 6301 90 10 | — — Knitted or crocheted                                                                                                     |                                                    |

| Order No            | CN code       | Description                                                                                                                                                                      | Level of ceiling (tonnes)                    |
|---------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 11.0040<br>(cont'd) | 6302          | Bed linen, table linen, toilet linen and kitchen linen :                                                                                                                         | application of ceiling suspended<br>(cont'd) |
|                     | 6302 10       | – Bed linen, knitted or crocheted :                                                                                                                                              |                                              |
|                     | 6302 10 10    | – – Of cotton                                                                                                                                                                    |                                              |
|                     | 6302 10 90    | – – Of other textile materials                                                                                                                                                   |                                              |
|                     | 6302 40 00    | – Table linen, knitted or crocheted                                                                                                                                              |                                              |
|                     | 6303          | Curtains (including drapes) and interior blinds; curtain or bed valances :                                                                                                       |                                              |
|                     |               | – Knitted or crocheted :                                                                                                                                                         |                                              |
|                     | 6303 11 00    | – – Of cotton                                                                                                                                                                    |                                              |
|                     | 6303 12 00    | – – Of synthetic fibres                                                                                                                                                          |                                              |
|                     | 6303 19 00    | – – Of other textile materials                                                                                                                                                   |                                              |
|                     | 6304          | Other furnishing articles, excluding those falling within code 9404 :                                                                                                            |                                              |
|                     |               | – Bedspreads :                                                                                                                                                                   |                                              |
|                     | 6304 11 00    | – – Knitted or crocheted                                                                                                                                                         |                                              |
|                     |               | – Other :                                                                                                                                                                        |                                              |
|                     | 6304 91 00    | – – Knitted or crocheted                                                                                                                                                         |                                              |
|                     | 6305          | Sacks and bags, of a kind used for the packing of goods :                                                                                                                        |                                              |
|                     | 6305 20 00    | – Of cotton                                                                                                                                                                      |                                              |
|                     |               | – Of man-made textile materials :                                                                                                                                                |                                              |
|                     | 6305 31       | – – Of polyethylene or polypropylene strip or the like                                                                                                                           |                                              |
|                     | ex 6305 39 00 | – – Other :                                                                                                                                                                      |                                              |
|                     |               | – – – Knitted or crocheted                                                                                                                                                       |                                              |
|                     | ex 6305 90 00 | – Of other textile materials :                                                                                                                                                   |                                              |
|                     |               | – – Knitted or crocheted                                                                                                                                                         |                                              |
|                     | 6307          | Other made up articles, including dress patterns :                                                                                                                               |                                              |
|                     | 6307 10       | – Floor-cloths, dish-cloths, dusters and similar cleaning cloths :                                                                                                               |                                              |
|                     | 6307 10 10    | – – Knitted or crocheted                                                                                                                                                         |                                              |
|                     | 6307 90       | – Other :                                                                                                                                                                        |                                              |
|                     | 6307 90 10    | – – Knitted or crocheted                                                                                                                                                         |                                              |
| 11.0050             | 6201          | Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those falling within code 6203 | 1 775                                        |
|                     | 6203          | Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear)                                                   |                                              |
|                     | 6207          | Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles :                                              |                                              |
|                     |               | – Other :                                                                                                                                                                        |                                              |
|                     | 6207 91 00    | – – Of cotton                                                                                                                                                                    |                                              |
|                     | 6207 92 00    | – – Of man-made fibres                                                                                                                                                           |                                              |
|                     | 6207 99 00    | – – Of other textile materials                                                                                                                                                   |                                              |
|                     | 6210          | Garments, made up of fabrics falling within code 5602, 5603, 5903, 5906 or 5907 :                                                                                                |                                              |
|                     | 6210 10       | – Of fabrics falling within code 5602 or 5603 :                                                                                                                                  |                                              |
|                     |               | – – Of fabrics falling within code 5603 :                                                                                                                                        |                                              |
|                     | 6210 10 91    | – – – In sterile packs                                                                                                                                                           |                                              |
|                     | 6210 10 99    | – – – Other                                                                                                                                                                      |                                              |
|                     | 6210 20 00    | – Other garments, of the type described in codes 6201 11 to 6201 19                                                                                                              |                                              |
|                     | 6210 40 00    | – Other men's or boys' garments                                                                                                                                                  |                                              |
|                     | 6211          | Track suits, ski suits and swimwear ; other garments :                                                                                                                           |                                              |
|                     |               | – Swimwear :                                                                                                                                                                     |                                              |
|                     | 6211 11 00    | – – Men's or boys'                                                                                                                                                               |                                              |
|                     | 6211 20 00    | – Ski suits                                                                                                                                                                      |                                              |
|                     |               | – Other garments, men's or boys' :                                                                                                                                               |                                              |
|                     | 6211 31 00    | – – Of wool or fine animal hair                                                                                                                                                  |                                              |

| Order No            | CN code    | Description                                                                                                                    | Level of ceiling (tonnes) |
|---------------------|------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 11.0050<br>(cont'd) | 6211 32    | -- Of cotton :                                                                                                                 | 1 775<br>(cont'd)         |
|                     | 6211 32 10 | -- -- Industrial and occupational clothing                                                                                     |                           |
|                     |            | -- -- Tracksuits with lining :                                                                                                 |                           |
|                     | 6211 32 31 | -- -- -- with an outer shell of a single identical fabric                                                                      |                           |
|                     |            | -- -- -- -- Other :                                                                                                            |                           |
|                     | 6211 32 41 | -- -- -- -- Upper parts                                                                                                        |                           |
|                     | 6211 32 42 | -- -- -- -- Lower parts                                                                                                        |                           |
|                     | 6211 32 90 | -- -- -- Other                                                                                                                 |                           |
|                     | 6211 33    | -- Of man-made fibres :                                                                                                        |                           |
|                     | 6211 33 10 | -- -- Industrial and occupational clothing                                                                                     |                           |
|                     |            | -- -- Tracksuits with lining :                                                                                                 |                           |
|                     | 6211 33 31 | -- -- -- with an outer shell of a single identical fabric                                                                      |                           |
|                     |            | -- -- -- -- Other :                                                                                                            |                           |
|                     | 6211 33 41 | -- -- -- -- Upper parts                                                                                                        |                           |
|                     | 6211 33 42 | -- -- -- -- Lower parts                                                                                                        |                           |
|                     | 6211 33 90 | -- -- -- Other                                                                                                                 |                           |
|                     | 6211 39 00 | -- Of other textile materials :                                                                                                |                           |
|                     |            | -- -- Tracksuits with lining :                                                                                                 |                           |
|                     | 6211 42 31 | -- -- -- with an outer shell of a single identical fabric                                                                      |                           |
|                     |            | -- -- -- -- Other :                                                                                                            |                           |
|                     | 6211 42 41 | -- -- -- -- Upper parts                                                                                                        |                           |
|                     | 6211 42 42 | -- -- -- -- Lower parts                                                                                                        |                           |
|                     |            | -- -- Tracksuits with lining :                                                                                                 |                           |
|                     | 6211 43 31 | -- -- -- with an outer shell of a single identical fabric                                                                      |                           |
|                     |            | -- -- -- -- Other :                                                                                                            |                           |
|                     | 6211 43 41 | -- -- -- -- Upper parts                                                                                                        |                           |
|                     | 6211 43 42 | -- -- -- -- Lower parts                                                                                                        |                           |
|                     | 6217       | Other made up clothing accessories ; parts of garments or of clothing accessories, other than those falling within code 6212 : |                           |
|                     | 6217 90 00 | -- Parts                                                                                                                       |                           |

## Taric codes

| Order No | CN code       | Taric code                                            |
|----------|---------------|-------------------------------------------------------|
| 11.0010  | ex 5604 90 00 | 5604 90 00 * 50                                       |
| 11.0020  | ex 5811 00 00 | 5811 00 00 * 14<br>5811 00 00 * 91<br>5811 00 00 * 92 |
|          | ex 6308 00 00 | 6308 00 00 * 11<br>6308 00 00 * 19                    |
| 11.0040  | ex 6305 39 00 | 6305 39 00 * 91                                       |
|          | ex 6305 90 00 | 6305 90 00 * 10<br>6305 90 00 * 20                    |

## COUNCIL REGULATION (EEC) No 579/93

of 8 March 1993

suspending wholly or in part the Common Customs Tariff duties on certain agricultural products originating in Turkey (1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

*Article 1*

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas under Annex 6 to the Additional Protocol laying down the conditions, procedures and timetables for implementing the transitional phase referred to in Article 4 of the Agreement establishing an Association between the European Economic Community and Turkey<sup>(2)</sup> and under Article 9 of the Supplementary Protocol to the Association Agreement between the European Economic Community and Turkey consequent on the accession of new Member States to the Community<sup>(3)</sup>, which was signed in Ankara on 30 June 1973 and entered into force on 1 March 1986<sup>(4)</sup> the Community must wholly or in part suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary, on a provisional basis, to adjust or supplement some of the advantages provided for in the abovementioned Annex 6; whereas the Community should, therefore, with regard to the products originating in Turkey contained in the list annexed to this Regulation, suspend until 31 December 1993 either the fixed component of the charge applicable to the goods falling within the scope of Regulation (EEC) No 3033/80 or the customs duty applicable to the other products, at the levels indicated for each of them;

Whereas in the context of the said tariff suspensions, the Portuguese Republic will apply customs duties calculated in accordance with Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other<sup>(5)</sup>; and whereas the present Regulation is applicable to the Community as presently composed;

Whereas suspension of these duties shall be decided by the Commission,

1. From 1 January to 31 December 1993 the customs duties on imports into the Member States of the products originating in Turkey listed in the Annex shall be those indicated for each of them in the said Annex.

Within the context of these tariff suspensions the Portuguese Republic shall apply duties calculated in accordance with the relevant provisions set out in Regulation (EEC) No 2573/87.

2. For the purposes of applying this Regulation, the rules of origin shall be those in force at the time for the implementation of the Agreement establishing an Association between the European Economic Community and Turkey.

The methods of administrative cooperation for ensuring that the products listed in the Annexes benefit from the total or partial suspension shall be those laid down in Association Council Decision No 5/72 attached to Regulation (EEC) No 428/73, as last amended by Decision No 1/83, attached to Regulation (EEC) No 993/83<sup>(6)</sup>.

*Article 2*

When imports of products qualifying for the arrangements provided for in Article 1 come into the Community in quantities or at prices which cause or threaten to cause serious injury to the Community producers of such products or directly competitive products, the Common Customs Tariff duties may be partially or wholly re-established for the products in question. These measures may also be taken in the event of serious injury or the threat of serious injury limited to a single region of the Community.

*Article 3*

1. In order to ensure the application of Article 2, the Commission may decide by means of a Regulation to re-establish Common Customs Tariff duties for a limited period.

<sup>(1)</sup> OJ No L 323, 29. 11. 1980, p. 1.

<sup>(2)</sup> OJ No 217, 29. 12. 1964, p. 3687/64.

<sup>(3)</sup> OJ No L 361, 31. 12. 1977, p. 2.

<sup>(4)</sup> OJ No L 48, 26. 2. 1986, p. 36.

<sup>(5)</sup> OJ No L 250, 1. 9. 1987, p. 1.

<sup>(6)</sup> OJ No L 112, 28. 4. 1983, p. 1.

2. Where the Commission has been requested by a Member State to take action it shall take a decision within a maximum period of 10 working days from receipt of the request and shall inform the Member States of the action taken.

3. Any Member State may refer the Commission's action to the Council, within 10 working days of its notification.

Referring the matter to the Council shall not have a suspensory effect. The Council shall meet without delay. It may by a qualified majority amend or annul the measure taken.

*Article 4*

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 8 March 1993.

*For the Council*

*The President*

N. HELVEG PETERSEN

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## ANNEX

**List of products falling within Chapter 1 to 24 originating in Turkey for which there are grounds for total or partial suspension of the Common Customs Tariff**

| Order No | CN code                                                                                                                                                                            | Description                                                                                                                                                                                                                                | Rate of duty (%) |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 15.0001  | ex 0709 30 00                                                                                                                                                                      | Vegetables, fresh or chilled :<br>– Aubergines, from 1 to 14 January                                                                                                                                                                       | 9 %              |
| 15.0003  | 0714 20 10                                                                                                                                                                         | Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced ; sago pith :<br>– Sweet potatoes intended for human consumption (*) | Free             |
| 15.0005  | ex 0807 10 10                                                                                                                                                                      | Melons (including watermelons) and papaws (papayas), fresh :<br>– Watermelons, from 1 November to 31 March                                                                                                                                 | 6,5 %            |
| 15.0007  | ex 1806 10 10<br>ex 1806 10 30<br>ex 1806 10 90                                                                                                                                    | Chocolate and other food preparations containing cocoa :<br>– Cocoa powder, not otherwise sweetened than by the addition of sucrose                                                                                                        | 3 %              |
| 15.0009  | 1806 20 10<br>1806 20 30<br>1806 20 50<br>1806 20 80<br>1806 20 95<br>1806 31 00<br>1806 32 10<br>1806 32 90<br>1806 90 11<br>1806 90 19<br>1806 90 31<br>1806 90 39<br>1806 90 50 | Chocolate and chocolate goods, whether or not filled, sugar confectionery and substitutes therefore made from sugar substitution products, containing cocoa                                                                                | 9 %              |
| 15.0011  | ex 1901 90 90                                                                                                                                                                      | Preparation based on flour of leguminous vegetables in the form of sun-dried discs of dough, known as 'papad.'                                                                                                                             | Free             |
| 15.0013  | ex 1903 00 00                                                                                                                                                                      | Tapioca, other than tapioca prepared from potato starch                                                                                                                                                                                    | 2 %              |
| 15.0015  | 0710 40 00<br>0711 90 30<br>2001 90 30<br>2004 90 10<br>2005 80 00<br>2008 99 85                                                                                                   | Preparations :<br>– – corn                                                                                                                                                                                                                 | 3 %              |
| 15.0017  | 1904 90 10                                                                                                                                                                         | – – Of rice                                                                                                                                                                                                                                | 3 %              |
| 15.0019  | 1904 90 90                                                                                                                                                                         | – – Of other cereals                                                                                                                                                                                                                       | 2 %              |

(\*) The Taric codes are to be found on page 2 of this Annex.

(†) Entry under this CN code is subject to conditions laid down in the relevant Community provisions.

(‡) Without prejudice to the levying of any additional duties applicable.

## Taric codes

| Order<br>No | CN code       | Taric code      |
|-------------|---------------|-----------------|
| 15.0001     | ex 0709 30 00 | 0709 30 00 * 10 |
| 15.0005     | ex 0807 10 10 | 0807 10 10 * 10 |
| 15.0007     | ex 1806 10 10 | 1806 10 10 * 11 |
|             |               | 1806 10 10 * 91 |
|             | ex 1806 10 30 | 1806 10 30 * 10 |
|             | ex 1806 10 90 | 1806 10 90 * 10 |
| 15.0011     | ex 1901 90 90 | 1901 90 90 * 12 |
|             |               | * 14            |
|             |               | * 16            |
|             |               | * 18            |
| 15.0013     | ex 1903 00 00 | 1903 00 00 * 90 |

**COMMISSION REGULATION (EEC) No 580/93****of 12 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, 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 <sup>(3)</sup>, 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 <sup>(4)</sup> 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 11 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 13 March 1993.

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

Done at Brussels, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 390, 31. 12. 1992, p. 118.

## ANNEX

to the Commission Regulation of 12 March 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Third countries <sup>(2)</sup>                       |
|------------|------------------------------------------------------|
| 0709 90 60 | 134,21 <sup>(3)</sup> <sup>(3)</sup>                 |
| 0712 90 19 | 134,21 <sup>(3)</sup> <sup>(3)</sup>                 |
| 1001 10 00 | 172,66 <sup>(1)</sup> <sup>(3)</sup> <sup>(10)</sup> |
| 1001 90 91 | 138,87                                               |
| 1001 90 99 | 138,87 <sup>(11)</sup>                               |
| 1002 00 00 | 149,49 <sup>(9)</sup>                                |
| 1003 00 10 | 130,09                                               |
| 1003 00 20 | 130,09                                               |
| 1003 00 80 | 130,09 <sup>(11)</sup>                               |
| 1004 00 00 | 113,51                                               |
| 1005 10 90 | 134,21 <sup>(3)</sup> <sup>(3)</sup>                 |
| 1005 90 00 | 134,21 <sup>(3)</sup> <sup>(3)</sup>                 |
| 1007 00 90 | 136,92 <sup>(7)</sup>                                |
| 1008 10 00 | 45,13 <sup>(11)</sup>                                |
| 1008 20 00 | 82,05 <sup>(7)</sup>                                 |
| 1008 30 00 | 45,65 <sup>(3)</sup>                                 |
| 1008 90 10 | (7)                                                  |
| 1008 90 90 | 45,65                                                |
| 1101 00 00 | 208,08 <sup>(8)</sup> <sup>(11)</sup>                |
| 1102 10 00 | 221,97 <sup>(8)</sup>                                |
| 1103 11 30 | 278,94 <sup>(8)</sup> <sup>(10)</sup>                |
| 1103 11 50 | 278,94 <sup>(8)</sup> <sup>(10)</sup>                |
| 1103 11 90 | 223,41 <sup>(8)</sup>                                |

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

<sup>(2)</sup> 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.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

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

<sup>(8)</sup> On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

<sup>(9)</sup> 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.

<sup>(10)</sup> 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.

<sup>(11)</sup> 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 581/93****of 12 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, 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 <sup>(3)</sup>, 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 <sup>(4)</sup> 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 11

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 13 March 1993.

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

Done at Brussels, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 390, 31. 12. 1992, p. 121.

*ANNEX*

to the Commission Regulation of 12 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<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 |
|------------|--------------|-----------------|-----------------|-----------------|
| 0709 90 60 | 0            | 0               | 0               | 3,47            |
| 0712 90 19 | 0            | 0               | 0               | 3,47            |
| 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            | 0               | 0               | 0               |
| 1005 10 90 | 0            | 0               | 0               | 3,47            |
| 1005 90 00 | 0            | 0               | 0               | 3,47            |
| 1007 00 90 | 0            | 8,31            | 8,31            | 8,31            |
| 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            | 0               | 0               | 0               |

**B. Malt***(ECU/tonne)*

| CN code    | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>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 582/93

of 12 March 1993

on the issuing of a standing invitation to tender for the resale on the internal market of 50 000 tonnes of maize held by the Greek 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 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals <sup>(3)</sup>, as last amended by Regulation (EEC) No 2203/90 <sup>(4)</sup>, provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 <sup>(5)</sup>, as last amended by Regulation (EEC) No 3043/91 <sup>(6)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 50 000 tonnes of maize held by the Greek intervention agency should be issued;

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 Greek intervention agency shall issue a standing invitation to tender for the resale on the internal market of

50 000 tonnes of maize held by it in accordance with Regulation (EEC) No 1836/82.

*Article 2*

1. The final date for the submission of tenders for the first partial invitation to tender shall be 25 March 1993.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 24 June 1993.

3. Tenders must be lodged with the Greek intervention agency:

YDAGEP, Ministry of Agriculture,  
Domestic Market Directorate,  
241 Acharnon Street,  
GR-104 46 Athens  
(telex: 221735 YDAG GR).

*Article 3*

Not later than Tuesday of the week following the final date for the submission of tenders, the Greek intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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, 12 March 1993.

For the Commission

René STEICHEN

Member of the Commission

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.  
<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 1.  
<sup>(3)</sup> OJ No L 139, 24. 5. 1986, p. 36.  
<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 5.  
<sup>(5)</sup> OJ No L 202, 9. 7. 1982, p. 23.  
<sup>(6)</sup> OJ No L 288, 18. 10. 1991, p. 21.

**COMMISSION REGULATION (EEC) No 583/93**  
**of 12 March 1993**

**amending Regulation (EEC) No 353/93 and increasing to 300 000 tonnes the amount of durum wheat held by the Italian intervention agency for which a standing invitation to tender for resale on the internal market has been opened**

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, and in particular Article 7 (6) thereof,

Having regard to Council Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies <sup>(3)</sup>, as last amended by Regulation (EEC) No 3043/91 <sup>(4)</sup>,

Whereas Commission Regulation (EEC) No 353/93 <sup>(5)</sup> opened a standing invitation to tender for the resale on the internal market of 150 000 tonnes of durum wheat held by the Italian intervention agency;

Whereas in the present situation on the market the quantity of durum wheat held by the Italian intervention

agency put up for sale on the internal market of the Community should be increased to 300 000 tonnes;

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*

In Article 1 of Regulation (EEC) No 353/93 'of 150 000 tonnes' is replaced by 'of 300 000 tonnes'.

*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, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 288, 18. 10. 1991, p. 21.

<sup>(5)</sup> OJ No L 41, 18. 2. 1993, p. 28.

## COMMISSION REGULATION (EEC) No 584/93

of 12 March 1993

amending Regulation (EEC) No 124/93 and increasing to 150 000 tonnes the amount of durum wheat held by the Greek intervention agency for which a standing invitation to tender for resale on the internal market has been opened

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, and in particular Article 7 (6) thereof,

Having regard to Council Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies <sup>(3)</sup>, as last amended by Regulation (EEC) No 3043/91 <sup>(4)</sup>,

Whereas Commission Regulation (EEC) No 124/93 <sup>(5)</sup>, as amended by Regulation (EEC) No 369/93 <sup>(6)</sup>, opened a standing invitation to tender for the resale on the internal market of 100 000 tonnes of durum wheat held by the Greek intervention agency;

Whereas in the present situation on the market the quantity of durum wheat held by the Greek intervention

agency put up for sale on the internal market of the Community should be increased to 150 000 tonnes;

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*

In Article 1 of Regulation (EEC) No 124/93 'of 100 000 tonnes' is replaced by 'of 150 000 tonnes'.

*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, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 288, 18. 10. 1991, p. 21.

<sup>(5)</sup> OJ No L 17, 26. 1. 1993, p. 6.

<sup>(6)</sup> OJ No L 42, 19. 2. 1993, p. 14.

## COMMISSION REGULATION (EEC) No 585/93

of 12 March 1993

## on the implementation of promotional and publicity measures in respect of 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 1079/77 of 17 May 1977 on a co-responsibility levy and on the measures for expanding the markets in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1374/92<sup>(2)</sup>, and in particular Article 4 thereof,

Whereas promotional and publicity measures for milk and milk products were introduced in the Community in 1978 and have continued since then owing to their effectiveness in expanding the markets in milk products in the Member States; whereas they should accordingly be continued and duly qualified organizations should again be invited to propose detailed programmes of measures which they themselves would carry out;

Whereas the organizations which will be responsible for the measures must satisfy certain conditions; whereas, in particular, care must be taken to ensure that milk products from the Community are promoted; whereas the guidelines to be followed in this context were laid down in Commission communication 86/C 272/03 concerning State involvement in the promotion of agricultural and fisheries products<sup>(3)</sup>; whereas the activities of the organizations concerned as a whole must not in particular be liable to clash with the aim of promoting the disposal of milk products; whereas it is therefore essential that proposals from organizations whose activities also cover the production, distribution or sales-promotion of products imitating milk and milk products should be barred;

Whereas the provisions of this Regulation should not affect Council Regulations (EEC) No 2081/92<sup>(4)</sup> and (EEC) No 2082/92<sup>(5)</sup> on the protection of geographical indications and designations of origin for agricultural products and foodstuffs and on certificates of specific character for agricultural products and foodstuffs;

Whereas, in order to ensure that the deadline for the presentation of the report by the contractor is complied with, provision should be made whereby, if that deadline is exceeded, an amount shall be withheld from the Community funds allocated;

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*

1. Subject to the conditions laid down in this Regulation, publicity and promotional measures for the human consumption of milk and milk products in the Community shall be partially financed.
2. For the purposes of paragraph 1 above, 'measures' shall mean any publicity or promotional measure, including referring to the products' nutritional characteristics, which is selected by the Commission in accordance with the procedure set out in Article 5 hereof.
3. Measures shall be carried out within two years of the signing of contracts as referred to in Article 5 (1).
4. The time limit fixed in paragraph 3 above shall not prevent measures as referred to in paragraph 2, implemented on or after 1 May 1993, from qualifying for Community financing.

*Article 2*

1. The measures:
  - (a) shall be proposed by organizations which have several years' experience of promoting milk and milk products, have the necessary qualifications to carry out the proposed measures and can ensure the satisfactory completion of the work;
  - (b) shall be carried out as far as possible by the organization which has made the proposal. In cases where that organization must use subcontractors, the proposal must contain a duly justified application for a derogation.
2. Such measures shall:
  - make use of the publicity media best suited to ensure maximum effectiveness for the measure undertaken,
  - take account of the particular conditions obtaining with regard to the marketing and consumption of the milk and milk products in the various regions of the Community,
  - take account of the special need to dispose of milk-fat,
  - be of a generic nature and not orientated on particular brand names or firms,

<sup>(1)</sup> OJ No L 131, 26. 5. 1977, p. 6.

<sup>(2)</sup> OJ No L 146, 29. 5. 1992, p. 3.

<sup>(3)</sup> OJ No C 272, 28. 10. 1986, p. 3.

<sup>(4)</sup> OJ No L 208, 27. 7. 1992, p. 1.

<sup>(5)</sup> OJ No L 208, 27. 7. 1992, p. 9.

- promote Community milk products without reference to their country or region of manufacture; however, this condition shall not exclude the mention of the traditional name of a product which includes a specified locality, region or country of the Community, without prejudice to the provisions deriving from the rules on designations of origin and certificates of specific character,
- not replace similar measures but, where appropriate, expand them,
- mention the Community's financial contribution to the measures concerned.

Proposals put forward by organizations whose activities are wholly or partly concerned with the production, distribution or sales-promotion of products imitating milk and milk product shall not be taken into consideration.

3. Community financing shall be limited to 90 %.
4. For the purposes of applying paragraph 3, no account shall be taken of administrative expenses incurred in carrying out the measures in question.
5. The contractor's overhead costs, including those of any subcontractors, shall be borne only up to a maximum of 2 % of total eligible expenditure, with a ceiling of ECU 10 000, provided that they are contained in the proposal. A contractor may not claim the maximum amount of ECU 10 000 more than once, even if he concludes several contracts. If the total overhead costs exceed ECU 2 000, they must be fully accounted for.

#### Article 3

1. Interested parties shall forward to the competent authority designated by the Member State in which the head office of the organization concerned is situated, (hereinafter referred to as 'the competent authority') detailed proposals concerning the measures in question, accompanied by a summary highlighting the main features of the proposed measures.

Should the proposed measures be carried out wholly or partly in the territory of one or more Member States other than that in which the head office of the organization concerned is situated, the organization shall send a copy of its proposal to each of the competent authorities in those other Member States.

Proposals must reach the competent authority before 15 April 1993. Where this date is not complied with, proposals shall be considered null and void.

2. Further rules for the submission of proposals shall be as set out in Annex I.

#### Article 4

1. Complete proposals shall include :
  - (a) the name and address of the party concerned;
  - (b) all details concerning the measures proposed, together with detailed descriptions and considerations indica-

ting the time required for completion, the expected results and any third party who may be involved;

- (c) a detailed presentation of the planned strategy for the whole programme and a summary of the proposal containing its main points;
- (d) the price asked for these measures, net of taxes, expressed in ecus, giving an itemized breakdown of this amount (in accordance with the table in Annex II) and showing the relevant financing plan;
- (e) the most recent report available on the party's activities, unless it is already in the possession of the competent authority.

2. Proposals shall be valid only where they are accompanied by a written undertaking to comply with the implementation criteria laid down by the Commission and put at the disposal of the parties concerned by the competent authority.

The implementation criteria shall be attached to the contract and shall form an integral part thereof.

#### Article 5

1. Before 10 May 1993, the competent authority shall compile a list of all the proposals received and forward it to the Commission, together with copies of each proposal, including any supporting documents, and a reasoned opinion indicating whether the proposal complies with the provisions applying.

The competent authority shall examine all proposals received and any supporting documents on a bilateral basis with the Commission and a group composed of experts on marketing, advertising and milk sales techniques.

After consulting the relevant economic groups and following examination by the Management Committee for Milk and Milk Products of the proposals pursuant to Article 31 of Council Regulation (EEC) No 804/68 <sup>(1)</sup>, the Commission shall establish as soon as possible a list of the proposals selected for financing and determine the date by which the competent authorities shall conclude with the interested parties contracts for the measures selected. The contracts shall be concluded in as many copies as there are signatories and shall be signed by the parties concerned and the competent authority. For that purpose the competent authorities shall use standard contracts to be provided by the Commission.

2. The competent authorities shall inform each applicant as soon as possible of the decision taken in respect of his proposal.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

3. Conclusion of a contract shall be subject to the lodging of a security equal to 15 % of the planned maximum amount of the Community funding. The security is intended to ensure that the contract is properly carried out.

#### Article 6

1. Contracts shall include the details referred to in Article 4 or make reference to them and supplement those details, where necessary, by additional conditions.

2. The competent authorities :

- (a) shall send a copy of the contract to the Commission forthwith ;
- (b) ensure compliance with the conditions of the contract, in particular by means of the following checks :
  - administrative checks and audits to verify the costs financed and compliance with financing rules,
  - checks to verify that measures are implemented in accordance with the provisions of the contract,
  - other on-the-spot checks, where necessary.

Contracting parties must be subject to at least two inspections during the period of validity of the contract.

#### Article 7

1. The financing shall be paid by the competent authority to the contractor in full in the form of a single advance transfer by 30 September 1993 at the latest.

2. For this purpose each contractor shall lodge a security equal to 120 % of the Community financing with the competent authority, at the latest when the contract is signed.

3. The securities referred to in paragraph 2 and in Article 5 (3) shall be released subject to :

- (a) the forwarding to the Commission and to the competent authority of the report referred to in Article 8 (1) and to verification of the details contained in that report ;
- (b) confirmation by the competent authority that the party concerned has fulfilled his obligations under the contract ; and
- (c) confirmation by the competent authority that the party concerned or any third party named in the contract has spent his own contribution for the purposes laid down.

4. Where securities are forfeit the amount in question shall be deducted from the expenditure of the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure and more particularly from expenditure arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

#### Article 8

1. Each party responsible for one of the measures concerned shall submit to the Commission and to the competent authority, within four months of the final date fixed in the contract for implementing the measures, a detailed report on the utilization of the Community funds allocated and on the foreseeable results of the measures in question, in particular as regards the trend in sales of milk and milk products. If that report is submitted later than four months after that final date, 10 % of the Community contribution shall be withheld for each month commenced after expiry of that time limit.

2. The competent authority concerned shall forward to the Commission a statement to the effect that each contract has been performed satisfactorily, together with a copy of the final report.

#### Article 9

This Regulation shall enter into force on the seventh 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, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

## ANNEX I

In accordance with Article 3, interested parties are hereby informed that proposals are to be sent, within the time limits laid down, to the following competent authorities, in one original and five copies by registered letter or by messenger with acknowledgement of receipt:

| Member State   | Competent authority                                                                                                                              |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Belgium        | Office national du lait et de ses dérivés,<br>Rue Froissart 95-99,<br>B-1040 Bruxelles.                                                          |
| Denmark        | EF-Direktoratet,<br>Frederiksborggade 18,<br>DK-1360 København K.                                                                                |
| Germany        | Bundesanstalt für landwirtschaftliche Marktordeung<br>(BALM),<br>Adickesallee 40,<br>D-6000 Frankfurt am Main.                                   |
| Greece         | Direction for the management of agricultural products<br>(DIDAGEP),<br>241 Acharnon Street,<br>104-46 Athens (Greece).                           |
| France         | Office national interprofessionnel du lait et des produits laitiers (Onilait),<br>2, rue St. Charles,<br>F-75740 Paris Cedex 15.                 |
| Ireland        | Department of Agriculture and Food,<br>Milk Policy Division,<br>Floor 1 East,<br>Agriculture House,<br>Kildare Street,<br>IRL-Dublin 2.          |
| Italy          | Azienda di Stato per gli interventi sul mercato agricolo<br>(AIMA),<br>via Palestro 81,<br>I-00198 Roma.                                         |
| Luxembourg     | Administration des Services techniques de l'agriculture,<br>16, route d'Esch,<br>L-1470 Luxembourg.                                              |
| Netherlands    | Produktschap voor Zuivel,<br>Sir Winston Churchilllaan 275,<br>NL-2288 EA Rijswijk (ZH).                                                         |
| United Kingdom | Intervention Board for Agricultural Produce,<br>Livestock Products Division,<br>Fountain House,<br>2 Queen's Walk,<br>GB-Reading, Berks RG1 7QW. |

| Member State | Competent authority                                                                                                                   |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Spain        | Secretaría General de Alimentación,<br>Ministerio de Agricultura, Pesca y Alimentación,<br>Paseo Infanta Isabel 1,<br>E-28014 Madrid. |
| Portugal     | Instituto Nacional de Intervenção e Garantia Agrícola<br>(INGA),<br>Rua Camilo Castelo Branco, 45, 2º,<br>P-1000 Lisboa.              |

## ANNEX II

## BUDGET ANALYSIS SHEET

**in ECU '000 and % of total for measure (less overheads)**

[illegible]

(1) Enter the products concerned in the columns (liquid milk, butter, cheese, yoghourt, etc.).

(2) Enter in each line the measure or média used to promote the products (TV sports, radio, press releases, posters, seminars, sponsoring, etc.).

Contract No

CONTRACT

.....  
..... (1),

hereinafter referred to as 'the Competent Authority', represented for the purpose of signing this contract  
by (2) .....

.....,

*of the one part*

and

..... (3),

resident at (or whose registered office is at) (4) .....

.....,

(hereinafter referred to as 'the Contractor'), represented by (5) .....

.....

.....

by virtue of (6) .....

*of the other part;*

have agreed as follows :

(1) Insert full name of the competent authority.

(2) Name of the legal representative of the competent authority.

(3) Full name of the Contractor.

(4) Full address of the Contractor.

(5) Where applicable, the name and function of the legal representative of the Contractor.

(6) To be used only if the Contractor is a legal person or an association without legal capacity.

**1. Purpose**

- 1.1. The Contractor hereby undertakes to carry out measures, the purpose of which is as follows : .<sup>(1)</sup>. The said measures are defined in the Contractor's proposal as included in Annex 1. The measures shall be carried out in compliance with Regulation (EEC) No 585/93 <sup>(2)</sup> and with this contract.
- 1.2. Where there is a contradiction between this contract and the proposal, the provisions of the contract alone shall apply. Where there is a contradiction between the contract and Regulation (EEC) No 585/93, the Regulation alone shall apply.
- 1.3. Except as provided for in the implementation criteria included in Annex 2, this contract may be amended only by written agreement between the contracting parties, at the reasoned request of one of them following approval by the Commission of the European Communities.

**2. Duration**

The measures which are the subject of this contract shall be carried out before : .....<sup>(3)</sup>.

**3. Set-off of claims**

The Contractor may not set off claims by the Competent Authority on him against claims by him on the Competent Authority except with the written consent of the Competent Authority and the Commission of the European Communities.

**4. Financing and method of payment**

- 4.1. The total cost of the measures which are the subject of this contract is .....<sup>(4)</sup>.

The Community contribution is limited to .....<sup>(5)</sup>.

The Contractor hereby undertakes to open a bank account to be used exclusively for all the financial transactions which must be carried out for the purposes of this contract.

The Community contribution shall be paid by the Competent Authority into the bank account indicated hereafter : .....

- 4.2. The lodging and release of securities shall be governed by Regulation (EEC) No 2220/85.

- 4.3. The Competent Authority may, after notifying the Contractor, defer the various payments or have such payments deferred if verification of the documents and information provided for in paragraphs 6.1 and 6.2 reveals anomalies, and in particular that the implementation of the measures does not seem to be in accordance with the programme agreed or that the statement of expenditure does not seem to correspond to the measures actually carried out. A deferred payment shall be made after the Contractor has provided satisfactory explanations.

- 4.4. If verification reveals that certain amounts have been wrongly paid to the Contractor, a corresponding amount of the security lodged pursuant to Article 7(2) of Regulation (EEC) No 585/93 shall be forfeited. In addition, the sum owed by the Contractor shall bear interest, calculated from the date on which the amount was wrongly paid, at the rate applied by the European Monetary Cooperation Fund to its operations in ecus, as published in the C series of the *Official Journal of the European Communities*, in force on that date.

**5. Implementation of the measures**

- 5.1. The Contractor shall have technical and financial responsibility for the measures specified in Annex 1, including the compatibility of such measures with the relevant rules on competition.
- 5.2. The Contractor shall bear sole responsibility for obtaining any permits or authorizations required for the performance of the contract.

Where the Contractor is unable, through his own fault, to obtain one of the permits or authorizations required for the performance of the contract, the contract shall be terminated without prior notice by the Competent Authority.

<sup>(1)</sup> Insert a brief description of the proposal.

<sup>(2)</sup> OJ No L 61, 13. 3. 1993, p. 26.

<sup>(3)</sup> Insert the date.

<sup>(4)</sup> Insert the total amount in ecus.

<sup>(5)</sup> Insert the maximum amount in ecus.

- 5.3. The Contractor shall, without delay, assign to the performance of the contract the staff provided for in the proposal, together with any other staff necessary for the proper performance of the tasks incumbent on the Contractor

Where staff are designated by name in the proposal, the Contractor or, where appropriate, the subcontractor shall have the option of replacing such staff by staff with equivalent qualifications, subject to prior approval by the Competent Authority.

- 5.4. The Contractor shall provide the Competent Authority without delay with full particulars of any incident, delay or event likely to jeopardize the performance of this contract or compliance with the time limit specified in paragraph 2.

## 6. Checks

- 6.1. The Contractor and any subcontractors shall keep separate accounts in respect of the measures which are the subject of this contract. These accounts shall also, where applicable, be separate from those relating to measures carried out under contracts concluded pursuant to Community Regulations prior to the Regulation governing this contract.

Every three months the Contractor and any subcontractors shall submit to the Competent Authority a report on work carried out and copies of supporting documents with details of costs actually incurred in the performance of this contract.

- 6.2. The Commission of the European Communities and the Competent Authority shall be entitled, for the purpose of carrying out audits, to have access to all books, documents, papers and records relating to expenditure in respect of the performance of the contract during the period laid down in the contract for implementation of the measures and for a period of five years after the expiry of that period.

All supporting documents must be kept by the Contractor for the same five-year period.

- 6.3. Statements may be subject to verification even after payment of the Community contribution has been made by the Competent Authority, and may be challenged by the Commission of the European Communities or the Competent Authority at any time prior to the end of the five-year period provided for in point 6.2.

- 6.4. The Contractor shall submit to the Competent Authority, within four months of the final date laid down in paragraph 2, a detailed report on the utilization of the Community funds allocated and on the foreseeable results of the measures in question, in particular concerning the trend in sales of milk and milk products. This report shall be accompanied by summary extracts from the supporting documents kept by the Contractor relating to the expenditure actually incurred in the performance of this contract.

- 6.5. The Contractor hereby undertakes to comply with the instructions of the Commission of the European Communities and the Competent Authority regarding the keeping of accounts (Annex 3).

## 7. Rebates, incomes and transfer of materials

- 7.1. The Contractor must take every opportunity to obtain rebates, reductions of commission.

He hereby undertakes to credit to the accounts referred to in paragraph 6 (1) any such rebates, reductions or commission.

- 7.2. The Contractor must credit to the accounts referred to in paragraph 6.1 any income arising from carrying out the measures which are the subject of this contract.

- 7.3. The Contractor may not transfer to third parties the material produced under this contract or the rights to use such material.

## 8. Transfers and subcontracting

- 8.1. None of the rights or obligations arising from this contract may be transferred by the Contractor without prior written authorization by the Competent Authority and the Commission of the European Communities.

- 8.2. The contract shall be performed by the Contractor himself. However, after making a duly reasoned request for a derogation, the Contractor may be authorized by the Competent Authority to entrust the implementation of certain of the measures which are the subject of this contract to third parties, whether natural or legal persons, but shall nevertheless not thereby be released from his obligations under this contract.

- 8.3. The Contractor shall include in any subcontracts stipulations whereby the Competent Authority can exercise the same rights and enjoy the same guarantee *vis-à-vis* the subcontractors as *vis-à-vis* the Contractor himself.

## 9. Specific undertakings

The Contractor hereby undertakes for the duration of the execution of the contract as regards himself as well as any subcontractors:

- 9.1. not to use his activities under this contract to promote brands or names of firms;
- 9.2. not to produce, distribute or promote the sales of imitation milk products;
- 9.3. to fulfill the requirements of Council Regulation (EEC) No 1897/87<sup>(1)</sup> on the protection of designations used in the marketing of milk and milk products;
- 9.4. to indicate clearly and legibly on all documents he produces that the Commission of the European Communities has contributed to financing the measures which are the subject of this contract.

## 10. Termination of the contract

- 10.1. In the event of non-performance by the Contractor, in full or in part, of one or more of his obligations under this contract the Competent Authority shall, by registered post with acknowledgement of receipt, serve notice upon the Contractor.

If, on the expiry of one month following such service the Contractor is still in breach of his obligations the Competent Authority shall terminate the contract without delay.

- 10.2. Without prejudice to paragraph 5.2. the contract shall be terminated without prior notice by the Competent Authority in the following cases:

- (a) where the Competent Authority duly finds that the Contractor has seriously failed to fulfil his obligations under this contract;
- (b) where the Contractor has made false statements in order to obtain the Community contribution.

- 10.3. In the circumstances referred to in paragraphs 5.2, 10.1 and 10.2, the Contractor shall forfeit the security lodged pursuant to Article 7 (1) of Regulation (EEC) No 585/93 in proportion to the amount of the Community contribution wrongly paid to the Contractor. Interest at the annual rate referred to in paragraph 4.4 calculated from the date on which the amount was wrongly paid shall also be payable to the Commission on any sums wrongly paid to the Contractor.

- 10.4. The amount due to the Contractor shall be determined on the basis of the actual cost of the measures carried out in accordance with the contract before its termination. No payment shall be due in cases where only preparatory work has been carried out.

- 10.5. Except in cases of *force majeure*, paragraph 10.3 shall also apply if circumstances beyond the control of the Contractor prevent him from fulfilling his obligations, either wholly or in part.

## 11. Spread of risk

The Contractor shall not be entitled to payment if he is prevented by *force majeure* from performing the tasks assigned to him. Part performance only of any such task shall result in part payment.

## 12. Liability towards third parties

The Contractor and his subcontractors shall bear sole liability for any loss or damage incurred by them in the performance of the contract. They shall cover and indemnify the Commission of the European Communities or the Competent Authority against any liability action and/or claim for damages brought by third parties or by their staff. They shall also bear the costs and expenditure arising from the proceedings referred to in paragraphs 13.1 and 13.2.

## 13. Litigation between the Contractor and third parties

- 13.1. If the Competent Authority requests the Contractor to have recourse to administrative bodies or to go to law, in the event of litigation with third parties arising from the performance of this contract, the Contractor shall be obliged to comply with the instructions of the Competent Authority.

- 13.2. The Contractor shall inform the Competent Authority in writing of any appeal made to administrative authorities or any legal action taken against him in connection with the performance of this contract. The contracting parties shall decide by mutual agreement on the steps to be taken.

<sup>(1)</sup> OJ No L 182, 3. 7. 1987, p. 36.

**14. Annexes**

The following Annexes form an integral part of this contract :

Annex 1 : Text of the proposal as approved by the Commission (including the budget and the summary).

Annex 2 : Implementation criteria.

Annex 3 : Instructions concerning the keeping of accounts.

**15. Tax provisions**

The Community contribution is exempt from all duties and taxes, and in particular from value added tax, pursuant to Articles 3 and 4 of the Protocol on the Privileges and immunities of the European Communities. For the purposes of Articles 3 and 4 of that Protocol, the Contractor shall comply with the instructions of the Commission of the European Communities.

**16. Applicable law and competent court**

16.1. This contract shall be governed by the law of the country of the Competent Authority.

16.2. All disputes between the Competent Authority and the Contractor, or any litigation brought by one party against the other on the basis of this contract, regarding which it has not been possible to reach an amicable agreement between the contracting parties, shall be referred to the courts of the above-mentioned country.

Done at .....

For the Competent Authority

Done at .....

For the Contractor

...

**ANNEX 1**

(Text of the proposal)

1. Text as approved by the Commission
2. Budget which will show for each product the different measures envisaged : advertising (by separate media), public relations (cf. model annexed to the Regulation)
3. Summary (120 words maximum) of the essential elements of the proposal highlighting the promotion strategy adopted.

**ANNEX 2**

Implementation criteria

**I. General conditions**

1. The Community contribution will be calculated on the basis of the net real costs. Where value added tax is recoverable by the Contractor. It is not to be financed. In other cases, it can form part of the allowed expenditure if it has been indicated in the proposal and is included in the contract.
2. Any income accruing to the Contractor or subcontractors from the implementation of the measure (e.g. proceeds from the sale of products or receipts by way of transfer of know-how) must be declared by the contractor and deducted from the financing plan in the final statement.

Where fees are received for courses the Contractor and/or subcontractor are obliged to submit a financing plan giving a clear indication of receipts and expenses.

Any interest accruing from investment of the advance fixing must be credited to the account for the measure and used within the framework thereof.

If the Contractor and/or subcontractor have recourse to third parties, a number of tenders must be obtained.

3. Travelling expenses shall be eligible for reimbursement within the following limits:

(a) travel costs:

- air: tourist class,
- rail: first class,
- vehicle owned by Contractor or subcontractor or their colleagues: mileage allowance of ECU 0,25 per kilometre,
- taxis: not eligible for reimbursement;

(b) other expenses

- flat-rate amount of ECU 70 per person per day.

Where the Contractor is obliged to organize group travel, payment will be made upon presentation of the transport invoices, together with the ticket(s), and of the bills for meals and/or accommodation, together with an attendance list duly signed by the participants.

4. In the case of measures implemented by the Contractor's own staff, an average amount of ECU 3 500/month per person shall be eligible for Community financing, subject to a maximum of ECU 4 000 in duly justified individual cases; this amount includes all social security and similar payments. The costs of personnel engaged solely in planning, management and supervision (technical coordination costs) and typing shall be included in the overhead costs. Part-time posts must be justified and a work certificate must be presented.

The estimate of personnel costs in the case of publicity measures, in particular radio/TV spots, press releases or posters, shall be limited to 12 months per person. Contract extensions are not grounds for extending this period.

The costs of management personnel not directly engaged in the technical coordination and implementation of the measure shall not be eligible.

5. The breakdown of expenditure annexed to each contract may be modified by the contractor subject to a 20 % limit on transfers from one heading to another. No heading may be modified by more than 20 % without prior approval.

Transfers of more than 20 % per heading may be made only with the prior written consent of the Competent Authority and the Commission, on the basis of a written reasoned request by the Contractor. The Commission shall receive a copy of all approved modifications. Authorization must be granted at least three months before the expiry date of the original contract.

6. The amounts specified in the contract shall be converted into national currency at the green rate applicable on the closing date for submission of proposals.

7. Where agencies are used, their management fees may not exceed 15 % of their total costs, including any consultants fees.

8. Measures may be financed only if they are carried out within the prescribed deadline. The date of execution is applicable, and not the date of invoice. The settlement of accounts must take place within the time limit specified in the contract. Any corrections made by the Contractor after that date shall not be accepted.

9. Materials taken out of stocks shall not be eligible. Expenditure incurred after the final date for execution of the contract shall not be eligible.

10. Expenditure under the heading 'Insurance against risks or damage' and the heading 'Securities' shall not be eligible.

11. Sickness or public engagements of colleagues cannot be considered as unforeseeable circumstances and do not warrant an extension of the contractual period.

12. The final report must be accompanied by a summary (of about 250 words), a résumé (of about 60 words) and a list of key words (maximum eight). If the report is not drawn up in English, the summary, résumé and key words must be provided in that language.

*II. Special conditions relating to promotional and publicity measures*

1. Acquisitions considered as assets and leasing costs shall not be eligible for financing. Any expenditure on office equipment must be met from overheads, where such equipment is essential for the implementation of the measures.
2. In no circumstances shall firms producing or marketing milk products be admissible as Contractors or subcontractors, if they implement the measures themselves.
3. Generic parts of mixed advertisements may be financed in proportion to the total amount, provided that such costs can be identified. Otherwise, no Community financing shall be granted.
4. Where promotional measures include seminars, these may not qualify as regular training. Expenditure on such measures may be considered eligible within the limit of the actual costs incurred, where proof is duly supplied by the Contractor or subcontractor. However, detailed proof is not necessary if the amount claimed per participant does not exceed ECU 30 per day.
5. Promotional materials unused after the final date of the contract shall be eligible for financing only if they have been produced at least three months prior to the expiry of the original contractual period and provided that the unused quantity is not excessive.
6. Post-tests are no longer compulsory and are therefore no longer eligible.

*III. Special conditions relating to measures to improve the quality of milk*

1. The leasing of installations and equipment shall not be eligible for financing.
2. Expenditure related to individual counselling given to producers shall be subject to the general conditions of these implementation criteria, in particular paragraphs 4 and 5 of Chapter I.

---

**ANNEX 3****Instructions concerning the keeping of accounts**

1. A separate account shall be kept for each contract (cf. Article 4 (1) of the contract).
  2. Invoices must :
    - show the name of the firm or person who issued them, the name or business name of the Contractor or, where appropriate, his client No., the amount of the invoice in national currency and the date of the invoice. The equivalent amount in ecus (at the rate effective on the final date permitted for the submission of proposals) may be juxtaposed so that the expenditure position may be checked against the budget annexed to the contract ;
    - be filed and numbered in chronological order of issue.
  3. Invoices should be listed by expenditure heading (e.g. personnel, travel, materials, transport, etc.).
  4. If not all the services billed are related to the contract, specify which should be taken into account.
  5. The accounts must be closed within four months of termination of the measures. However, this time limit may be extended to take account of any disputes.
-

## COMMISSION REGULATION (EEC) No 586/93

of 12 March 1993

providing for an exception in respect of the volatile acid content of certain wines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine<sup>(1)</sup>, as last amended by Regulation (EEC) No 1756/92<sup>(2)</sup>, and in particular Article 66 (4) thereof,

Whereas Article 66 of Regulation (EEC) No 822/87 fixes the maximum volatile acid content of wine; whereas provision may be made for exceptions for certain quality wines psr and certain table wines designated pursuant to Article 72 (2) of that Regulation; whereas certain German, French and Italian wines falling within these categories normally possess, by virtue of the special methods by which they are prepared and their high alcoholic strength, a volatile acidity higher than that provided for in Article 66 of Regulation (EEC) No 822/79; whereas, in order that the abovementioned wines may continue to be prepared by the customary methods which enable them to acquire their characteristic properties, provision should be made for an exception from Article 66 (1) of Regulation (EEC) No 822/87;

Whereas Commission Regulations (EEC) No 2510/83<sup>(3)</sup> and (EEC) No 743/90<sup>(4)</sup> both concerning exceptions for certain arrangements as concern the volatile acid in certain wines has foreseen specific exceptions for certain wines, these arrangements should be integrated in one Regulation and consequently the Regulations referred to above should be repealed;

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*

Notwithstanding Article 66 (1) of Regulation (EEC) No 822/87, the maximum volatile acid content shall be:

(a) for German wines:

30 milliequivalents per litre for quality wines psr meeting the requirements to the designated as 'Trockenbeerenauslese', 'Eiswein' or 'Beerenauslese';

(b) for French wines:

25 milliequivalents per litre for the following quality wines psr:

- Barsac,
- Cadillac,
- Cérons,
- Loupiac,
- Sainte Croix du Mont,
- Sauternes,
- Anjou-Coteaux de la Loire,
- Bonnezeaux,
- Coteaux de l'Aubance,
- Coteaux du Layon,
- Coteaux du Layon, followed by the name of the commune of origin,
- Coteaux du Layon, followed by the name 'Chaume',
- Quarts de Chaume,
- Coteaux de Saumur,

(c) for Italian wines:

25 milliequivalents per litre for:

- 'Vernaccia di Oristano' quality wines psr and
- table wines obtained from the 'Vernaccia di Oristano B' variety harvested in Sardinia and designated pursuant to Article 72 (2) of Regulation (EEC) No 822/87 as 'Vernaccia di Sardegna'.

*Article 2*

Regulations (EEC) No 2510/83 and (EEC) No 743/90 are hereby repealed.

*Article 3*

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

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 27.

<sup>(3)</sup> OJ No L 248, 8. 9. 1983, p. 16.

<sup>(4)</sup> OJ No L 82, 29. 3. 1990, p. 20.

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

Done at Brussels, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 587/93

of 12 March 1993

amending the code of a product in Regulation (EEC) No 1332/92 introducing specific measures for table olives

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products<sup>(1)</sup>, as amended by Regulation (EEC) No 3208/89<sup>(2)</sup>, and in particular Article 2 (1) thereof,Whereas Article 3 (1) of Council Regulation (EEC) No 1332/92<sup>(3)</sup> provides that specific aid is to be granted to groups or associations thereof of producers of table olives falling within certain codes of the combined nomenclature; whereas one of these codes was amended by Commission Regulation (EEC) No 2505/92<sup>(4)</sup>; whereas that Article should be adapted accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1332/92 is hereby amended as follows:

The CN code 'ex 2001 90 80' in Article 3 (1) is replaced by '2001 90 65'.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 15 March 1993.

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

Done at Brussels, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*<sup>(1)</sup> OJ No L 34, 9. 2. 1979, p. 2.<sup>(2)</sup> OJ No L 312, 27. 10. 1989, p. 5.<sup>(3)</sup> OJ No L 145, 27. 5. 1992, p. 1.<sup>(4)</sup> OJ No L 267, 14. 9. 1992, p. 1.

**COMMISSION REGULATION (EEC) No 588/93**  
**of 12 March 1993**  
**fixing the import levies 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 804/68 of  
27 June 1968 on the common organization of the market  
in milk and milk products <sup>(1)</sup>, as last amended by Regula-  
tion (EEC) No 2071/92 <sup>(2)</sup>, and in particular Article 14 (8)  
thereof,

Whereas the import levies on milk and milk products  
were fixed by Commission Regulation (EEC) No  
3864/92 <sup>(3)</sup>, as last amended by Regulation (EEC) No  
427/93 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules  
contained in Regulation (EEC) No 3864/92 to the prices

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 referred to in Article 14 of Regulation  
(EEC) No 804/68 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 16 March 1993.

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

Done at Brussels, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 215, 30. 7. 1992, p. 64.

<sup>(3)</sup> OJ No L 390, 31. 12. 1992, p. 92.

<sup>(4)</sup> OJ No L 48, 26. 2. 1993, p. 39.

## ANNEX

## to the Commission Regulation of 12 March 1993 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

| CN code    | Note (°)                                           | Import levy       | CN code    | Note (°)         | Import levy       |
|------------|----------------------------------------------------|-------------------|------------|------------------|-------------------|
| 0401 10 10 |                                                    | 15,53             | 0403 10 16 | ( <sup>1</sup> ) | 2,0104/kg + 29,97 |
| 0401 10 90 |                                                    | 14,32             | 0403 10 22 |                  | 24,10             |
| 0401 20 11 |                                                    | 21,69             | 0403 10 24 |                  | 29,57             |
| 0401 20 19 |                                                    | 20,48             | 0403 10 26 |                  | 72,89             |
| 0401 20 91 |                                                    | 27,16             | 0403 10 32 | ( <sup>1</sup> ) | 0,1806/kg + 28,76 |
| 0401 20 99 |                                                    | 25,95             | 0403 10 34 | ( <sup>1</sup> ) | 0,2353/kg + 28,76 |
| 0401 30 11 |                                                    | 70,48             | 0403 10 36 | ( <sup>1</sup> ) | 0,6685/kg + 28,76 |
| 0401 30 19 |                                                    | 69,27             | 0403 90 11 |                  | 104,07            |
| 0401 30 31 |                                                    | 136,42            | 0403 90 13 |                  | 170,22            |
| 0401 30 39 |                                                    | 135,21            | 0403 90 19 |                  | 208,29            |
| 0401 30 91 |                                                    | 229,85            | 0403 90 31 | ( <sup>1</sup> ) | 0,9682/kg + 29,97 |
| 0401 30 99 |                                                    | 228,64            | 0403 90 33 | ( <sup>1</sup> ) | 1,6297/kg + 29,97 |
| 0402 10 11 | ( <sup>1</sup> )                                   | 104,07            | 0403 90 39 | ( <sup>1</sup> ) | 2,0104/kg + 29,97 |
| 0402 10 19 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 96,82             | 0403 90 51 |                  | 24,10             |
| 0402 10 91 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 0,9682/kg + 29,97 | 0403 90 53 |                  | 29,57             |
| 0402 10 99 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 0,9682/kg + 22,72 | 0403 90 59 |                  | 72,89             |
| 0402 21 11 | ( <sup>1</sup> )                                   | 170,22            | 0403 90 61 | ( <sup>1</sup> ) | 0,1806/kg + 28,76 |
| 0402 21 17 | ( <sup>1</sup> )                                   | 162,97            | 0403 90 63 | ( <sup>1</sup> ) | 0,2353/kg + 28,76 |
| 0402 21 19 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 162,97            | 0403 90 69 | ( <sup>1</sup> ) | 0,6685/kg + 28,76 |
| 0402 21 91 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 208,29            | 0404 10 02 |                  | 23,12             |
| 0402 21 99 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 201,04            | 0404 10 04 |                  | 170,22            |
| 0402 29 11 | ( <sup>1</sup> ) ( <sup>2</sup> ) ( <sup>3</sup> ) | 1,6297/kg + 29,97 | 0404 10 06 |                  | 208,29            |
| 0402 29 15 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 1,6297/kg + 29,97 | 0404 10 12 |                  | 104,07            |
| 0402 29 19 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 1,6297/kg + 22,72 | 0404 10 14 |                  | 170,22            |
| 0402 29 91 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 2,0104/kg + 29,97 | 0404 10 16 |                  | 208,29            |
| 0402 29 99 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 2,0104/kg + 22,72 | 0404 10 26 | ( <sup>1</sup> ) | 0,2312/kg + 22,72 |
| 0402 91 11 | ( <sup>1</sup> )                                   | 35,23             | 0404 10 28 | ( <sup>1</sup> ) | 1,6297/kg + 29,97 |
| 0402 91 19 | ( <sup>1</sup> )                                   | 35,23             | 0404 10 32 | ( <sup>1</sup> ) | 2,0104/kg + 29,97 |
| 0402 91 31 | ( <sup>1</sup> )                                   | 44,04             | 0404 10 34 | ( <sup>1</sup> ) | 0,9682/kg + 29,97 |
| 0402 91 39 | ( <sup>1</sup> )                                   | 44,04             | 0404 10 36 | ( <sup>1</sup> ) | 1,6297/kg + 29,97 |
| 0402 91 51 | ( <sup>1</sup> )                                   | 136,42            | 0404 10 38 | ( <sup>1</sup> ) | 2,0104/kg + 29,97 |
| 0402 91 59 | ( <sup>1</sup> )                                   | 135,21            | 0404 10 48 | ( <sup>2</sup> ) | 0,2312/kg         |
| 0402 91 91 | ( <sup>1</sup> )                                   | 229,85            | 0404 10 52 | ( <sup>2</sup> ) | 1,6297/kg + 6,04  |
| 0402 91 99 | ( <sup>1</sup> )                                   | 228,64            | 0404 10 54 | ( <sup>2</sup> ) | 2,0104/kg + 6,04  |
| 0402 99 11 | ( <sup>1</sup> )                                   | 48,47             | 0404 10 56 | ( <sup>2</sup> ) | 0,9682/kg + 6,04  |
| 0402 99 19 | ( <sup>1</sup> )                                   | 48,47             | 0404 10 58 | ( <sup>2</sup> ) | 1,6297/kg + 6,04  |
| 0402 99 31 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 1,3279/kg + 26,35 | 0404 10 62 | ( <sup>2</sup> ) | 2,0104/kg + 6,04  |
| 0402 99 39 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 1,3279/kg + 25,14 | 0404 10 72 | ( <sup>2</sup> ) | 0,2312/kg + 22,72 |
| 0402 99 91 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 2,2622/kg + 26,35 | 0404 10 74 | ( <sup>2</sup> ) | 1,6297/kg + 28,76 |
| 0402 99 99 | ( <sup>1</sup> ) ( <sup>2</sup> )                  | 2,2622/kg + 25,14 | 0404 10 76 | ( <sup>2</sup> ) | 2,0104/kg + 28,76 |
| 0403 10 02 |                                                    | 104,07            | 0404 10 78 | ( <sup>2</sup> ) | 0,9682/kg + 28,76 |
| 0403 10 04 |                                                    | 170,22            | 0404 10 82 | ( <sup>2</sup> ) | 1,6297/kg + 28,76 |
| 0403 10 06 |                                                    | 208,29            | 0404 10 84 | ( <sup>2</sup> ) | 2,0104/kg + 28,76 |
| 0403 10 12 | ( <sup>1</sup> )                                   | 0,9682/kg + 29,97 | 0404 90 11 |                  | 104,07            |
| 0403 10 14 | ( <sup>1</sup> )                                   | 1,6297/kg + 29,97 | 0404 90 13 |                  | 170,22            |

| CN code    | Note (°)    | Import levy       | CN code    | Note (°)    | Import levy |
|------------|-------------|-------------------|------------|-------------|-------------|
| 0404 90 19 |             | 208,29            | 0406 90 31 | (°) (°) (°) | 185,08      |
| 0404 90 31 |             | 104,07            | 0406 90 33 | (°) (°)     | 185,08      |
| 0404 90 33 |             | 170,22            | 0406 90 35 | (°) (°) (°) | 185,08      |
| 0404 90 39 |             | 208,29            | 0406 90 37 | (°) (°) (°) | 185,08      |
| 0404 90 51 | (°)         | 0,9682/kg + 29,97 | 0406 90 39 | (°) (°) (°) | 185,08      |
| 0404 90 53 | (°) (°)     | 1,6297/kg + 29,97 | 0406 90 50 | (°) (°) (°) | 185,08      |
| 0404 90 59 | (°)         | 2,0104/kg + 29,97 | 0406 90 61 | (°) (°)     | 392,07      |
| 0404 90 91 | (°)         | 0,9682/kg + 29,97 | 0406 90 63 | (°) (°)     | 392,07      |
| 0404 90 93 | (°) (°)     | 1,6297/kg + 29,97 | 0406 90 69 | (°) (°)     | 392,07      |
| 0404 90 99 | (°)         | 2,0104kg + 29,97  | 0406 90 73 | (°) (°)     | 185,08      |
| 0405 00 11 | (°)         | 236,78            | 0406 90 75 | (°) (°)     | 185,08      |
| 0405 00 19 | (°)         | 236,78            | 0406 90 77 | (°) (°)     | 185,08      |
| 0405 00 90 |             | 288,87            | 0406 90 79 | (°) (°)     | 185,08      |
| 0406 10 20 | (°) (°)     | 227,70            | 0406 90 81 | (°) (°)     | 185,08      |
| 0406 10 80 | (°) (°)     | 281,80            | 0406 90 85 | (°) (°)     | 185,08      |
| 0406 20 10 | (°) (°) (°) | 392,07            | 0406 90 89 | (°) (°) (°) | 185,08      |
| 0406 20 90 | (°) (°)     | 392,07            | 0406 90 93 | (°) (°)     | 227,70      |
| 0406 30 10 | (°) (°) (°) | 179,97            | 0406 90 99 | (°) (°)     | 281,80      |
| 0406 30 31 | (°) (°) (°) | 171,99            | 1702 10 10 |             | 23,09       |
| 0406 30 39 | (°) (°) (°) | 179,97            | 1702 10 90 |             | 23,09       |
| 0406 30 90 | (°) (°) (°) | 276,69            | 2106 90 51 |             | 23,09       |
| 0406 40 00 | (°) (°) (°) | 149,51            | 2309 10 15 |             | 75,04       |
| 0406 90 11 | (°) (°) (°) | 226,73            | 2309 10 19 |             | 97,30       |
| 0406 90 13 | (°) (°) (°) | 171,25            | 2309 10 39 |             | 91,74       |
| 0406 90 15 | (°) (°) (°) | 171,25            | 2309 10 59 |             | 77,00       |
| 0406 90 17 | (°) (°) (°) | 171,25            | 2309 10 70 |             | 97,30       |
| 0406 90 19 | (°) (°) (°) | 392,07            | 2309 90 35 |             | 75,04       |
| 0406 90 21 | (°) (°) (°) | 226,73            | 2309 90 39 |             | 97,30       |
| 0406 90 23 | (°) (°) (°) | 185,08            | 2309 90 49 |             | 91,74       |
| 0406 90 25 | (°) (°) (°) | 185,08            | 2309 90 59 |             | 77,00       |
| 0406 90 27 | (°) (°) (°) | 185,08            | 2309 90 70 |             | 97,30       |
| 0406 90 29 | (°) (°) (°) | 185,08            |            |             |             |

(°) The levy on 100 kg of product falling within this code is equal to the sum of the following:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and
- (b) the other amount indicated.

(°) The levy on 100 kg of product falling within this code is equal to:

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
- (b) the other amount indicated.

(°) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.

(°) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.

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

(°) 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 584/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

## COMMISSION REGULATION (EEC) No 589/93

of 12 March 1993

fixing the maximum buying-in price and the quantities of beef bought in for the 87th partial invitation to tender within the general intervention measures under Regulation (EEC) No 1627/89

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 125/93 <sup>(2)</sup>, and in particular Article 6 (8) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of general and special intervention measures in the beef and veal sector <sup>(3)</sup>, as last amended by Regulation (EEC) No 526/93 <sup>(4)</sup>, an invitation to tender was opened by Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender <sup>(5)</sup>, as last amended by Regulation (EEC) No 503/93 <sup>(6)</sup>;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted, without, however, exceeding the average national or regional market price plus the amount mentioned in paragraph 1; whereas, however, pursuant to Article 5 of that Regulation, where the intervention agencies in Member States are offered meat in quantities greater than they are able to take over forthwith, such intervention agencies may limit buying in to the quantities they can take over;

Whereas, after the tenders submitted for the 87th partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the

differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

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*

For the 87th partial invitation to tender opened by Article 1 (1) of Regulation (EEC) No 1627/89:

(a) for category A:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 250,95 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 4 258 tonnes; the quantities offered are hereby reduced by 30 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 243 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 4 129 tonnes; the quantities offered are hereby reduced by 70 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89.

*Article 2*

This Regulation shall enter into force on 15 March 1993.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 18, 27. 1. 1993, p. 1.

<sup>(3)</sup> OJ No L 91, 4. 4. 1989, p. 5.

<sup>(4)</sup> OJ No L 56, 9. 3. 1993, p. 23.

<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(6)</sup> OJ No L 54, 5. 3. 1993, p. 11.

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

Done at Brussels, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 590/93****of 12 March 1993****fixing the import levies on rice and broken rice**

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 1418/76  
of 21 June 1976 on the common organization of the  
market in rice <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 674/92 <sup>(2)</sup>, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC)  
No 833/87 of 23 March 1987 laying down detailed rules  
for the application of Council Regulation (EEC)  
No 3877/86 on imports of rice of the long-grain aromatic  
Basmati variety falling within CN codes 1006 10, 1006 20  
and 1006 30 <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 674/91 <sup>(4)</sup>, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were  
fixed by Commission Regulation (EEC) No 3863/92 <sup>(5)</sup>, as  
last amended by Regulation (EEC) No 517/93 <sup>(6)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in  
Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76  
shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 March 1993.

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

Done at Brussels, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 390, 31. 12. 1992, p. 89.

<sup>(6)</sup> OJ No L 55, 6. 3. 1993, p. 50.

## ANNEX

to the Commission Regulation of 12 March 1993 fixing the import levies on rice and broken rice

(ECU/tonne)

| CN code    | Levies (7)                                           |                                      |                                        |
|------------|------------------------------------------------------|--------------------------------------|----------------------------------------|
|            | Arrangement<br>in Regulation (EEC)<br>No 3877/86 (6) | ACP<br>Bangladesh<br>(1) (2) (3) (4) | Third countries<br>(except ACP)<br>(5) |
| 1006 10 21 | —                                                    | 152,21                               | 311,63                                 |
| 1006 10 23 | —                                                    | 164,17                               | 335,54                                 |
| 1006 10 25 | —                                                    | 164,17                               | 335,54                                 |
| 1006 10 27 | 251,66                                               | 164,17                               | 335,54                                 |
| 1006 10 92 | —                                                    | 152,21                               | 311,63                                 |
| 1006 10 94 | —                                                    | 164,17                               | 335,54                                 |
| 1006 10 96 | —                                                    | 164,17                               | 335,54                                 |
| 1006 10 98 | 251,66                                               | 164,17                               | 335,54                                 |
| 1006 20 11 | —                                                    | 191,17                               | 389,54                                 |
| 1006 20 13 | —                                                    | 206,11                               | 419,43                                 |
| 1006 20 15 | —                                                    | 206,11                               | 419,43                                 |
| 1006 20 17 | 314,57                                               | 206,11                               | 419,43                                 |
| 1006 20 92 | —                                                    | 191,17                               | 389,54                                 |
| 1006 20 94 | —                                                    | 206,11                               | 419,43                                 |
| 1006 20 96 | —                                                    | 206,11                               | 419,43                                 |
| 1006 20 98 | 314,57                                               | 206,11                               | 419,43                                 |
| 1006 30 21 | —                                                    | 236,65                               | 497,16 (5)                             |
| 1006 30 23 | —                                                    | 288,58                               | 600,93 (5)                             |
| 1006 30 25 | —                                                    | 288,58                               | 600,93 (5)                             |
| 1006 30 27 | 450,70 (5)                                           | 288,58                               | 600,93 (5)                             |
| 1006 30 42 | —                                                    | 236,65                               | 497,16 (5)                             |
| 1006 30 44 | —                                                    | 288,58                               | 600,93 (5)                             |
| 1006 30 46 | —                                                    | 288,58                               | 600,93 (5)                             |
| 1006 30 48 | 450,70 (5)                                           | 288,58                               | 600,93 (5)                             |
| 1006 30 61 | —                                                    | 252,39                               | 529,48 (5)                             |
| 1006 30 63 | —                                                    | 309,75                               | 644,20 (5)                             |
| 1006 30 65 | —                                                    | 309,75                               | 644,20 (5)                             |
| 1006 30 67 | 483,15 (5)                                           | 309,75                               | 644,20 (5)                             |
| 1006 30 92 | —                                                    | 252,39                               | 529,48 (5)                             |
| 1006 30 94 | —                                                    | 309,75                               | 644,20 (5)                             |
| 1006 30 96 | —                                                    | 309,75                               | 644,20 (5)                             |
| 1006 30 98 | 483,15 (5)                                           | 309,75                               | 644,20 (5)                             |
| 1006 40 00 | —                                                    | 67,63                                | 141,27                                 |

(1) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

(2) In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(3) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(4) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(5) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91 (OJ No L 356, 24. 12. 1991, p. 46).

(6) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

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

**COMMISSION REGULATION (EEC) No 591/93****of 12 March 1993****fixing the premiums to be added to the import levies on rice and broken rice**

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 1418/76  
of 21 June 1976 on the common organization of the  
market in rice <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 674/92 <sup>(2)</sup>, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice  
and broken rice were fixed by Commission Regulation  
(EEC) No 3862/92 <sup>(3)</sup>, as last amended by Regulation  
(EEC) No 518/93 <sup>(4)</sup>;

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 to be added to the import levies fixed in  
advance in respect of rice and broken rice originating in  
third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 March 1993.

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

Done at Brussels, 12 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(3)</sup> OJ No L 390, 31. 12. 1992, p. 86.

<sup>(4)</sup> OJ No L 55, 6. 3. 1993, p. 52.

## ANNEX

to the Commission Regulation of 12 March 1993 fixing the premiums to be added to the import levies on rice and broken rice

| CN code    | (ECU/tonne)  |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|
|            | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 |
| 1006 10 21 | 0            | 0               | 0               | —               |
| 1006 10 23 | 0            | 0               | 0               | —               |
| 1006 10 25 | 0            | 0               | 0               | —               |
| 1006 10 27 | 0            | 0               | 0               | —               |
| 1006 10 92 | 0            | 0               | 0               | —               |
| 1006 10 94 | 0            | 0               | 0               | —               |
| 1006 10 96 | 0            | 0               | 0               | —               |
| 1006 10 98 | 0            | 0               | 0               | —               |
| 1006 20 11 | 0            | 0               | 0               | —               |
| 1006 20 13 | 0            | 0               | 0               | —               |
| 1006 20 15 | 0            | 0               | 0               | —               |
| 1006 20 17 | 0            | 0               | 0               | —               |
| 1006 20 92 | 0            | 0               | 0               | —               |
| 1006 20 94 | 0            | 0               | 0               | —               |
| 1006 20 96 | 0            | 0               | 0               | —               |
| 1006 20 98 | 0            | 0               | 0               | —               |
| 1006 30 21 | 0            | 0               | 0               | —               |
| 1006 30 23 | 0            | 0               | 0               | —               |
| 1006 30 25 | 0            | 0               | 0               | —               |
| 1006 30 27 | 0            | 0               | 0               | —               |
| 1006 30 42 | 0            | 0               | 0               | —               |
| 1006 30 44 | 0            | 0               | 0               | —               |
| 1006 30 46 | 0            | 0               | 0               | —               |
| 1006 30 48 | 0            | 0               | 0               | —               |
| 1006 30 61 | 0            | 0               | 0               | —               |
| 1006 30 63 | 0            | 0               | 0               | —               |
| 1006 30 65 | 0            | 0               | 0               | —               |
| 1006 30 67 | 0            | 0               | 0               | —               |
| 1006 30 92 | 0            | 0               | 0               | —               |
| 1006 30 94 | 0            | 0               | 0               | —               |
| 1006 30 96 | 0            | 0               | 0               | —               |
| 1006 30 98 | 0            | 0               | 0               | —               |
| 1006 40 00 | 0            | 0               | 0               | 0               |

## COMMISSION REGULATION (EEC) No 592/93

of 12 March 1993

amending Regulation (EEC) No 420/93 making imports of certain fishery products subject to observance of the reference price

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products<sup>(1)</sup>, and in particular Article 22 (6) thereof,

Whereas Commission Regulation (EEC) No 420/93<sup>(2)</sup> makes imports of certain fishery products subject to observance of reference prices;

Whereas the free-at-frontier prices of large quantities of products other than those specified in Regulation (EEC) No 420/93 have fallen below the reference prices for those products; whereas the list of products made subject to observance of reference prices should accordingly be extended;

Whereas the Management Committee for Fishery Products could not express an opinion as regards the measures provided for in this Regulation within the time required by its President,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 420/93 is amended as follows:

1. point 2 (frozen products) in the Annex reads as follows:

| (ECU/tonne)                                                            |                                               |                  |
|------------------------------------------------------------------------|-----------------------------------------------|------------------|
| Species                                                                | Presentation                                  | Reference prices |
| 5. Alaska pollack<br>( <i>Theragra chalcogramma</i> )<br>ex 0304 20 85 | Fillets:                                      |                  |
|                                                                        | — industrial blocks, with bones<br>(standard) | 935              |
|                                                                        | — industrial blocks, boneless                 | 1 089            |

2. With respect to Alaska pollack, the date of release for free circulation as laid down in Article 1 (2), shall be 31 March 1993 at the latest.

*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, 12 March 1993.

*For the Commission*

Yannis PALEOKRASSAS

*Member of the Commission*

<sup>(1)</sup> OJ No L 388, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ No L 48, 26. 2. 1993, p. 12.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 12 January 1993

concerning an AIMA national programme on aid which Italy plans to grant for the private storage of carrots

(only the Italian text is authentic)

(93/154/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1754/92<sup>(2)</sup>, and in particular Article 31 thereof,

After giving notice to the parties concerned, in accordance with Article 93 (2) of the Treaty, to submit their comments<sup>(3)</sup>,

Whereas :

## I

By letter of 20 December 1991, recorded as received on 28 January 1992, the Permanent Representation of Italy to the European Communities notified the Commission, pursuant to Article 93 (3) of the Treaty, of a national programme concerning aid for the private storage of carrots established by AIMA (Italian intervention agency).

The programme was based on a decision of the CIPE (*Comitato Interministeriale per la Programmazione Economica*) of 4 December 1990, which, in its last two paragraphs, specified that the programme could be imple-

mented only after notification to the European Commission and verification of its compatibility with Community rules.

The measure involves the granting, for a period of four months, of aid totalling Lit 2,46 billion for the conservation of a maximum overall quantity of 45 000 tonnes of carrots.

The Italian Government justified the measures on the grounds of the difficulties affecting the market in carrots.

## II

By letter No SG(92) D/5210 of 14 April 1992, the Commission informed the Italian Government that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of this aid scheme.

In the same letter the Commission informed the Italian authorities that it considered the aid to be an operating aid incompatible with the Commission's standing philosophy regarding the application of Articles 92, 93 and 94 of the Treaty; a measure of this sort has the direct effect of artificially reducing cost prices and improving the conditions under which the producers concerned produce and dispose of their products as compared with other producers in other Member States who do not qualify for comparable aid.

The measure in question is therefore capable of distorting competition and affecting trade between the Member States and meets the criteria laid down in Article 92 (1) of the Treaty without qualifying under the exceptions provided for in Article 92 (2) and (3).

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 23.

<sup>(3)</sup> OJ No C 160, 26. 6. 1992, p. 2.

Moreover, the measure constitutes an infringement of Regulation (EEC) No 1035/72.

That Regulation must be considered a comprehensive, exhaustive system which bars the Member States from taking any supplementary measures.

Under the procedure provided for in Article 93 (2), the Commission gave notice to the Italian Government to submit its comments.

It also gave notice to the other Member States and to the other parties concerned to submit their comments.

### III

By letter of 25 May 1992 the Italian Government replied to the Commission's letter of 14 April 1992, submitting the following comments.

According to the Italian authorities, carrots are subject to the market organization in fruit and vegetables only in a purely formal way. Since the product in question does not, at Community level, benefit from any aid measure or direct or indirect support, it would be reasonable to consider carrots as substantively outside the common organization of the market concerned.

Hence, carrots fall within Council Regulation No 26 <sup>(1)</sup>, as amended by Regulation No 49 <sup>(2)</sup>, and the Commission, applying only Article 93 (1) and (3), first sentence, of the Treaty, may only make recommendations in respect of the aid in question.

The absence of a market organization for carrots means, according to the Italian authorities, that aid for the private storage of carrots cannot be classified as operating aid, non-permissible under the competition rules of the Treaty.

### IV

With regard to the arguments put forward by the Italian authorities, the following points must be stressed.

Carrots are included in the list of products governed by the common organization of the market in fruit and vegetables (cf. Article 1 (2) of Regulation (EEC) No 1035/72).

Hence, they are subject to all the rules of that market organization.

Each common organization of the market is characterized by the fact that, for a given sector, all possibility of national market organization measures is ruled out, being replaced by Community measures.

<sup>(1)</sup> OJ No 30, 20. 4. 1962, p. 993/62.

<sup>(2)</sup> OJ No 53, 1. 7. 1962, p. 1571/62.

The Italian authorities may no longer — even in critical market situations — apply measures other than specified by the rules governing the common organization of the market in fruit and vegetables. That organization is to be seen as a complete and exhaustive system which leaves Member States no power whatsoever to take any supplementary measures with regard to the operation of the market organization concerned.

The measure in question is therefore incompatible with the common market and does not qualify for any of the exceptions provided for in Article 92 (3) of the Treaty.

This conclusion is not invalidated by the fact that the market organization in question does not provide for specific aid measures for carrots.

The absence of such measures reflects the Community legislator's intention to limit itself to the rules laid down by the market organization concerned, judging them to be sufficient to regulate the market in question.

In view of the above, the arguments put forward by the Italian authorities cannot be accepted.

### V

During the 1991 marketing year, Italian production of carrots was estimated at 475 500 tonnes (from an area of 11 100 hectares), which represents approximately to 18 % of the average annual Community production of carrots over the period 1988 to 1990.

The quantities concerned in the case of the aid in question amount to a maximum of 45 000 tonnes of carrots (i.e. 9,5 % of Italian production and 1,7 % of average Community production).

The impact of the aid on intra-Community trade could therefore be substantial.

### VI

Aid for the private storage of carrots would, if granted, constitute an operating aid for the benefit of producers, producer groups and associations, and traders active in this sector. Such aid, if granted, would enable the recipients to reduce storage costs and to benefit from more advantageous prices than would have been the case without the State aid. The measure could, therefore, distort competition between recipients of the aid and other non-recipient operators in the same sector in Italy and elsewhere in the Community.

Moreover, a reduction in storage costs would reduce the general costs of marketing the product in question and enable Italian producer groups and associations and interested traders to sell the product in Italy and in the other

Member States on more favourable terms. The aid would make them more competitive on the markets of the other Member States and is therefore likely to affect trade between Member States.

The measure in question therefore fulfils the criteria set out in Article 92 (1) of the Treaty according to which the aid to which it relates is incompatible with the common market.

The exceptions to such incompatibility, set out in Article 92 (2), are clearly not applicable to the aid in question. Those set out in Article 92 (3) relate to objectives pursued in the Community's interest and not only in the interest of individual sectors of the national economy. These exceptions are to be strictly interpreted when examining any regional or sectoral aid or any case of individual application of general aid schemes.

In particular, such exceptions can be granted only in cases where the Commission can establish that the aid is necessary for achievement of one of the objectives set out in those provisions. To allow such exceptions in respect of aid which does not offer the benefits set out would amount to allowing trade between Member States to be affected and competition to be distorted without justification from the point of view of the Community interest and would give an unfair advantage to operators in certain Member States.

In the case in point, the aid does not offer such benefits. The Italian Government was unable to provide any justification, and the Commission could find none, showing that the aid in question met the conditions required for the application of one of the exceptions set out in Article 92 (3) of the Treaty.

This is not a measure intended to promote an important project of common European interest as mentioned in Article 92 (3) (b), given that its likely effects on trade run counter to the common interest. Neither is the measure aimed at remedying a serious disturbance in the economy of the Member State concerned within the meaning of the same provision.

As regards the exceptions provided for in Article 92 (3) (a) and (c) for aid intended to facilitate or promote the economic development of certain regions or of certain activities, it should be noted that the measure in question, as an operating aid, cannot bring about a lasting improvement in the conditions obtaining in the enterprises attracting the aid since, once the supply of aid stopped, the structural situation of the enterprise would be the same as before State intervention began to operate.

Consequently the proposed aid measure cannot qualify for any of the exceptions provided for in Article 92 (2) and (3) of the Treaty.

Moreover, it is considered that the aid in question involves a product subject to a market organization and there are limitations on Member States' powers to intervene directly in the operation of market organizations comprising a system of common support, this being an area where the Community now has exclusive powers.

The granting of the aid in question ignores the principle that Member States no longer have the right to act independently in the matter of farmers' incomes within the framework of a common organization of the market by the granting of such aid. Even if an exception pursuant to Article 92 (3) of the Treaty had been conceivable in the case of the agricultural product in question, the fact that the aid infringes the market organization in question makes it impossible to apply any such exception.

The aid in question must be considered incompatible with the common market and may not be granted,

HAS ADOPTED THIS DECISION :

#### *Article 1*

Aid for the private storage of carrots, as provided for in the national programme of AIMA (Italian intervention agency) of 27 November 1991, on the basis of a decision of 4 December 1990 by the CIPE (*Comitato Interministeriale per la Programmazione Economica*) is incompatible with the common market within the meaning of Article 92 of the Treaty and must therefore not be granted.

#### *Article 2*

Italy shall inform the Commission within one month of being notified of this Decision, of the measures it has taken to comply therewith.

#### *Article 3*

This Decision is addressed to the Italian Republic.

Done at Brussels, 12 January 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION DECISION

of 20 January 1993

concerning an aid measure proposed by the German authorities  
(Rhineland-Palatinate) for the distillation of wine

(only the German text is authentic)

(93/155/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine<sup>(1)</sup>, as last amended by Regulation (EEC) No 1756/92<sup>(2)</sup>, and in particular Article 76 thereof,

Having regard to Commission Decision 90/472/EEC of 10 September 1990 recognizing that production of certain quality wines produced in specified regions is, because of their qualitative features, far below demand<sup>(3)</sup>, as amended by Decision 91/461/EEC<sup>(4)</sup>,

After having given notice, pursuant to the above Article, to the parties concerned to submit their comments and having regard to those comments<sup>(5)</sup>,

Whereas :

## I

By letter of 9 April 1991, registered on 22 April 1991, the German authorities notified to the Commission an aid for the distillation of wine, pursuant to Article 93 (3) of the Treaty. The aid was to be paid at a rate of DM 0,90/litre of wine distilled.

Given that the aid represented a State aid within the meaning of Article 92 (1) of the Treaty and that, being an operating aid, none of the derogations provided for in Article 92 could be applied to it, the Commission regarded the measure as incompatible with the Treaty.

Further, the measure was found to infringe the common organization of the market in wine, which is an all-embracing instrument of Community law and does not admit of national measures which seek to improve producers' incomes by the award of operating aid.

Thus, by letter SG(91)D/13454 of 16 July 1991, the Commission decided to initiate the Article 93 (2) procedure

with regard to this aid and, under that procedure, to call upon the German authorities not to grant the aid. Moreover, the Commission reminded the German authorities of the Commission letter to the Member States of 3 November 1983 concerning Member States' obligations resulting from Article 93 (3) of the EEC Treaty, and also of the communication of the Commission published in *Official Journal of the European Communities*<sup>(6)</sup>, which states that illegal aid schemes, i.e. those which have been granted without awaiting a final positive decision in connection with the procedure provided for in Article 93 (2), may cause the Commission to require Member States to recover the aid from recipients and/or to refuse to make EAGGF advance payments or to charge expenditure relating to national measures that directly affect Community measures to the EAGGF budget.

The Commission invited the German authorities to submit observations within four weeks of receipt of the above letter and published that letter, together with a request to the other Member States and interested parties to comment.

## II

In the course of the Article 93 (2) procedure, the German authorities, despite sending a letter dated 22 August 1991 requesting additional time to reply to the Commission's letter initiating the Article 93 (2) procedure, have not contested the position adopted by the Commission, namely that the aid should not be granted; no observations have been received from any other Member States or interested parties.

## III

The measure is an aid to winegrowers for the distillation of wine of 1989 and earlier years produced in areas not authorized for production in 1989, but since authorized by the German authorities.

By the aforesaid Decision 90/472/EEC Germany was permitted to authorize a 982 ha increase in area for production of Rhineland-Palatinate wine for the 1990/91 wine year.

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 27.

<sup>(3)</sup> OJ No L 256, 20. 9. 1990, p. 30.

<sup>(4)</sup> OJ No L 245, 3. 9. 1991, p. 26.

<sup>(5)</sup> OJ No C 254, 28. 9. 1991, p. 5.

<sup>(6)</sup> OJ No C 318, 24. 11. 1983, p. 3.

According to the German authorities, winegrowers are aggrieved that, since produce of earlier wine years is not covered by this arrangement, it may not be marketed despite having been produced on an area which was subsequently authorized.

Since the wine of 1989 and earlier years may not be marketed, the German authorities propose aid for distillation, the aid rate being sufficiently high to ensure that all produce concerned actually goes to distillation.

The aid rate proposed is 90 pfennigs per litre of wine distilled, the measure being a one-off subsidy for 1991; the total aid budget amounted to DM 4,5 million.

An address list is supplied to the competent authority, showing the winegrowers who have received authorization to produce in previously unauthorized areas.

The applicant must supply data on his land, the date of receipt of authorization and the volume of unmarketable from areas subsequently authorized.

The applicant must supply assurances that the wine which he has stored separately is actually produced from areas subsequently authorized.

The wine inspectorate then checks the above data *in situ*.

Following the examination by the wine inspectorate, the winegrower must submit proof of distillation to the competent authorities.

#### IV

Article 76 of Council Regulation (EEC) No 822/87 states that Articles 92, 93 and 94 apply to State aid in this sector.

This measure would give the German winegrowers in question a special advantage since it would enable them to reduce their costs. Consequently, its effect would be to distort competition between the latter and winegrowers from other Member States.

According to the statistics, domestic production of quality wine amounted to 14 491 000 and 9 313 000 hl for the 1989/90 and 1990/91 financial years respectively. Domestic consumption totalled 16 292 000 and 20 781 000 hl respectively. On the basis of these data, the degree of self-sufficiency was of the order of 88 % in 1989 and 47 % in 1990. The difference was mainly met by imports from other Member States (8 000 000 hl in 1989 and 10 000 000 hl in 1990). Exports to other Member States amounted to 2 031 000 hl in 1989 and to 1 914 000 hl in 1990.

This measure also affects trade in that it enables the winegrowers in question to reduce distillation costs, which they would normally have to bear in their entirety, and thus gives the recipient undertakings more room to manoeuvre than their competitors.

The measure in question therefore meets the criteria laid down by Article 92 (1) of the EEC Treaty; that provision

establishes, in principle, the incompatibility with the common market of the aid meeting the criteria laid down in it.

The derogations from this incompatibility set out in Article 92 (2) are clearly not applicable to the aid in question. Those laid down in Article 92 (3) stipulate objectives pursued in the common European interest and not merely in the interest of specific sectors of the national economy. These derogations must be strictly interpreted when scrutinizing any regional or sectoral aid programme or any individual case of the application of a general aid scheme.

In particular, they may only be granted where the Commission is able to establish that the aid is necessary for the achievement of one of the objectives set out in the provisions. To grant these derogations to aids which do not involve a *quid pro quo* of this kind would be tantamount to permitting adverse effects on trade between Member States and distortions of competition without any justification on the grounds of Community interest and, at the same time, would give some Member States unfair advantages.

In the case in point no such *quid pro quo* appears to exist for the aid, since the German authorities were unable to demonstrate, or the Commission to determine, any basis for supposing that the aid in question satisfies the requirements for the application of one of the derogations provided for in Article 92 (3) of the Treaty.

This is not aid to promote the execution of an important project of common European interest within the meaning of Article 92 (3) (b) since in view of the effects it may have on trade it runs counter to the common interest.

Neither is it an aid to remedy a serious disturbance in the economy of the Member State in question within the meaning of the same provision.

As regards the derogation provided for in Article 92 (3) (a) and (c) concerning aids designed to promote or facilitate the economic development of areas or of certain activities mentioned in the said point (c), it should be noted that this aid cannot bring about any permanent improvement in the circumstances experienced by the economic sector receiving this aid since, when the aid ceases, the structural situation will remain unchanged.

Consequently, this aid is to be considered an operating aid — a type of aid from which the Commission has, in principle, always withheld its approval since it is granted independently of conditions likely to qualify it for one of the derogations provided for in Article 92 (3) (a) and (c).

In addition, the measure disregards the principle whereby any intervention by a Member State in the market mechanisms other than those specifically laid down by the Community is liable to interfere with the organization of the common market.

It may be noted that the Regulation establishing that common organization states, at Article 6 (1), that all new plantings of vines are prohibited until 31 August 1996.

However, the same provisions allows Member States for the 1990/91 wine year to authorize new plantings in the case of quality wine produced in specified regions for which the Commission has recognized that production, because of its qualitative features, is far below demand.

Thus by virtue of Commission Decision 90/472/EEC Germany was indeed permitted to authorize a 982 ha area for new planting of Rhineland-Palatinate wine for the 1990/91 wine year. As the German authorities themselves concede, wine produced in 1989 and earlier years is not covered by the above Commission Decision despite subsequent authorization for new planting of the very areas upon which the 1989 and earlier wine was produced.

Thus, again as the German authorities recognize, the wine produced on areas newly planted in 1989 and earlier may not legally be marketed.

Since the wine in question may not be marketed, the alternative outlets for grapes and wine produced from these areas in Community law are family consumption, production of grape juice and/or distillation at own expense.

#### V

In view of the above, the Commission considers that whilst the measure represents a State aid within the meaning of Article 92 (1) it is to be regarded as an operating aid to which none of the derogations of Article 92 may apply. Consequently, the measure is to be deemed incompatible with the Treaty and may not be granted.

Further, the measure is in conflict with the common organization of the wine market. This market organiza-

tion, which has as one of its aims to guarantee producers a fair income, leaves no room for individual aid measures of Member States which aim at improving producers' income by granting operating aids. Thus, even if a derogation under the terms of Article 92 (3) of the Treaty were to be contemplated, this aid would infringe common market organization rules and thereby be debarred from the benefit of such a derogation,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The aid measure proposed by the German authorities in the form of an aid of DM 0,90/litre of wine distilled is incompatible with the common market under the terms of Article 92 of the Treaty and may not be granted.

#### *Article 2*

The German authorities are required to inform the Commission, within two months of receipt of this Decision, of the measures taken to apply it.

#### *Article 3*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 20 January 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*