

**COMMISSION REGULATION (EEC) No 713/93**  
**of 26 March 1993**

**amending Regulation (EEC) No 3478/92 laying down detailed rules for the application of the premium system for raw tobacco with regard to cultivation declarations**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco<sup>(1)</sup>, and in particular Article 27 thereof,

Whereas in some Member States producer groups carried out first processing themselves; whereas it was possible, under the system which had been established by Article 3 of Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco<sup>(2)</sup>, as last amended by Regulation (EEC) No 860/92<sup>(3)</sup>, for first processing to take place on the basis of a cultivation declaration instead of a cultivation contract; whereas Regulation (EEC) No 2075/92 no longer provides for this possibility;

Whereas the absence of such an option has been found to create transition difficulties in the industry; whereas the short space of time between the reform and its implementation makes it difficult to put a stop to this commercial practice within the time required; whereas Commission Regulation (EEC) No 3478/92<sup>(4)</sup>, as amended by Regulation (EEC) No 648/93<sup>(5)</sup>, should therefore be amended to authorize operators who have availed themselves of this option in the past to engage in this activity for the 1993 harvest; whereas, however, Member States should provide for stringent and specific control measures to prevent fraud;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following Article 5a is hereby added to Regulation (EEC) No 3478/92:

*'Article 5a*

1. Where a producer group, regarded as a producer in accordance with the third indent of Article 2 of

Regulation (EEC) No 3477/92, carries out the first processing of tobacco, the cultivation contract shall be replaced, as a transitional measure and in respect of the 1993 harvest, by a cultivation declaration to be submitted to the competent authorities of the Member State concerned by 14 April at the latest, subject to the group's having presented, in accordance with Article 3 (2) of Regulation (EEC) No 727/70, such a declaration since the 1989 harvest but before 20 June 1992.

2. The cultivation declaration must include the following details:

- (a) the name of the group concerned and of its members,
- (b) reference to the cultivation certificates or, as appropriate, to the quota statement,
- (c) the tobacco variety,
- (d) the maximum quantity to be produced,
- (e) the proportion of production to undergo first processing by the group,
- (f) the exact location where the tobacco is produced and undergoes first processing,
- (g) the areas cultivated by the members of the group.

3. The provisions of this Regulation with regard to cultivation contracts shall apply, *mutatis mutandis*, to cultivation declarations.

4. The cultivation declaration shall be registered by the competent authority before 1 May, after the accuracy of the details supplied have been verified on the basis of, *inter alia*, the production and processing data relating to previous harvests.

5. The competent authority shall determine the requirements which it considers necessary for the monitoring of the operations.'

*Article 2*

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

<sup>(1)</sup> OJ No L 215, 30. 7. 1992, p. 70.

<sup>(2)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(3)</sup> OJ No L 91, 7. 4. 1992, p. 1.

<sup>(4)</sup> OJ No L 351, 2. 12. 1992, p. 17.

<sup>(5)</sup> OJ No L 69, 20. 3. 1993, p. 30.

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

Done at Brussels, 26 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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