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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1918/92

of 13 July 1992

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

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 13 (5) thereof,

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

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

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 10 July 1992;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 July 1992.

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

Done at Brussels, 13 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 1.

ANNEX

to the Commission Regulation of 13 July 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Levy (°)
0709 90 60	142,60 (°) (°)
0712 90 19	142,60 (°) (°)
1001 10 10	157,25 (°) (°) (10)
1001 10 90	157,25 (°) (°) (10)
1001 90 91	136,61
1001 90 99	136,61 (11)
1002 00 00	152,26 (6)
1003 00 10	123,47
1003 00 90	123,47 (11)
1004 00 10	107,70
1004 00 90	107,70
1005 10 90	142,60 (°) (°)
1005 90 00	142,60 (°) (°)
1007 00 90	150,34 (4)
1008 10 00	49,09 (11)
1008 20 00	100,14 (4)
1008 30 00	47,12 (9)
1008 90 10	(7)
1008 90 90	47,12
1101 00 00	204,25 (8) (11)
1102 10 00	226,17 (8)
1103 11 10	256,74 (8) (10)
1103 11 90	220,59 (8)

- (1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (2) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.
- (3) Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.
- (4) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.
- (5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.
- (7) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (tritica).
- (8) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.
- (9) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.
- (10) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.
- (11) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 1919/92

of 13 July 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 15 (6) thereof,

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

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

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 10 July 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 July 1992.

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

Done at Brussels, 13 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 4.

ANNEX

to the Commission Regulation of 13 July 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0,71	0,71	0,51
0712 90 19	0	0,71	0,71	0,51
1001 10 10	0	0	0	1,80
1001 10 90	0	0	0	1,80
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 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0,71	0,71	0,51
1005 90 00	0	0,71	0,71	0,51
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 1920/92
of 10 July 1992

laying down detailed rules for the application of Council Regulation (EEC) No 3763/91 with regard to granting aid for rice production in French Guiana

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, and in particular Article 3 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Article 5 thereof,

Whereas Article 3 (2) of Regulation (EEC) No 3763/91 introduces a flat-rate aid per hectare for rice production in French Guiana during the marketing years 1991-92 to 1995-96; whereas it also lays down that the amount of the aid is to be fixed with particular reference to soil preparation costs;

Whereas, in order to meet the objective of developing rice growing in French Guiana, the aid must be paid in respect of areas sown and harvested; whereas in this connection it is reasonable to assume that any sown areas for which the normal cultivation work has been carried out will be harvested;

Whereas rice growing in the overseas department in question is conditional on substantial soil preparation and improvement work being carried out beforehand, in particular as regards removal of peat and excess soil; whereas the scale of this work depends on natural conditions and the topography of the Guianese coastal region; whereas, pursuant to the aforementioned provision of Regulation (EEC) No 3763/91, the areas to be sown to rice should be classified on the basis of the scale of the work to be carried out and the amount of the production aid should vary in line with that classification;

Whereas the amount of the aid should be calculated on the basis of the actual costs of reclaiming the areas deter-

mined under the programme to be drawn up at regional level; whereas, consequently, the competent French authorities should be authorized to make the payment of the aid as and when the land is reclaimed;

Whereas the configuration of the areas to be put to rice, particularly the homogeneity and continuity of the plots, and the small number of holdings, make it possible to envisage inspection by the competent authorities of all the reclaimed areas;

Whereas provision should be made, on the one hand, for measures to discourage inaccurate declarations and, on the other, for eligibility to the aid to be maintained in cases of *force majeure* or natural disaster;

Whereas the time when the economic objective of the measure is realised is the operative event for the agricultural conversion rate; whereas the objective in question is attained at the time of harvest; whereas, however, in view of the difficulty of determining the date of the harvest in each case, the date to be considered as the representative date for the harvest should be the first day of the marketing year preceding the declaration which constitutes the aid application;

Whereas, in view of the date of entry into force of Regulation (EEC) No 3763/91, this Regulation should apply with effect from 1 January 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

Flat-rate aid per hectare for rice production in French Guiana, as provided for in Article 3 (2) of Regulation (EEC) No 3763/91, shall be granted in accordance with this Regulation.

Article 2

The aid shall be granted per hectare of land sown and harvested. Land shall be considered as such if normal field work has been carried out on it with a view to production and the rice grown on it reached the ripening stage.

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

Article 3

For the purposes of this aid scheme, the areas sown and tilled shall be classified into the following categories on the basis of the cropping conditions and particularly the scale of the soil preparation work :

- (a) Category 1 : Areas requiring very extensive work for the growing of rice on account particularly of the thickness of the layer of peat unsuitable for cultivation (thickness exceeding 1 metre);
- (b) Category 2 : Areas requiring extensive soil preparation work (thickness of top layer between 0,3 and 1 metre);
- (c) Category 3 : Areas not requiring extensive work (thickness of layer less than 0,3 metre).

Article 4

The amount of the aid shall be fixed for rice grown on the areas in :

- (a) Category 1 at : ECU 1 052/ha ;
- (b) Category 2 at : ECU 715/ha ;
- (c) Category 3 at : ECU 348/ha.

Without prejudice to Article 6 (2), the amount of the aid shall be paid once only during the 1991/92 to 1995/96 marketing years for any one area under cultivation.

Article 5

1. Rice growers wishing to benefit from the aid shall submit each year, before a date to be determined by the competent authorities, a declaration of the areas sown and harvested in respect of which the aid is applied for containing at least the information mentioned in paragraph 2. This declaration shall constitute an application for aid.
2. The declaration shall contain :
 - (a) in respect of the grower :
 - name and forename,
 - mailing address ;
 - (b) in respect of the areas :
 - the total area of the land sown to rice and tilled,
 - a breakdown of that area by the categories defined in Article 3,
 - an accurate identification of those areas by means of a cadastral reference or a geographical reference

in geographical documents approved by the competent national authorities,

- where the area is not sown or tilled in its entirety, identification by means of a sketch map showing the location of the plots actually under rice.

Article 6

1. The aid shall be paid prior to 31 December following the submission of the declaration referred to in Article 5.
2. The Member State concerned shall be authorized to make provision for the payment of the amount of the aid as determined under Article 4 in accordance with a timetable to be drawn up on the basis of a forecast of the areas to be reclaimed during the 1991/92 to 1995/96 marketing years in accordance with the table set out in the Annex.

Article 7

Where the rice has not reached its ripening stage, the national competent authorities may decide that cases of *force majeure* or natural disasters have substantially affected the area cultivated by the declarant and justify that entitlement to the aid be maintained.

The cases of *force majeure* invoked or the natural disasters shall be reported to the competent authority of the Member State concerned within five days of their occurrence. Proof thereof shall be furnished within one month of the said reporting.

The Member State concerned shall inform the Commission forthwith of the cases it recognizes as cases of *force majeure* or of the natural disasters likely to justify the maintenance of eligibility to the aid.

Article 8

The conversion rate to be used for the payment of the aid shall be the agricultural conversion rate in force on 1 September preceding the submission of the declaration referred to in Article 5.

Article 9

1. The competent authorities of the Member State concerned shall take appropriate measures to verify the accuracy of the applications and their compliance with Regulation (EEC) No 3763/91 and with this Regulation. They shall at regular intervals carry out administrative checks and the necessary on-the-spot inspections.

2. Checks shall relate to all the areas which were the subject of a declaration as provided for in Article 5.

3. Where checks give rise to serious doubt as to the accuracy of a declaration or as to compliance with the Community provisions payments shall not, except in obvious cases of clerical error, be made until an on-the-spot inspection has established the accuracy of the application or the compliance as mentioned.

4. Where it is established that more than 5 % of the areas which were the subject of a declaration do not fulfil the conditions required for the grant of the aid the grower shall forego entitlement to the aid, and the national authorities shall inform the Commission of such cases.

Article 10

Where aid has been wrongly paid, the competent authorities shall proceed to recuperate the amounts paid plus interest running from the date of actual payment of the

aid to the date of actual recovery. The interest rate applied shall be that in force under national law for similar recovery operations. The aid recovered shall be paid to the paying bodies or agencies and deducted by the latter from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 11

France shall take the necessary administrative steps to ensure the correct application of this Regulation. It shall communicate these to the Commission within three months of the entry in force of this Regulation.

Article 12

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

It shall apply with effect from 1 January 1992.

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

Done at Brussels, 10 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Payment schedule indicated in Article 6 (2)

Ground parcels	1992	1993	1994	1995	1996
ha harvest 1992	26,00 %	21,60 %	19,50 %	16,50 %	16,40 %
ha harvest 1993		30,00 %	23,40 %	23,30 %	23,30 %
ha harvest 1994			40,00 %	30,00 %	30,00 %
ha harvest 1995				50,00 %	50,00 %
ha harvest 1996					100,00 %

COMMISSION REGULATION (EEC) No 1921/92

of 13 July 1992

amending Regulation (EEC) No 1546/88 laying down detailed rules for the application of the additional levy referred to in Article 5c of Council Regulation (EEC) No 804/68

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas the Management Committee for Milk and Milk Products has not issued an opinion in the time limit laid down by its Chairman,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION :

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⁽¹⁾, as last amended by Regulation (EEC) No 816/92⁽²⁾, and in particular Article 5c (7) thereof,

Article 1

Regulation (EEC) No 1546/88 is hereby amended as follows :

Whereas Council Regulation (EEC) No 818/92 of 31 March 1992 establishing, for the period running from 1 April 1992 to 31 March 1993, the Community reserve for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector⁽³⁾ sets that reserve at 2 082 885,740 tonnes ; whereas, for the same reasons, the reserve should be allocated on the same basis as for the eight period and Commission Regulation (EEC) No 1546/88⁽⁴⁾, as last amended by Regulation (EEC) No 2061/91⁽⁵⁾, should be amended accordingly ;

1. at the beginning of the fourth paragraph of Article 1, 'For the period 1 April 1991 to 31 March 1992' is replaced by 'For the periods 1 April 1991 to 31 March 1992 and 1 April 1992 to 31 March 1993' ;

2. The following point is added to Article 13 :

'3. Where point 1 is applied, the ninth period shall run from the end of the eight period within the meaning of the national regulations concerned to 31 March 1993. Quantities marketed between the end of the 365 or, where appropriate, 364 day period shall be charged against the fraction of the total guaranteed quantity specified in the first subparagraph of Article 5c (3) (g) of Regulation (EEC) No 804/68 — augmented by the quantities specified in Article 1 (4) of this Regulation and by the quantity shown in the Annex to Regulation (EEC) No 857/84 — that corresponds to the number of additional days in the ninth period.'

3. The following paragraph is added to Article 19 :

'6. The Member States shall notify the Commission before 1 August 1992 of any provisions they adopt pursuant to Article 13 (3).'

Whereas pursuant to Article 13 (1) of Regulation (EEC) No 1546/88, the Member States were able to replace the 12. month period by a 52-week period ; whereas, when those provisions were applied, the national regulations set the beginnings and ends of the periods of application of the additional levy arrangements at dates other than 1 April and 31 March ; whereas, since the present arrangements expire on 31 March 1993, provision should be made for the ninth period within the meaning of the national regulations concerned to run until that date and the necessary action taken to mitigate the consequences of this extension of the ninth period in the Member States concerned ;

Article 2

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.

⁽³⁾ OJ No L 86, 1. 4. 1992, p. 87.

⁽⁴⁾ OJ No L 139, 4. 6. 1988, p. 12.

⁽⁵⁾ OJ No L 187, 13. 7. 1991, p. 35.

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

Done at Brussels, 13 July 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1922/92

of 13 July 1992

amending Regulation (EEC) No 1633/84 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 and determining the conditions for the reimbursement of the clawback following the Judgment of the Court of Justice in Joined Cases C-38/90 and C-151/90.

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular Article 24 (5) thereof,

Whereas the Judgment of the Court of Justice in Joined Cases C-38/90 and C-151/90 declared invalid Article 4 (1) and (2) of Commission Regulation (EEC) No 1633/84⁽³⁾, as last amended by Regulation (EEC) No 1075/89⁽⁴⁾, inasmuch as, by providing for the chagring, by way of the clawback, of an amount which in most cases is not exactly equal to that of the slaughter premium actually granted, the Commission exceeded the powers conferred on it by Article 9 (3) of Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽⁵⁾, as amended by Regulation (EEC) No 871/84⁽⁶⁾;

Whereas pursuant to Article 176 of the EEC Treaty the Commission has to take the necessary measures to comply with the Judgment; whereas it is therefore necessary to ensure, for each product the exact correspondence of the amount of the clawback and that of the premium;

Whereas it is appropriate in the light of the Judgment, to provide in certain cases for the reimbursement of each amount collected in the form of clawback for each product surpassing the level of the premium paid;

Whereas, to this end, it is incumbent on the operators concerned to present the necessary proof;

Whereas the difficulties they may encounter in this regard make appropriate the application, at their request, of a calculation based on the average of the premiums fixed for the week of export and the three previous weeks;

Whereas a sanction has to be provided for if an operator does not make the choice between the two options or does not present the necessary proof;

Whereas it is appropriate to affirm that the competent United Kingdom authorities may retain the security lodged before the coming into force of this Regulation as long as the amount of the clawback has not been determined and paid;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 of Regulation (EEC) No 1633/84 is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. For the United Kingdom, the amount of the clawback to be charged on departure of the products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 from region 1, in accordance with Article 24 (5) of that Regulation, shall be equal to the amount of the premiums fixed in accordance with Article 3 (1) and actually granted for the same products subject to the said clawback.

At the request of the operator the amount of the clawback shall be fixed equal to the average amount of the premium fixed for the week of departure of the products and the three previous weeks.

Operators shall indicate within 28 days of notification by the competent United Kingdom authorities on which of the abovementioned options they intend to proceed. The option chosen shall apply to all clawback for which the operator is liable.

In the case of the first option chosen, the operator shall, at the same time, provide satisfactory to the competent United Kingdom authorities, of the amount of premium actually granted for the products subject to the said clawback. The period for providing proof may be extended by those authorities by a further 60 days.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 35.

In the case of the second option chosen, the competent United Kingdom authorities shall notify the operators of the amount of clawback calculated in accordance with the second subparagraph.

'In case of failure to indicate the chosen option within 28 days or failure to provide, in the case of the first option chosen, the said proof within a further period of 60 days the security shall be forfeited in full.'

2. in paragraph 2:

- the 'Regulation (EEC) No 1837/80' is replaced by the 'Regulation (EEC) No 3013/89',
- the 'region 5' is replaced by the 'region 1',
- the following subparagraph shall be added:
'Pending determination and payment of the amount due pursuant to paragraph 1, the competent United Kingdom authorities may retain any securities already lodged. Such securities may be forfeited in the circumstances already lodged. Such securities may be forfeited in the circumstances described in the sixth subparagraph of paragraph 1.'

Article 2

1. Operators or those entitled through them who, prior to the Judgment of the Court of Justice of 10 March 1992 in Joined Cases C-38/90 and C-151/90, initiated proceedings or made an equivalent complaint under the applicable national law in relation to the method of calculation of the amount of the clawback under Article 4 (1) of Regulation (EEC) No 1633/84, are entitled to reimbursement, within the time limits and according to the procedure laid down in the relevant national law, of the difference between the clawback they paid and the amount of the premium, fixed in accordance with Article 3 (1) of the

aforementioned Regulation actually granted for the same products.

Alternatively, at the request of the operator, reimbursement can be made of the difference between the clawback actually paid and the average amount of the premiums fixed for the week of departure of the products and the three previous weeks.

2. Before the 30 November 1992, the persons referred to in paragraph 1 shall give the competent United Kingdom authorities a specification of:

- the date at which their claim commences,
- the amount of the clawback paid from this date until 10 March 1992,
- and, unless they have made a request under the second subparagraph of paragraph 1, the premium actually granted for the same products subject to the clawback,

and proof satisfactory to the competent United Kingdom authorities as far as the above elements are concerned.

3. The competent United Kingdom authorities shall, before 31 December 1992, inform the Commission of the number of claims for reimbursement made pursuant to paragraph 1 with a specification of the period to which the claim refers and the amount of reimbursement claimed.

Article 3

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

It shall apply to all situations where, on 10 March 1992, the clawback has not yet been paid or proceedings have been initiated or an equivalent complaint has been made under the applicable national law as referred to in Article 2.

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

Done at Brussels, 13 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1923/92
of 13 July 1992
amending Regulation (EEC) No 1799/76 laying down detailed rules for the
application of special measures in respect of linseed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures in respect of linseed⁽¹⁾, as last amended by Regulation (EEC) No 4003/87⁽²⁾, and in particular Article 2 (4) thereof,

Whereas Article 8a (2) of Commission Regulation (EEC) No 1799/76⁽³⁾, as last amended by Regulation (EEC) No 3633/91⁽⁴⁾, stipulates that checks on declarations of areas sown are to include measurement of the area in question; whereas for checks made during the next few marketing years this requirement should be withdrawn, in the interests of administrative simplification, for cases where the declaration is accompanied by a document permitting the area concerned to be accurately determined without measurement;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 8a (2) of Regulation (EEC) No 1799/76:

'However, measurement need not be carried out if scrutiny of the document specified in Article 8 (3) or comparison of the area declared with past data available enables the area sown to be accurately and unambiguously determined. The inspection report must mention this and indicate the area.'

Article 2

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

It shall be applicable to checks made for the 1992/93 and subsequent marketing years.

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

Done at Brussels, 13 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 29.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 46.

⁽³⁾ OJ No L 201, 27. 7. 1976, p. 14.

⁽⁴⁾ OJ No L 344, 14. 12. 1991, p. 45.

COMMISSION REGULATION (EEC) No 1924/92
of 13 July 1992

amending Regulation (EEC) No 2349/91 laying down detailed rules for the application of Regulation (EEC) No 1637/91 fixing compensation with regard to the reduction of the reference quantities referred to in Article 5c of Regulation (EEC) No 804/68 and compensation for the definitive discontinuation of milk production

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

Having regard to Council Regulation (EEC) No 1637/91 of 13 June 1991 fixing compensation with regard to the reduction of the reference quantities referred to in Article 5c of Regulation (EEC) No 804/68 and compensation for the definitive discontinuation of milk production⁽¹⁾, as amended by Regulation (EEC) No 1188/92⁽²⁾;

Whereas following amendment of Regulation (EEC) No 1637/91 by Regulation (EEC) No 1188/92 the detailed rules set out in Commission Regulation (EEC) No 2349/91⁽³⁾, as amended by Regulation (EEC) No 3024/91⁽⁴⁾, must also be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2349/91 is hereby amended as follows:

1. The following Article 7a is added:

'Article 7a

Where the second subparagraph of Article 2 (5) of Regulation (EEC) No 1637/91 is applied, the date specified in:

- the second indent in Article 4 (1) is replaced by 1 October 1992,
- the second indent in Article 5 (1) is replaced by 1 September 1992,
- Article 6 (1) is replaced by 30 September 1992.'

2. In Article 9 the words 'before 1 April 1992' in the third indent are replaced by 'before 1 April 1992 or, where the second and third subparagraphs of Article 2 (5) of Regulation (EEC) No 1637/91 are applied, by 31 December 1992'.

Article 2

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

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

Done at Brussels, 13 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 150, 15. 6. 1991, p. 30.

⁽²⁾ OJ No L 124, 9. 5. 1992, p. 1.

⁽³⁾ OJ No L 214, 2. 8. 1991, p. 44.

⁽⁴⁾ OJ No L 287, 17. 10. 1991, p. 17.

COMMISSION REGULATION (EEC) No 1925/92

of 13 July 1992

altering, for the 1992/93, marketing year, the adjustment aid and additional aid to the sugar refining industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular the seventh indent of Article 9 (6) thereof,Whereas Article 9 (4b) of Regulation (EEC) No 1785/81 provides that during the 1991/92 to 1992/93 marketing years adjustment aid of ECU 0,08 per 100 kilograms of sugar expressed as white sugar is to be granted as an intervention measure to the Community's preferential raw cane sugar refining industry; whereas, as provided for in those provisions, additional aid equal to that amount is to be granted during the same period for the refining of raw cane sugar produced in the French overseas departments and for the refining of quantities of raw beet sugar harvested in the Community and qualifying for the refining aid pursuant to the second subparagraph of Article 9 (4) of Regulation (EEC) No 1785/81 and in accordance with Commission Regulation (EEC) No 3695/91 ⁽³⁾;Whereas the fourth subparagraph of Article 9 (4b) of Regulation (EEC) No 1785/81 provides that the adjustment aid and the additional aid referred to above may be altered in respect of a given marketing year in the light in particular of the storage levy fixed for that year; whereas the storage levy for the 1992/1993 marketing year was fixed by Commission Regulation (EEC) No 1799/92 ⁽⁴⁾ at ECU 2,50 per 100 kilograms of white sugar; whereas this amount is identical to that applicable for the 1991/1992 marketing year;

Whereas account should, however, be taken in the alteration in the aid in question that has already been made for the 1990/91 and 1991/92 marketing years in order to neutralize the effect of successive storage levy reductions on the refining margin for the 1992/93 marketing year;

Whereas these provisions must apply from the beginning of the 1992/93 marketing year on 1 July 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the adjustment aid and of the additional aid provided for respectively in the second and third subparagraphs of Article 9 (4b) of Regulation (EEC) No 1785/81 shall be fixed at ECU 1,58 per 100 kilograms of sugar expressed as white sugar for the 1992/93 marketing year.

For the same marketing year, the amount referred to in the first subparagraph shall also be granted, as additional aid, for the refining of the quantity of raw beet sugar referred to in Article 1 of Regulation (EEC) No 3695/91.

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

It shall apply with effect from 1 July 1992.

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

Done at Brussels, 13 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.⁽³⁾ OJ No L 350, 19. 12. 1991, p. 19.⁽⁴⁾ OJ No L 182, 2. 7. 1992, p. 80.

COMMISSION REGULATION (EEC) No 1926/92

of 13 July 1992

fixing for the 1992/93 marketing year the minimum price to be paid to producers for unprocessed dried figs and the amount of production aid for dried figs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1569/92 ⁽²⁾, and in particular Articles 4 (4) and 5 (5) thereof,

For the marketing year 1992/93 :

- (a) the minimum price referred to in Article 4 of Regulation (EEC) No 426/86 to be paid to producers for unprocessed dried figs of category C ;
and

- (b) the production aid referred to in Article 5 of the same Regulation for dried figs of category C ;

Whereas Council Regulation (EEC) No 1206/90 ⁽³⁾, as amended by Regulation (EEC) No 2202/90 ⁽⁴⁾ lays down general rules for the system of production aid for processed fruit and vegetables ;

shall be as set out in the Annex.

Whereas, under Article 4 (1) of Regulation (EEC) No 426/86, the minimum price to be paid to producers is to be determined on the basis of, firstly, the minimum price applying during the previous marketing year, secondly, the movement of basic prices in the fruit and vegetable sector, and thirdly, the need to ensure the normal marketing of fresh products for the various uses, including supply of the processing industry ;

Article 2

The amount by which the minimum price for unprocessed dried figs is to be increased on the first of each month from September until June is hereby fixed at ECU 0,8434 per 100 kilograms net of category C.

Whereas Article 4 (2) of Regulation (EEC) No 426/86 provides that the minimum price to be paid to producers for unprocessed dried figs shall be increased each month during a certain period of the marketing year by an amount corresponding to storage costs ; whereas, in fixing this amount, the technical storage costs and interest cost should be taken into consideration ;

For other categories the amount shall be multiplied by the coefficient applicable to the minimum price listed in Annex I to Commission Regulation (EEC) No 1709/84 ⁽⁵⁾, as last amended by Regulation (EEC) No 2322/89 ⁽⁶⁾.

Article 3

Whereas Article 5 of Regulation (EEC) No 426/86 lays down the criteria for fixing the amount of production aid ; whereas account must, in particular, be taken of the aid fixed for the previous marketing year adjusted to take account of changes in the minimum price to be paid to producers and the difference between the cost of the raw material in the Community and in the major competing third countries ;

Where processing takes place outside the Member State in which the produce was grown, such Member State shall furnish proof to the Member State paying the production aid that the minimum price payable to the producer has been paid.

Article 4

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

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

It shall apply from 1 July 1992.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 166, 20. 6. 1992, p. 5.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 74.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 4.

⁽⁵⁾ OJ No L 162, 20. 6. 1984, p. 8.

⁽⁶⁾ OJ No L 220, 29. 7. 1989, p. 6.

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

Done at Brussels, 13 July 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Minimum price to be paid to producers

Product	ECU/100 kg net, ex producer
Unprocessed dried figs of category C	67,535

Production aid

Product	ECU/100 kg net
Dried figs of category C	30,386

COMMISSION REGULATION (EEC) No 1927/92
of 13 July 1992

fixing for the 1992/93 marketing year the production aid for tinned pineapple
and the minimum price to be paid to pineapple producers

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

Having regard to Council Regulation (EEC) No 525/77 of
14 March 1977 establishing a system of production aid for
tinned pineapple ⁽¹⁾, as last amended by Regulation (EEC)
No 1699/85 ⁽²⁾, and in particular Article 8 thereof,

Whereas, under Article 4 of Regulation (EEC) No 525/77,
the minimum price to be paid to producers is to be deter-
mined on the basis of the minimum price applicable
during the preceding marketing year, and the trend of
production costs in the fruit and vegetable sector;

Whereas Article 5 of the said Regulation lays down the
criteria for fixing the amount of production aid; whereas
account must, in particular, be taken of the aid fixed for
the previous marketing year adjusted to take account of
changes in the minimum price to be paid to producers,
the non-member country price and, if necessary, the
pattern of processing cost assessed on a flat-rate basis;

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

Committee for Products Processed from Fruit and
Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 marketing year:

- (a) the minimum price referred to in Article 4 of Regu-
lation (EEC) No 525/77 to be paid to producers for
pineapples; and
- (b) the production aid referred to in Article 5 of the said
Regulation for tinned pineapple;

shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on the day follo-
wing its publication in the *Official Journal of the Euro-
pean Communities*.

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

Done at Brussels, 13 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 46.

⁽²⁾ OJ No L 163, 22. 6. 1985, p. 12.

*ANNEX***Minimum price to be paid to the producers**

Product	ECU/100 kilograms net, ex producer
Pineapple intended for the manufacture of tinned pineapple	31,586

Production aid

Product	ECU/100 kilograms net
Tinned pineapple	104,726

COMMISSION REGULATION (EEC) No 1928/92

of 13 July 1992

fixing for the 1992/93 marketing year the minimum price to be paid to producers for dried plums and the amount of production aid for prunes

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 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1569/92 ⁽²⁾, and in particular Articles 4 (4) and 5 (5) thereof,

Whereas Council Regulation (EEC) No 1206/90 ⁽³⁾, as amended by Regulation (EEC) No 2202/90 ⁽⁴⁾, lays down general rules for the system of production aid for processed fruit and vegetables;

Whereas, under Article 4 (1) of Regulation (EEC) No 426/86, the minimum price to be paid to producers is to be determined on the basis of, firstly, the minimum price applying during the previous marketing year, secondly, the movement of basic prices in the fruit and vegetable sector, and thirdly, the need to ensure the normal marketing of fresh products for the various uses, including supply of the processing industry;

Whereas Article 5 of Regulation (EEC) No 426/86 lays down the criteria for fixing the amount of production aid; whereas account must, in particular, be taken of the aid fixed for the previous marketing year adjusted to take account of changes in the minimum price to be paid to products and the difference between the cost of the raw material in the Community and in the major competing third countries;

Whereas in accordance with Articles 118 and 304 of the Act of Accession, production aid and the common

minimum price are applicable in Spain and in Portugal as from the 1992/93 marketing year;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1991/92 marketing year:

- (a) the minimum price referred to in Article 4 of Regulation (EEC) No 426/86 to be paid to producers for dried plums derived from prunes d'Ente;
- and
- (b) the production aid referred to in Article 5 of the same Regulation for prunes ready to be offered for human consumption,

shall be as set out in the Annex.

Article 2

Where processing takes place outside the Member State in which the produce was grown, such Member State shall furnish proof to the Member State paying the production aid that the minimum price payable to the producer has been paid.

Article 3

This Regulation shall enter into force on the 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, 13 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 166, 20. 6. 1992, p. 5.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 74.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 4.

*ANNEX***Minimum price to be paid to producers**

Product	ECU/100 kg net, ex producer for products grown in
Prunes d'Ente of the size category corresponding to 66 fruit per 500 grams	158,403

Production aid

Product	ECU/100 kg net, for products obtained from raw materials grown in
Dried plums derived from prunes d'Ente of the size category corresponding to 66 fruit per 500 grams	66,570

COUNCIL REGULATION (EEC) No 1929/92

of 10 July 1992

opening, allocating and providing for the administration of a Community tariff quota for rum, tafia and arrack originating in the African, Caribbean and Pacific (ACP) States (1992 to 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 Fourth ACP-EEC Convention entered into force on 1 September 1991⁽¹⁾;

Whereas Protocol 6 to that Convention provides that products originating in the African, Caribbean and Pacific (ACP) States which fall within CN codes 2208 40 10, 2208 40 90, 2208 90 11 and 2208 90 19 shall, until the entry into force of a common organization of the market in spirits, be allowed into the Community free of customs duties under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States; whereas the Community shall until 31 December 1993 fix each year the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the past three years for which statistics are available, increased, until 31 December 1992, by an annual growth rate of 37 % on the market of the United Kingdom and 27 % on the other markets of the Community;

Whereas, by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities⁽²⁾, provision is made for special arrangements for the quota duties to be applied by those two Member States until 31 December 1992;

Whereas those two Member States will apply the quota duty indicated in Article 1 as from 1 January 1993; whereas, by reason of the characteristics peculiar to the market in rum, the quota period ranges from 1 July to 30 June;

Whereas, having regard to the levels reached by imports of the products concerned into the Community during

the past three years for which statistics are available, the annual quota volume for the period from 1 July 1992 to 30 June 1993 must be fixed at 214 268 hectolitres of pure alcohol;

Whereas although this volume is calculated on the basis of the reference year 1991, that is, for an amount of 184 402 hectolitres of pure alcohol, it is appropriate for reasons inherent in the rum market to take only the second six months of 1991 as a basis for calculating the specific growth rates applicable until 31 December 1992, namely, 104 111 hectolitres of pure alcohol, 17 562 hectolitres of which were imported by the United Kingdom and 86 549 hectolitres by the other Member States; whereas the quota volume for the second six months of 1992 must accordingly be fixed at 133 977 hectolitres of pure alcohol;

Whereas the quota volume calculated for the first six months of 1993 should not be increased but should be fixed at the same amount as applied in the last corresponding quota period for which statistics are available, that is the first six months of 1991, for which the amount is 80 291 hectolitres of pure alcohol;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up;

Whereas, following the case-law of the Court of Justice, it is unlawful to allocate the Community quotas between the Member States, unless overriding circumstances of an administrative, technical or economic nature prevent acting otherwise; whereas, in addition, in cases where it is decided to allocate quotas, a mechanism should be set up whereby the integrity of the Common Customs Tariff may be protected;

Whereas the economic difficulties which could result for the French overseas departments (FOD) from the sudden change in the arrangements for importing rum from the African, Caribbean and Pacific (ACP) States constitute circumstances having a binding effect which justify the temporary and partial maintenance of these arrangements; whereas, however, the arrangements for allocation of the quota into national shares should be phased out, being justified only on a transitional basis, and whereas they should in any event definitively disappear as from 1 January 1993;

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 3.

⁽²⁾ OJ No L 172, 30. 6. 1987, p. 1.

Whereas, in these circumstances, it is advisable to increase to 80 % the volume of the Community reserve by means of a system for the automatic transfer of Member State share to the reserve as soon as 80 % of the latter has been used up; whereas any quantities allocated to Member States from the quota volume which have not been used up by 1 January 1993 should also be returned to the reserve;

Whereas, during the past three years for which statistical data are available, imports from Member States have been as follows:

(in hectolitres of pure alcohol)

Member State	1989	1990	1991
Benelux	7 621	9 339	13 229
Denmark	1 748	2 404	1 602
Germany	48 591	50 451	62 242
Greece	586	5 699	6 014
Spain	156	9 514	22 916
France	19	—	—
Ireland	2 973	2 282	2 783
Italy	431	54	9 947
Portugal	—	—	124
United Kingdom	83 773	70 436	65 545
Total	145 898	150 179	184 402

Whereas, in view of these factors, of market forecasts for the products in question and of the estimates submitted by certain Member States, quota shares may be fixed approximately at the following percentages:

Benelux	6,30
Denmark	1,20
Germany	33,56
Greece	2,55
Spain	6,80
France	—
Ireland	1,68
Italy	2,18
Portugal	—
United Kingdom	45,73;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not exhausted, goods from being imported into a Member State which has exhausted its share only after the full application of customs duties, or after having been diverted to another Member State which has not yet exhausted its share; whereas, in these circumstances, if, during the period from 1 July to 31 December 1992, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others;

Whereas measures should be laid down to ensure that Protocol 6 is implemented under conditions such as to permit the development of traditional trade flows between the ACP States and the Community, on the one hand, and between the Member States on the other;

Whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be able to keep account of quota utilization rates and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1992 to 30 June 1993 the following products originating in the ACP States shall be imported duty-free into the Community within the limits of the relevant Community tariff quota mentioned:

Order No	CN code	Description	Quota Volume (in hl of pure alcohol)	Quota duty
09 1605	2208 40 10 2208 40 90 2208 90 11 2208 90 19	Rum, tafia and arrack	214 268	Free

2. Within the limit of this quota and until 31 December 1992, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the 1985 Act of Accession and Regulation (EEC) No 1820/87. The customs duty indicated in paragraph 1 shall be applied by these two Member States with effect from 1 January 1993.

Article 2

1. From 1 July until 31 December 1992, the tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 42 853 hectolitres of pure alcohol shall be allocated amongst certain Member States; the shares which, subject to Article 4, shall apply until 31 December 1992, amount to the following quantities:

	<i>(hectolitres of pure alcohol)</i>
Benelux	2 699
Denmark	514
Germany	14 382
Greece	1 092
Spain	2 914
France	—
Ireland	720
Italy	935
Portugal	—
United Kingdom	19 593.

3. A second instalment of 171 415 hectolitres of pure alcohol shall constitute the Community reserve.

4. If the products concerned are presented in the other Member States along with a declaration of entry into free circulation accepted by the customs authorities, the Member State concerned shall inform the Commission and draw a corresponding amount pursuant to Article 3.

5. Without prejudice to Article 4, the Member States referred to in paragraph 2 shall return immediately to the reserve any quantity of the quota shares allocated to them when the quota volume was divided up which, on 1 January 1993, are unused.

Article 3

If a Member State's initial share as specified in Article 2 (2) has been used up entirely, the following provisions shall apply.

If an importer presents, in a Member State, a declaration as to entry into free circulation comprising a request for

preferential treatment for a product covered by this Regulation, and this declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the reserve referred to in Article 2 (3).

Requests to draw on the reserve together with the date of acceptance of the said declaration must be forwarded to the Commission without delay.

Drawings shall be granted by the Commission on the basis of the date of acceptance of goods for entry into free circulation by the customs authorities of the Member State concerned, provided a sufficient amount remains in the reserve.

If a Member State does not use the quantities drawn, it shall return them to the reserve as soon as possible.

If requests for drawings exceed the amount remaining in the reserve, an allocation shall be made pro rata. The Member States shall be so informed by the Commission.

Article 4

Once at least 80 % of the reserve as defined in Article 2 (3) has been used up the Commission shall inform the Member States thereof.

It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the provisions laid down in Article 3, if these provisions are not already in effect.

Within a time limit fixed by the Commission as from the date referred to in the second subparagraph, Member States shall be required to return to the reserve all their initial shares which have not been used on that date.

Article 5

The Commission shall keep an account of the shares opened to the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserves have been used up.

It shall inform the Member States of the volume of the reserve following any return of quota shares pursuant to Article 4.

Article 6

Each Member State shall ensure that importers of the products concerned have free access to the quota for such time as the residual balance of the quota volumes so permit.

Article 7

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 8

Council Regulation (EEC) No 3705/90 of 18 December 1990 on the safeguard measures provided for in the Fourth ACP-EEC Convention⁽¹⁾ shall apply to the products referred to in this Regulation.

Article 9

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

It shall apply from 1 July 1992.

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

Done at Brussels, 10 July 1992.

For the Council

The President

J. GUMMER

⁽¹⁾ OJ No L 358, 21. 12. 1990, p. 4.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 June 1992

amending Annex III to Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs as regards poultry vaccination conditions

(92/369/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽¹⁾, as last amended by Directive 91/496/EEC ⁽²⁾, and in particular Article 34 thereof,

Whereas Annex III to Directive 90/539/EEC presently requires, in particular, that poultry for intra-Community trade are vaccinated with vaccines that conform to the requirements of the *European Pharmacopoeia*;

Whereas *European Pharmacopoeia* monographs are not available for many poultry vaccines currently in use in Member States;

Whereas it is desirable to amend the said Annex to permit the use of vaccines which are not necessarily the subject of *European Pharmacopoeia* monographs;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annex III to Directive 90/539/EEC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 303, 31. 10. 1990, p. 6.

⁽²⁾ OJ No L 268, 24. 9. 1991, p. 56.

ANNEX

ANNEX III

POULTRY VACCINATION CONDITIONS

1. Vaccines used for vaccinating poultry or flocks producing hatching eggs must have a marketing authorization issued by the competent authority of the Member State in which the vaccine is used.
 2. The criteria for using vaccines against Newcastle disease in the context of routine-vaccination programmes may be determined by the Commission.
-

COMMISSION DECISION

of 24 June 1992

authorizing the French Republic and the Federal Republic of Germany to permit temporarily the marketing of trefoil seed not satisfying the requirements of Council Directive 66/401/EEC

(92/370/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Directive 92/19/EEC⁽²⁾, and in particular Article 17 thereof,

Having regard to Commission Directive 86/109/EEC of 27 February 1986 limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed'⁽³⁾, as last amended by Directive 91/376/EEC⁽⁴⁾, and in particular Article 2a thereof,

Having regard to the request submitted by the French Republic and the Federal Republic of Germany,

Whereas in France and Germany the production of trefoil seed satisfying the requirements of Directive 66/401/EEC has been insufficient in 1991 and therefore is not adequate to meet those countries' needs;

Whereas it is not possible to cover this demand satisfactorily with such seed from other Member States or from third countries satisfying all the requirements laid down in Directive 66/401/EEC;

Whereas the French Republic and the Federal Republic of Germany should therefore be authorized to permit, for a period expiring on 31 August 1992, the marketing of seed of the abovementioned species which does not satisfy the requirements laid down in the said Directive;

Whereas, moreover, other Member States, which are able to supply the French Republic and the Federal Republic of Germany with such seed not satisfying the requirements of the said Directive should be authorized to permit the marketing of such seed provided it is intended for the French Republic and the Federal Republic of Germany;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. The French Republic is authorized to permit, for a period expiring on 31 August 1992, the marketing in its territory of a maximum of 25 tonnes of commercial seed of trefoil (*Medicago lupulina* L.). The official label shall state: 'Intended exclusively for France'.

2. The Federal Republic of Germany is authorized to permit, for a period expiring on 31 August 1992, the marketing in its territory of a maximum of 100 tonnes of commercial seed of trefoil (*Medicago lupulina* L.). The official label shall state: 'Intended exclusively for Germany'.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of a total amount of 125 tonnes of commercial seed of trefoil (*Medicago lupulina* L.) provided that it is intended exclusively for the French Republic of the Federal Republic of Germany. The official label shall state: 'Intended exclusively for France' or 'intended exclusively for Germany' as the case may be.

Article 3

Member States shall notify the Commission before 31 October 1992 of the quantities of seed marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 24 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 104, 22. 4. 1992, p. 61.

⁽³⁾ OJ No L 93, 8. 4. 1986, p. 21.

⁽⁴⁾ OJ No L 203, 26. 7. 1991, p. 108.

COMMISSION DECISION

of 26 June 1992

fixing the aid for private storage of carcasses and half-carcasses of lamb in connection with the invitations to tender issued pursuant to Regulation (EEC) No 1339/92

(92/371/EEC)

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as amended by Regulation (EEC) No 1258/91⁽⁴⁾, and in particular Article 12 (1) (f) thereof,

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EEC) No 1258/91, supplements the provisions of Regulation (EEC) No 3446/90 and lays down in particular detailed rules governing invitations to tender;

Whereas Commission Regulation (EEC) No 1339/92⁽⁶⁾ opens invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb;

Whereas, in accordance with Article 12 (1) (f) of Regulation (EEC) No 3446/90, a maximum amount of aid for private storage should be fixed on the basis of tenders received or no action must be taken in respect of the invitation to tender;

Whereas the tenders received lead to action being taken in respect of the invitations to tender;

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

HAS ADOPTED THIS DECISION:

Article 1

The aid referred to in Article 12 (1) (f) of Regulation (EEC) No 3446/90 for the invitations to tender opened by Regulation (EEC) No 1339/92 shall be as follows: ECU 1 200/tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 120, 15. 5. 1991, p. 15.

⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

⁽⁶⁾ OJ No L 145, 27. 5. 1992, p. 12.

COMMISSION DECISION

of 30 June 1992

authorizing certain Member States to apply intra-Community surveillance to imports originating in third countries which have been put into free circulation in the Community and which may be the subject of protective measures pursuant to Article 115 of the EEC Treaty

(Only the Spanish and Italian texts are authentic)

(92/372/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 115 thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987 on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty⁽¹⁾, and in particular Articles 1 and 2 thereof,

Whereas Decision 87/433/EEC requires Member States to have prior authorization from the Commission before introducing intra-Community surveillance of the imports concerned;

Whereas the Commission, by Decision 92/15/EEC⁽²⁾ and other relevant decisions, authorized the Member States to introduce such surveillance;

Whereas almost all these Decisions are due to expire on 30 June 1992;

Whereas certain Member States have submitted applications to the Commission for authorization to extend the application of some of these surveillance measures and to introduce new surveillance measures not covered by the abovementioned Decisions;

Whereas the Commission has closely studied, on a case-by-case basis, these applications in accordance with the criteria laid down by Decision 87/433/EEC taking into account the plan of action established by the Community for the completion of the internal market as from 1 January 1993;

Whereas these criteria must be applied strictly due to the imminence of this date and to the exceptional nature of intra-Community surveillance measures with regard to the principle of the free movement of goods;

Whereas the authorization to introduce intra-Community surveillance measures should be restricted to a limited number of cases where there is a real risk of extensive deflection of trade which could lead to serious difficulties in the sectors concerned;

Whereas, under these circumstances, the Member States should be authorized to make subject to intra-Community surveillance imports of the products listed in the Annex until 31 December 1992,

HAS ADOPTED THIS DECISION :

Article 1

The Member States named in the Annex are authorized, in so far as each is concerned, to apply, until 31 December 1992 and in accordance with Decision 87/433/EEC, intra-Community surveillance of the products listed in the said Annex.

Article 2

This Decision is addressed to the Kingdom of Spain and the Italian Republic.

Done at Brussels, 30 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 238, 21. 8. 1987, p. 26.

⁽²⁾ OJ No L 8, 14. 1. 1992, p. 17.

ANNEX

SPAIN

Other products

CN code (1992)	Description of product	Origin
6404	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials	China
ex 8702	All-terrain motor vehicles for the transport of 10 or more persons, including the driver	Independent States resulting from the former Soviet Union ⁽¹⁾
ex 8703	All-terrain motor cars and other all-terrain motor vehicles principally designed for the transport of persons (other than those of heading No 8702), including station wagons and racing cars	
ex 8704	Motor vehicles for the transport of goods	
8711 10 00 8711 20 10 8711 20 91 8711 20 99 ex 8711 30 00 ex 8711 90 00	Motor-cycles (including mopeds) and cycles fitted with an auxiliary motor, of a cylinder capacity not exceeding 380 cm ³ , with or without side-cars; side-cars Other motor-cycles and cycles fitted with an auxiliary motor with or without side-cars; side-cars;	Japan

⁽¹⁾ Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

ITALY

Other products

CN code (1992)	Description of products	Origin
ex 8704 21 31 ex 8704 21 39 ex 8704 21 91 ex 8704 21 99 ex 8704 31 31 ex 8704 31 39 ex 8704 31 91 ex 8704 31 99	Motor vehicles, other than all-terrain vehicles, for the transport of goods of a gross vehicle weight not exceeding 5 tonnes	Japan

COMMISSION DECISION
of 2 July 1992
designating the host centre 'Animo'

(92/373/EEC)

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 91/628/EEC⁽²⁾, and in particular Article 20 (3) thereof,

Whereas on 19 July 1991 the Commission adopted Decision 91/398/EEC⁽³⁾ on a computerized network linking veterinary authorities (Animo);

Whereas in order to ensure functioning of the computerized network Animo, provision should be made for a host centre to be used; whereas to that end, the Commission adopted on 3 December 1991 Decision 91/638/EEC⁽⁴⁾, on the designation of a common host centre for the computerized network 'Animo';

Whereas the host center of the company Eurokom meets all the technical specifications laid down in the Annex to Decision 91/638/EEC and presents all the necessary guarantees for the proper functioning order of the 'Animo' network for 1 July 1992;

Whereas, if necessary, the collaborating conditions between this host centre, the Commission and the Member States, will be accomplished later in accordance with the procedure laid down in Article 20 (3) of Directive 90/425/EEC;

Whereas, taking into account the information provided by the designated company, in particular in relation to the

financial and technical aspects, the present Decision will be reviewed as soon as possible if difficulties in this respect are encountered when laying down the practical details;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The host centre of the company Eurokom, Avenue de la Joyeuse Entrée 1, B-1050 Bruxelles, is designated as the common host centre for the computerized network 'Animo'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 340, 11. 12. 1991, p. 17.

⁽³⁾ OJ No L 221, 9. 8. 1991, p. 30.

⁽⁴⁾ OJ No L 343, 13. 12. 1991, p. 48.

CORRIGENDA

**Corrigendum to Commission Regulation (EEC) No 1790/92 of 1 July 1992 fixing the
sluice-gate prices and levies for poulmeat**

(Official Journal of the European Communities No L 182 of 2 July 1992)

On page 64 in the Annex in the column headed 'Levy' against CN code 0207 39 45:

for: '56,68 ()',*

read: '54,68 ()'.*
