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## Legislation

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## I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 3508/92**

of 27 November 1992

**establishing an integrated administration and control system for certain  
Community aid schemes**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas, pursuant to Article 8 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy <sup>(4)</sup>, Member States must take the measures necessary to satisfy themselves that transactions financed by the European Agricultural Guidance and Guarantee Fund (EAGGF) are actually carried out and are executed correctly, and prevent and deal with irregularities; whereas Article 23 of Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(5)</sup> provides for the same obligation with regard to the agricultural structures policy;

Whereas up to now the various aid schemes have been administered and controlled by the Member States under separate rules for each scheme, as a result of their heterogeneous structure; whereas, however, in realigning the existing market measures a part of the reform of the common agricultural policy, the Community is opting, to

a large extent, in both the crop and livestock sectors, for direct aid to producers;

Whereas, in order to adapt the administration and control mechanisms to the new situation and improve their effectiveness and usefulness, it is necessary to set up a new integrated administration and control system covering the aid schemes for arable crops, beef and veal, sheepmeat and goatmeat, as well as specific measures for farming in mountain, hill and certain less-favoured areas; whereas provision should be made for the possibility of including, at a later date, other aid schemes linked to the cultivated area;

Whereas, the various components of the integrated system will potentially result in more effective administration and control in the case of Community schemes not covered by this Regulation; whereas the Member States should therefore be authorized to avail themselves of the system on condition they do not in any way act in opposition to the provisions concerned;

Whereas, given the complexity of such a system and the large number of aid applications to be processed, it is essential to use the appropriate technical resources and administration and control methods; whereas as a result, the integrated system should comprise, in each Member State, a computerized data base, an alphanumeric identification system for agricultural parcels, aid applications from farmers, a harmonized control system and, in the livestock sector, a system for the identification and recording of animals;

Whereas the administration of the data collected and its use for the verification of aid applications make it necessary to set up high-performance computerized data bases allowing cross-checks in particular to be made;

Whereas the identification of agricultural parcels is a key element in the correct application of schemes linked to surface area; whereas experience has shown that the existing methods have certain deficiencies; whereas, therefore, provision should be made for an alphanumeric identification system set up initially, where necessary, with the aid of remote sensing;

<sup>(1)</sup> OJ No C 9, 15. 1. 1992, p. 4.

<sup>(2)</sup> Opinion delivered on 17 November 1992 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No C 98, 21. 4. 1992, p. 29.

<sup>(4)</sup> OJ No L 94, 28. 4. 1970, p. 13. (Last amended by Regulation (EEC) No 2048/88).

<sup>(5)</sup> OJ No L 374, 31. 12. 1988, p. 1.

Whereas in order to guarantee the possibility of effective control, 'area' aid applications must be submitted not later than during the first quarter of the year; whereas however the Member State may, in cases which it justifies, be authorized to apply a later date; whereas for 1993, having regard to the difficulties of implementing the integrated system, a later date is permitted;

Whereas, in the livestock sector, effective control requires that animals be identified and recorded; whereas, to this end, Council Directive 92/102/EEC of 27 November 1992, on the identification and registration of animals<sup>(1)</sup> lays down specific provisions in this respect; whereas recourse should therefore be had to that Directive;

Whereas the detailed rules governing aid applications continue to be subject to the provisions of each sector; whereas, however, for the sake of simplification, Member States should be authorized to make provision for the submission of one single application for several aid schemes;

Whereas one of the main advantages of the new system is the introduction of an integrated control system in each Member State avoiding any duplication of sectoral checks of the same type; whereas, as a result, the stepping up of checks made necessary by the reform of the common agricultural policy should be attainable without substantially increasing the number of checks; whereas aid applications submitted must be subjected to a thorough administrative check carried out with the aid of computerized data bases; whereas, up to now, administrative checks have been supplemented systematically by checks on the spot; whereas, to a large extent, on-the-spot checks on areas may be replaced by remote sensing;

Whereas the expenditure involved in introducing the integrated system may represent a high additional budgetary burden for Member States; whereas, consequently, provision should be made for part-financing for a certain period; whereas the diversity of existing production structures in the Member States must be taken into account; whereas, as a result, provision should be made for sharing out the financial contribution in a way which takes into account in particular the number of agricultural holdings, livestock numbers and the agricultural area in the Member States;

Whereas provision should be made for the gradual implementation of all the elements of the integrated system,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. Each Member State shall set up an integrated administration and control system, hereinafter referred to as the 'integrated system', applying:

(a) in the crop sector:

- the support system for producers of certain arable crops established by Regulation (EEC) No 1765/92<sup>(2)</sup>;

(b) in the livestock sector:

- to the premium arrangements for beef and veal producers established by Articles 4 (a) to (h) of Regulation (EEC) No 805/68<sup>(3)</sup>,
- to the premium arrangements for sheepmeat producers introduced by Regulation (EEC) No 3013/89<sup>(4)</sup>,
- to the specific measures for farming in mountain, hill and certain less-favoured areas introduced by Regulation (EEC) No 2328/91<sup>(5)</sup> concerning compensatory allowances for cattle, sheep, goats and equidae,

hereinafter referred to as 'Community schemes'.

2. The Council may, acting by a qualified majority on a Commission proposal, extend the scope of the integrated system to other Community aid schemes.

3. For the purposes of applying Community aid schemes not covered by this Regulation and notwithstanding the specific provisions laid down under such schemes, in particular those concerning the terms under which aid may be granted, the Member States may incorporate in their administration and control mechanisms one or more of the administrative, technical or data-processing components of the integrated system.

Member States may extend this possibility to national schemes. They may use the information from the integrated system for statistical purposes.

Before availing themselves of these possibilities, Member States shall inform the Commission of their intentions in good time.

<sup>(2)</sup> OJ No L 181, 1. 7. 1992, p. 12. (Amended by Commission Regulation (EEC) No 2467/92 (OJ No L 246, 27. 8. 1992, p. 11)).

<sup>(3)</sup> OJ No L 148, 28. 6. 1968. (Last amended by Regulation (EEC) No 2066/92 (OJ No L 215, 30. 7. 1992, p. 49)).

<sup>(4)</sup> OJ No L 289, 7. 10. 1989, p. 1. (Last amended by Regulation (EEC) No 2069/92 (OJ No L 215, 30. 7. 1992, p. 59)).

<sup>(5)</sup> OJ No L 218, 6. 8. 1991, p. 1. (Last amended by Regulation (EEC) No 2080/92 (OJ No L 215, 30. 7. 1992, p. 96)).

<sup>(1)</sup> See page 32 of this Official Journal.

The Commission shall ensure that recourse to this possibility does not prejudice compliance with the provisions of the sectoral Regulations or of this Regulation.

4. Without prejudice to specific provisions provided for under the arrangements referred to in paragraph 1, for the purposes of this Regulation :

- *farmer* shall mean an individual agricultural producer, whether a natural or legal person or a group of natural or legal persons, whatever legal status is granted the group and its members by national law, whose holding is within Community territory,
- *holding* shall mean all the production units managed by a farmer situated within the same Member State's territory,
- *agricultural parcel* shall mean a continuous area of land on which a single crop is raised by a single farmer. In accordance with the procedure laid down in Article 12 the Commission shall adopt implementing arrangements for specific uses of agricultural parcels, in particular those concerning mixed crops and jointly used areas.

#### Article 2

The integrated system shall comprise the following elements :

- (a) a computerized data base ;
- (b) an alphanumeric identification system for agricultural parcels ;
- (c) an alphanumeric system for the identification and registration of animals ;
- (d) aid applications ;
- (e) an integrated control system.

#### Article 3

1. The computerized data base shall record, for each agricultural holding, the data obtained from the aid applications. This data base shall in particular allow direct and immediate consultation, through the competent authority of the Member State, of the data relating at least to the previous three consecutive calendar and/or marketing years.

2. The Member States may set up decentralized data bases on condition that these, and the administrative procedures for recording and accessing data, are designed homogeneously throughout the territory of the Member State and are compatible with one another.

#### Article 4

The alphanumeric identification system for agricultural parcels shall be established on the basis of land registry maps and documents, other cartographic references or of

aerial photographs or satellite pictures or other equivalent supporting references or on the basis of more than one of these elements.

#### Article 5

The system for the identification and registration of animals to be taken into account for the granting of aid governed by this Regulation shall be set up in accordance with Articles 4, 5, 6 and 8 of Directive 92/102/EEC.

#### Article 6

1. In order to be eligible under one or more Community schemes governed by this Regulation, each farmer shall submit, for each year, an 'area' aid application indicating :

- agricultural parcels, including areas under forage crops, and agricultural parcels covered by a set-aside measure for arable land and those laid fallow,
- where applicable, any other necessary information provided for either by the Regulations relating to the Community schemes, or by the Member State concerned.

2. The area aid application must be submitted by a date to be fixed by the Member State which shall be during the first quarter of the year. However :

- in 1993, the Member State may fix a date not later than the dates referred to in Articles 10, 11 and 12 of Regulation (EEC) No 1765/92,
- in the following years, the Commission may, in accordance with the procedure laid down in Article 12, allow a Member State to fix a date between 1 April and the dates referred to in Articles 10, 11 and 12 of Regulation (EEC) No 1765/92, provided that the Member State can justify such a date, in particular by providing the Commission with a detailed working plan, which demonstrates that the requirements of the following subparagraph are fulfilled.

In all cases, the date shall be fixed bearing in mind, *inter alia*, the time required for all relevant data to be available for proper administrative and financial management of the aid and for the checks provided for in Article 8 to be carried out.

3. A Member State may decide that an 'area' aid application need contain only changes with respect to the 'area' aid application submitted for the previous year.

4. Certain amendments may be made to the 'area' aid application provided that they are received by the competent authorities, no later than the dates referred to in Articles 10, 11 and 12 of Regulation (EEC) No 1765/92.

5. The 'area' aid application, amended if necessary in accordance with paragraph 4, shall be deemed to be the aid application provided for in the scheme referred to in Article 1 (1) (a).

6. For each of the agricultural parcels declared, farmers shall indicate the area and its location which information must enable the parcel to be identified in the alphanumeric identification system for agricultural parcels.

7. Farmers applying only for aid under a scheme not directly linked to agricultural area may be exempted from the requirement to submit an 'area' aid application.

8. In order to be eligible for one of the Community schemes or arrangements referred to in Article 1 (1) (b), each farmer shall submit one or more 'animal' aid applications, at the latest by the dates set by the schemes concerned.

9. Where an aid application or amendments to it have to be accompanied by supplementary documentation, such documentation shall be considered part of the application.

10. While abiding by the dates or periods laid down for submitting applications under Community rules, the Member States may decide that a single application can cover:

- several 'animal' aid applications,
- an 'area' aid application and one or more 'animal' aid applications.

#### Article 7

The integrated control system shall cover all aid applications submitted, in particular as regards administrative checks, on-the-spot checks and, if appropriate, verification by aerial or satellite remote sensing.

#### Article 8

1. Member States shall carry out administrative checks on aid applications.

2. Administrative checks shall be supplemented by on-the-spot checks covering a sample of agricultural holdings. For all these checks, Member States shall draw up a sampling plan.

3. Each Member State shall designate an authority responsible for coordinating the checks provided for in this Regulation.

4. National authorities may, under conditions to be laid down, use remote sensing to determine the area of agricultural parcels, identify crops and verify their status.

5. Where the competent authorities of the Member State delegate some aspects of the work to be carried out pursuant to this Regulation to specialized agencies or firms, they must retain control over and responsibility for that work.

#### Article 9

The Member States shall take the measures necessary to ensure protection of the data collected.

#### Article 10

1. The Community shall contribute to the expenditure incurred by Member States pursuant to this Regulation for the introduction of the computerized and checking structures and for the acquisition of aerial photographs or satellite pictures and the analysis thereof.

Expenditure on the updating of land registry maps shall not be co-financed by the Community.

2. The Community's financial contribution shall be granted for a period of three years from 1992, within the limits of the appropriations allocated for this purpose.

The total amount shall be shared among the Member States as follows:

Belgium	2,3 %
Denmark	2,4 %
Germany	10,1 %
Greece	8,7 %
Spain	18,1 %
France	14,6 %
Ireland	4,5 %
Italy	20,1 %
Luxembourg	0,6 %
Netherlands	3,0 %
Portugal	5,7 %
United Kingdom	9,9 %

The Community's financial contribution may not be greater than 50 % of the payments made by the Member State concerned in respect of the budget year and relating to the eligible expenditure within the meaning of paragraph 1.

3. Amounts expressed in ecus and national currencies shall be converted at the rates of exchange obtaining on the first working day of the calendar year in question published in the 'C' series of the *Official Journal of the European Communities*.

#### Article 11

1. The Commission shall be informed at regular intervals of the progress of work on the implementation of the integrated system. It shall organize exchanges of views on this subject with the Member States.

2. After informing the competent authorities concerned in good time, Commission officials may carry out:

- any examination or control relating to the body of measures taken in order to establish the integrated system and to the eligibility of expenditure declared under the Community co-financing provided for in Article 10;
- checks at the specialized agencies and firms referred to in Article 8 (5).

Officials of the Member State concerned may take part in such checks.

The aforementioned powers to check shall not affect the application of national criminal law provisions which reserve certain acts for officials specifically designated by national law. Commission officials shall in particular not participate in home visits to or the formal interrogation of suspects under the criminal law of the Member State. They shall, however, have access to the information obtained thereby.

3. Without prejudice to the responsibilities of the Member States for the implementation and application of the integrated system, the Commission may seek the assistance of specialized bodies or persons in order to facilitate the establishment, monitoring and utilization of the integrated system, in particular with a view to providing the competent authorities of the Member States with technical advice, should they request it.

#### Article 12

The Commission shall adopt detailed rules for the application of this Regulation in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70. These detailed rules shall cover in particular:

- (a) the basic features of the alphanumeric identification system for agricultural parcels;
- (b) any amendments which may be made to the 'area' aid applications and exemption from the requirement to submit an 'area' aid application;

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

Done at Brussels, 27 November 1992.

- (c) the minimum amount of information to be included in the aid applications;
- (d) the administrative and on-the-spot checks and the checks by remote sensing;
- (e) the establishment of an advance payment scheme for Community financial participation;
- (f) transitional provisions for the start-up period of the system;
- (g) communications between the Member States and the Commission;
- (h) the measures required to resolve specific practical problems. Such measures - if duly justified - may derogate from certain parts of this Regulation.

#### Article 13

1. The integrated system shall apply
  - (a) from 1 February 1993 as regards aid applications, an alphanumeric system of identification and registration of bovine animals and the integrated control system referred to in Article 7;
  - (b) from 1 January 1996 at the latest as regards the other elements referred to in Article 2.
2. With a view to implementation of the integrated system, the Member States shall:
  - adopt the necessary laws, regulations and administrative provisions concerning paragraph 1 (a) before 1 February 1993, and those concerning paragraph 1 (b) before 1 June 1993;
  - take the administrative, budgetary and technical measures necessary for the integrated system to be operational from the dates laid down in paragraph 1.

If, however, any parts of the integrated system are operational before the dates laid down in paragraph 1, the Member States shall use them for their management and checking activities.

#### Article 14

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

For the Council  
The President  
J. PATTEN

## COMMISSION REGULATION (EEC) No 3509/92

of 4 December 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<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 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, 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<sup>(5)</sup> 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 3 December 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 5 December 1992.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*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 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 185, 4. 7. 1992, p. 1.

## ANNEX

## to the Commission Regulation of 4 December 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	134,00 (°) (°)
0712 90 19	134,00 (°) (°)
1001 10 10	171,42 (°) (°) (10)
1001 10 90	171,42 (°) (°) (10)
1001 90 91	143,88
1001 90 99	143,88 (11)
1002 00 00	157,05 (°)
1003 00 10	124,02
1003 00 90	124,02 (11)
1004 00 10	115,89
1004 00 90	115,89
1005 10 90	134,00 (°) (°)
1005 90 00	134,00 (°) (°)
1007 00 90	137,66 (°)
1008 10 00	49,59 (11)
1008 20 00	111,28 (°)
1008 30 00	37,25 (°)
1008 90 10	(°)
1008 90 90	37,25
1101 00 00	214,23 (°) (11)
1102 10 00	232,67 (°)
1103 11 10	278,22 (°) (10)
1103 11 90	230,55 (°)

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

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

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

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

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

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

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

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

(9) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

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

(11) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 3510/92  
of 4 December 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<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 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, 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<sup>(5)</sup> 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 3 December 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 5 December 1992.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*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 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 185, 4. 7. 1992, p. 4.

## ANNEX

to the Commission Regulation of 4 December 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	1st period	2nd period	3rd period
	12	1	2	3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	1,35	1,35	0
1001 90 99	0	1,35	1,35	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	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	1,89	1,89	0

## B. Malt

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period	4th period
	12	1	2	3	4
1107 10 11	0	2,40	2,40	0	0
1107 10 19	0	1,80	1,80	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 3511/92  
of 4 December 1992

adopting interim protective measures in so far as concerns Spain in regard to applications for STM licences coming from the Community of Ten for milk and milk products lodged between 23 and 27 November 1992

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (1) thereof,

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

Whereas applications for STM licences in the Community of Ten for cheese of categories 4 and 6 lodged between 23 and 27 November 1992 relate to quantities higher than the ceiling set for the month of December 1992;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the indicative ceiling will be attained or exceeded; whereas to this effect it is necessary, as an interim protective measure, in view of the number of requests, for the products concerned and only for the Community of Ten, to issue licences up to a percentage of the quantities applied for in categories 4 and 6 and to

suspend all further issuing of licences for the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86, lodged between 23 and 27 November 1992 for the Community of Ten and lodged with the Commission, for milk products falling within:
  - category 4 of CN code ex 0406 are hereby accepted up to 88,77 %,
  - category 6 of CN code ex 0406 are hereby accepted up to 9,39 %.
2. The issuing of STM licences in the Community of Ten is hereby provisionally suspended for products falling within categories 4 and 6.
3. Without prejudice to any definitive measures the Commission may take, further applications for STM licences may be lodged from 1 January 1993 for all products in respect of that fraction of the indicative ceiling applicable from 1 January 1993.

*Article 2*

This Regulation shall enter into force on 7 December 1992.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 58, 1. 3. 1986, p. 28.

<sup>(2)</sup> OJ No L 75, 21. 3. 1992, p. 29.

**COMMISSION REGULATION (EEC) No 3512/92**  
**of 3 December 1992**  
**concerning the stopping of fishing for common sole by vessels flying the flag of**  
**France**

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities<sup>(1)</sup>, as amended by Regulation (EEC) No 3483/88<sup>(2)</sup>, and in particular Article 11 (3) thereof,

Whereas Regulation (EEC) No 3882/91 of 18 December 1991 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1992 and certain conditions under which they may be fished<sup>(3)</sup>, as last amended by Regulation (EEC) No 2985/92<sup>(4)</sup>, provides for common sole quotas for 1992;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII f and g by vessels flying the flag of

France or registered in France have reached the quota allocated for 1992,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches for common sole in the waters of ICES division VII f and g by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1992.

Fishing for common sole in the waters of ICES division VII f and g by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

*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, 3 December 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.

<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.

<sup>(3)</sup> OJ No L 367, 31. 12. 1991, p. 1.

<sup>(4)</sup> OJ No L 300, 16. 10. 1992, p. 3.

## COMMISSION REGULATION (EEC) No 3513/92

of 3 December 1992

## concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87<sup>(1)</sup> on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Commission Regulation (EEC) No 1039/92<sup>(2)</sup>, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined nomenclature and which do not conform to the rights established by this Regulation, can continue to be

invoked under the provisions in Article 6 of Commission Regulation (EEC) No 3796/90<sup>(3)</sup>, as amended by Regulation (EEC) No 2674/92<sup>(4)</sup>, for a period of three months by the holder if a binding contract has been concluded such as is envisaged in Article 14 (3) (a) or (b) of Commission Regulation (EEC) No 1715/90<sup>(5)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

*Article 2*

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 6 of Regulation (EEC) No 3796/90 for a period of three months by the holder if a binding contract has been concluded as envisaged in Article 14 (3) (a) or (b) of Regulation (EEC) No 1715/90.

*Article 3*

This Regulation shall enter into force on the 21st 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, 3 December 1992.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(2)</sup> OJ No L 110, 28. 4. 1992, p. 42.

<sup>(3)</sup> OJ No L 365, 28. 12. 1990, p. 17.

<sup>(4)</sup> OJ No L 271, 16. 9. 1992, p. 5.

<sup>(5)</sup> OJ No L 160, 26. 6. 1990, p. 1.

## ANNEX

Description of goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>1. Prepared oil in gelatin capsules put up for retail sale.</p> <p>Each capsule contains:</p> <ul style="list-style-type: none"> <li>— oil from the seeds of the common evening primrose (<i>Oenothera biennis L.</i>) 500 mg</li> <li>— liquid milk fat 14 mg</li> <li>— antioxydant (vitamine E) 15 mg</li> </ul>	1517 90 99	<p>The classification is determined by the provisions of general rules 1 and 6 on the interpretation of the combined nomenclature and by the wording of CN codes 1517, 1517 90 and 1517 90 99.</p>
<p>2. Colourless, transparent sweet invert sugar syrup with no detectable fruit flavour, showing the following properties on analyses:</p> <ul style="list-style-type: none"> <li>— Extract refr. 20 °C 67,0 by weight</li> <li>— Sucrose undetectable</li> <li>— Glucose (dextrose) 48,0 by weight in the dry state</li> <li>— Fructose: 48,8 by weight in the dry state</li> <li>— Ash: less than 0,01 % by weight</li> <li>— Titratable acids (pH 7,0) as tartaric acid 0,11 % by weight</li> </ul> <p>The trade description of this product is 'rectified grape must concentrate'.</p>	1702 90 90	<p>The classification is determined by the provisions of general rules 1 and 6 on the interpretation of the combined nomenclature and by the wording of CN codes 1702, 1702 90 and 1702 90 90.</p> <p>The removal of virtually all elements except sugars means the product no longer has the character of concentrated grape must of CN code 2009 60.</p>
<p>3. Carrot juice which has been subjected to lactic fermentation, ready for consumption as a beverage</p>	2202 90 10	<p>Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 2202, 2202 90 and 2202 90 10.</p> <p>The product has a lower Ph value following lactic fermentation resulting in the product losing its original character as a vegetable juice of heading 2009 (see also the Explanatory Notes to the HS, heading 2009, paragraphs 3 and 7).</p>

**COMMISSION REGULATION (EEC) No 3514/92  
of 3 December 1992**

**re-establishing the levying of customs duties on products falling within CN code 4820 50 00 originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries<sup>(1)</sup>, extended for 1992 by Regulation (EEC) No 3587/91<sup>(2)</sup>, and in particular Article 9 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3831/90, duties on certain products originating in each of the countries or territories listed in Annex III shall be totally suspended for 1992, and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 8;

Whereas, as provided for in Article 8, where the increase of preferential imports of these products, originating in one or more beneficiary countries, threatens to cause economic difficulties in a region of the Community, the levying of customs duties may be re-established once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 6,615 % of the total importations into the Community, originating from third countries in 1988;

Whereas, in the case of products, falling within CN code 4820 50 00, originating in China, the reference base is

fixed at ECU 2 156 000; whereas, on 27 October 1992, imports of these products into the Community originating in China, reached the reference base in question after being charged thereagainst; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against China,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 8 December 1992, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in China:

CN code	Description
4820 50 00	Albums for samples or for collections

*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, 3 December 1992.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 341, 12. 12. 1991, p. 1. Regulation as last amended by Regulation (EEC) No 12509/92 (OJ No L 159, 12. 6. 1992, p. 1).

## COMMISSION REGULATION (EEC) No 3515/92

of 4 December 1992

laying down common detailed rules for the application of Council Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an 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 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency<sup>(1)</sup>, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 1722/77<sup>(2)</sup> as last amended by Regulation (EEC) No 3826/85<sup>(3)</sup> lays down common detailed rules for the application of Regulation (EEC) No 1055/77; whereas in connection with the abolition of controls and formalities at the internal frontiers and for reasons of clarity and administrative efficiency, the rules concerned should be redrafted; whereas Regulation (EEC) No 1722/77 should accordingly be repealed;

Whereas the competent authorities are informed of all trade in the products in question; whereas, therefore, for the sake of administrative simplicity it is desirable that a licence should not be required in respect of products held by an intervention agency which are exported to a non-member country for storage there or returned to the Member State of departure;

Whereas the export of intervention products for storage in a third country is to be considered an export as referred to in Article 3 (2) (c) of Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit<sup>(4)</sup>;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

*Article 1*

Without prejudice to the derogations provided for in the specific Community rules for certain products, this Regulation lays down common detailed rules for the application of Regulation (EEC) No 1055/77.

<sup>(1)</sup> OJ No L 128, 24. 5. 1977, p. 1.

<sup>(2)</sup> OJ No L 189, 29. 7. 1977, p. 36.

<sup>(3)</sup> OJ No L 371, 31. 12. 1985, p. 1.

<sup>(4)</sup> OJ No L 262, 26. 9. 1990, p. 1.

## TITLE 1

## Intervention products transported for storage in a third country

*Article 2*

In cases falling within the first indent of Article 2 of Regulation (EEC) No 1055/77, where products are exported to a third country for storage there, the document referred to in Article 3 hereof and the export declaration shall be lodged at the competent customs office in the Member State where the intervention agency responsible for the products is situated.

The export declaration and, should the occasion arise, the external Community transit document or the equivalent national document shall show one of the following endorsements:

- Productos de intervención en poder de ... (nombre y dirección del organismo de intervención) destinados a ser almacenados en ... (país afectado y dirección del lugar de almacenamiento previsto). Aplicación del primer guión del artículo 2 del Reglamento (CEE) n° 1055/77;
- Produkter fra intervention som ... (navn og adresse på interventionsorganet) ligger inde med, og som er bestemt til oplagring i ... (det pågældende land og adressen på det forventede oplagingssted). Anvendelse af artikel 2, første led, i forordning (EØF) nr. 1055/77;
- Interventionserzeugnisse im Besitz von ... (Name und Anschrift der Interventionsstelle), zur Lagerung in ... (Land und Anschrift des vorgesehenen Lagerorts) bestimmt. Anwendung von Artikel 2 erster Gedankenstrich der Verordnung (EWG) Nr. 1055/77;
- Προϊόντα παρέμβασης που ευρίσκονται στην κατοχή του ... (ονομασία και διεύθυνση του οργανισμού παρέμβασης) προς αποθήκευση εις ... (χώρα και διεύθυνση του προτεινόμενου χώρου αποθήκευσης) σε εφαρμογή της πρώτης περίπτωσης του άρθρου 2 του κανονισμού (ΕΟΚ) αριθ. 1055/77;
- Intervention products held by ... (name and address of the intervention agency) for storage in ... (country concerned and address of the proposed place of storage). Application of the first indent of Article 2 of Regulation (EEC) No 1055/77;
- Produits d'intervention détenus par ... (nom et adresse de l'organisme d'intervention) destinés à être stockés en/au ... (pays concerné et adresse du lieu de stockage prévu). Application de l'article 2 premier tiret du règlement (CEE) n° 1055/77;

- Prodotti di intervento detenuti da ... (nome e indirizzo dell'organismo d'intervento) destinati ad essere immagazzinati in ... (paese interessato e indirizzo del luogo di immagazzinamento previsto). Applicazione dell'articolo 2, primo trattino, del regolamento (CEE) n. 1055/77;
- Interventieprodukten in het bezit van ... (naam en adres van het interventiebureau) — bestemd voor opslag in ... (betrokken land en adres van de opslagplaats). Toepassing van artikel 2, eerste streepje, van Verordening (EEG) nr. 1055/77;
- Produtos de intervenção em poder de ... (nome e morada do organismo de intervenção) destinados a serem armazenados em/no ... (país em causa e morada do local de armazenagem previsto). Aplicação do primeiro travessão do artigo 2º do Regulamento (CEE) nº 1055/77.

No export licence shall be required in connection with the customs export formalities.

#### Article 3

The document referred to in Article 2 shall be issued by the intervention agency of the Member State of departure and shall carry a number and give:

- a description of the products and, where appropriate, any other necessary information for control purposes,
- the number, type and, where appropriate, the marks and numbers of the packages,
- the gross and net mass of the products,
- a reference to Regulation (EEC) No 1055/77, specifying that the products are intended for storage,
- the address of the proposed place of storage.

In the case of application of Article 2, this document shall be kept by the customs office where the export declaration has been lodged and a copy of this document shall accompany the product.

#### Article 4

1. Where products held by an intervention agency and stored in a third country are subsequently re-imported into the Member State within whose jurisdiction such agency falls, without being sold:

- the reimportation shall be subject to Article 2 of Regulation (EEC) No 1055/77,
- no import licence need be submitted.

2. In addition, the following documents shall be submitted to the customs office of re-importation:

- the endorsed exporter's copy of the export declaration issued in respect of the export of the products to the third country of storage, or a copy or a photocopy of that document authenticated as corresponding to the original by the customs office which issued that original,
- a document issued by the intervention agency responsible for the products containing the information provided for in the first, second, third and fourth indents of Article 3.

These documents shall be kept by the customs office of re-importation.

## TITLE 2

### Intervention products transferred from one intervention agency to another

#### Article 5

In cases coming with the second indent of Article 2 of Regulation (EEC) No 1055/77, where products are dispatched to another Member State as a transfer operation, the products shall be accompanied by a Control Copy T5 as referred to in Article 1 of Commission Regulation (EEC) No 2823/87<sup>(1)</sup>. The Control Copy T5 shall be issued by the intervention agency which sends the products and shall show one of the following endorsements in box 104

- Productos de intervención — operación de transferencia;
- Produkter fra intervention — overførsel;
- Interventionserzeugnisse — Transfer;
- Προϊόντα παρέμβασης — Πράξη μεταβίβασης;
- Intervention products — transfer operation;
- Produits d'intervention — opération de transfert;
- Prodotti di intervento — operazione trasferimento;
- Interventieprodukten — Overdracht;
- Produtos de intervenção — operação de transferência.

Box 107 shall show the number of the present Regulation.

The Member State may allow the Control Copy T5 to be issued by an authority designated for that purpose instead of by the intervention agency.

The Control Copy T5 shall be returned direct to the intervention agency which sent the products, after appropriate checking and endorsement by the intervention agency of the Member State to which the products are transferred.

## TITLE 3

### Final provisions

#### Article 6

Products stored in another Member State before the 1st January 1993 shall be released from customs surveillance at the request of the intervention agency responsible for the products.

#### Article 7

Regulation (EEC) No 1722/77 is hereby repealed.

#### Article 8

This Regulation shall enter into force on 1 January 1993.

<sup>(1)</sup> OJ No L 270, 23. 9. 1987, p. 1.

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

Done at Brussels, 4 December 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 3516/92**  
of 4 December 1992

**amending Regulation (EEC) No 1707/90 laying down detailed rules for the application of Regulation (EEC) No 1796/81 on imports of preserved cultivated mushrooms from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1569/92 <sup>(2)</sup>, and in particular Articles 14 (3) and 15 (4) thereof,

Having regard to Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of mushrooms of the species *Agaricus spp.* falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30 <sup>(3)</sup>, as amended by Regulation (EEC) No 1122/92 <sup>(4)</sup>, and in particular Article 6 thereof,

Whereas, pursuant to Article 4 of Commission Regulation (EEC) No 1707/90 of 22 June 1990 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2895/92 <sup>(6)</sup>, the release for free circulation of mushrooms originating in China, South Korea and Taiwan is subject to the provisions of Commission Regulation (EEC) No 3850/89 of 15 December 1989 laying down provisions for the implementation of Council Regulation (EEC) No 802/68 on the common definition of the concept of the origin of goods <sup>(7)</sup>;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 3850/89, the competent authorities in the Community are to accept as valid only originals of certificates of origin; whereas that provision is particularly harsh as regards imports into the Community of preserved cultivated mushrooms; whereas the consequence of losing the original of the certificate of origin is payment of an additional amount equivalent to approximately 100 % of the value of the product; whereas, in order to avoid such a consequence and in view of the fact that the requirement as to origin was laid down for the benefit of the third countries concerned, provision should be made for a derogation from Article 3 (2) of the above-mentioned Regulation to permit the competent Community authorities to accept a duplicate of the original in the event of loss of the original;

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 166, 20. 6. 1992, p. 5.

<sup>(3)</sup> OJ No L 183, 4. 7. 1981, p. 1.

<sup>(4)</sup> OJ No L 117, 1. 5. 1992, p. 98.

<sup>(5)</sup> OJ No L 158, 23. 6. 1990, p. 34.

<sup>(6)</sup> OJ No L 288, 3. 10. 1992, p. 20.

<sup>(7)</sup> OJ No L 374, 22. 12. 1989, p. 8.

Whereas Regulation (EEC) No 3850/89 applies to the imports covered by Regulation (EEC) No 1707/90 since 1 January 1991; whereas the abovementioned derogation should also apply from that date;

Whereas, in accordance with Article 5 (4) of Regulation (EEC) No 1707/90, the overall quantity referred to in Article 3 of Regulation (EEC) No 1796/81 is to be allocated on the one hand to traditional importers and on the other hand to new importers; whereas the quantity still available at 15 October of the year in progress is allocated by the Commission to the group of importers for which quantities are no longer available; whereas this provision, which restricts access to the quantity still available at the end of the year to a single group of importers appears to damage the interests of the third countries benefiting under these import arrangements where supply exceeds demand; whereas, if access to the quantity available at 15 October of the year in progress is extended to all importers, the undesired obstacles to the full utilization of quantities still available for the year are eliminated; whereas the second subparagraph of Article 5 (4) of Regulation (EEC) No 1707/90 should accordingly be amended, care being taken, however, to state that for 1992, the date 15 October must be replaced by the date of entry into force of this Regulation;

Whereas the Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1707/90 is hereby amended as follows:

1. The following second subparagraph is added to Article 4 (1):

‘However, by way of derogation from Article 3 (2) of Regulation (EEC) No 3850/89, the competent authorities may accept as valid duplicates of originals of certificates of origin in the event of loss of the original.’

2. The second subparagraph of Article 5 (4) is replaced by the following:

'However, where the quantities laid down in (a) or (b) are not applied for or are applied for only in part, the balance available at 15 October of the year in progress shall be allocated to two groups of importers in accordance with detailed rules laid down by the Commission as regards the submission of applications and the issue of import licences. For 1992, this allocation shall cover the quantity still available on 8 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*.

Article 1 (1) shall apply from 1 January 1991.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 3517/92**

of 4 December 1992

**on imports of certain processed mushroom products originating in Poland and South Korea and repealing Regulation (EEC) No 2943/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1707/90 of 22 June 1990 laying down detailed rules for the application of Regulation (EEC) No 1796/81 on imports of preserved cultivated mushrooms from third countries<sup>(1)</sup>, as last amended by Regulation (EEC) No 3516/92<sup>(2)</sup>, and in particular Article 5 (4) thereof,

Whereas the second subparagraph of Article 5 (4) of that Regulation provides that the quantity still available at the date of entry into force of Regulation (EEC) No 3516/92 is to be allocated to two groups of importers in accordance with detailed rules laid down by the Commission ;

Whereas a substantial quantity is still available for allocation to importers for the end of 1992 ; whereas the issue of import licences under Regulation (EEC) No 1707/90 for certain processed mushroom products from all third countries excepting Poland and South Korea has been suspended for the rest of 1992 ; whereas as a consequence quantities still available can only be allocated to Poland and South Korea ;

Whereas, in order to ensure fair access to the quantity transferred, certain special detailed rules should be laid down as regards import licences,

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

Done at Brussels, 4 December 1992.

HAS ADOPTED THIS REGULATION :

*Article 1*

Import licences shall be issued for that part of the overall quantity allocated to Poland and South Korea in accordance with Annex I to Regulation (EEC) No 1707/90 which is still available on 8 December 1992 in accordance with that Regulation, without prejudice to the specific provisions of Article 2.

*Article 2*

Each importer as referred to in Article 5 (4) (a) and (b) of Regulation (EEC) No 1707/90 may submit applications by 7 December 1992 for import licences for mushrooms covered by CN codes 0711 90 40, 2003 10 20 and 2003 10 30 and originating in Poland and South Korea.

*Article 3*

Commission Regulation (EEC) No 2943/92<sup>(3)</sup> is hereby repealed.

*Article 4*

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

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 34.

<sup>(2)</sup> See page 18 of this Official Journal.

<sup>(3)</sup> OJ No L 294, 10. 10. 1992, p. 14.

## COMMISSION REGULATION (EEC) No 3518/92

of 4 December 1992

## laying down detailed rules for the application of the specific measures for the Azores as regards pineapple production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products<sup>(1)</sup>, and in particular Article 30 thereof,

Whereas Article 30 of Regulation (EEC) No 1600/92 provides for the granting of aid for the production of up to 2 000 tonnes of fresh pineapples per year; whereas the detailed rules for the application of that aid scheme should be laid down;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Interested producers established in the Azores shall submit applications to the competent authorities designated by Portugal for aid for their harvested production of fresh pineapples covered by CN code 0804 30 during the following periods:

- in January for production harvested in July to December of the previous year,
- in July for production harvested from January to June of the year in question.

*Article 2*

1. Aid applications shall include at least the following particulars:

- the applicant's full name and address,
- the quantity of pineapples harvested during the periods in question,

— the area cultivated for such production.

2. The competent authorities shall conduct all verifications considered necessary, including in particular on-the-spot checks.

3. The Portuguese authorities shall take the measures necessary to ensure that the annual quantities in respect to which the aid is granted do not exceed 2 000 tonnes as set out in Article 30 of Regulation (EEC) No 1600/92.

4. The Community aid shall be paid within the two months following the submission of aid applications.

*Article 3*

The rate to be applied for the conversion into national currency of the aid for the production of fresh pineapples shall be the agricultural conversion rate in force on the first day of the harvest period concerned.

*Article 4*

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

2. The aid recovered and, where applicable, the interest shall be paid to the paying agencies or departments and deducted by the latter from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

*Article 5*

Portugal shall notify the Commission before 1 November each year of the quantities harvested in respect of which aid has been paid.

Portugal shall notify any measures adopted pursuant to Article 2 (3).

*Article 6*

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, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 1.

**COMMISSION REGULATION (EEC) No 3519/92**  
**of 4 December 1992**

**laying down certain detailed rules for the application of the supplements to the special premium for producers of beef and veal and to the premium for maintaining suckler cows in the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products<sup>(1)</sup>, and in particular Article 12 thereof,

Whereas Regulation (EEC) No 1601/92 provides for specific measures relating to agricultural production in the Canary Islands; whereas those measures include supplements to the special premium for male bovine animals and the premium for maintaining suckler cows provided for in Community legislation; whereas, for the sake of administrative simplification, provision should be made for the granting of those supplements to take place in response to applications submitted under those premium schemes;

Whereas, pursuant to Regulation (EEC) No 1601/92, specific measures are applicable from 1 July 1992; whereas provision should therefore be made for the detailed rules of application to apply from the same date;

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*

1. The supplement to the special premium for male bovine animals referred to in Article 10 (2) of Regulation (EEC) No 1601/92 shall be granted on the basis of applications for the special premium for producers of beef and veal.
2. The supplement to the premium for maintaining suckler cows referred to in Article 10 (3) of Regulation (EEC) No 1601/92 shall be granted on the basis of applications for the premium for maintaining suckler cows.

*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 1 July 1992.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 13.

**COMMISSION REGULATION (EEC) No 3520/92**

of 4 December 1992

**amending Regulation (EEC) No 1658/91 establishing arrangements for retrospective Community surveillance in respect of imports of Atlantic salmon**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3687/91 of 28 November 1991 on the common organization of the market in fishery products<sup>(1)</sup>, and in particular Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1658/91<sup>(2)</sup>, as amended by Regulation (EEC) No 1561/92<sup>(3)</sup>, introduced arrangements applicable to 31 December 1992 for retrospective Community surveillance of Atlantic salmon imports;

Whereas because of serious disturbance of the Community market for salmon the Commission has, by Commission Regulation (EEC) No 3270/91<sup>(4)</sup>, as last amended by Regulation (EEC) No 992/92<sup>(5)</sup>, made Atlantic salmon imports subject to observance of a minimum price;

Whereas so that proper monitoring of the trend of Atlantic salmon imports can be continued and action

taken to forestall any further deterioration in the market, the period of validity of the surveillance arrangements introduced by Regulation (EEC) No 1658/91 should be extended for four months,

HAS ADOPTED THIS REGULATION :

*Article 1*

The second paragraph of Article 3 of Regulation (EEC) No 1658/91 is replaced by :

'It shall apply until 30 April 1993'.

*Article 2*

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, 4 December 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 354, 23. 12. 1991, p. 1.

<sup>(2)</sup> OJ No L 151, 15. 6. 1991, p. 51.

<sup>(3)</sup> OJ No L 165, 19. 6. 1992, p. 14.

<sup>(4)</sup> OJ No L 308, 9. 11. 1991, p. 34.

<sup>(5)</sup> OJ No L 105, 23. 4. 1992, p. 14.

**COMMISSION REGULATION (EEC) No 3521/92**  
**of 4 December 1992**  
**amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender**

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 2066/92 <sup>(2)</sup>, and in particular Article 6 (8) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender <sup>(3)</sup>, as last amended by Regulation (EEC) No 2939/92 <sup>(4)</sup>, opens buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups ;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annexes hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in ;

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*

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 December 1992.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 215, 30. 7. 1992, p. 49.

<sup>(3)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(4)</sup> OJ No L 294, 10. 10. 1992, p. 5.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1

Member States or regions of a Member State and quality groups referred to in Article 1 (1)

États membres ou régions d'États membres et groupes de qualités visés à l'article 1<sup>er</sup>, paragraphe 1

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1

In artikel 1, lid 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n.º 1 do artigo 1.º

Estados miembros o regiones de Estados miembros Medlemsstat eller region Mitgliedstaaten oder Gebiete eines Mitgliedstaats Κράτος μέλος ή περιοχές κράτους μέλους Member States or regions of a Member State États membres ou régions d'États membres Stati membri o regioni di Stati membri Lid-Staat of gebied van een Lid-Staat Estados-membros ou regiões de Estados-membros	Categoría A			Categoría C		
	U	R	O	U	R	O
Belgique	x	x	x			
Denmark		x	x			
Deutschland	x	x				
España						
France	x	x	x		x	x
Italia			x			
Luxembourg		x	x			
Nederland		x				
Ireland				x	x	x
Great Britain				x	x	x
Northern Ireland				x	x	x

**COMMISSION REGULATION (EEC) No 3522/92**  
**of 4 December 1992**  
**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 2530/92 <sup>(5)</sup>, as  
last amended by Regulation (EEC) No 3442/92 <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 5 December  
1992.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*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 254, 1. 9. 1992, p. 21.

<sup>(6)</sup> OJ No L 350, 1. 12. 1992, p. 9.

## ANNEX

## to the Commission Regulation of 4 December 1992 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh ( <sup>1</sup> ) ( <sup>2</sup> ) ( <sup>3</sup> ) ( <sup>4</sup> )	Third countries (except ACP) ( <sup>5</sup> )
1006 10 21	—	151,84	310,88
1006 10 23	—	153,61	314,42
1006 10 25	—	153,61	314,42
1006 10 27	235,82	153,61	314,42
1006 10 92	—	151,84	310,88
1006 10 94	—	153,61	314,42
1006 10 96	—	153,61	314,42
1006 10 98	235,82	153,61	314,42
1006 20 11	—	190,70	388,60
1006 20 13	—	192,91	393,02
1006 20 15	—	192,91	393,02
1006 20 17	294,77	192,91	393,02
1006 20 92	—	190,70	388,60
1006 20 94	—	192,91	393,02
1006 20 96	—	192,91	393,02
1006 20 98	294,77	192,91	393,02
1006 30 21	—	236,32	496,49 ( <sup>6</sup> )
1006 30 23	—	285,30	594,37 ( <sup>6</sup> )
1006 30 25	—	285,30	594,37 ( <sup>6</sup> )
1006 30 27	445,78 ( <sup>7</sup> )	285,30	594,37 ( <sup>6</sup> )
1006 30 42	—	236,32	496,49 ( <sup>6</sup> )
1006 30 44	—	285,30	594,37 ( <sup>6</sup> )
1006 30 46	—	285,30	594,37 ( <sup>6</sup> )
1006 30 48	445,78 ( <sup>7</sup> )	285,30	594,37 ( <sup>6</sup> )
1006 30 61	—	252,03	528,77 ( <sup>6</sup> )
1006 30 63	—	306,23	637,17 ( <sup>6</sup> )
1006 30 65	—	306,23	637,17 ( <sup>6</sup> )
1006 30 67	477,88 ( <sup>7</sup> )	306,23	637,17 ( <sup>6</sup> )
1006 30 92	—	252,03	528,77 ( <sup>6</sup> )
1006 30 94	—	306,23	637,17 ( <sup>6</sup> )
1006 30 96	—	306,23	637,17 ( <sup>6</sup> )
1006 30 98	477,88 ( <sup>7</sup> )	306,23	637,17 ( <sup>6</sup> )
1006 40 00	—	69,27	144,54

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

(<sup>2</sup>) 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.

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

(<sup>4</sup>) 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.

(<sup>5</sup>) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91.

(<sup>6</sup>) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in Regulation (EEC) No 3877/86, as amended by Regulation (EEC) No 3130/91.

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

**COMMISSION REGULATION (EEC) No 3523/92****of 4 December 1992****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 2531/92 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3443/92 <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 5 December 1992.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*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 254, 1. 9. 1992, p. 24.

<sup>(4)</sup> OJ No L 350, 1. 12. 1992, p. 11.

## ANNEX

to the Commission Regulation of 4 December 1992 fixing the premiums to be added to the import levies on rice and broken rice

CN code	<i>(ECU/tonne)</i>			
	Current 12	1st period 1	2nd period 2	3rd period 3
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 3524/92

of 4 December 1992

reintroducing the preferential customs duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EEC) No 3341/92<sup>(3)</sup> opens and provides for the administration of Community tariff quotas for cut flowers and 3129/90 buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EEC) No 2960/92<sup>(4)</sup> fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88<sup>(5)</sup>, as amended by Regulation (EEC) No 3556/88<sup>(6)</sup>, laid down detailed rules for the application of these arrangements;

Whereas to permit the import arrangements to function in the normal manner, prices on importation should be calculated using:

- for currencies maintained against each other within a maximum spread at any given moment for spot rate transactions of 2,25 % a conversion rate based on their central rate multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(7)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(8)</sup>,
- 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 the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EEC) No 3341/92 was suspended by Commission Regulation (EEC) No 3466/92<sup>(9)</sup>;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the first paragraph of Article 2 (3) of Regulation (EEC) No 4088/87 is met for small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of small-flowered roses (CN code ex 0603 10 51) originating in Israel the preferential customs duty set by Regulation (EEC) No 3341/92 is reintroduced.

*Article 2*

This Regulation shall enter into force on 5 December 1992.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 336, 20. 11. 1992, p. 8.

<sup>(4)</sup> OJ No L 298, 14. 10. 1992, p. 9.

<sup>(5)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(6)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(9)</sup> OJ No L 350, 1. 12. 1992, p. 73.

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

Done at Brussels, 4 December 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DIRECTIVE 92/102/EEC

of 27 November 1992

on the identification and registration of animals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas Article 3 (1) (c) of 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 <sup>(3)</sup>, states that animals for intra-Community trade must be identified in accordance with the requirements of Community rules and be registered in such a way that the original or transit holding, centre or organization can be traced, and that before 1 January 1993 these identification and registration systems are to be extended to the movements of animals with the territory of each Member State;

Whereas Article 14 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(4)</sup>, states that the identification and registration as provided for in

Article 3 (1) (c) of Directive 90/425/EEC of such animals must, except in the case of animals for slaughter and registered equidae, be carried out after the said checks have been made;

Whereas the management of certain Community aid schemes in the field of agriculture requires the individual identification of certain types of livestock; whereas the identification and registration system must, therefore, be suitable for the application and control of such measures;

Whereas it is necessary to ensure the rapid and efficient exchange of information between Member States for the correct application of this Directive; whereas Community provisions have been established by Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters <sup>(5)</sup> and by Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters <sup>(6)</sup>;

Whereas keepers of animals must maintain up-to-date records of the animals on their holdings; whereas persons involved in the commerce of animals must keep records of their dealings; whereas the competent authority must have access to these records on request;

<sup>(1)</sup> OJ No C 137, 27. 5. 1992, p. 7.

<sup>(2)</sup> Opinion delivered on 19 November 1992 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 224, 18. 8. 1990, p. 29. (Last amended by Directive 91/496/EEC (OJ No L 268, 24. 9. 1991, p. 56)).

<sup>(4)</sup> OJ No L 268, 24. 9. 1991, p. 56. (Amended by Regulation (EEC) No 91/628/EEC (OJ No L 340, 11. 12. 1991, p. 17)).

<sup>(5)</sup> OJ No L 144, 2. 6. 1981, p. 1. (Amended by Regulation (EEC) No 945/87 (OJ No L 90, 2. 4. 1987, p. 3)).

<sup>(6)</sup> OJ No L 351, 2. 12. 1989, p. 34.

Whereas in order to permit movements of animals to be traced rapidly and accurately, animals must be able to be identified; whereas the form and content of the mark, with respect to bovine animals, must be determined on a Community basis; whereas, with regard to pigs, sheep and goats, a decision should be taken at a later date to determine the nature of the mark and, pending such decision, the national systems of identification should be maintained for movements restricted to the national market;

Whereas provision should be made for the possibility of waiving the requirements for marks in the case of animals moving directly from a farm to a slaughterhouse; whereas, however, these animals must in any case be identified so that their farm of origin can be traced;

Whereas provision should be made for the possibility of waiving the obligation to register the keepers of animals kept for personal purposes and, in order to take into account certain particular cases, the procedures for keeping registers;

Whereas in the case of animals in which the mark has become illegible or been lost, a new mark enabling a link with the previous mark to be established must be applied;

Whereas this Directive must not affect specific requirements contained in Commission Decision 89/153/EEC of 13 February 1989 concerning the correlation of samples taken for residue examination with animals and their farms of origin<sup>(1)</sup> or any relevant applicatory rules established in accordance with Directive 91/496/EEC;

Whereas provision must be made for a management committee procedure for the adoption of any necessary implementing rules for this Directive,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

This Directive sets out the minimum requirements for the identification and registration of animals, without prejudice to more detailed Community rules which may be established for disease eradication or control purposes.

It shall apply without prejudice to Decision 89/153/EEC and to implementing rules laid down in accordance with Directive 91/496/EEC, and taking account of Article 5 of Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes<sup>(2)</sup>.

<sup>(1)</sup> OJ No L 59, 2. 3. 1989, p. 33.

<sup>(2)</sup> See page 1 of this Official Journal.

#### Article 2

For the purposes of this Directive:

- (a) *animal* shall mean any animal of the species referred to in Directives 64/432/EEC<sup>(3)</sup> and 91/68/EEC<sup>(4)</sup>;
- (b) *holding* shall mean any establishment, construction or, in the case of an open-air farm, any place in which animals are held, kept or handled;
- (c) *keeper* shall mean any natural or legal person responsible, even on a temporary basis, for animals;
- (d) *competent authority* shall mean the central authority of a Member State competent to carry out veterinary checks or any authority to which it has delegated that competence for the purposes of implementing this Directive;
- (e) *trade* shall mean trade as defined in Article 2 of Directive 90/425/EEC.

#### Article 3

1. Member States shall ensure that:

- (a) the competent authority has an up-to-date list of all the holdings which keep animals covered by this Directive and are situated on its territory, specifying the species of animals kept and their keepers, such holdings to remain on the said list until three consecutive years have elapsed with no animals on the holding. This list shall also include the mark or marks which permit the identification of the holding in accordance with Article 5 (2) (a) and (c), second subparagraph, and paragraph (3), first subparagraph, and also Article 8;
- (b) the Commission, the competent authority and any authority responsible for supervising application of Regulation (EEC) No 3508/92 can have access to all information obtained under this Directive.

2. Member States may be authorized under the procedure laid down in Article 18 of Directive 90/425/EEC to exclude from the list in paragraph 1 (a) natural persons who keep no more than three animals of the ovine or caprine species for which they do not seek premiums or, to take account of particular circumstances, one pig and which are intended for their own use or consumption, provided that any such animals are the subject of the controls laid down in this Directive before any movement.

<sup>(3)</sup> Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ No 121, 29. 7. 1964, p. 1977). (Last amended by Directive 91/687/EEC (OJ No L 377, 31. 12. 1991, p. 16)).

<sup>(4)</sup> Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJ No L 46, 19. 2. 1991, p. 19).

*Article 4*

1. Member States shall ensure that :

- (a) any keeper of bovine or porcine animals listed in Directive 64/432/EEC and contained in the list provided for in Article 3 (1) (a) keeps a register stating the number of animals present on the holding.

This register shall include an up-to-date record of all births, deaths and movements (numbers of animals concerned by each entering and leaving operation) at least on the basis of aggregate movements, stating as appropriate their origin or destination, and the date of such movements.

The identification mark applied in conformity with Articles 5 and 8 shall be stated in all cases.

However, for animals of the porcine species, it shall not be obligatory to include births and deaths.

In the case of pure-bred and hybrid pigs, which are entered in a herd book in accordance with Directive 88/661/EEC<sup>(1)</sup>, an alternative registration system based on individual identification allowing the animals to be identified may be recognized by the procedure laid down in Article 18 of Directive 90/425/EEC if it offers guarantees equivalent to a register ;

- (b) any keeper of sheep or goats whose holding is listed in accordance with Article 3 (1) (a) shall keep a register including at least the total number of sheep and goats present on the holding each year on a date to be determined by the competent authority.

The register shall also include :

- an up-to-date statement of the number of live female sheep and goats which are over 12 months of age or which have given birth present on the holding ;
- the movements (numbers of animals concerned by each entering or leaving operation) of sheep and goats on at least the basis of aggregate movements stating as appropriate their origin or destination, their mark and the date of such movements.

2. However, in accordance with the procedure laid down in Article 18 of Directive 90/425/EEC, a simplified registration procedure shall be established before 1 January 1993 for buffalo and before 1 October 1994 for sheep and goats in transhumance and for all the above-mentioned animals kept on common pasture or raised in regions which are isolated geographically.

3. Member States shall also ensure that :

- (a) any keeper supplies the competent authority, upon request, with all information concerning the origin,

identification and, where appropriate, the destination of animals which he has owned, kept, transported, marketed or slaughtered ;

- (b) any keeper of animals to be moved to or from a market or collection centre provides a document, setting out details of the animals including the identification numbers or marks of any bovine animals, to the operator, on the market or in the collection centre, who is a keeper of the animals, on a temporary basis.

That operator may use the documents obtained in accordance with the first subparagraph to carry out the obligations laid down in paragraph 1 (a), third subparagraph.

- (c) the registers and information are available on the holding and to the competent authority, upon request, for a minimum period to be determined by the competent authority but which may not be less than three years.

*Article 5*

1. Member States shall ensure that the following general principles are respected :

- (a) identification marks must be applied before animals leave the holding of birth ;
- (b) no mark may be removed or replaced without the permission of the competent authority.

Where a mark has become illegible or has been lost, a new mark shall be applied in accordance with this Article ;

- (c) the keeper shall record any new mark in the register referred to in Article 4 in order to establish a link with the previous mark applied to the animal ;
- (d) the eartag provided for in paragraph 2 (a) shall be approved by the competent authority and shall be tamper-proof and easy to read for the animal's lifetime. It shall be incapable of re-use. It shall be such as to remain on the animal without interfering with its well-being.

2. For bovine animals, Member States shall ensure that :

- (a) all animals listed in Article 2 of Directive 64/432/EEC present on the holding are identified with an eartag bearing on alphanumeric code, which shall not exceed 14 characters, which make it possible to identify each animal individually along with the holding on which it was born or, in the case of bulls intended for cultural and sporting events with the exception of fairs and exhibitions, by an identification system offering equivalent guarantees recognized by the Commission.

<sup>(1)</sup> Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species (OJ No L 382, 31. 12. 1988, p. 36).

The eartags referred to in the first subparagraph must be applied no later than nine months after the date of adoption, in accordance with the procedure laid down in Article 18 of Directive 90/425/EEC of measures providing for the identification of the Member State and the holding of origin. Animals identified before the end of this nine-month period must be marked either in accordance with the national systems provided for in the third subparagraph or with the eartag provided for in the first subparagraph.

Under the procedure laid down in Article 18 of Directive 90/425/EEC such period shall be at the request of a Member State, be extended until 1 July 1994.

However, animals which have been identified before the expiry of the nine-month period in accordance with the national systems in force and notified to the Commission shall continue to be subject to control on that basis;

- (b) the identification marks are allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority;
- (c) the identification marks are applied, at the latest, within thirty days of the birth of the animal.

However, the competent authority may defer the application of this mark until the animal has attained a maximum age of six months, if the animal is, before the age of 30 days, provided by the keeper with a provisional mark recognized by the competent authority which makes it possible to identify each animal to the holding of birth, and provided that these animals may not leave the holding except for slaughter in a slaughterhouse situated in the territory of the competent authority which has recognized the provisional mark, without passing through any other holding.

However, the competent authority may permit veal-calves intended for slaughter before the age of six months and which are moved before the age of 30 days in accordance with a national system of movement, recognized in accordance with the procedure laid down in Article 18 of Directive 90/425/EEC, which provides at least for tracing back to the holding of origin, to be marked at the fattening holding, provided that the calves were transferred there directly from the holding of birth and that the calves moved under such systems will not be eligible for premiums.

- 3. Animals other than bovine animals must be marked as soon as possible, and in any case before they leave the holding, with an eartag or tattoo making it possible to determine the holding from which they came and enabling reference to be made to any accompanying document which must mention such eartag or tattoo and to the list referred to in Article 3 (1) (a).

Member States may, pending the decision provided for in Article 10 of this Decision and by derogation from the second paragraph of Article 3 (1) (c) of Directive

90/425/EEC, apply their national systems for the movement of animals other than bovine animals for all movements of such animals in their territories. Such systems must enable the holding from which they came and the holding on which they were born to be identified. Member States shall notify the Commission of the systems which they intend to introduce for this purpose, on 1 July 1993 for pigs and on 1 July 1994 for sheep and goats. In accordance with the procedure laid down in Article 18 of Directive 90/425/EEC, a Member State may be asked to make amendments to its system where it does not fulfil the requirement referred to in the second sentence.

Animals bearing a temporary mark identifying a consignment must be accompanied throughout their movement by a document which enables the origin, ownership, place of departure and destination to be determined.

However, the competent authority may authorize the movement of sheep and goats without marks between holdings with the same health status in the same ownership and situated in that authority's territory, provided that each such movement occurs under a national system which enables the animal to be traced back to the holding on which it was born. Member States must notify by 1 July 1994 the Commission of the systems which they intend introducing to this end. Pursuant to the procedure laid down in Article 18 of Directive 90/425/EEC, a Member State may be requested to amend this system where it fails to meet the aforementioned requirement.

- 4. Point (e) of Article 3 (2) of Directive 64/432/EEC shall read:

'(e) be identified in accordance with Article 5 of 32.'  
Council Directive 92/102/EEC on the identification and registration of animals (').

(') OJ No L 355, 5. 12. 1992, p. 32.'

#### Article 6

- 1. Where the competent authority of the Member State of destination decides not to keep the identification mark allocated to the animal in the holding of origin all charges incurred as a result of replacing the mark shall be borne by that authority. Where the mark has been so replaced, a link shall be established between the identification allocated by the competent authority of the Member State of dispatch and the new identification allocated by the competent authority of the Member State of destination; that link shall be recorded in the register provided for in Article 4.

The option in the first subparagraph may not be invoked in the case of animals intended for slaughter which are imported under Article 8 without bearing a new mark in accordance with Article 5.

2. Where the animals have been traded, the competent authority of the Member State of destination may, for the purposes of Article 5 of Directive 90/425/EEC, have recourse to Article 4 of Directive 89/608/EEC in order to obtain the information relating to the animals, their herd of origin and any movement to which they have been subject.

#### *Article 7*

Member States shall ensure that any information relating to movements of animals not accompanied by a certificate or a document required by veterinary or zootechnical legislation remains available to the competent authority, upon request, for a minimum period to be set by the latter.

#### *Article 8*

Any animal imported from a third country which has passed the checks laid down by Directive 91/496/EEC and which remains within Community territory shall, within thirty days of undergoing the aforesaid checks, and, in any event, before their movement, be identified by a mark complying with Article 5 unless the holding of destination is a slaughterhouse situated on the territory of the competent authority responsible for veterinary checks and the animal is actually slaughtered within that 30-day period.

A link shall be established between the identification established by the third country and the identification allocated to it by the Member State of destination. That link shall be recorded in the register provided for in Article 4.

#### *Article 9*

Member States shall adopt necessary administrative and/or penal measures to punish any infringement of Community veterinary legislation, where it is established that the marking or identification or the keeping of registers provided for in Article 4 has not been carried out in conformity with the requirements of this Directive.

#### *Article 10*

Not later than 31 December 1996, acting on the basis of a report from the Commission, accompanied by any proposals, on which it will decide by a qualified majority the Council shall, in the light of experience gained, review the provisions of this Directive with a view to defining a harmonized Community identification and registration system and shall decide on the possibility of introducing

electronic identification arrangements in the light of progress achieved in this field by the International Organization for Standardization (ISO).

#### *Article 11*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive :

— for the requirements regarding bovine animals, so that :

(i) the bovine animals, as from 1 February 1993, are registered in accordance with existing national procedures complying with the requirements laid down in Article 4 and are identified in accordance with the existing rules referred to in Article 5 (2) (a), second and third subparagraph ;

(ii) the Community registration and identification systems laid down by this Directive are set up as from 1 October 1993,

— before 1 January 1994 for the requirements regarding porcine animals,

— before 1 January 1995 for the requirements regarding ovine and caprine animals.

They shall forthwith inform the Commission thereof.

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

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

3. The setting of the deadline for transposition into national law at 1 January 1994 and 1 January 1995 shall be without prejudice to the abolition of veterinary checks at frontiers provided for in Directive 90/425/EEC.

#### *Article 12*

This Directive is addressed to the Member States.

Done at Brussels, 27 November 1992.

*For the Council*

*The President*

J. PATTEN

# COMMISSION

## COMMISSION DECISION

of 2 December 1992

authorizing the French Republic to apply safeguard measures to the importation of bananas originating in the Republic of Cameroon and Côte d'Ivoire

(Only the French text is authentic)

(92/554/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the fourth ACP-EEC Convention signed in Lomé on 15 September 1989, hereinafter referred to as 'the Convention', and in particular Articles 177 and 178 (3) thereof<sup>(1)</sup>,

Whereas Protocol No 4 of the Convention on the implementation of Article 178 and Council Regulation (EEC) No 3705/90<sup>(2)</sup> explain how the safeguard measures should be applied;

Whereas on 26 November the French Government applied to the Commission under Article 178 (3) of the Convention for an authorization to limit its imports of bananas originating in Cameroon and Côte d'Ivoire;

Whereas the French authorities pointed to the existence in recent weeks of an imbalance on the French market due to the importation, on top of traditional supplies from Guadeloupe and Martinique, of bananas from Cameroon and Côte d'Ivoire in quantities which the market has been unable to absorb;

Whereas the additional information requested by the Commission confirms that banana prices have indeed fallen sharply in recent weeks not only on the consumer market but also and above all in the areas of production; whereas this has given rise to exceptional difficulties in marketing bananas from Guadeloupe and Martinique which are liable to harm production in the regions concerned;

Whereas the dire financial situation arising for producers in those regions warrants the authorization of emergency measures;

Whereas, in the light of the above, the French Republic should be authorized to take measures to correct the imbalance on the market;

Whereas limiting the importation of bananas from Cameroon and Côte d'Ivoire to the traditional volume of trade should remedy the difficulties which have arisen while limiting the scope of this measure to what is strictly necessary,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The French Republic shall be authorized to limit on its territory during the month of December 1992, imports of fresh bananas under CN code ex 0803 00 10 originating in Cameroon and Côte d'Ivoire to the quantities imported from those countries during the same month over the last three years.

### *Article 2*

The French Republic shall notify the Commission of the measures taken to apply this Decision.

### *Article 3*

This Decision shall apply until 31 December 1992.

### *Article 4*

This Decision is addressed to the French Republic.

Done at Brussels, 2 December 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 229, 17. 8. 1991, p. 1.

<sup>(2)</sup> OJ No L 358, 21. 12. 1990, p. 4.

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 222/88 of 22 December 1987 amending certain measures on the application of the common market organization in the milk and milk products sector following the introduction of the combined nomenclature**

*(Official Journal of the European Communities No L 28 of 1 February 1988)*

On page 31 in Article 24:

1. before the first indent ('— Category I'), insert: '1.';
  2. before the third indent ('— Category III'), insert: '2.'
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