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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION No 1600/92

of 15 June 1992

concerning specific measures for the Azores and Madeira relating to certain agricultural products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the Treaty of Accession of Spain and Portugal, and in particular Article 234 (3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾.

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Council Decision 91/315/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of Madeira and the Azores (Poseima) ⁽⁴⁾ outlines the options to be implemented to take account of the specific problems and constraints faced by these very remote regions;

Whereas the exceptional geographical situation of these regions in relation to the sources of supply of products used as inputs for the everyday consumption or manufacture of certain essential foodstuffs in the islands imposes costs which constitute a severe handicap to the sectors concerned; whereas this natural handicap can be remedied

by exemption from levies and/or customs duties on the products in question imported directly from third countries;

Whereas, to maintain the competitiveness of the above products of Community origin in the islands, both in order to achieve the Poseima objective of reducing prices by promoting competition between sources of supply and to prevent disruption of traditional trade flows, provision should be made for the supply to these regions of products originating in the rest of the Community on terms equivalent for the end user to exemption from the levy and/or customs duties on products originating in third countries, based on the prices applied to exports to third countries; whereas it will be necessary, in certain cases, to provide for an import certificate system;

Whereas the quantities of products benefiting from the specific supply arrangements must be determined within the framework of periodic forecast supply balances, which may be adjusted during the year on the basis of the essential requirements of the local market and taking account of local production and traditional trade flows;

Whereas the arrangements in question are intended to reduce production costs and consumer prices; whereas their actual impact should therefore be monitored;

⁽¹⁾ OJ No C 145, 6. 6. 1992, p. 1

⁽²⁾ Opinion delivered on 9 June 1992 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 27 May 1992 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 171, 29. 6. 1991, p. 10

Whereas, to avoid any deflection of trade, products covered by the specific supply arrangements may not be redispached to other parts of the Community or re-exported to third countries; whereas, however, an

exception to this principle should be made for products traditionally processed in the islands and redispached or re-exported, within the limits of usual trade flows;

Whereas the specific conditions of agriculture in the Azores and Madeira require special attention and whereas measures are necessary both for stockfarming and animal products and for crop products;

Whereas, to promote the development of traditional stockfarming in the islands, assistance should be given for genetic improvement through the purchase of pure-bred breeding animals and supplementary premiums should be granted for the fattening of adult male bovine animals and for the maintenance of suckler herds, and the consumption of locally produced fresh milk products should be promoted; whereas, with regard to the Azores, the major role played, both economically and socially, especially for smaller producers, by milk production and stockfarming should be taken into account; whereas to ensure the maintenance of traditional economic activities in this production sector the abovementioned measures should be supplemented with aid for the maintenance of the dairy herd and private storage aid for cheeses traditionally manufactured in the region;

Whereas, in the fruit, vegetables, plants and floricultural sector, measures should be taken to increase production and to improve farm productivity and product quality; whereas measures should also be taken to improve the marketing of tropical products from these regions;

Whereas, in order to help support local production and satisfy consumer habits, provision should be made for aid for certain crops and specific products;

Whereas, in the case of Madeira, such measures must, in particular, concern the production of potatoes for human consumption and sugar cane and the processing of sugar cane into sugar syrup and agricultural rum; whereas assistance should also be given to the manufacture of the island's liqueur wines using traditional methods by facilitating the purchase of concentrated must and vinous alcohol from the rest of the Community and by granting aid for the ageing of these wines;

Whereas, in the case of the Azores, such measures must, in particular, help to improve the conditions in which sugarbeet is produced and the competitiveness of local sugar manufacturing, within the limit of determined quantities; whereas they must also concern specific crops such as seed potatoes, endives and pineapple;

Whereas, with the same objectives in mind, intervention measures under the market organization for wine and grubbing premiums should not be applied in these regions and aid should be granted for vines producing quality wines psr which meet the requirements laid down in the Community rules;

Whereas, the creation and promotion of a graphic symbol can also facilitate the marketing of specific quality products;

Whereas the plant health of agricultural crops in these islands is subject to particular problems associated with the climate and the inadequacy of the control measures hitherto applied there; whereas programmes should be implemented to combat harmful organisms and the Community's financial contribution towards such programmes should be specified;

Whereas farms in the Azores and Madeira present major structural weaknesses from which specific difficulties derive; whereas a derogation is therefore necessary from the rules which restrict or prohibit the grant of certain forms of structural aid;

Whereas certain structural measures essential for the development of agriculture in these regions are financed under Community support frameworks to promote the development and structural adjustment of regions whose development is lagging behind (Objective 1) pursuant to Articles 130a and 130c of the Treaty; whereas the Commission has approved an initiative (Regis) to encourage the economic development of the remotest regions, providing for the diversification of agricultural production, the upgrading of traditional products and measures to reduce the risk associated with natural disasters;

Whereas banana cultivation is of fundamental importance to the economy of Madeira; whereas all the problems relating to banana production are the subject of a Community study under way and appropriate measures will be taken on conclusion of the study,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down specific measures to remedy, in respect of certain agricultural products, the difficulties caused by the remote and insular nature of the Azores and Madeira.

TITLE I

SPECIFIC SUPPLY ARRANGEMENTS

Article 2

For each marketing year, forecast supply balances shall be established for the agricultural products necessary for human consumption and processing listed in Annex I for the Azores and Annex II for Madeira. These balances may be revised during the year on the basis of trends in the regions' requirements. Separate forecasts may be made to assess the requirements of the processing and packaging industries regarding products for the local market or traditionally dispatched to the rest of the Community.

Article 3

1. Levies and/or customs duties shall not apply to direct import into the Azores and Madeira from third countries of products covered by the specific supply arrangements, within the limit of the quantities determined in the supply balances.

2. To ensure coverage of the requirements referred to in Article 2 in terms of quantity, price and quality, with a view to ensure that the proportion of products supplied by the Community is preserved, supplies to these regions shall also be effected through the mobilization of Community products held in intervention storage or available on the Community market, on terms equivalent, for the end user, to the advantage resulting from exemption from import duties on imports of products from third countries.

The terms of supply shall be fixed reference to the costs various sources of supply and the prices applied to exports to third countries.

3. The arrangements provided for in this Article shall be implemented in such a way as to take account, without prejudice to paragraph 4, in particular, of:

- the specific requirements of the regions concerned and, in the case of products intended for processing, the specific quality requirements,
- traditional trade flows with the rest of the Community.

4. In the case of the supply of raw sugar to the Azores, requirements shall be assessed taking account of the development of local sugarbeet production. The quantities covered by the supply arrangements shall be determined in such a way that the total annual volume of sugar refined in the Azores does not exceed 10 000 tonnes.

Article 9 of Regulation (EEC) No 1785/81 shall not apply to the Azores with regard to raw sugar.

Article 4

1. Aid shall be granted for the supply to the Azores and Madeira of the following products of Community origin:

- (a) pure-bred breeding animals of the bovine species falling within CN code 0102 10 00;
- (b) pure-bred breeding swine falling within CN code 0103 10 00;
- (c) pure-bred breeding sheep and goats falling within CN codes 0104 10 10 and 0104 20 10;
- (d) multiplier or breeding chicks falling within CN code ex 0105 11 00;
- (e) hatching eggs, other, for the production of multiplier or breeding chicks falling within CN code ex 0407 00 19.

2. The aid terms shall take account of the requirements of the Azores and Madeira with regard to the start-up of production, in particular for the breeds most suited to conditions in these regions.

The aid shall be paid for the delivery of animals and products which fulfil the requirements specified in Community rules.

3. The aid shall be determined having regard to the following factors:

- (a) the conditions of supply to the Azores and Madeira resulting from their geographical situation;
- (b) the price of animals and products on the Community market and on the world market;
- (c) whether or not customs duties and/or levies are charged on imports from third countries;
- (d) the economic aspect of the aid envisaged.

Article 5

1. During the 1992/93 to 1995/96 marketing years for beef and veal:

- (a) the customs duties and/or levies referred to in Article 9 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾ shall not be applied to direct imports,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EEC) No 1628/91 (OJ No L 150, 15. 6. 1991, p. 16).

for fattening purposes, of bovine animals from third countries for consumption in Madeira;

- (b) aid shall be granted for the supply to Madeira, on equivalent terms, of animals as referred to in (a) originating in the rest of the Community.

2. The number of animals concerned by the measures referred to in this Article shall be based on a periodic supply balance and determined degressively to take account of the development of local production.

3. Not later than six months before the end of the 1995/96 marketing year, the Commission shall submit to the Council an assessment of the measures provided for in this Article, together with any appropriate proposals.

Article 6

The accession compensatory amounts referred to in Article 240 of the Act of Accession of Spain and Portugal shall not apply, in the context of the specific supply arrangements introduced in this Title, to products from the rest of the Community and products directly imported from third countries.

Article 7

Application of the supply arrangements provided for in Articles 2 and 3 shall be subject to the advantage derived from exemption from the levy and/or customs duty or, in the case of supply from the rest of the Community, from the Community aid being actually passed on to the end user.

Article 8

The products covered by the specific supply arrangements provided for in this Title may not be re-exported to third countries or redispached to the rest of the Community.

Where the products in question are processed in the Azores and Madeira, the aforesaid prohibition shall not apply to traditional exports or shipments to the rest of the Community.

Article 9

Products covered by the specific supply arrangements provided for in this Title and products processed therefrom shall not be eligible for refunds on exportation from the Azores and Madeira.

Article 10

The Commission shall adopt detailed rules for the application of this Title in accordance with the procedure

laid down in Article 26 of Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾ or the corresponding Articles of the Regulations on the common organization of the markets in the sectors concerned. They shall cover in particular:

- the establishment of and, where applicable, amendments to, the periodic balances,
- the amount of aid granted for supply from the rest of the Community,
- the provisions to ensure, where necessary, that the advantages are actually passed on the end user, and, as required, on import certificate system.

In the case of products covered by Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty ⁽²⁾, these measures shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

TITLE II

MEASURES TO SUPPORT PRODUCTS OF THE AZORES AND MADEIRA

Section 1

Measures common to both regions

Article 11

1. Aid per hectare shall be granted to producers and producer groups and organizations which undertake a programme of initiatives, approved by the competent authorities, with a view to the development and diversification of production and/or the improvement of the quality of the fruit, vegetables, flowers and live plants listed in Chapters 6, 7, and 8 and the tea in Chapter 9 of the combined nomenclature. Such programmes shall, in particular, concern tropical products.

The eligible initiatives shall seek particular to develop production and product quality, particularly through varietal conversion and cultural improvements. These initiatives shall form an integral part of programmes conducted over at least three years.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1. Regulation as last amended by Regulation (EEC) No 674/92 (OJ No 73, 19. 3. 1992, p. 7).

⁽²⁾ OJ No L 151, 30. 6. 1968, p. 16. Regulation as last amended by Regulation (EEC) No 789/89 (OJ No L 85, 30. 3. 1989, p. 3).

The aid shall be granted for programmes covering a minimum area of 0,3 ha.

2. The amount of Community aid shall be at most ECU 500/ha. This amount shall be paid where the Member State provides official financing of at least ECU 300/ha and the contribution of the individual producer or group amounts to at least ECU 200/ha. If the contributions of the Member State and the producers are less than the amounts specified, the Community aid shall be reduced proportionately.

The aid shall be paid each year of execution of the programme, for a period not exceeding three years.

3. The aid shall be increased by ECU 100/ha where the programme of initiatives is submitted and carried out by a producer group or organization and where, for its implementation, recourse to technical assistance is envisaged. The additional aid shall be granted in respect of programmes involving a minimum area of 2 ha.

4. This measure shall not apply to the production in Madeira of potatoes for human consumption falling within CN codes 0701 90 51, 0701 90 59 and 0701 90 90 not to production in the Azores of seed potatoes falling within CN code ex 0701 10 00 or pineapples. In addition, this measure shall not apply to banana production in Madeira pending the conclusions relating to the treatment of all the problems connected with such production, in accordance with the objectives stated in point 13 of Annex V of Decision 91/315/EEC (Poseima).

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾.

Article 12

1. Community aid shall be granted for the conclusion of annual contracts concerning the marketing of tropical products included in the products referred to in Article 11 (1) and harvested in these regions. This aid shall be paid up to a limit of a volume of trade of 3 000 tonnes per product per year for each of the two regions.

The contracts shall be concluded between individual producers or producer groups or associations and natural or legal persons established in the rest of the Community.

2. The amount of the aid shall be 10 % of the value of the production marketed, free at destination.

3. The aid shall be granted to purchasers who undertake to market the Azores of Madeira products under the contracts referred to in paragraph 1.

4. Where the measures provided for in paragraph 1 are undertaken by joint ventures constituted, with the aim of marketing products harvested in the regions concerned, by producers or producer groups or associations in these regions and natural or legal persons established in the rest of the Community, and where the partners undertake to pool the knowledge and know-how required to achieve the objective of the joint venture over a minimum period of three years, the amount of the aid specified in paragraph 2 shall be increased to 13 % of the value of the annual production marketed jointly.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33 of Council Regulation (EEC) No 1035/72.

Article 13

1. The Community shall contribute up to a maximum of ECU 100 000 towards the financing of an economic analysis and forward study of the fruit and vegetable processing industry in the two regions, with particular reference to tropical products.

The study shall produce an economic and technical assessment of the sector. It shall pay particular attention to supply data and processing costs and examine the conditions and scope for development and sales at regional and international level, having regard to competition on the world market.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 22 of Council Regulation (EEC) No 426/86 of 24 February 1986, on the common organization of the market in products processed from fruit and vegetables ⁽²⁾.

Section 2

Measures to support products of Madeira

Article 14

1. The aid provided for in paragraphs 2 and 3 shall be granted in support of traditional activities connected with

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 1156/92 (OJ No L 122, 7. 5. 1992, p. 3).

⁽²⁾ OJ No L 49, 27. 2. 1986, p. 1. Regulation as last amended by Regulation (EEC) No 1943/91 (OJ No L 175, 4. 7. 1991, p. 1).

beef and veal production and measures to improve product quality, within the limits of the consumption needs of the island as assessed in the context of a periodic supply balance. This balance shall also take account of breeding animals supplied pursuant to Article 4 and animals covered by the supply arrangements referred to in Article 5.

2. Fattening aid for male bovine animals shall represent a supplement of ECU 40 per head to the special premium provided for in Article 4a of Regulation (EEC) No 805/68. The supplement may be granted in respect of an animal of a minimum weight to be determined in accordance with the procedure referred to in paragraph 4.

3. A supplement to the premium for maintaining suckler cows provided for in Regulation (EEC) No 1357/80⁽¹⁾ shall be paid to beef and veal producers. The amount of this supplement shall be ECU 40 per suckler cow held by the producer on the day on which the application is submitted.

4. Detailed rules for the application of this Article shall be adopted, as necessary, in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

Article 15

1. Aid shall be granted for the human consumption of locally produced fresh cows' milk products, within the limits of the consumption needs of the island as assessed periodically.

The aid shall be ECU 7 per 100 kg of whole milk. The amount of the aid shall be adjusted in accordance with the procedure laid down in paragraph 2 in order to ensure the regular disposal of the aforementioned products on the local market.

The aid shall be paid to the dairies. Payment shall be subject to the benefit therefrom being actually passed on to the consumer.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽²⁾.

Article 16

1. Aid per hectare shall be granted annually for the cultivation of potatoes for human consumption falling within CN codes 0701 90 51, 0701 90 59 and 0701 90 90.

⁽¹⁾ OJ No L 140, 5. 6. 1980, p. 1. Regulation as last amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17. 12. 1990, p. 23).

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EEC) No 816/92 (OJ No L 86, 1. 4. 1992, p. 83).

The aid shall be paid in respect of areas cultivated and harvested up to a maximum of 2 000 hectares per year.

2. The amount of the annual aid shall be ECU 500/ha.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 11 of Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽³⁾.

Article 17

1. Aid at a flat rate per hectare shall be granted for sugar cane production within the framework of a restructuring plan submitted by the Portuguese authorities for the improvement of plantations.

2. The aid shall be paid to individual planters, planter groups or organizations. From the sixth year of application, the aid shall be paid exclusively to producer groups or organizations.

3. The Community shall finance the aid at the rate of 60 % of eligible expenditure where the official contribution of the Member State is at least 15 %. If the latter is less, the Community aid shall be reduced accordingly.

Article 18

1. Aid shall be granted for the direct processing of sugar cane into sugar syrup ('mel de cana') or agricultural rum as defined in Article 1 (4) (a) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks⁽⁴⁾.

The aid shall be paid as applicable to the sugar syrup manufacturer or to the distiller on condition that he has paid to the sugar cane producer a minimum price to be determined.

2. The aid shall be granted for the production of a maximum annual quantity of 250 tonnes of sugar syrup and 2 500 hectolitres of agricultural rum with a strength of 71,8°.

⁽³⁾ OJ No L 246, 5. 11. 1971, p. 1. Regulation as last amended by Regulation (EEC) No 1740/91 (OJ No L 163, 26. 6. 1991, p. 39).

⁽⁴⁾ OJ No L 160, 12. 6. 1989, p. 1.

Article 19

The amount of the aid provided for in Articles 17 and 18, the minimum price to be paid to the producer and detailed rules for the application of the aforementioned Articles shall be adopted in accordance with the procedure laid down in Article 41 of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾.

Article 20

Title III of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽²⁾ and Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of winegrowing areas ⁽³⁾ shall not apply to Madeira.

Article 21

1. The aid provided for in this Article shall be granted to assist the manufacture of Madeira liqueur wines within the limits of the requirements corresponding to traditional methods in the region.

2. Aid shall be granted for the purchase in the rest of the Community of concentrated rectified must for use in winemaking for the purpose of sweetening the liqueur wines in question.

The aid shall be determined having regard to the following factors:

- (a) the conditions, in particular the cost, of supply to Madeira resulting from its geographical situation;
- (b) the price of products on the Community market and on the world market;
- (c) the economic aspects of the envisaged aid.

3. Aid shall be granted for the purchase from intervention agencies of vinous alcohol obtained by distillation pursuant to Articles 35 *et seq.* of Regulation (EEC) No 822/87.

The amount of the aid shall be determined by tendering procedure.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4. Regulation as last amended by Regulation (EEC) No 464/91 (OJ No L 54, 28. 2. 1991, p. 22).

⁽²⁾ OJ No L 84, 27. 3. 1987, p. 1 Regulation as last amended by Regulation (EEC) No 1734/91 (OJ No L 163, 26. 6. 1991, p. 6).

⁽³⁾ OJ No L 132, 28. 5. 1988, p. 3. Regulation as last amended by Regulation (EEC) No 833/92 (OJ No L 88, 3. 4. 1992, p. 16).

The terms adopted for this specific disposal shall be such that the market in alcohol and spirit drinks in the Community is not disturbed.

4. Exports from Madeira of must and vinous alcohol shall not be eligible for refunds.

5. Aid shall be granted for the ageing of Madeira liqueur wine up to a maximum annual quantity of 20 000 hectolitres. This aid shall be paid in respect of liqueur wines which age for not less than five years. It shall be paid for each lot for three marketing years.

The amount of the aid shall be ECU 0,020 per hectolitre per day.

Article 22

1. A flat-rate aid per hectare shall be granted for the continued cultivation of vines for the production of quality wines psr in the traditional production zones.

Aid shall be paid in respect of areas:

- (a) planted to varieties included in the list of vine varieties suitable for the production of each of the quality wines psr produced and belonging to the recommended or authorized categories referred to in Article 13 of Regulation (EEC) No 822/87, and
- (b) on which the yield per hectare is below a maximum limit fixed by the Member State, expressed in quantities of grapes, grape must or wine, subject to the conditions of Article 11 of Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specified regions ⁽⁴⁾.

2. The aid shall amount to ECU 400 per hectare.

From the 1997/98 marketing year, the aid shall be paid exclusively to producer groups or organizations.

Article 23

Detailed rules for the application of Articles 21 and 22 shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 59. Regulation as last amended by Regulation (EEC) No 3896/91 (OJ No L 368, 31. 12. 1991, p. 3).

Section 3

Measures to support products of the Azores

Article 24

1. The aid provided for by this Article shall be granted in support of traditional activities connected with beef and veal and milk production in the Azores.

2. A supplement to the special premium provided for in Article 4a of Regulation (EEC) No 805/68 shall be granted for the fattening of male bovine animals. The supplement may be granted in respect of an animal of a weight to be determined.

The supplement shall be ECU 40 per head.

3. A supplement to the premium for maintaining suckler cows provided for in Council Regulation (EEC) No 1357/80 shall be paid to beef and veal producers.

The amount of this supplement shall be ECU 40 per suckler cow held by the producer on the day on which the application is submitted.

4. A specific premium shall be granted for the maintenance of the dairy herd, up to a maximum of 78 000 head.

This premium shall be paid to the producer. It shall amount to ECU 80 per cow held by the producer on the day on which the application is submitted.

5. Aid shall be granted for the private storage of traditionally manufactured cheeses:

- St Jorge, at least three months old,
- Ilha, at least 45 days old.

The amount of the aid shall be fixed in accordance with the procedure referred to in paragraph 6.

6. Detailed rules for the application of this Article shall be adopted, as applicable, in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 or that laid down in Article 30 of Regulation (EEC) No 804/68.

Article 25

1. Aid at a flat rate per hectare shall be granted for the development of sugarbeet production within the limit of an area corresponding to the production of 10 000 tonnes of white sugar per year.

The amount of the aid shall be ECU 500 per hectare sown and harvested.

2. Special aid shall be granted for the processing of sugarbeet harvested in the Azores into white sugar, within the limit of a total annual production of 10 000 tonnes of refined sugar.

The amount of the aid shall be ECU 10 per 100 kilograms of refined sugar. This amount may be adjusted in accordance with the procedure referred to in paragraph 3.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 41 of Regulation (EEC) No 1785/81.

Article 26

1. A supplement to the premium provided for in Article 3 of Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco⁽¹⁾ shall be granted for the collection of leaf tobacco of the Burley P. variety, up to a maximum of 250 tonnes. This premium shall be paid to purchasers as defined in the said Article.

The amount of the supplement shall be ECU 0,2 per kilogram of leaf tobacco.

In the absence of specific provisions adopted in accordance with the procedure provided for in paragraph 2 of this Article, the provisions adopted for the application of the premium scheme laid down in Regulation (EEC) No 727/70 shall apply to the supplementary premium.

2. Detailed rules for the application of this Article shall be adopted as necessary in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 727/70.

Article 27

1. Aid shall be granted for the production of seed potatoes falling within CN code ex 0701 10 00 up to a maximum area of 200 hectares.

The amount of the aid shall be ECU 500 per hectare.

2. Aid shall be granted for the production of endives falling within CN code 1212 99 10 up to a maximum area of 400 hectares.

The amount of the aid shall be ECU 500 per hectare.

3. Aid shall be granted for the conclusion of annual contracts concerning the marketing of potatoes as referred to in paragraph 1, in the conditions laid down in Article 12.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1. Regulation as last amended by Regulation (EEC) No 860/92 (OJ No L 91, 7. 4. 1992, p. 1).

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 11 of Regulation (EEC) No 2358/71

Article 28

Title III of Regulation (EEC) No 822/77 and Regulation (EEC) No 1442/88 shall not apply to the Azores.

Article 29

1. A flat-rate aid per hectare shall be granted for the continued cultivation of vines for the production of quality vines psr in the traditional production zones.

Aid shall be paid in respect of areas which meet the conditions laid down in Article 22 (1).

2. The aid shall amount to ECU 400 per hectare.

From the 1997/98 marketing year, the aid shall be paid exclusively to producer groups or organizations.

3. Detailed rules for the application of this Article shall be adopted, as necessary, in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 30

Aid shall be granted for the production of pineapples falling within CN code 0804 30 00, up to a maximum quantity of 2 000 tonnes per year.

The aid shall amount to ECU 1 per kilogram.

Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

TITLE III

GRAPHIC SYMBOL

Article 31

1. A graphic symbol shall be introduced with a view to ensuring greater awareness and consumption of quality processed and unprocessed agricultural products specific to the Azores and Madeira as remote regions.

2. The graphic symbol shall be chosen on the basis of an invitation to tender published by the Commission in the *Official Journal of the European Communities*.

3. The conditions of utilization of the symbol shall be proposed by the trade organizations. The competent authorities shall forward such proposals, with their opinion, to the Commission for approval.

The utilization of the symbol shall be monitored by an official authority or a body approved by the competent authorities.

4. The Community shall finance the production of the graphic symbol and its promotion.

5. Detailed rules for the application of this Article shall be adopted, as necessary, in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72 or the corresponding Articles of other Regulations on the common organization of the markets.

TITLE IV

SPECIFIC MEASURES

Section 1

Derogations applicable to structural measures

Article 32

1. Notwithstanding Articles 5, 6, 7 and 12 of Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures⁽¹⁾ investment aid for agricultural holdings in the Azores and Madeira shall be granted on the following conditions:

- (a) the authorization concerning the keeping of simplified accounts provided for in Article 5 (1) (d) of the said Regulation shall apply beyond 31 December 1991;
- (b) pig production shall not be subject to the conditions laid down in Article 6 (4) of the said Regulation;
- (c) with regard to eggs and poultry production, the prohibition referred to in Article 6 (6) of the said Regulation shall not apply to family farms in so far as their size is in proportion to the need to ensure balanced development in these region;
- (d) notwithstanding Article 7 (1) of the said Regulation, expenditure relating to initial purchases of pigs and poultry may be eligible under the system of investment aid referred to in Article 6 (1) of the said Regulation;

⁽¹⁾ OJ No 218, 6. 8. 1991, p. 1.

- (e) with regard to property investment, the value of the aid referred to in Article 7 (2) of the said Regulation may apply to other types of investment;
- (f) notwithstanding the fifth subparagraph of Article 7 (2) of the said Regulation, the maximum value of the investment aid shall continue to be increased by 10 % after 31 December 1991.

Points (b), (c) and (d) of the first subparagraph shall apply only in so far as livestock production is undertaken in a manner compatible with animal welfare and environmental protection requirements and provided that production is for the domestic market of the regions.

2. Notwithstanding Article 17 of Regulation (EEC) No 2328/91, the compensatory allowance referred to in Article 19 of that Regulation may be granted in the Azores and Madeira for all crops, provided they are cultivated in a manner compatible with environmental protection requirements and subject to a maximum income per holding to be determined.

In addition, cows whose milk is intended for the domestic market of these regions may be taken into consideration for the calculation of the compensatory allowance in all areas thereof specified in Article 3 (4) and (5) of Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas ⁽¹⁾, up to a maximum of 20 livestock units.

3. Notwithstanding the second subparagraph of Article 18 (1) of Regulation (EEC) No 2328/91, the compensatory allowance may be granted to farmers in these regions with at least half a hectare of utilized agricultural area.

4. Notwithstanding Article 37 (2) of Regulation (EEC) No 2328/91, Portugal is hereby authorized not to apply to the Azores and Madeira the schemes provided for in Article 37 (1) beyond 31 December 1994.

5. The Commission, in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88 ⁽²⁾;

- (a) shall adopt the conditions for applying this Article;
- (b) may authorize Portugal to apply, for the purposes of fixing the reference income within the meaning of Article 5 (3) of Regulation (EEC) No 2328/91, a

correction coefficient to the gross average wage of non-agricultural workers, which may not, however, exceed 1,7;

- (c) may authorize Portugal to apply Article 9 (1) to (4) of Regulation (EEC) No 2328/91 to group-operated holdings of which only two thirds of the members meet the condition referred to in Article 5 (1) (a) of that Regulation;

- (d) may decide, on a reasoned request by the competent authorities:

- to modify the investment ceiling referred to in Article 8 of Regulation (EEC) No 2328/91,
- notwithstanding Article 12 (1) and the second indent of Article 13 of Regulation (EEC) No 866/90 ⁽³⁾ and the corresponding provisions of Council Regulation (EEC) No 867/90 of 29 March 1990 on improving the processing and marketing conditions for forestry products ⁽⁴⁾, to extend the coverage of these measures to essential imports from third countries, provided that the products processed and/or marketed are intended exclusively for the domestic market in the Azores and Madeira,
- notwithstanding Article 12 (2) of Regulation (EEC) No 866/90, to extend the coverage of these measure to agricultural rum falling within CN code 2208 40 and to liqueurs produced from subtropical fruits falling within CN code 2208 90 55 in Madeira and the Azores.

Section 2

Plant health measures

Article 33

1. The competent authorities shall submit to the Commission programmes for the control of organisms harmful to plants or plant products. The programmes shall specify in particular the objectives to be achieved, the measures to be carried out, their duration and their cost. The programmes submitted pursuant to this Article shall not concern protective measures for bananas.

2. The Community shall contribute to the financing of such programmes on the basis of a technical analysis of the regional situation.

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1. Directive as last amended by Regulation (EEC) No 797/85 (OJ No L 93, 30. 3. 1985, p. 1).

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 91, 6. 4. 1990, p. 1. Regulations as amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17. 12. 1990, p. 23).

⁽⁴⁾ OJ No L 91, 6. 4. 1990, p. 7.

3. The financial contribution of the Community and the amount of the aid shall be decided in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC⁽¹⁾. The measures eligible for Community financing shall be defined in accordance with the same procedure.

4. Such contribution may cover up to 75 % of the eligible expenditure. Payment shall be made on the basis of documentation supplied by the competent authorities. If necessary, investigations may be organized by the Commission and conducted on its behalf by experts as referred to in Article 19a of Directive 77/93/EEC.

TITEL V

GENERAL PROVISIONS

Article 34

The measures provided for in this Regulation, excluding Articles 32 and 33, shall constitute intervention designed to

stabilize the agricultural markets within the meaning of Article 3 (1) of Regulation (EEC) No 729/70⁽²⁾.

Article 35

1. The Commission shall submit to the European Parliament and to the Council an annual report on the implementation of the measures provided for in this Regulation, accompanied where appropriate by proposals concerning any adjustment measures which may prove necessary in order to achieve the objectives of the programme.

2. At the end of the third year of application of the scheme, the Commission shall submit to the European Parliament and the Council a general report on the economic situation of the Azores and Madeira showing the impact of the measures taken pursuant to this Regulation.

In the light of the report's conclusions, the Commission shall submit, wherever this proves necessary, appropriate adjustments.

Article 36

This Regulation shall enter into force on 1 July 1992.

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

Done at Luxembourg, 15 June 1992.

For the Council

The President

João PINHEIRO

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20. Directive as last amended by Directive 92/10/EEC (OJ No L 70, 17. 3. 1992, p. 27).

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EEC) 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

ANNEX I

LIST OF PRODUCTS COVERED BY THE SPECIFIC SUPPLY ARRANGEMENTS PROVIDED FOR IN
ARTICLE 3 FOR THE AZORES REGION

Description of the products	CN-code
— <i>Cereals</i>	
— wheat	1001
— barley	1003
— maize	1005
— malt	1107
— <i>Rice</i>	1006
— <i>Raw sugarbeet</i>	1701 12 10

ANNEX II

LIST OF PRODUCTS COVERED BY THE SPECIFIC SUPPLY ARRANGEMENTS PROVIDED FOR IN
ARTICLE 3 FOR THE MADEIRA REGION

Description of the products	CN-code
— <i>Cereals</i>	
— wheat	1001
— barley	1003
— maize	1005
— malt	1107
— <i>Hops</i>	1210
— <i>Rice</i>	1006
— <i>Vegetable oils</i>	ex 1507 to 1516
— <i>Sugar</i>	1701 1702 (with the exception of isoglucose)
— <i>Concentrated fruit juice</i> (raw materials)	2007 99 2008
— <i>Beef/veal</i>	
— fresh or chilled	0201
— frozen	0202
— <i>Pigmeat</i>	0203
— <i>Milk products</i>	
— liquid milk	0401
— milk powder	ex 0402
— butter	0405
— cheese	0406
For the 1992/93 to 1995/96 marketing years	
— <i>Seed potatoes</i>	0701 10 00

COUNCIL REGULATION (EEC) No 1601/92

of 15 June 1992

concerning specific measures for the Canary Islands with regard to certain agricultural products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Council Regulation (EEC) No 1911/91 of 26 June 1991 on the application of the provisions of Community law to the Canary Islands ⁽⁴⁾ integrates the Canary Islands into the Community's customs territory and into the common policies; whereas, under Articles 2 and 10 of the abovementioned Regulation, application of the common agricultural policy is subject to the entry into force of specific supply arrangements; whereas such application must also be accompanied by specific measures concerning agricultural production;

Whereas Council Decision 91/314/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Canary Islands (Poseican) ⁽⁵⁾ outlines the options to be implemented to take account of the specific problems and constraints faced by the Islands;

Whereas the exceptional geographical situation of the Canary Islands in relation to the sources of supply of products used as inputs for the everyday consumption or manufacture of certain essential foodstuffs in the Islands imposes costs which constitute a severe handicap to the sectors concerned; whereas this natural handicap can be

remedied by exemption from levies and/or customs duties on the products in question imported directly from third countries;

Whereas, to maintain the competitiveness of the above products of Community origin in the Islands, both in order to achieve effectively the Poseican objective of reducing prices by promoting competition between sources of supply and to prevent disruption of traditional trade flows, provision should be made for the supply to this region of products originating in the rest of the Community, on terms equivalent for the end user to exemption from the levy and/or customs duties of products originating in third countries, based on the prices applied to exports to third countries; whereas in certain cases it will be necessary to provide for an import certificate system;

Whereas the quantities of products benefiting from the specific supply arrangements must be determined within the framework of periodic forecast supply balances, which may be adjusted during the year on the basis of the essential requirements of the local market and taking account of local production and traditional trade flows;

Whereas the economic effects of the arrangements in question should have an impact on the level of production costs and reduce prices up to the end user stage; whereas appropriate measures should therefore be provided for, in order to monitor such impact;

Whereas, to avoid any deflection of trade, products covered by the specific supply arrangements may not be redispached to other parts of the Community or re-exported to third countries; whereas, however, an exception to this principle should be made for products traditionally processed in the Canary Islands and redispached or re-exported, within the limits of usual trade flows;

⁽¹⁾ OJ No C 145, 6. 6. 1992, p. 13.

⁽²⁾ Opinion delivered on 9 June 1992 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 27 May 1992 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 171, 29. 6. 1991, p. 1. Regulation as amended by Regulation (EEC) No 284/92 (OJ No L 314, 7. 2. 1992, p. 3).

⁽⁵⁾ OJ No L 171, 29. 6. 1991, p. 5.

Whereas the specific conditions of agriculture in the Canary Islands require special attention and whereas measures to accompany the entry into force of the common agricultural policy are necessary in this regard, both for stockfarming and animal products and for crop products;

Whereas, to promote the development of traditional stockfarming in the Canaries, assistance should be given for genetic improvement through the purchase of pure-bred breeding animals and supplementary premiums should be granted for the fattening of adult male bovine animals, for the maintenance of suckler herds and for sheepmeat and goatmeat production, and the consumption of locally produced fresh milk products should be promoted; whereas, pending the development of local stockfarming, provision should be made, on a temporary and degressive basis so as not to compromise the abovementioned objective, for the supply of male animals for fattening, within the limits of local consumption requirements, as periodically assessed;

Whereas, in the fruit, vegetables, plants and floricultural sector, measures should be taken to increase production and to improve farm productivity and product quality; whereas measures should also be taken to improve the marketing of the Islands' tropical products;

Whereas, in order to help support local production with a view to satisfying consumer habits in the Islands, provision should be made for specific aid for potato-growing, within the limits of the areas under cultivation on entry into force of this Regulation and, during a transitional period, for degressive restrictions on imports of this product during the sensitive period when local production is placed on the market;

Whereas, with the same objectives in mind, intervention measures under the market organization for wine and grubbing premiums should not be applied and aid should be granted for vines producing quality wines *psr* which meet the requirements laid down in the Community rules;

Whereas, to contribute to maintaining local cereal production, the co-responsibility levy payable by cereal producers should not be applied in the Canary Islands;

Whereas the creation and promotion of a graphic symbol can also facilitate the marketing of specific quality products;

Whereas, in view of the animal health status of the region, it must be possible to grant a temporary derogation from the requirements of Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine, fresh meat or meat products from third countries ⁽¹⁾;

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28. Directive as last amended by Directive 91/497/EEC (OJ No L 268, 24. 9. 1991, p. 69).

Whereas farms in the Canary Islands present major structural weaknesses from which specific difficulties derive; whereas a derogation is therefore necessary from the rules which restrict or prohibit the grant of certain forms of structural aid;

Whereas certain structural measures essential for the development of agriculture in the Islands are financed under Community support frameworks to promote the development and structural adjustment of regions whose development is lagging behind (Objective 1) pursuant to Article 130a and 130c of the Treaty; whereas the Commission has, moreover, approved an initiative (Regis) to encourage the economic development of the remotest regions, providing for the diversification of agricultural production, the upgrading of traditional products and measures to reduce the risks associated with natural disasters;

Whereas banana cultivation is of fundamental importance to the economy of the Canary Islands; whereas all the problems relating to banana production are the subject of an in-depth Community study and appropriate measures will be taken on conclusion of the study,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down specific measures to remedy, in respect of certain agricultural products, the difficulties caused by the remote and insular nature of the Canary Islands.

TITLE I

SPECIFIC SUPPLY MEASURES

Article 2

For each marketing year, a forecast supply balance for the Canary Islands shall be established, in accordance with the procedure provided for in Article 3 (4), for the agricultural products necessary for human consumption and processing in the Islands listed in the Annex. This balance may be revised during the year on the basis of trends in the Islands' requirements. A separate forecast may be made to assess the requirements of the processing and packaging industries regarding products for the local market or traditionally dispatched to the rest of the Community.

Article 3

1. Levies and/or customs duties shall not apply to direct imports into the Canary Islands from third countries of products covered by the specific supply arrangements, within the limit of the quantities determined in the supply balance.

2. To ensure coverage of the requirements referred to in Article 2 in terms of quantity, price and quality, with a view to ensuring that the proportion of products supplied by the Community is preserved, supplies to the Canary Islands shall also be effected through the mobilization of Community products held in intervention storage or available on the Community market, on terms equivalent, for the end user, to the advantage resulting from exemption from import duties on imports of products from third countries.

The terms of supply shall be fixed with reference to the costs of various sources of supply and the prices applied to exports to third countries.

3. The arrangements provided for in this Article shall be implemented in such a way as to take account, in particular, of:

- the specific requirements of the Canary Islands and, in the case of products intended for processing, the specific quality requirements,
- traditional trade flows with the rest of the Community
- possibilities for supply by neighbouring developing countries.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾ or the corresponding Articles of the Regulations on the common organization of the markets in the sectors concerned. They shall comprise in particular the determination of the quantities of products covered by the specific supply arrangements and the provisions designed to ensure that the advantages are actually passed on, as referred to in Article 6, to the end user, and, as the need arises, an import certificate system.

Article 4

1. Aid shall be granted for the supply to the Canary Islands of the following products of Community origin:

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1. Regulation as last amended by Regulation (EEC) No 674/92 (OJ No L 73, 19. 3. 1992, p. 7).

(a) pure-bred breeding animals of the bovine species falling within CN code 0102 10 00;

(b) pure-bred breeding swine falling within CN code 0103 10 00;

(c) pure-bred breeding rabbits falling within CN code ex 0106 00 10;

(d) multiplier or breeding chicks falling within CN code ex 0105 11 00;

(e) hatching eggs, other, for the production of multiplier or breeding chicks falling within CN code ex 0407 00 19.

2. The aid terms shall take account of the requirements of the Canary Islands with regard to the start-up of production, in particular for those breeds most suited to conditions in the Islands. The aid shall be paid for the delivery of animals which fulfil the requirements specified under Community rules.

3. The aid shall be determined having regard to the following factors:

- (a) the conditions of supply to the Canary Islands resulting from their geographical situation;
- (b) the price of animals or products on the Community market and on the world market;
- (c) whether or not customs duties and/or levies are charged on imports from third countries;
- (d) the economic aspect of the aid envisaged.

4. The amounts of aid, the quantity of products receiving aid each year and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽²⁾ or the corresponding articles in the Regulation on the common organization of the markets concerned.

In the case of products covered by Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty⁽³⁾, these measures shall be adopted in accordance with the procedure referred to in the first subparagraph.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EEC) No 1628/91 (OJ No L 150, 15. 6. 1991, p. 16).

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 16. Regulation as last amended by Regulation (EEC) No 789/89 (OJ No L 85, 30. 3. 1989, p. 3).

Article 5

1. During the marketing years for beef and veal 1992/93 to 1995/96:

- (a) the customs duties and/or levies referred to in Article 9 of Regulation (EEC) No 805/68 shall not be applied to direct imports, for fattening purposes, of bovine animals from third countries for consumption in the Islands;
- (b) aid shall be granted for the supply, on equivalent terms, of animals as referred to in (a) originating in the rest of the Community.

2. The number of animals concerned by the measures referred to in paragraph 1 shall be based on a periodic supply balance and determined progressively to take account of the development of local production. The number of animals and the amount of the aid referred to in paragraph 1 (b), as well as the detailed rules for the application of this Article, shall be determined in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

3. Not later than six months before the end of the 1995/96 marketing year, the Commission shall submit to the Council an assessment of the measures provided for in this Article, together with any appropriate proposals.

Article 6

1. Customs duties shall not be applied to direct imports into the Canary Islands of raw and semi-manufactured tobacco falling respectively within:

- CN-code 2401,
- and subheadings:
 - ex 2402 10 00 cigars (wrapped or not),
 - ex 2403 10 00 cigarette rag (finished mixture of tobacco for the manufacture of cigarettes, cigarillos, cheroots and cigars),
 - ex 2403 91 00 'homogenized' or 'reconstituted' tobacco, whether or not put up in sheets or strip,
 - ex 2403 99 90 expanded tobacco,
 - ex 2403 99 90 outer coverings for cigars presented on supports, in reels for the manufacture of tobacco ⁽¹⁾.

⁽¹⁾ Monitoring arrangements for this end-use are laid down in the relevant Community provisions.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17 of Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽²⁾.

Article 7

1. Application of the supply arrangements provided for in Articles 2 and 3 shall be subject to the advantage derived from exemption from the levy and/or customs duty or, in the case of supply from the rest of the Community, from the Community aid being actually passed on to the end user.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 3 (4).

Article 8

The products covered by the specific supply arrangements provided for in this Title may not be re-exported to third countries or redispached to the rest of the Community.

Where the products in question are processed in the Islands, the aforesaid prohibition shall not apply to traditional exports or shipments to the rest of the Community.

Detailed rules for the application of this Article shall be adopted, if necessary, in accordance with the procedure referred to in Article 4 (4).

Article 9

Products covered by the specific supply arrangements provided for in this Title and products processed therefrom shall not be eligible for refunds on exportation from the Canary Islands.

TITLE II

MEASURES TO ASSIST LIVESTOCK PRODUCTS

Article 10

1. The aid provided for in paragraphs 2 and 3 shall be granted in support of traditional activities connected with beef and veal production and measures to improve product quality, within the limits of the consumption needs of the Islands as assessed in the context of a periodic supply balance. This balance shall also take account of breeding

⁽²⁾ OJ No 94, 28. 4. 1970, p. 1. Regulation as last amended by Regulation (EEC) No 860/92 (OJ No L 91, 7. 4. 1992, p. 1.)

animals supplied pursuant to Article 4 and animals covered by the supply arrangements referred to in Article 5.

2. Fattening aid for male bovine animals shall represent a supplement of ECU 40 per head to the special premium provided for in Article 4a of Regulation (EEC) No 805/68. The supplement may be granted in respect of an animal of a minimum weight to be determined in accordance with the procedure laid down in Article 12 of this Regulation.

3. A supplement to the premium for maintaining suckler cows provided for in Regulation (EEC) No 1357/80⁽¹⁾ shall be paid to beef and veal producers. The amount of this supplement shall be ECU 40 per suckler cow held by the producer on the day on which the application is submitted.

Article 11

Aid shall be granted for the human consumption of locally produced fresh cows' milk products, within the limits of the consumption needs of the Islands as assessed periodically. The aid shall amount to ECU 7 per 100 kg of whole milk. The amount of the aid shall be adjusted in accordance with the procedure laid down in Article 12 in order to ensure the regular disposal of the aforementioned products on the local market. The aid shall be paid to the dairies. Payment shall be subject to the benefit therefrom being actually passed on to the consumer.

Article 12

The Commission shall determine the detailed rules for the application of Articles 10 and 11 of this Regulation in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68⁽²⁾ or in Article 27 of Regulation (EEC) No 805/68 as applicable.

Article 13

1. A supplement to the ewe premium payable pursuant to Article 5 (3) of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽³⁾ shall be paid to the producers of light lambs referred to in Article 5 (3) of that Regulation.

The amount of the supplement shall be equal to the difference between the amounts of the premiums

determined pursuant to the said Article 5 (2) and (3) payable to producers of heavy lambs and light respectively, plus the difference between the amounts of the specific aid provided for under the 'rural society' measures referred to in the first and second indents of Article 1 (1) of Council Regulation (EEC) No 1323/90 of 14 May 1990 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community⁽⁴⁾.

2. The supplement determined in accordance with paragraph 1 shall also be paid to producers of goatmeat, without prejudice to payment of the premium provided for in Article 5 (5) of Regulation (EEC) No 3013/89.

3. Grant of the supplements referred to in paragraphs 1 and 2 shall be subject to the same conditions as those laid down for the grant of the premium to producers of sheepmeat and goatmeat pursuant to Article 5 of Regulation (EEC) No 3013/89.

4. Additional implementing rules shall, where necessary, be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89.

Article 14

The words 'the autonomous region of the Canary Islands' shall be added for Spain to Annex I to Regulation (EEC) No 3013/89.

TITLE III

MEASURE TO ASSIST FRUIT AND VEGETABLE PRODUCTION

Article 15

1. Aid per hectare shall be granted to producers and producer groups and organizations which undertake a programme of initiatives, approved by the competent authorities, with a view to the development and diversification of production and/or the improvement of the quality of the fruit, vegetables, flowers and live plants listed in Chapters 6, 7, and 8 of the combined nomenclature and of plants falling within CN code 1211. These programmes must be directed in particular to the development of tropical production.

The eligible initiatives shall seek in particular to develop production and product quality, particularly through varietal conversion and cultural improvements. These initiatives shall form an integral part of programmes conducted over at least three years.

⁽¹⁾ OJ No L 140, 5. 6. 1980, p. 1. Regulation as last amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17. 12. 1990, p. 23).

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EEC) No 816/92 (OJ No L 86, 1. 4. 1992, p. 83).

⁽³⁾ OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 1741/91 (OJ No L 163, 26. 6. 1991, p. 41).

⁽⁴⁾ OJ No L 132, 23. 5. 1990, p. 17. Regulation as last amended by Regulation (EEC) No 1743/91 (OJ No L 163, 26. 6. 1991, p. 44).

The aid shall be granted for programmes a minimum covering a minimum area of 0,3 ha.

2. The amount of Community aid shall be at most ECU 500/ha. This amount shall be paid where the Member State provides official financing of at least ECU 300/ha and the contribution of the individual producer or group amounts to at least ECU 200/ha. If the contributions of the Member State and the producers are less than the amounts specified, the Community aid shall be reduced proportionately.

The aid shall be paid each year of execution of the programme, for a period not exceeding three years.

3. The aid shall be increased by ECU 100/ha where the programme of initiatives is submitted and carried out by a producer group or organization and where, for its implementation, recourse to technical assistance is envisaged. The additional aid shall be granted in respect of programmes involving a minimum area of 2 ha.

4. This Article shall not apply to banana production pending the conclusion relating to the treatment of all the problems connected with such production, in accordance with point 9 of Decision 91/314/EEC. This Article shall not apply to the production of tomatoes nor to that of potatoes for human consumption falling within CN codes 0701 90 51, 0701 90 59 and 0701 90 90.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72 ⁽¹⁾.

Article 16

1. Community aid shall be granted for the conclusion of annual contracts concerning the marketing of tropical products included in the products referred to in Article 15 and harvested in the Canary Islands.

This aid shall be paid up to a limit of a volume of trade of 10 000 tonnes per product per year.

The contracts shall be concluded between individual producers or producer groups or associations established in the islands and natural or legal persons established in the rest of the Community.

2. The amount of the aid shall be 10 % of the value of the production marketed, free at destination.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 1156/92 (OJ No L 122, 7. 5. 1992, p. 3).

3. The aid shall be granted to purchases who undertake to market the Canary Islands' products under the contracts referred to in paragraph 1.

4. Where the measures provided for in paragraph 1 are undertaken by joint ventures constituted, with the aim of marketing products harvested in the Canaries, by producers groups or associations in the Islands and natural or legal persons established in the rest of the Community, and where the partners undertake to pool the knowledge and know-how required to achieve the objective of the joint venture over a minimum period of three years, the amount of the aid specified in paragraph 2 shall be increased to 13 % of the value of the annual production marketed jointly.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

Article 17

1. The Community shall contribute up to a maximum of ECU 100 000 towards the financing of an economic analysis and forward study of the fruit and vegetable processing industry in the Canary Islands, with particular reference to tropical products.

The study shall produce an economic and technical assessment of the sector. It shall pay particular attention to supply data and processing costs and examine the conditions and scope for development and sales at regional and international level, having regard to competition on the world market.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 22 of Regulation (EEC) No 426/86 ⁽²⁾.

Article 18

Title III of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽³⁾ and Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in

⁽²⁾ OJ No L 49, 27. 2. 1986, p. 1. Regulation as last amended by Regulation (EEC) No 1943/91 (OJ No L 175, 4. 7. 1991, p. 1).

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EEC) No 1734/92 (OJ No L 163, 26. 6. 1991, p. 6).

respect of winegrowing areas ⁽¹⁾ shall not apply to the Canary Islands.

Article 19

1. A flat-rate aid per hectare shall be granted for the continued cultivation of vines for the production of quality wines psr in the traditional production zones.

Aid shall be paid in respect of areas:

- (a) planted to varieties included in the list of vine varieties suitable for the production of each of the quality wines psr produced and belonging to the recommended or authorized categories referred to in Article 13 of Regulation (EEC) No 822/87; and
 - (b) on which the yield per hectare is below a maximum limit fixed by the Member State, expressed in quantities of grapes, grape must or wine, subject to the conditions of Article 11 of Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specified regions ⁽²⁾.
2. The aid shall amount to ECU 400 per hectare. From the beginning of the 1997/98 marketing year, the aid shall be paid exclusively to producer groups or organizations.
3. Detailed rules for the application of this Article shall be adopted, as necessary, in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 20

1. Aid per hectare shall be granted annually for the cultivation of potatoes for human consumption falling within CN codes 0701 90 51, 0701 90 59 and 0701 90 90.

The aid shall be paid in respect of areas cultivated and harvested up to a maximum of 12 000 hectares per year.

- 2. The amount of the annual aid shall be ECU 500/ha.
- 3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 11 of Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽³⁾.

⁽¹⁾ OJ No L 132, 28. 5. 1988, p. 3. Regulation as last amended by Regulation (EEC) No L 833/92 (OJ No L 88, 3. 4. 1992, p. 16).

⁽²⁾ OJ No L 84, 27. 3. 1987, p. 59. Regulation as last amended by Regulation (EEC) No 3896/91 (OJ No L 368, 31. 12. 1991, p. 3).

⁽³⁾ OJ No L 246, 5. 11. 1971, p. 1. Regulation as last amended by Regulation (EEC) No 1740/91 (OJ No L 163, 26. 6. 1991, p. 39).

Article 21

Deliveries from third countries and from the rest of the Community to the Canary Islands of potatoes for human consumption falling within CN codes 0701 90 51, 0701 90 59 and 0701 90 90 shall be restricted during sensitive periods for the marketing of the Canary Islands' production. This restriction shall be implemented on a degressive basis for a period of ten marketing years.

The Commission shall determine, in accordance with the procedure laid down in Article 20 (3), the period of application of the quantitative restrictions and the volume of deliveries pursuant to this Article.

Article 22

From the beginning of the 1992/93 marketing year, the aid to olive oil consumption provided for in Article 11 of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽⁴⁾ applicable in the Community as constituted at 31 December 1985 shall be paid to undertakings in the Canary Islands packaging olive oil produced in the rest of the Community.

Detailed rules for the application of this Article shall be adopted, as necessary, in accordance with the procedure laid down in Article 38 of Regulation (EEC) No 136/66/EEC.

Article 23

Spain is hereby authorized to grant a regional aid for the production of tobacco to the Canary Islands as a supplement to the aid introduced by Regulation (EEC) No 727/70, on condition that the supplement cannot give rise to discrimination between producers in the Islands.

The maximum amount of the regional aid shall be equal to the difference between the aid paid to the Canaries prior to the application of the abovementioned Regulation and the Community premium. The regional aid shall be granted within the limit of the quantity traditionally produced in the Islands.

Article 24

1. Aid shall be granted for the production of quality honey specific to the Canary Islands, produced by the indigenous breed of 'black bees'.

The aid shall be paid to associations of beekeepers recognized by the competent authorities on the basis of the number of hives of black bees in production, up to a maximum of 5 000 hives.

⁽⁴⁾ OJ No L 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EEC) No 356/92 (OJ No L 39, 15. 2. 1992, p. 1).

The amount of the aid is hereby fixed at ECU 20 per hive in production and per marketing year. For the purpose of this Article, the marketing year shall commence on 1 July and end on 30 June.

2. Detailed rules for the application of this Article shall be adopted, as necessary, in accordance with the procedure laid down in Article 17 of Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾.

Article 25

The co-responsibility levy introduced by Article 4 of Regulation (EEC) No 2727/75 shall not apply to the Canary Islands.

TITLE IV

GRAPHIC SYMBOL

Article 26

1. A graphic symbol shall be introduced with a view to ensuring greater awareness and consumption of quality processed agricultural products specific to the Canary Islands as remote regions.

2. The graphic symbols shall be chosen on the basis of an invitation to tender published by the Commission in the *Official Journal of the European Communities*.

3. The conditions of utilization of the symbol shall be proposed by the trade organizations. The competent authorities shall forward such proposals, with their opinion, to the Commission for approval.

The use of the symbol shall be monitored by an official authority or a body approved by the competent authorities.

4. The Community shall finance the production of the graphic symbol and its promotion.

5. Detailed rules for the application of this Article shall be adopted, as necessary, in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72 or the corresponding Articles of other Regulations on the common organization of the markets.

(1) OJ No L 282, 1. 11. 1975, p. 49. Regulation as last amended by Regulation (EEC) No 1235/89 (OJ No L 128, 11. 5. 1989, p. 29).

TITLE V

SPECIFIC PROVISIONS

Section 1

Derogations applicable to structural measures

Article 27

1. By way of derogation from Articles 5, 6, 7 and 12 of Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures ⁽²⁾, investment aid for agricultural holdings in the Canary Islands shall be granted on the following conditions:

- (a) by way of derogation from Article 5 (1) (a), the investment aid scheme provided for in Articles 5 to 9 of Regulation (EEC) No 2328/91 may be applied in the Islands to farmers who, while they do not practise farming as their main occupation, derive at least 25 % of their total income from farming carried out on the holding and whose holding does not require more than the equivalent of one MWU, provided that the envisaged investments do not exceed ECU 25 000;
- (b) the authorization concerning the keeping of simplified accounts provided for in Article 5 (1) (d) of the abovementioned Regulation shall apply beyond 31 December 1991;
- (c) pig production shall not be subject to the conditions laid down in Article 6 (4);
- (d) beef and veal production shall not be subject to the conditions laid down in Article 6 (5) of the abovementioned Regulation;
- (e) with regard to eggs and poultry production, the prohibition referred to in Article 6 (6) of the abovementioned Regulation shall not apply to family farms in so far as their size is in proportion to the need to ensure balanced development in the region;
- (f) by way of derogation from Article 7 (1) of the abovementioned Regulation, expenditure relating to initial purchases of live pigs may be eligible under the system of investment aid referred to in Article 6 (1) of the said Regulation;
- (g) by way of derogation from the fifth subparagraph of Article 7 (2) of the abovementioned Regulation the maximum value of the investment aid shall continue to be increased by 10 % after 31 December 1991;

(2) OJ No L 218, 6. 8. 1991, p. 1.

Points (c), (d), (e) and (f) shall apply only so far as livestock production is undertaken in a manner compatible with animal welfare and environmental protection requirements and provided that production is for the domestic market of the islands.

2. By way of derogation from Article 17 of Regulation (EEC) No 2328/91, the compensatory allowance referred to in Article 19 of that Regulation may be granted in the Canary Islands for all crops, provided they are cultivated in manner compatible with environmental protection requirements and subject to a maximum income per holding to be determined.

In addition, cows whose milk is intended for the domestic market of the region may be taken into consideration for the calculation of the compensatory allowance in all areas of the region specified in Article 3 (4) and (5) of Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas⁽¹⁾, up to a maximum of 20 livestock units.

3. By way of derogation from the second subparagraph of Article 18 (1) of Regulation (EEC) No 2328/91, the compensatory allowance may be granted to farmers in the region with less than one hectare of utilizable agricultural area.

4. By way of derogation from Article 24 of (EEC) Regulation No 2328/91, the maximal eligible amount of the annual premium per hectare referred to in Article 22 of that Regulation shall be fixed at ECU 600/ha.

5. By way of derogation from Article 37 (1) of Regulation (EEC) No 2328/91, Spain is hereby authorized not to apply the schemes provided for in Titles I and II of that Regulation in the Canary Islands.

6. The Commission, in accordance with the procedure laid down in Article 29 of that Regulation (EEC) No 4253/88⁽²⁾,

(a) shall adopt the conditions for applying this Article;

(b) may, on a reasoned request by the competent authorities,

— modify the investment ceiling referred to in Article 8 (1) of Regulation (EEC) No 2328/91,

— by way of derogation from Article 12 (1) and the second indent of Article 13 of Regulation (EEC) No 866/90⁽³⁾ and from the corresponding provisions of Regulation (EEC) No 867/90 on improving the processing and marketing conditions for forestry products⁽⁴⁾ to extend the coverage of these measures to essential imports from third countries, provided that the products processed and/or marketed are intended exclusively for the domestic market in the Canary Islands.

Section 2

Veterinary measures

Article 28

1. The following Article is hereby inserted in Directive 72/462/EEC:

'Article 31b

Without prejudice to Article 17 of Directive 90/675/EEC⁽¹⁾, the Commission may, in accordance with the procedure laid down in Article 29, derogate until 31 December 1994 from certain provisions of Articles 4 and 17 with regard to imports of meat into the Canary Islands.

When the decisions provided for in the first subparagraph are taken, the rules applicable after importation shall be laid down in accordance with the same procedure.

(¹) OJ No L 373, 31. 12. 1990, p. 1.'

2. In Annex I to Council Directive 90/675/EEC of 10 December 1990 laying down the principles the organization of veterinary checks on products entering the Community⁽⁵⁾ from third countries, point 4 shall be replaced by the following:

'4. The territory of Spain except Ceuta and Melilla.'

TITLE VI

GENERAL PROVISIONS

Article 29

The measures provided for in this Regulation, excluding Articles 23, 27 and 28, shall constitute intervention

(¹) OJ No L 128, 19. 5. 1975, p. 1. Directive as last amended by Regulation (EEC) No 797/85 (OJ No L 93, 30. 3. 1985, p. 1).

(²) OJ No L 374, 31. 12. 1988, p. 1.

(³) OJ No L 91, 6. 4. 1990, p. 1. Regulation as last amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17. 12. 1990, p. 23).

(⁴) OJ No L 91, 6. 4. 1990, p. 1.

(⁵) OJ No L 373, 31. 12. 1989, p. 1.

designed to stabilize the agricultural markets within the meaning of Article 3 (1) of Regulation (EEC) No 729/70 ⁽¹⁾.

Article 30

1. The Commission shall submit to the European Parliament and the Council an annual report on the implementation of the measures provided for in this Regulation, accompanied, where appropriate, by proposals concerning any adjustment measures which may prove necessary in order to achieve the objectives of the programme.

2. At the end of the third year of application of the scheme, the Commission shall submit to the European

Parliament and the Council a general report on the economic situation of the Canary Islands showing the impact of the measures taken pursuant to this Regulation.

In the light of the report's conclusions, the Commission shall submit wherever it proves necessary, appropriate adjustments.

Article 31

This Regulation shall enter into force on 1 July 1992.

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

Done at Luxembourg, 15 June 1992.

For the Council

The President

João PINHEIRO

⁽¹⁾ OJ No L 94, 28. 4. 1970. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No 185, 15. 7. 1988, p. 1).

ANNEX

LIST OF PRODUCTS COVERED BY THE SPECIFIC SUPPLY ARRANGEMENTS PROVIDED FOR IN
ARTICLE 3

Description of the products	CN-code
— <i>Cereals</i>	
— wheat	1001
— barley	1003
— oats	1004
— maize	1005
— meal and pellets	1103
— malt	1107
— <i>Hops</i>	1210
— <i>Rice</i>	1006
— <i>Vegetable oils</i>	ex 1507 to 1516
— <i>Sugar</i>	1701 1702 (excluding isoglucose)
— <i>Concentrated fruit juice</i> (raw materials)	2007 99 2008
— <i>Beef/veal</i>	
— fresh or chilled	0201
— frozen	0202
— <i>Pigmeat</i>	
— frozen	0203 21, 22, 29
— <i>Poultrymeat</i>	
— frozen	0207 21, 22, 41, 42, 43, 50
— <i>Dried eggs</i> (for the food industries)	0408
— <i>Table wines</i>	ex 2204
— <i>Seed potatoes</i>	0701 10 00
— <i>Milk products</i>	
— liquid milk	0401
— concentrated milk or powder	0402
— butter	0405
— cheese	0406 30 0406 90 23, 25, 27, 77, 79, 81, 89
— milk-based preparations	
— for children	2106 90 91
— without animal fats	1901 90 90
For the 1992/93 to 1995/96 marketing years	
— Fresh or chilled pigmeat	0203 11, 12, 19
— Processed meat products	1601 1602

COUNCIL REGULATION (EEC) No 1602/92

of 15 June 1992

temporarily derogating from implementation of Community anti-dumping measures on imports into the Canary Islands of certain sensitive products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ⁽¹⁾.

Having regard to the opinion of the European Parliament ⁽²⁾.

Whereas Council Regulation (EEC) No 1911/91 of 26 June 1991 on the application of the provisions of Community law to the Canary Islands ⁽³⁾ stipulates, *inter alia*, that as from 1 July 1991 the Canary Islands are to be an integral part of the Community's customs territory, that the Common Customs Tariff (CCT) is to be gradually introduced and the common commercial policy applies to those islands in line with the conditions laid down for Spain in the Act of Accession; whereas, however, application of the common commercial policy may in particular be subject to derogations, where appropriate, in respect of certain sensitive products, to accompany the gradual introduction of the CCT;

Whereas Council Decision 91/314/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Canary Islands (Poseican) ⁽⁴⁾ stipulates in particular that at the request, with supporting documents, of the competent Spanish authorities, specific measures derogating from the common commercial policy may be considered in respect of certain sensitive products, on a case-by-case basis to take account of particular problems in a given sector of local production intended for local consumption or tourism, and/or to allow access for consumer goods such as textiles, clothes, optical and electronic equipment or means of transport;

Whereas, in their letters of July 1991, the competent Spanish authorities requested exemption from the

anti-dumping duties applied to imports of certain major consumer electronic goods originating in certain non-member countries; whereas, during the examination of the request, the same authorities provided an additional list of products to be exempted from anti-dumping duty on import;

Whereas anti-dumping measures fall within the scope of the common commercial policy; whereas, therefore, temporary derogation from their application to imports of certain products into the Canary Islands is possible under point 7.1 of the Annex to Decision 91/314/EEC;

Whereas the sensitive products which might be covered by the specific measures applied for under point 7.1 of the Annex to Decision 91/314/EEC by the competent Spanish authorities should be determined according to the criteria laid down in that provision and on the basis of the requests filed; whereas, following case-by-case examination, it appears that then of those products fall within the category of consumer goods for the domestic market, access of which to the Canary Islands should be allowed through the specific measures; whereas none of the other products in respect of which requests have been filed fulfils the conditions laid down in the said point 7.1; whereas the measures requested are therefore justified in respect of imports of compact disc players, video cassette recorders, small-screen colour television receivers, audio and video cassettes, electronic typewriters, dot-matrix printers, plain paper photocopiers, car radios and espadrilles, as detailed in Annex I to this Regulation;

Whereas the request from the Spanish authorities covered the whole of the transitional period from the entry into force of Regulation (EEC) No 1911/91; whereas for this reason and to ensure continuity during the said period the specific measures applicable from 1 July 1991 should be established;

Whereas the said measures may be adopted to accompany the gradual introduction of the CCT in the Canary Islands; whereas it is therefore appropriate to phase out the exemptions, during the transitional period ending on 31 December 2000 provided for under Article 6 of Regulation (EEC) No 1911/91, by gradually applying anti-dumping duties in the Canary Islands, in step with the introduction of the CCT; whereas the request from the Spanish authorities to benefit from total exemption from

(1) OJ No C 97, 16. 4. 1992, p. 14.

(2) Opinion delivered on 9 June 1992 (not yet published in the Official Journal).

(3) OJ No L 171, 29. 6. 1991, p. 1. Regulation amended by Regulation (EEC) No 284/92 (OJ No L 31, 7. 2. 1992, p. 6.).

(4) OJ No L 171, 29. 6. 1991, p. 5.

anti-dumping duties from 1 July 1991 in respect of the products in question is aimed at ensuring continuity in the way these products are supplied to the Canary Islands and whereas such a request appears to be justified for an initial period ending on 31 December 1995; whereas at the end of this period, intended to enable operators on the local market to adjust to the new tariff arrangements being introduced in the territory of the Canary Islands, anti-dumping duties in respect of the products in question shall be collected gradually as a percentage of the anti-dumping duties payable on those products in the Community, increasing by 20 % a year from 1996 to become payable in full at the end of the transitional period;

Whereas point 7.2 of the Annex to Decision 91/314/EEC states that the specific measures adopted in derogation from the common commercial policy in respect of sensitive products must be tailored to the Canary Islands' domestic market to avoid any deflection of trade; whereas it is therefore appropriate to establish fixed annual quantities for each product in respect of which exemption is granted to ensure that the products are imported solely to cover domestic demand; whereas the said quantities should be calculated with reference to the volume of customary annual consumption on the islands prior to the entry into force of Regulation (EEC) No 1911/91;

Whereas responsibility for monitoring compliance with the quantitative limits referred to above should be devolved upon the competent Spanish authorities, who should be asked, nevertheless, to inform the Commission at regular intervals;

Whereas the limited validity of the anti-dumping measures might result in Annex I to this Regulation being updated; whereas provision should be made to review once a year, at the request of the Spanish authorities, the list of sensitive products in the said Annex, whereas only products already classified as sensitive under Regulation (EEC) No 1605/92 temporarily suspending the autonomous common customs tariff duties on imports of certain industrial products to the Canary Islands ⁽¹⁾, and on imports on which anti-dumping duties have recently been imposed, may be entered on the said list; whereas the fixed annual quantities for these products shall be calculated with reference to the average annual volume of demand on the Canary Islands before the anti-dumping duties are imposed; whereas the task of carrying out this periodic review should be entrusted to the Commission, assisted by the Advisory Committee set up under Article 6 of Regulation (EEC) No 2423/88 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Canary Islands of products listed in Annex I shall, within the limits of the fixed quantities given therein, be subject to specific arrangements for the collection of anti-dumping duties.

2. Under the specific arrangements referred to in paragraph 1:

- from 1 July 1991 to 31 December 1995, full exemption from anti-dumping duties shall be granted;
- from 1 January 1996, collection shall be gradually increased in accordance with the details given in Annex II.

3. The competent Spanish authorities shall adopt the necessary measures to administer and control the fixed quantities referred to under paragraph 1.

Article 2

1. For the products referred to in Article 1, the competent Spanish authorities shall inform the Commission by the fifteenth day of each month starting on 15 September 1992 of the volume of goods imported in exemption from anti-dumping duties or for which duties were only partially collected during the preceding quarter.

2. The information sent on 15 September 1992 shall cover all imports of the products concerned having taken place since the entry into force of this Regulation.

Article 3

Each year the Commission may, at the request of the Spanish authorities, review the list of products in Annex I.

Article 4

When reviewing the list referred to in Article 3, the Commission shall be assisted by a committee of an advisory nature.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

⁽¹⁾ See page 31 of this Official Journal.

⁽²⁾ OJ No L 209, 2. 8. 1988, p. 1.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 5

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

It shall apply from 1 July 1991.

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

Done at Luxembourg, 15 June 1992.

For the Council

The President

João PINHEIRO

ANNEX I

List of products imported, or which may be imported, into the Canary Islands within the limits of fixed annual quantities, subject to specific arrangements for the collection of anti-dumping duties for the period 1 July 1991 to 31 December 2000

CN-code	Product	Fixed annual quantity ⁽¹⁾
8519 99 10	— compact disc players	17 100
8521 10 38	— video cassette recorders	18 400
8528 10 71	— small-screen colour television receivers	16 000
8523 11 00	— audio cassettes	2 000 000
12 00	— video cassettes	625 000
8469 21 00	— electronic typewriters	8 600
29 00		
ex 8471 92 90	— dot matrix printers	1 150
ex 9009 11 00	— plain paper photocopiers	640
12 00		
21 00		
ex 6404 19 90	— espadrilles	195 300
ex 6405 20 99		
8527 21 10	— car radios	52 500
21 90		
29 00		

⁽¹⁾ Average 1989-1991 for countries of origin subject to anti-dumping duty.

ANNEX II

Timetable for the gradual collection of anti-dumping duties payable on import into the Canary Islands of products listed in Annex I

Period	Percentage of rates of anti-dumping duties applicable in the Community's customs territory
1 July 1991 — 30 June 1992	0
1 July — 31 December 1992	0
1 January — 31 December 1993	0
1 January — 31 December 1994	0
1 January — 31 December 1995	0
1 January — 31 December 1996	20
1 January — 31 December 1997	40
1 January — 31 December 1998	60
1 January — 31 December 1999	80
from 1 January 2000	100

COUNCIL REGULATION (EEC) No 1603/92

of 15 June 1992

authorizing an enhanced aid system for the formation of producers' organizations in the French overseas departments, in the Canary Islands, in Madeira and in the Azores

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

enhanced aid for the formation and operation of producers' organizations;

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Whereas small-scale fishing is of importance in economic and social, tourism and environmental terms in the outermost regions of the European Community,

Having regard to the proposal from the Commission ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Having regard to the opinion of the European Parliament ⁽²⁾,

Article 1

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the programmes of options specific to the remote and insular nature of the French overseas departments (Poseidom), of the Canary Islands (Poseican) and of Madeira and the Azores (Poseima), established by Decisions 89/687/EEC ⁽⁴⁾, 91/314/EEC ⁽⁵⁾ and respectively, aim to create an appropriate framework for the application of common policies for each of the ultra-peripheral regions concerned; whereas, in order to promote the economic and social development of the regions in question, these specific programmes introduce measures to improve conditions for the production and marketing of fishery products;

1. By way of derogation from Article 6 (2) of Regulation (EEC) No 3687/91, France, Spain and Portugal are hereby authorized to make available the aid provided for in Article 6 (1) of that Regulation, during the five years following the date of their recognition, to producers' organizations which are formed in the French overseas departments, in the Canary Islands, in Madeira and in the Azores respectively, for a period of five years from the date of entry into force of this Regulation.

2. The aid referred to in paragraph 1 shall be granted according to the following conditions:

Whereas Article 6 (1) of Council Regulation (EEC) No 3687/91 of 28 November 1991 on the common organization of the market in fishery products ⁽⁷⁾ provides that the Member States may make available aid to encourage the formation and facilitate the operation of producers' organizations;

— the aid shall amount for the first, second, third, fourth and fifth years to not more than 5 %, 4 %, 3 %, 2 % and 1 % respectively of value of production marketed under the auspices of the producers' organization, but shall be increased by 1 % for small-scale producers with vessels of less than nine metres in length;

Whereas, given these conditions, France, Spain and Portugal should be permitted to make available, for a transitory period in the French overseas departments in the Canary Islands, in Madeira and in the Azores respectively,

— it may not, however exceed 80 %, 70 %, 60 %, 40 % and 20 % of the producers' organizations' administrative expenses for the first, second third, fourth and fifth years respectively;

— payment of the aid shall be made within seven years of the date of recognition.

Article 2

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

⁽¹⁾ OJ No C 100, 22. 4. 1992, p. 13.

⁽²⁾ Opinion delivered on 9 June 1992 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 27 May 1992 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 399, 30. 12. 1989, p. 39.

⁽⁵⁾ OJ No L 171, 29. 6. 1991, p. 5.

⁽⁶⁾ OJ No L 171, 29. 6. 1991, p. 10.

⁽⁷⁾ OJ No L 354, 23. 12. 1991, p. 1.

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

Done at Luxembourg, 15 June 1992.

For the Council

The President

João PINHEIRO

COUNCIL REGULATION (EEC) No 1604/92

of 15 June 1992

amending Regulation (EEC) No 2504/88 on free zones and free warehouses

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Commission proposal ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Article 8 (b) of Council Regulation (EEC) No 2504/88 of 25 July 1988 on free zones and free warehouses ⁽³⁾ provides in particular that processing operations within a free zone shall be carried out in accordance with Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing relief arrangements ⁽⁴⁾; whereas Article 5 of that Regulation provides that an inward processing authorization may be accorded only where the essential interests of Community producers are not affected and the economic conditions attached to the application of the said arrangements have therefore been respected;

Whereas point 8 of the Annex to Council Decision 91/314/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Canary Islands (Poseican) ⁽⁵⁾ provides that inward processing operations carried out in the Canary Islands' free zones will not be subject to the economic conditions attaching to these arrangements; whereas similar provisions are made in point 11 of the Annex to Council Decision 91/315/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Azores and Madeira (Poseima) ⁽⁶⁾; whereas Regulation

(EEC) No 2504/88 should therefore be amended accordingly, with the application of this amendment being, however, extended to the overseas departments which share the outlying character of the abovementioned territories,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 8 (b) of Regulation (EEC) No 2504/88, the second and third subparagraph shall be replaced by the following:

'By way of derogation from the first subparagraph, processing operations within the territory of the Old Free Port of Hamburg, the free zones of the Canary Islands, the Azores, Madeira of the overseas departments shall not be subject to the economic conditions laid down in the inward processing arrangements.

However, with regard to the Old Free Port of Hamburg, if conditions of competition in a specific economic sector in the Community are affected as a result of this derogation, the Council, acting, by a qualified majority on a proposal from the Commission, shall decide that the economic conditions laid down for the Community with regard to inward processing shall apply to the corresponding economic activity within the territory of the Old Free Port of Hamburg'.

Article 2

This Regulation shall enter into force on the third day following that 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 Luxembourg, 15 June 1992.

For the Council

The President

João PINHEIRO

⁽¹⁾ OJ No C 97, 16. 4. 1992, p. 14

⁽²⁾ Opinion delivered on 9 June 1992 (not yet published in the Official Journal).

⁽³⁾ OJ No L 225, 15. 8. 1988, p. 8.

⁽⁴⁾ OJ No L 188, 20. 7. 1985, p. 1.

⁽⁵⁾ OJ No L 171, 29. 6. 1991, p. 5.

⁽⁶⁾ OJ No L 171, 29. 6. 1991, p. 10.

COUNCIL REGULATION (EEC) No 1605/92

of 15 June 1992

temporarily suspending the autonomous Common Customs Tariff duties on imports of certain industrial products into the Canary Islands

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Council Regulation (EEC) No 1911/91 of 26 June 1991 on the application of the provisions of Community law to the Canary Islands ⁽³⁾, provides that from 1 July 1991 the Canary Islands shall form part of the Community's customs territory and that the Common Customs Tariff (CCT) shall be progressively introduced during a transitional period which, in principle, may not extend beyond 31 December 2000; whereas, consequently, since 1 July 1991 imports of industrial products into the Canary Islands originating in non-member countries have been subject to customs duties which hitherto had not been levied on them;

Whereas point 7.1 of the Annex to Council Decision 91/314/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Canary Islands (Poseican) ⁽⁴⁾ states that, at the request — with supporting documents — of the relevant Spanish authorities, specific tariff measures will be considered for certain sensitive products to take account of particular problems in a given sector of local production intended for local consumption or tourism, with a view to maintaining an exemption equivalent to that applied prior to the entry into force of Regulation (EEC) No 1911/91 and to allow access for consumer goods;

Whereas, according to point 7.2 of the said Annex, such measures must be carefully tailored to the Canary Islands' domestic market to avoid any deflection of trade and, in principle, must be limited to the transitional period

provided for under Article 6 of Regulation (EEC) No 1911/91 for the gradual adoption of the Common Customs Tariff to the Canary Islands;

Whereas the relevant Spanish authorities submitted a request on 12 July 1991 for autonomous Common Customs Tariff duties to be suspended in full, from 1 July 1991 to 31 December 2000, on imports of certain sensitive products into the Canary Islands;

Whereas, in the light of the supporting arguments presented by the Spanish authorities to the Commission on 4 November 1991, these products are considered to be sensitive for the Canary Islands' economy;

Whereas, in order to ensure that the requested measure is carefully tailored to the Canary Islands' domestic market as it is now and as it might be by 31 December 2000, it is considered appropriate, initially, to suspend all duty on the abovementioned products up to 31 December 1995; whereas the measures to be decided between this date and the end of the transitional period must be adopted at a later stage in the light of all the measures adopted in favour of the economy of the Canary Islands until 31 December 1995; whereas, on the other hand, the purpose of the Spanish authorities' request for the products in question to be exempted from customs duty from 1 July 1991 is to maintain the supply of the products in question and is hence deemed to be justified;

Whereas measures must be taken to ensure that the products for which suspension is requested are intended solely for the Canary Islands' domestic market and also to ensure that the Commission is kept regularly informed of the volume of imports in question so that, if necessary, it can take steps to prevent any speculative movement or deflection of trade,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Common Customs Tariff duties applicable to imports into the Canary Islands of the products listed in the

⁽¹⁾ OJ No C 100, 22. 4. 1992, p. 14.

⁽²⁾ Opinion delivered on 9 June 1992 (not yet published in the Official Journal).

⁽³⁾ OJ No L 171, 29. 6. 1991, p. 1. Regulation as amended by Regulation (EEC) No 284/92, OJ No L 31, 7. 2. 1992, p. 6.

⁽⁴⁾ OJ No L 171, 29. 6. 1991, p. 5.

Annex shall be suspended in full from 1 July 1991 to 31 December 1995.

2. The suspension referred to in paragraph 1 shall apply solely to products intended for the Canary Islands' domestic market.

3. The relevant Spanish authorities shall adopt the provisions necessary to ensure compliance with paragraph 2 pursuant to the relevant Community provisions on end-use and in particular the levying of Common Customs Tariff duties when the products in question are dispatched to the other parts of the customs territory of the Community.

They shall inform the Commission of such measures at the earliest opportunity.

Article 2

1. In the case of the products referred to in Article 1, the relevant Spanish authorities shall inform the Commission, no later than the fifteenth of each month, beginning on 15

September 1992, of the volume of imports exempted from duty during the preceding month.

2. The information to be sent on 15 September 1992 must cover all imports since 1 July 1991.

Article 3

In the framework of the interim period provided for in Article 6 of Regulation (EEC) No 1911/91, the Commission, after consulting the competent Spanish authorities, shall examine in 1995 the effect of all the measures adopted in favour of the economy of the Canary Islands. On the basis of the outcome of this examination, it shall submit to the Council the requisite proposals for the period extending beyond 31 December 1995.

Article 4

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

It shall apply from 1 July 1991.

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

Done at Luxembourg, 15 June 1992.

For the Council

The President

João PINHEIRO

ANNEX

Order No	CN code	Description
17.0503	3901	Polymers of ethylene, in primary forms
17.0505	3904 10 00	Polyvinyl chloride, not mixed with any other substances
17.0507	4011	New pneumatic tyres, of rubber
17.0509	4202	Trunks, suit-cases, vanity-cases, executive-cases, brief-cases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers, travelling-bags, toilet bags, rucksacks, handbags, shopping-bags, wallets, purses, map-cases, cigarette-cases, tobacco-pouches, tool bags, sports bags, bottle-cases, jewellery boxes, powder-boxes, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanised fibre or of paperboard or wholly or mainly covered with such material or with paper
17.0511	4203	Articles of apparel and clothing accessories, of leather or of composition leather
17.0513	4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm
17.0515	4410	Particle board and similar board of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances
17.0517	4412	Playwood, veneered panels and similar laminated wood
17.0519	4803 00	Toilet or facial tissue stock, towel or napkin stock and similar paper of a kind used for household or sanitary purposes, cellulose wadding and webs of cellulose fibres, whether or not creped, crinkled, embossed, perforated, surface-coloured, surface-decorated or printed, in rolls of a width exceeding 36 cm or in rectangular (including square) sheets with a least one side exceeding 36 cm in unfolded state
17.0521	4804	Uncoated kraft paper and paperboard, in rolls or sheets, other than that of heading No 4902 or 4803
17.0523	4805	Other uncoated paper and paperboard, in rolls or sheets
17.0525	4808	Paper and paperboard, corrugated (with or without glued flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets, other than that of heading No 4803 or 4818
17.0527	4810	Paper and paperboard, coated on one or both sides with kaolin (China clay) or other inorganic substances, with or without a binder, and with no other coating, whether or not surface-coloured, surface-decorated or printed, in rolls or sheets
17.0529	Chapter 51	WOOL, FINE OR COARSE ANIMAL HAIR, HORSEHAIR YARN AND WOVEN FABRIC
17.0531	Chapter 52	COTTON
17.0533	Chapter 54	MAN-MADE FILAMENTS
17.0535	Chapter 55	MAN-MADE STAPLE FIBRES
17.0537	5608	Knotted netting of twine, cordage or rope; made up fishing nets and other made up nets, of textile materials

Order No	CN code	Description
17.0539	Chapter 60	KNITTED OR CROCHETTED FABRICS
17.0541	Chapter 61	ARTICLES OF APPAREL AND CLOTHING ACCESSORIES, KNITTED OR CHROCHETED
17.0543	Chapter 62	ARTICLES OF APPAREL AND CLOTHING ACCESSORIES, NOT KNITTED OR CHROCHETED
17.0545	Chapter 63	OTHER MADE-UP TEXTILE ARTICLES; SETS; WORN CLOTHING AND WORN TEXTILE ARTICLES; RAGS
17.0547	Chapter 64	FOOTWEAR, GAITERS AND THE LIKE; PARTS OF SUCH ARTICLES
17.0549	7304	Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel
17.0551	7312	Stranded wire, ropes, cables, plaited bands, slings and the like, of iron or steel, not electrically insulated
17.0553	7601	Unwrought aluminium
17.0555	8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated
17.0557	8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading No 8415
17.0559	8422	Dish washing machines; machinery for cleaning or drying bottles or other containers, machinery for filling, closing, sealing, capsuling or labelling bottles, cans, boxes, bags or other containers; other paking or wrapping machinery; machinery for aerating beverages
17.0561	8427	Fork-lift trucks; other works trucks fitted with lifting or handling equipment
17.0563	8431	Parts suitable for use solely or principally with the machinery of headings Nos 8425 to 8430
17.0565	8450	Household or laundry-type washing machines, including machines which both wash hand dry
17.0567	8469	Typewriters and word-processing machines
17.0569	8470	Calculating machines; accounting machines, postage-franking, machines, ticket-issuing machines and similar machines, incorporation a calculating device; cash registers
17.0571	8471	Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specific or included
17.0573	8472	Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, automatic banknote dispensers, coin-sorting machines, coin-counting or wrapping machines, pencil-sharpening machines, perforating or stapling machines)
17.0575	8473	Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings Nos 8469 to 8472
17.0577	8501	Electric motors and generators (excluding generating sets)

Order No	CN code	Description
17.0579	8517	Electrical apparatus for line telephony or line telegraphy, including such apparatus for carrier-current line system
17.0581	8518	Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; headphones, earphones and combined microphone/speaker sets; audio-frequency electric amplifiers; electric sound amplifier sets
17.0583	8519	Turntables (record-decks), record-players, cassette-players and other sound reproducing apparatus, not incorporating a sound recording device
17.0585	8520	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device
17.0587	8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner
17.0589	8522	Parts and accessories of apparatus of headings Nos 8518 to 8521
17.0591	8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37
17.0593	8524	Records, tapes and other recorded media for sound or other similar recorded phenomena, including matrices and masters for the production of records, but excluding products of Chapter 37
17.0595	8525	Transmission apparatus for radio-telephony, radio-telegraphy, radio broadcasting of television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras
17.0597	8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus
17.0599	8527	Reception apparatus for radio-telephony, radio-telegraphy of radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock
17.0601	8528	Television receivers (including video monitors and video projectors, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus
17.0603	8529	Parts suitable for use solely or principally with the apparatus of headings Nos 8528 to 8528
17.0605	8701	Tractors (other than tractors of heading No 8709)
17.0607	8702	Motor vehicles for the transport of ten or more persons, including the driver
17.0609	8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No 8702), including station wagons and racing cars
17.0611	8704	Motor vehicles for the transport of goods
17.0613	8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries, crane lorries, fire fighting vehicles, concrete mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radiological units)
17.0615	8706	Chassis fitted with engines, for the motor vehicles of headings No 8701 to 8705
17.0617	8707	Bodies (including cabs), for the motor vehicles of headings No 8701 to 8705

Order No	CN code	Description
17.0619	8708	Parts and accessories of the motor vehicles of headings No 8701 to 8705
17.0621	8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars
17.0623	8712 00	Bicycles and other cycles (including delivery tricycles), not motorised
17.0625	8713	Invalid carriages, whether or not motorized or otherwise mechanically propelled
17.0627	8714	Parts and accessories of vehicles of headings No 8711 to 8713
17.0629	9001	Optical fibres and optical fibre bundles; optical fibre cables other than those of heading No 8544; sheets and plates of polarising material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked
17.0631	9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts if or fittings for instruments or apparatus, other than such elements of glass not optically worked
17.0633	9003	Frames and mountings for spectacles, goggles or the like, and parts thereof
17.0635	9004	Spectacles, goggles and the like, corrective, protective or other
17.0637	9005	Binoculars, monoculars, other optical telescopes, and mountings therefor; other astronomical instruments and mountings therefor, but not including instruments for radio-astronomy
17.0639	9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashlamps other than discharge lamps of heading No 8539
17.0641	9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus
17.0643	9008	Image projectors, other than cinematographic; photographic (other than cinematographic) enlargers and reducers
17.0645	9009	Photocopying apparatus incorporating an optical system or of the contact type and thermo-copying apparatus
17.0647	9010	Apparatus and equipment for photographic (including cinematographic) laboratories (including apparatus for the projection of circuit patterns of sensitised semi-conductor materials), not specified for included elsewhere in this Chapter; negatoscopes; projection screens
17.0649	9011	Compound optical microscopes, including those for photomicrography, cinephotomicrography or microprojection
17.0651	9012	Microscopes other than optical microscopes; diffraction apparatus
17.0653	9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading No 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations
17.0655	Chapter 91	CLOCKS AND WATCHES AND PARTS THEREOF
17.0657	9207	Musical instruments, the sound of which is produced, or must be amplified, electrically (for example, organs, guitars, accordions)
17.0659	Chapter 95	TOYS, GAMES AND SPORTS REQUISITES; PARTS AND ACCESSORIES THEREOF

COUNCIL REGULATION (EEC) No 1606/92

of 15 June 1992

temporarily suspending autonomous Common Customs Tariff duties, subject to a specific ceiling, on imports into the Canary Islands of certain tobaccos falling within CN codes 2402 and 2403

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Council Regulation (EEC) No 1911/91 of 26 June 1991 on the application of the provisions of Community law to the Canary Islands ⁽³⁾ provides that from 1 July 1991 the Canary Islands shall form part of the Community's customs territory and that the Common Customs Tariff (CCT) shall be progressively introduced in the Canary Islands; whereas, however, the Common Customs Tariff and other import duties under the common agricultural policy shall not be applied to agricultural products until the specific supply arrangements provided for in Article 2 and 10 of the said Regulation enter into force; whereas these arrangements are scheduled to come into force on 1 July 1992;

Whereas Council Decision 91/314/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Canary Islands (Poseican) ⁽⁴⁾ provides that, in certain circumstances, imports of certain types of tobacco into the Canary Islands for use by its industry may be exempted from Common Customs Tariff duties;

Whereas, by letters dated 14 October and 15 November 1991, the relevant Spanish authorities provided details of the quantities and types of tobacco considered necessary each year for the abovementioned industry which should be imported into the Canary Islands duty-free from 1 July 1991;

Whereas products falling within CN code 2401 are covered by the common agricultural policy and, consequently, their conditions of access to the Canary

Islands' market must be dealt with under the specific supply arrangements referred to above; whereas, however, measures must be taken for products falling within the other CN codes referred to above;

Whereas, in the case of tobacco imports, point 6.6 of Decision 91/314/EEC states that such imports shall be exempt from customs duty up to the amount required by the tobacco industry on the Canary Islands to cater for local consumption and existing trade flows in manufactured tobacco and with due account for supply possibilities offered by Community producers and the ACP States;

Whereas the Spanish authorities' request for the products in question to be exempted from customs duties from 1 July 1991 is intended to maintain supply to the industries in question and is hence considered justified; whereas, however, this Regulation should apply only up to 30 June 1992 so as not to prejudice any overall solutions which might be adopted for all types of tobacco under the specific supply arrangements referred to above;

Whereas provisions should be adopted to ensure that the products for which suspension is requested are used solely by the Canary Islands' industry within the ceiling laid down;

Whereas it would be advisable to make the relevant Spanish authorities responsible for undertaking the monitoring referred to above and that they should, however, be requested to keep the Commission regularly informed,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1991 to 30 June 1992 the Common Customs Tariff duties applying to the import of the following products into the Canary Islands shall be fully suspended, subject to the ceiling laid down:

⁽¹⁾ OJ No C 100, 22. 4. 1992, p. 19.

⁽²⁾ Opinion delivered on 9 June 1992 (not yet published in the Official Journal).

⁽³⁾ OJ No L 171, 29. 6. 1991, p. 1. Regulation as amended by Regulation (EEC) No 284/92 (OJ No L 31, 7. 2. 1992, p. 6).

⁽⁴⁾ OJ No L 171, 29. 6. 1991, p. 5.

Order No	CN code	Description of goods	Ceiling (tonnes)
09.0441	ex 2402 10 00	Cigars (wrapped or not)	13 500
	ex 2403 10 00	Cigarette rag (finished mixture of tobacco for the manufacture of cigarettes cheroots, cigarillos and cigars)	
	ex 2403 91 00	'Homogenized' or 'reconstituted' tobacco, whether or not put up in sheets or strip	
	ex 2403 99 90	Expanded tobacco	
	ex 2403 99 90	Outer coverings for cigars presented on supports, in reels for the manufacture of tobacco ⁽¹⁾	

⁽¹⁾ Monitoring arrangements for this en-use are laid down in the relevant Community provisions.

2. The relevant Spanish authorities shall take the measures necessary to ensure the administration of the ceiling referred to in paragraph 1. They shall inform the Commission of these measures at the earliest opportunity.

Article 2

In the case of the products referred to in Article 1, the relevant Spanish authorities shall inform the Commission, no later than 31 July 1992, of the volume of imports exempted from duty.

Article 3

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

It shall apply from 1 July 1991.

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

Done at Luxembourg, 15 June 1992.

For the Council

The President

João PINHEIRO

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES, MEETING WITHIN THE COUNCIL
of 15 June 1992
temporarily suspending the customs duty applying to the import into the Canary Islands of a
product covered by the ECSC Treaty
(92/319/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COAL AND
STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission ⁽¹⁾,

Having regard to the opinion of the European
Parliament ⁽²⁾,

HAVE DECIDED AS FOLLOWS:

Article 1

1. From 1 July 1992 to 31 December 1995 the ECSC unified tariff duties applying to the following product shall be fully suspended in respect of imports into the Canary Islands:

Order No	CN code	Description
17 0501	7213	Bars and rods, hot-rolled, in irregularly wound coils, of iron and non-alloy steel (ECSC)

2. The suspension referred to in paragraph 1 shall apply solely to products intended for the Canary Islands' domestic market.

3. The relevant Spanish authorities shall adopt the provisions necessary to ensure compliance with the measures provided for in paragraph 2 pursuant to the relevant Community provision on end-use and in particular the levying of Common Customs Tariff duties where the products concerned are dispatched to the other parts of the customs territory of the Community.

They shall inform the Commission of these measures at the earliest opportunity.

Article 2

1. In the case of the product referred to in Article 1, the relevant Spanish authorities shall inform the Commission, no later than the fifteenth of each month, beginning on 15 September 1992, of the volume of imports exempted from duty during the preceding month.
2. The information sent on 15 September 1992 must cover all imports since 1 July 1992.

Article 3

In the framework of the interim period provided for in Article 6 of Regulation (EEC) No 1911/91, the Commission, after consulting the Spanish authorities, shall in 1995 examine the effect of all the measures adopted in favour of the economy of the Canary Islands. On the basis of the outcome of this examination, it shall submit to the Council the requisite proposals for the period extending beyond 31 December 1995.

⁽¹⁾ OJ No C 100, 22. 4. 1992, p. 21.
⁽²⁾ Opinion delivered on 9 June 1992 (not yet published in the Official Journal).

Article 4

The Member States shall, in close cooperation with the Commission, take all necessary measures to ensure that this Decision is applied.

Article 5

The Member States shall take the measures necessary for the implementation of this Decision.

Article 6

This Decision shall enter into force on 1 July 1992.

Done at Luxembourg, 15 June 1992.

The President
João PINHEIRO
