

Official Journal

of the European Communities

ISSN 0378-6978

L 208

Volume 35

24 July 1992

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2081/92

of 14 July 1992

**on the protection of geographical indications and designations of origin for
agricultural products and foodstuffs**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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 the production, manufacture and distribution of agricultural products and foodstuffs play an important role in the Community economy;

Whereas, as part of the adjustment of the common agricultural policy the diversification of agricultural production should be encouraged so as to achieve a better balance between supply and demand on the markets; whereas the promotion of products having certain characteristics could be of considerable benefit to the rural economy, in particular to less-favoured or remote areas, by improving the incomes of farmers and by retaining the rural population in these areas;

Whereas, moreover, it has been observed in recent years that consumers are tending to attach greater importance to the quality of foodstuffs rather than to quantity; whereas this quest for specific products generates a growing demand for agricultural products or foodstuffs with an identifiable geographical origin;

Whereas in view of the wide variety of products marketed and of the abundance of information concerning them

provided, consumers must, in order to be able to make the best choice, be given clear and succinct information regarding the origin of the product;

Whereas the labelling of agricultural products and foodstuffs is subject to the general rules laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁴⁾; whereas, in view of their specific nature, additional special provisions should be adopted for agricultural products and foodstuffs from a specified geographical area;

Whereas the desire to protect agricultural products or foodstuffs which have an identifiable geographical origin has led certain Member States to introduce 'registered designations of origin'; whereas these have proved successful with producers, who have secured higher incomes in return for a genuine effort to improve quality, and with consumers, who can purchase high quality products with guarantees as to the method of production and origin;

Whereas, however, there is diversity in the national practices for implementing registered designations or origin and geographical indications; whereas a Community approach should be envisaged; whereas a framework of Community rules on protection will permit the development of geographical indications and designations of origin since, by providing a more uniform approach, such a framework will ensure fair competition between the producers of products bearing such indications and enhance the credibility of the products in the consumers' eyes;

Whereas the planned rules should take account of existing Community legislation on wines and spirit drinks, which provide for a higher level of protection;

⁽¹⁾ OJ No C 30, 6. 2. 1991, p. 9 and OJ No C 69, 18. 3. 1992, p. 15.

⁽²⁾ OJ No C 326, 16. 12. 1991, p. 35.

⁽³⁾ OJ No C 269, 14. 10. 1991, p. 62.

⁽⁴⁾ OJ No L 33, 8. 2. 1979, p. 1. Last amended by Directive 91/72/EEC (OJ No L 42, 15. 2. 1991, p. 27).

Whereas the scope of this Regulation is limited to certain agricultural products and foodstuffs for which a link between product or foodstuff characteristics and geographical origin exists; whereas, however, this scope could be enlarged to encompass other products or foodstuffs;

Whereas existing practices make it appropriate to define two different types of geographical description, namely protected geographical indications and protected designations of origin;

Whereas an agricultural product or foodstuff bearing such an indication must meet certain conditions set out in a specification;

Whereas to enjoy protection in every Member State geographical indications and designations of origin must be registered at Community level; whereas entry in a register should also provide information to those involved in trade and to consumers;

Whereas the registration procedure should enable any person individually and directly concerned in a Member State to exercise his rights by notifying the Commission of his opposition;

Whereas there should be procedures to permit amendment of the specification, after registration, in the light of technological progress or withdrawal from the register of the geographical indication or designation of origin of an agricultural product or foodstuff if that product or foodstuff ceases to conform to the specification on the basis of which the geographical indication or designation of origin was granted;

Whereas provision should be made for trade with third countries offering equivalent guarantees for the issue and inspection of geographical indications or designations of origin granted on their territory;

Whereas provision should be made for a procedure establishing close cooperation between the Member States and the Commission through a Regulatory Committee set up for that purpose,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down rules on the protection of designations of origin and geographical indications of agricultural products intended for human consumption referred to in Annex II to the Treaty and of the foodstuffs referred to in Annex I to this Regulation and agricultural products listed in Annex II to this Regulation.

However, this Regulation shall not apply to wine products or to spirit drinks.

Annex I may be amended in accordance with the procedure set out in Article 15.

2. This Regulation shall apply without prejudice to other specific Community provisions.

3. Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽¹⁾ shall not apply to the designations of origin and geographical indications covered by this Regulation.

Article 2

1. Community protection of designations of origin and of geographical indications of agricultural products and foodstuffs shall be obtained in accordance with this Regulation.

2. For the purposes of this Regulation:

(a) *designation of origin*: means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:

- originating in that region, specific place or country, and
- the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which take place in the defined geographical area;

(b) *geographical indication*: means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:

- originating in that region, specific place or country, and
- which possesses a specific quality, reputation or other characteristics attributable to that geographical origin and the production and/or processing and/or preparation of which take place in the defined geographical area.

3. Certain traditional geographical or non-geographical names designating an agricultural product or a foodstuff originating in a region or a specific place, which fulfil the conditions referred to in the second indent of paragraph 2 (a) shall also be considered as designations of origin.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8. Last amended by Decision 90/230/EEC (OJ No L 128, 18. 5. 1990, p. 15).

4. By way of derogation from Article 2 (a), certain geographical designations shall be treated as designations of origin where the raw materials of the products concerned come from a geographical area larger than or different from the processing area, provided that :

- the production area of the raw materials is limited,
- special conditions for the production of the raw materials exist, and
- there are inspection arrangements to ensure that those conditions are adhered to.

5. For the purposes of paragraph 4, only live animals, meat and milk may be considered as raw materials. Use of other raw materials may be authorized in accordance with the procedure laid down in Article 15.

6. In order to be eligible for the derogation provided for in paragraph 4, the designations in question may be or have already been recognized as designations of origin with national protection by the Member State concerned, or, if no such scheme exists, have a proven, traditional character and an exceptional reputation and renown.

7. In order to be eligible for the derogation provided for in paragraph 4, applications for registration must be lodged within two years of the entry into force of this Regulation.

Article 3

1. Names that have become generic may not be registered.

For the purposes of this Regulation, a 'name that has become generic' means the name of an agricultural product or a foodstuff which, although it relates to the place or the region where this product or foodstuff was originally produced or marketed, has become the common name of an agricultural product or a foodstuff.

To establish whether or not a name has become generic, account shall be taken of all factors, in particular :

- the existing situation in the Member State in which the name originates and in areas of consumption,
- the existing situation in other Member States,
- the relevant national or Community laws.

Where, following the procedure laid down in Articles 6 and 7, an application of registration is rejected because a name has become generic, the Commission shall publish that decision in the *Official Journal of the European Communities*.

2. A name may not be registered as a designation of origin or a geographical indication where it conflicts with the name of a plant variety or an animal breed and as a

result is likely to mislead the public as to the true origin of the product.

3. Before the entry into force of this Regulation, the Council, acting by a qualified majority on a proposal from the Commission, shall draw up and publish in the *Official Journal of the European Communities* a non-exhaustive, indicative list of the names of agricultural products or foodstuffs which are within the scope of this Regulation and are regarded under the terms of paragraph 1 as being generic and thus not able to be registered under this Regulation.

Article 4

1. To be eligible to use a protected designation of origin (PDO) or a protected geographical indication (PGI) an agricultural product or foodstuff must comply with a specification.

2. The product specification shall include at least :

- (a) the name of the agricultural product or foodstuffs, including the designation of origin or the geographical indication ;
- (b) a description of the agricultural product or foodstuff including the raw materials, if appropriate, and principal physical, chemical, microbiological and/or organoleptic characteristics of the product or the foodstuff ;
- (c) the definition of the geographical area and, if appropriate, details indicating compliance with the requirements in Article 2 (4) ;
- (d) evidence that the agricultural product or the foodstuff originates in the geographical area, within the meaning of Article 2 (2) (a) or (b), whichever is applicable ;
- (e) a description of the method of obtaining the agricultural product or foodstuff and, if appropriate, the authentic and unvarying local methods ;
- (f) the details bearing out the link with the geographical environment or the geographical origin within the meaning of Article 2 (2) (a) or (b), whichever is applicable ;
- (g) details of the inspection structures provided for in Article 10 ;
- (h) the specific labelling details relating to the indication PDO or PGI, whichever is applicable, or the equivalent traditional national indications ;
- (i) any requirements laid down by Community and/or national provisions.

Article 5

1. Only a group or, subject to certain conditions to be laid down in accordance with the procedure provided for in Article 15, a natural or legal person, shall be entitled to apply for registration.

For the purposes of this Article, 'Group' means any association, irrespective of its legal form or composition, of producers and/or processors working with the same agricultural product or foodstuff. Other interested parties may participate in the group.

2. A group or a natural or legal person may apply for registration only in respect of agricultural products or foodstuffs which it produces or obtains within the meaning of Article 2 (2) (a) or (b).

3. The application for registration shall include the product specification referred to in Article 4.

4. The application shall be sent to the Member State in which the geographical area is located.

5. The Member State shall check that the application is justified and shall forward the application, including the product specification referred to in Article 4 and other documents on which it has based its decision, to the Commission, if it considers that it satisfies the requirements of this Regulation.

If the application concerns a name indicating a geographical area situated in another Member State also, that Member State shall be consulted before any decision is taken.

6. Member States shall introduce the laws, regulations and administrative provisions necessary to comply with this Article.

Article 6

1. Within a period of six months the Commission shall verify, by means of a formal investigation, whether the registration application includes all the particulars provided for in Article 4.

The Commission shall inform the Member State concerned of its findings.

2. If, after taking account of paragraph 1, the Commission concludes that the name qualifies for protection, it shall publish in the *Official Journal of the European Communities* the name and address of the applicant, the name of the product, the main points of the application, the references to national provisions governing the preparation, production or manufacture of the product and, if necessary, the grounds for its conclusions.

3. If no statement of objections is notified to the Commission in accordance with Article 7, the name shall be entered in a register kept by the Commission entitled 'Register of protected designations of origin and protected geographical indications', which shall contain the names of the groups and the inspection bodies concerned.

4. The Commission shall publish in the *Official Journal of the European Communities*:

- the names entered in the Register,
- amendments to the Register made in accordance with Article 9 and 11.

5. If, in the light of the investigation provided for in paragraph 1, the Commission concludes that the name does not qualify for protection, it shall decide, in accordance with the procedure provided for in Article 15, not to proceed with the publication provided for in paragraph 2 of this Article.

Before publication as provided for in paragraphs 2 and 4 and registration as provided for in paragraph 3, the Commission may request the opinion of the Committee provided for in Article 15.

Article 7

1. Within six months of the date of publication in the *Official Journal of the European Communities* referred to in Article 6 (2), any Member State may object to the registration.

2. The competent authorities of the Member States shall ensure that all persons who can demonstrate a legitimate economic interest are authorized to consult the application. In addition and in accordance with the existing situation in the Member States, the Member States may provide access to other parties with a legitimate interest.

3. Any legitimately concerned natural or legal person may object to the proposed registration by sending a duly substantiated statement to the competent authority of the Member State in which he resides or is established. The competent authority shall take the necessary measures to consider these comments or objection within the deadlines laid down.

4. A statement of objection shall be admissible only if it:

- either shows non-compliance with the conditions referred to in Article 2,
- or shows that the proposed registration of a name would jeopardize the existence of an entirely or partly identical name or trade mark or the existence of products which are legally on the market at the time of publication of this regulation in the *Official Journal of the European Communities*,
- or indicates the features which demonstrate that the name whose registration is applied for is generic in nature.

5. Where an objection is admissible within the meaning of paragraph 4, the Commission shall ask the Member States concerned to seek agreement among themselves in accordance with their internal procedures within three months. If:

- (a) agreement is reached, the Member States in question shall communicate to the Commission all the factors which made agreement possible together with the applicant's opinion and that of the objector. Where there has been no change to the information received under Article 5, the Commission shall proceed in accordance with Article 6 (4). If there has been a change, it shall again initiate the procedure laid down in Article 7;

- (b) no agreement is reached, the Commission shall take a decision in accordance with the procedure laid down in Article 15, having regard to traditional fair practice and of the actual likelihood of confusion. Should it decide to proceed with registration, the Commission shall carry out publication in accordance with Article 6 (4).

Article 8

The indications PDO, PGI or equivalent traditional national indications may appear only on agricultural products and foodstuffs that comply with this Regulation.

Article 9

The Member State concerned may request the amendment of a specification, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area.

The Article 6 procedure shall apply *mutatis mutandis*.

The Commission may, however, decide, under the procedure laid down in Article 15, not to apply the Article 6 procedure in the case of a minor amendment.

Article 10

1. Member States shall ensure that not later than six months after the entry into force of this Regulation inspection structures are in place, the function of which shall be to ensure that agricultural products and foodstuffs bearing a protected name meet the requirements laid down in the specifications.

2. An inspection structure may comprise one or more designated inspection authorities and/or private bodies approved for that purpose by the Member State. Member States shall send the Commission lists of the authorities and/or bodies approved and their respective powers. The Commission shall publish those particulars in the *Official Journal of the European Communities*.

3. Designated inspection authorities and/or approved private bodies must offer adequate guarantees of objectivity and impartiality with regard to all producers or processors subject to their control and have permanently at their disposal the qualified staff and resources necessary to carry out inspection of agricultural products and foodstuffs bearing a protected name.

If an inspection structure uses the services of another body for some inspections, that body must offer the same guarantees. In that event the designated inspection authorities and/or approved private bodies shall, however, continue to be responsible *vis-à-vis* the Member State for all inspections.

As from 1 January 1998, in order to be approved by the Member States for the purpose of this Regulation, private bodies must fulfil the requirements laid down in standard EN 45011 of 26 June 1989.

4. If a designated inspection authority and/or private body in a Member State establishes that an agricultural product or a foodstuff bearing a protected name of origin in that Member State does not meet the criteria of the specification, they shall take the steps necessary to ensure that this Regulation is complied with. They shall inform the Member State of the measures taken in carrying out their inspections. The parties concerned must be notified of all decisions taken.

5. A Member State must withdraw approval from an inspection body where the criteria referred to in paragraphs 2 and 3 are no longer fulfilled. It shall inform the Commission, which shall publish in the *Official Journal of the European Communities* a revised list of approved bodies.

6. The Member States shall adopt the measures necessary to ensure that a producer who complies with this Regulation has access to the inspection system.

7. The costs of inspections provided for under this Regulation shall be borne by the producers using the protected name.

Article 11

1. Any Member State may submit that a condition laid down in the product specification of an agricultural product or foodstuff covered by a protected name has not been met.

2. The Member State referred to in paragraph 1 shall make its submission to the Member State concerned. The Member State concerned shall examine the complaint and inform the other Member State of its findings and of any measures taken.

3. In the event of repeated irregularities and the failure of the Member States concerned to come to an agreement, a duly substantiated application must be sent to the Commission.

4. The Commission shall examine the application by consulting the Member States concerned. Where appropriate, having consulted the committee referred to in Article 15, the Commission shall take the necessary steps. These may include cancellation of the registration.

Article 12

1. Without prejudice to international agreements, this Regulation may apply to an agricultural product or foodstuff from a third country provided that:

- the third country is able to give guarantees identical or equivalent to those referred to in Article 4,

- the third country concerned has inspection arrangements equivalent to those laid down in Article 10,
- the third country concerned is prepared to provide protection equivalent to that available in the Community to corresponding agricultural products for foodstuffs coming from the Community.

2. If a protected name of a third country is identical to a Community protected name, registration shall be granted with due regard for local and traditional usage and the practical risks of confusion.

Use of such names shall be authorized only if the country of origin of the product is clearly and visibly indicated on the label.

Article 13

1. Registered names shall be protected against:

- (a) any direct or indirect commercial use of a name registered in respect of products not covered by the registration in so far as those products are comparable to the products registered under that name or insofar as using the name exploits the reputation of the protected name;
- (b) any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the public as to the true origin of the product.

Where a registered name contains within it the name of an agricultural product or foodstuff which is considered generic, the use of that generic name on the appropriate agricultural product or foodstuff shall not be considered to be contrary to (a) or (b) in the first subparagraph.

2. However, Member States may maintain national measures authorizing the use of the expressions referred to in paragraph 1 (b) for a period of not more than five years after the date of publication of this Regulation, provided that:

- the products have been marketed legally using such expressions for at least five years before the date of publication of this Regulation,

- the labelling clearly indicates the true origin of the product.

However, this exception may not lead to the marketing of products freely on the territory of a Member State where such expressions are prohibited.

3. Protected names may not become generic.

Article 14

1. Where a designation of origin or geographical indication is registered in accordance with this Regulation, the application for registration of a trade mark corresponding to one of the situations referred to in Article 13 and relating to the same type of product shall be refused, provided that the application for registration of the trade mark was submitted after the date of the publication provided for in Article 6 (2).

Trade marks registered in breach of the first subparagraph shall be declared invalid.

This paragraph shall also apply where the application for registration of a trade mark was lodged before the date of publication of the application for registration provided for in Article 6 (2), provided that that publication occurred before the trade mark was registered.

2. With due regard for Community law, use of a trade mark corresponding to one of the situations referred to in Article 13 which was registered in good faith before the date on which application for registration of a designation of origin or geographical indication was lodged may continue notwithstanding the registration of a designation of origin or geographical indication, where there are no grounds for invalidity or revocation of the trade mark as provided respectively by Article 3 (1) (c) and (g) and Article 12 (2) (b) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks⁽¹⁾.

3. A designation of origin or geographical indication shall not be registered where, in the light of a trade mark's reputation and renown and the length of time it has been used, registration is liable to mislead the consumer as to the true identity of the product.

Article 15

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 1. Amended by Decision 92/10/EEC (OJ No L 6, 11. 1. 1992, p. 35).

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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 16

Detailed rules for applying this Regulation shall be adopted in accordance with the procedure laid down in Article 15.

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

Done at Brussels, 14 July 1992.

Article 17

1. Within six months of the entry into force of the Regulation, Member States shall inform the Commission which of their legally protected names or, in those Member States where there is no protection system, which of their names established by usage they wish to register pursuant to this Regulation.

2. In accordance with the procedure laid down in Article 15, the Commission shall register the names referred to in paragraph 1 which comply with Articles 2 and 4. Article 7 shall not apply. However, generic names shall not be added.

3. Member States may maintain national protection of the names communicated in accordance with paragraph 1 until such time as a decision on registration has been taken.

Article 18

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

For the Council

The President

J. GUMMER

ANNEX I

Foodstuffs referred to in Article 1 (1)

- Beer,
- Natural mineral waters and spring waters,
- Beverages made from plant extracts,
- Bread, pastry, cakes, confectionery, biscuits and other baker's wares,
- Natural gums and resins.

ANNEX II

Agricultural products referred to in Article 1 (1)

- Hay
 - Essential oils.
-

COUNCIL REGULATION (EEC) No 2082/92

of 14 July 1992

on certificates of specific character for agricultural products and foodstuffs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas the production, manufacture and distribution of agricultural products and foodstuffs play an important role in the Community economy;

Whereas, in the context of the reorientation of the common agricultural policy, the diversification of agricultural production should be encouraged; whereas the promotion of specific products could be of considerable benefit to the rural economy, particularly in less-favoured or remote areas, both by improving the income of farmers and by retaining the rural population in these areas;

Whereas, in the context of the completion of the internal market in foodstuffs, economic operators should be provided with instruments which enable them to enhance the market value of their products while protecting consumers against improper practices and guaranteeing at the same time fair trade;

Whereas, in accordance with the Council resolution of 9 November 1989 on future priorities for relaunching consumer protection policy ⁽⁴⁾, account should be taken of increasing consumer demand for greater emphasis on quality and information as regards the nature, method of production and processing of foodstuffs and their special characteristics; whereas, given the diversity of products on the market and the abundance of information concerning them, consumers must, in order to be able to make a better choice, be provided with clear and succinct information regarding the specific characteristics of foodstuffs;

Whereas a voluntary system based on regulatory criteria will help attain these aims; whereas such a system enabling producers to make known the quality of a food-

stuff throughout the Community must offer every guarantee so that any references which may be made to it in the trade are substantiated;

Whereas certain producers would like to derive market value from the specific character of agricultural products or foodstuffs because their inherent characteristics distinguish them clearly from similar products or foodstuffs; whereas, in order to protect the consumer, the certified specific character should be subject to inspection;

Whereas, given the specific character of such products or foodstuffs, special provisions should be adopted to supplement the labelling rules laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁵⁾ and whereas, in particular, an expression and, as appropriate, a Community symbol should be devised to accompany the trade description of such products or foodstuffs informing the consumer that it is a product or foodstuff presenting inspected specific characteristics;

Whereas, to guarantee that agricultural products and foodstuffs consistently possess the certified specific characteristics, groups of producers must themselves define the said characteristics in a product specification but whereas the rules for approving inspection bodies responsible for checking that the product specification is complied with must be uniform throughout the Community;

Whereas, in order not to create unfair conditions of competition, any producer must be able to use either a registered trade description together with details and, where appropriate, a Community symbol or a trade description registered as such, as long as the agricultural product or foodstuff he produces or processes complies with the requirements of the relevant specification and the inspection body he has selected is approved;

Whereas provision should be made for allowing trade with third countries offering equivalent guarantees for the issue and inspection of certificates of specific character in their territory;

Whereas, if they are to be attractive to producers and reliable for consumers, expressions relating to the specific character of an agricultural product or a foodstuff must be granted legal protection and be subject to official inspection;

⁽¹⁾ OJ No C 30, 6. 2. 1991, p. 4 and

OJ No C 71, 20. 3. 1992, p. 14.

⁽²⁾ OJ No C 326, 16. 12. 1991, p. 40.

⁽³⁾ OJ No C 40, 17. 2. 1992, p. 3.

⁽⁴⁾ OJ No C 294, 22. 11. 1989, p. 1.

⁽⁵⁾ OJ No L 33, 8. 2. 1979, p. 1. Last amended by Directive 91/72/EEC (OJ N L 42, 15. 2. 1991, p. 27).

Whereas a procedure should be provided for to establish close cooperation between the Member States and the Commission in a regulatory committee set up for the purpose,

HAS ADOPTED THIS REGULATION :

Article 1

1. This Regulation lays down rules under which a Community certificate of specific character may be obtained for :

- agricultural products listed in Annex II to the Treaty and intended for human consumption,
- foodstuffs listed in the Annex to this Regulation.

The Annex may be amended in accordance with the procedure set out in Article 19.

2. This Regulation shall apply without prejudice to other specific Community provisions.

3. Council Directive 83/189/EEC of 28 March 1989 laying down a procedure for the provision of information in the field of technical standards and regulations⁽¹⁾ shall not apply to certificates of specific character which are the subject of this Regulation.

Article 2

For the purposes of this Regulation :

1. 'specific character' shall mean the feature or set of features which distinguishes an agricultural product or a foodstuff clearly from other similar products or foodstuffs belonging to the same category.

The presentation of an agricultural product or a foodstuff is not regarded as a feature within the meaning of the first subparagraph.

Specific character may not be restricted to qualitative or quantitative composition or to a mode of production laid down in Community or national legislation, in standards set by standardization bodies or in voluntary standards ; however, this rule shall not apply where the said legislation or standard has been established in order to define the specific character of a product ;

2. 'group' shall mean any association, irrespective of its legal form or composition, of producers and/or processors working with the same agricultural product or foodstuff. Other interested parties may participate in the group ;

3. 'certificate of specific character' shall mean recognition by the Community of the specific character of a product by means of its registration in accordance with this Regulation.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8. Last amended by Decision 90/230/EEC (OJ No L 128, 18. 5. 1990, p. 15).

Article 3

The Commission shall set up and administer a register of certificates of specific character which will list the names of agricultural products and foodstuffs of which the specific character has been recognized at Community level in accordance with this Regulation.

The register shall distinguish between the names referred to in Article 13 (1) and those referred to in Article 13 (2).

Article 4

1. In order to appear in the register referred to in Article 3, an agricultural product or foodstuff must either be produced using traditional raw materials or be characterized by a traditional composition or a mode of production and/or processing reflecting a traditional type of production and/or processing.

2. Registration shall not be permitted in the case of an agricultural product or foodstuff the specific character of which is due :

- (a) to its provenance or geographical origin ;
- (b) solely to application of a technological innovation.

Article 5

1. To be registered, the name must :

- be specific in itself, or
- express the specific character of the agricultural product or the foodstuff.

2. A name expressing specific character, as referred to in the second indent of paragraph 1, may not be registered if :

- it refers only to claims of a general nature used for a set of agricultural products or foodstuffs, or to those provided for by specific Community legislation,
- it is misleading, such as that, in particular, which refers to an obvious characteristic of the product or does not correspond to the specification or to the consumer's expectations in view of the characteristics of the product.

3. In order to be registered, a specific name as referred to in the first indent of paragraph 1 must be traditional and comply with national provisions or be established by custom.

4. The use of geographical terms shall be authorized in a name not covered by Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽²⁾.

⁽²⁾ See p. 1 of this Official Journal.

Article 6

1. In order to qualify for a certificate of specific character, an agricultural product or foodstuff must comply with a product specification.
2. The product specification shall include at least :
 - the name within the meaning of Article 5, in one or more languages,
 - a description of the method of production, including the nature and characteristics of the raw material and/or ingredients used and/or the method of preparation of the agricultural product or the foodstuff, referring to its specific character,
 - aspects allowing appraisal of traditional character, within the meaning of Article 4 (1),
 - a description of the characteristics of the agricultural product or the foodstuff giving its main physical, chemical, microbiological and/or organoleptic characteristics which relate to the specific character,
 - the minimum requirements and inspection procedures to which specific character is subject.

Article 7

1. Only a group shall be entitled to apply for registration of the specific character of an agricultural product or a foodstuff.
2. The application for registration comprising the product specification shall be submitted to the competent authority of the Member State in which the group is established.
3. The competent authority shall forward the application to the Commission if it considers that the requirements of Articles 4, 5 and 6 are fulfilled.
4. No later than the date of entry into force of this Regulation, Member States shall publish the particulars of the competent authorities which they have designated and shall inform the Commission accordingly.

Article 8

1. The Commission shall forward the translated application for registration to the other Member States within a period of six months from the date of receipt of the application referred to in Article 7 (3).

As soon as the forwarding referred to in the first subparagraph has been carried out, the Commission shall publish in the *Official Journal of the European Communities* the main points of the application forwarded by the competent authority referred to in Article 7 and, in particular, the name of the agricultural product or the foodstuff, as

prescribed by the first indent of Article 6 (2), and the applicant's references.

2. The competent authorities of the Member States shall ensure that all persons who can demonstrate a legitimate economic interest are authorized to consult the application referred to in paragraph 1. In addition, and in accordance with the rules in force in the Member States, the said competent authorities may provide access to other parties with a legitimate interest.
3. Within five months of the date of publication referred to in paragraph 1, any natural or legal person legitimately concerned by the registration may object to the intended registration by sending a duly substantiated statement to the competent authorities of the Member State in which that person resides or is established.
4. The competent authorities of the Member States shall adopt the necessary measures to take account of the statement referred to in paragraph 3 within the period laid down. Member States may also submit objections on their own initiative.

Article 9

1. If no objections are notified to the Commission within six months, the Commission shall enter in the register provided for in Article 3 the main points referred to in Article 8 (1) and publish them in the *Official Journal of the European Communities*.
2. If objections are notified, the Commission shall, within three months, ask the Member States concerned to seek agreement between themselves in accordance with their internal procedures within a further period of three months. If :
 - (a) such agreement is reached, the Member States in question shall notify the Commission of all the factors which enabled that agreement to be reached and the opinions of the applicant and the objector. If the information received pursuant to Article 6 (2) is unchanged, the Commission shall proceed in accordance with paragraph 1 above. Otherwise, it shall again initiate the procedure laid down in Article 8 ;
 - (b) no agreement is reached, the Commission shall decide on the registration in accordance with the procedure laid down in Article 19. If a decision is taken to register the specific character, the Commission shall proceed in accordance with paragraph 1 above.

Article 10

1. Any Member State may submit that a criterion laid down in the product specification of an agricultural product or a foodstuff covered by a Community certificate of specific character has ceased to be met.

2. The Member State referred to in paragraph 1 shall make its submission to the Member State concerned. The Member State concerned shall examine the complaint and inform the other Member State of its findings and of any measures taken.

3. In the event of repeated irregularities and the failure of the Member States to come to an agreement, a duly substantiated application must be sent to the Commission.

4. The Commission shall examine the application by consulting the Member States concerned. Where appropriate, the Commission shall take the necessary steps in accordance with the procedure laid down in Article 19. These may include cancellation of the registration.

Article 11

1. A Member State may, at the request of a group established in its territory, apply for an amendment to the product specification.

2. The Commission shall ensure that the request for amendment and the applicant's references are published in the *Official Journal of the European Communities*. Article 8 (2), (3) and (4) shall apply.

The competent authorities of the Member State shall ensure that any producer and/or processor applying the product specification for which an amendment has been requested is informed of the publication.

3. Within three months of the date of the publication provided for in paragraph 2, any producer and/or processor applying the product specification for which an amendment has been requested may exercise his right to preserve the initial product specification by forwarding a statement to the competent authority of the Member State in which he is established, which must forward it to the Commission together with its comments, if appropriate.

4. If no objection or statement as referred to in paragraph 3 is notified to the Commission within four months of the date of publication laid down in paragraph 2, the Commission shall enter the requested amendment in the register provided for in Article 3 and publish it in the *Official Journal of the European Communities*.

5. If an objection or a statement as referred to in paragraph 3 is notified to the Commission, the amendment shall not be registered. In such case the requesting group, referred to in paragraph 1, may apply for a new certificate of specific character in accordance with the procedure laid down in Articles 7 to 9.

Article 12

In accordance with the procedure laid down in Article 19, the Commission may define a Community symbol which may be used in the labelling, presentation and advertising

of agricultural products or foodstuffs carrying a Community certificate of specific character in accordance with this Regulation.

Article 13

1. From the date of publication provided for in Article 9 (1), the name referred to in Article 5, together with the indication referred to in Article 15 (1), and, where appropriate, the Community symbol referred to in Article 12, shall be reserved for the agricultural product or the foodstuff corresponding to the published product specification.

2. By way of derogation from paragraph 1, the name alone shall be reserved for the agricultural product or the foodstuff corresponding to the published product specification where :

- (a) the group so requested in its application for registration ;
- (b) the procedure referred to in Article 9 (2) (b) does not show that use of the name is lawful, recognized and economically significant for similar agricultural products or foodstuffs.

Article 14

1. Member States shall ensure that at the latest six months following the date of entry into force of this Regulation inspection structures are in place, the function of which shall be to ensure that agricultural products and foodstuffs carrying a certificate of specific character meet the criteria laid down in the specifications.

2. An inspection structure may comprise one or more designated inspection authorities and/or private bodies approved for that purpose by the Member State. Member States shall forward to the Commission lists of the authorities and/or bodies approved and their respective powers. The Commission shall publish these particulars in the *Official Journal of the European Communities*.

3. Designated inspection authorities and/or private bodies must offer adequate guarantees of objectivity and impartiality with regard to all producers or processors subject to their control and have permanently at their disposal the qualified staff and resources necessary to carry out inspections of agricultural products and foodstuffs covered by a Community certificate of specific character.

If an inspection structure uses the services of another body for some inspections, that body must offer the same guarantees. However, the designated inspection authorities and/or approved private bodies shall continue to be responsible *vis-à-vis* the Member State for all inspections.

As from 1 January 1998, in order to be approved by a Member State for the purpose of this Regulation, bodies must fulfil the requirements laid down in standard EN 45011 of 26 June 1989.

4. If a Member State's designated inspection authority and/or private body establishes that an agricultural product or a foodstuff carrying a certificate of specific character issued by that Member State does not meet the criteria of the specification, it shall take the steps necessary to ensure that this Regulation is complied with. It shall inform the Member State of the measures taken in carrying out its inspections. The parties concerned must be notified of all decisions taken.

5. A Member State must withdraw approval from an inspection body where the criteria referred to in paragraphs 2 and 3 are no longer fulfilled. It shall inform the Commission, which shall publish in the *Official Journal of the European Communities* a revised list of approved bodies.

6. Member States shall adopt the measures necessary to ensure that a producer who complies with this Regulation has access to the inspection system.

7. The costs of the inspections provided for by this Regulation shall be borne by the users of the certificate of specific character.

Article 15

1. The following may be used only by producers complying with the registered product specification:

- an indication to be determined in accordance with the procedure laid down in Article 19,
- where appropriate, the Community symbol, and,
- subject to Article 13 (2), the registered name.

2. A producer using, for the first time after registration, a name reserved pursuant to Article 13 (1) or (2), even if he belongs to the group making the original application, shall in due course notify a designated inspection authority or body of the Member State in which he is established thereof.

3. The designated inspection authority or body shall ensure that the producer complies with the published information before the product is placed on the market.

Article 16

Without prejudice to international agreements, this Regulation shall apply to agricultural products and foodstuffs coming from a third country, on condition that the third country:

- is able to provide guarantees identical or equivalent to those referred to in Articles 4 and 6,
- has inspection arrangements equivalent to those defined in Article 14,

- is prepared to give protection equivalent to that available in the Community to corresponding agricultural products or foodstuffs coming from the Community and covered by a Community certificate of specific character.

Article 17

1. Member States shall take the necessary measures to ensure legal protection against any misuse or misleading use of the term referred to in Article 15 (1) and, where applicable, of the Community symbol referred to in Article 12 and against any imitation of names registered and reserved pursuant to Article 13.

2. Registered names shall be protected against any practice liable to mislead the public including, *inter alia*, practices suggesting that the agricultural product or foodstuff is covered by a certificate of specific character issued by the Community.

3. Member States shall inform the Commission and the other Member States of the measures taken.

Article 18

Member States shall take all appropriate measures to ensure that sales descriptions used at national level do not give rise to confusion with names registered and reserved pursuant to Article 13 (2).

Article 19

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 20

Detailed rules for applying this Regulation shall be adopted in accordance with the procedure laid down in Article 19.

Council a report on the application of the Regulation, together with any appropriate proposals.

The report shall cover, in particular, the consequences of applying Articles 9 and 13.

Article 21

Within five years of the date on which this Regulation enters into force, the Commission shall submit to the

Article 22

This Regulation shall enter into force twelve months after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 14 July 1992.

For the Council

The President

J. GUMMER

*ANNEX***Foodstuffs referred to in Article 1 (1)**

- Beer,
 - Chocolate and other food preparations containing cocoa,
 - Confectionery, bread, pastry, cakes, biscuits and other baker's wares,
 - Pasta, whether or not cooked or stuffed,
 - Pre-cooked meals,
 - Prepared condiment sauces,
 - Soups or broths,
 - Beverages made from plant extracts,
 - Ice-cream and sorbets.
-

COUNCIL REGULATION (EEC) No 2083/92

of 14 July 1992

amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Article 11 (1) of Regulation (EEC) No 2092/91 ⁽⁴⁾ stipulates that, as from 23 July 1992, products which are imported from a third country may be marketed only where they originate in a third country appearing in a list to be drawn up in accordance with the procedure laid down in Article 14 of the said Regulation; whereas Article 11 (2) specifies the conditions which have to be met for a third country to be included in the list;

Whereas it has become apparent that, due to the absence of information submitted to date by third countries, it will not be possible to decide on the entry of those countries in the list within the abovementioned time limit;

Whereas the second subparagraph of Article 16 (3) of the Regulation provides for the possibility to delay the implementation of Article 11 only where a third country has submitted a request for entry in the list in due time before the abovementioned time limit;

Whereas these provisions could lead to interruption of imports of products where a third country has not submitted in due time a request for entry in the list referred to in Article 11 (1) (a);

Whereas interruptions of imports from third countries of products satisfying the conditions specified in Article 11 (2) should be avoided, in particular because these products may be necessary for the proper preparation of composite products;

Whereas, therefore, pending the inclusion of a third country in the list referred to in Article 11 (1) (a), importers should be able to obtain authorization to import from third countries products shown to comply with produc-

tion rules and inspection arrangements equivalent to those provided for in Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2092/91 is hereby amended as follows:

1. the following paragraph shall be added to Article 11:

- '6. (a) By way of derogation from paragraph 1, the importer(s) in a Member State shall be authorized by the competent authority of the Member State to market until 31 July 1995, products imported from a third country not included in the list referred to in paragraph 1 (a) provided the importer(s) furnish(es) the competent authority of the importing Member State with sufficient evidence that the imported products were manufactured according to production rules equivalent to those laid down in Articles 6 and 7 and were subject to inspection measures of equivalent effectiveness to those referred to in Articles 8 and 9, and that such inspection measures will be permanently and effectively applied.

Such authorization shall be valid only as long as the abovementioned conditions are shown to be satisfied. It shall expire from the time of inclusion of a third country in the list referred to in paragraph 1 (a).

- (b) Where a Member State has received sufficient evidence from an importer, it shall forthwith notify to the Commission and the other Member States the third country from which products are imported and supply detailed information on the production and inspection arrangements and the guarantees that they will be permanently and effectively applied.
- (c) At the request of a Member State or at the Commission's initiative, the matter shall be submitted to the Committee referred to in Article 14 for examination. Should it emerge from this examination that the imported products were not manufactured according to equivalent production rules and/or inspection measures of equivalent effectiveness, the Commission shall request the Member State which granted the authorization to withdraw it.

⁽¹⁾ OJ No C 74, 25. 3. 1992, p. 9.

⁽²⁾ Opinion delivered on 10 July 1992 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 26 May 1992 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 198, 22. 7. 1991, p. 1.

It may be decided, in accordance with the procedure laid down in Article 14, that the imports in question shall be prohibited or that their continuation shall be subject to certain of the import conditions being amended within a given period.

- (d) The notification referred to in (b) shall not be required where it concerns production and inspection arrangements already notified by another Member State, pursuant to (b), unless significant new evidence is submitted justifying a review of the examination and decision referred to in (c).

Before 31 July 1994, the Commission shall re-examine the provisions of paragraph 1 and submit any appropriate proposal for its review.';

2. the first subparagraph of Article 16 (3) shall be replaced by the following:

'3. Article 5, Article 8 (1) and Article 11 (1) shall apply from 1 January 1993.';

3. the dates referred to in Article 5 (9) and Article 10 (7) shall be replaced by that of 31 July 1994.

Article 2

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

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

Done at Brussels, 14 July 1992.

For the Council

The President

J. GUMMER

COMMISSION REGULATION (EEC) No 2084/92

of 23 July 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

Whereas these exchange rates being those recorded on 22 July 1992;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 July 1992.

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

Done at Brussels, 23 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 1.

ANNEX

to the Commission Regulation of 23 July 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	149,13 (°) (°)
0712 90 19	149,13 (°) (°)
1001 10 10	158,73 (°) (°) (°)
1001 10 90	158,73 (°) (°) (°)
1001 90 91	137,78
1001 90 99	137,78 (°)
1002 00 00	152,26 (°)
1003 00 10	124,32
1003 00 90	124,32 (°)
1004 00 10	107,99
1004 00 90	107,99
1005 10 90	149,13 (°) (°)
1005 90 00	149,13 (°) (°)
1007 00 90	152,15 (°)
1008 10 00	50,40 (°)
1008 20 00	101,08 (°)
1008 30 00	48,55 (°)
1008 90 10	(°)
1008 90 90	48,55
1101 00 00	205,89 (°) (°)
1102 10 00	225,62 (°)
1103 11 10	259,03 (°) (°)
1103 11 90	222,36 (°)

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 2085/92

of 23 July 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1821/92 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 22 July 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 July 1992.

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

Done at Brussels, 23 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 4.

ANNEX

to the Commission Regulation of 23 July 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2086/92

of 23 July 1992

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commis-

sion decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 20 and 21 July 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 24 July 1992.

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

Done at Brussels, 23 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	76,00 ⁽²⁾
1509 10 90	76,00 ⁽²⁾
1509 90 00	88,00 ⁽³⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Turkey : ECU 11,48 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽³⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,72
0711 20 90	16,72
1522 00 31	38,00
1522 00 39	60,80
2306 90 19	6,16

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 2087/92

of 22 July 1992

concerning the classification of certain goods in the combined nomenclature

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

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

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

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

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on the 21st day after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 22 July 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 110, 28. 4. 1992, p. 42.

ANNEX

Description of goods	Classification CN code	Reasons
(1)	(2)	(3)
1. Articles in the form of animals (horses and deer) made of plastics covered with a layer of flock applied by glueing.	3926 40 00	Classification is determined by general rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 3926 and 3926 40 00.
2. Beams of oak-wood, cracked for the most part, having a length of 255 to 260 cm, a width of 26 to 28 cm and a thickness of 15 to 17 cm, merely sawn on all sides, not impregnated and without holes. The form and dimensions of these beams are covered by notice No 863 of the International Union of Railways (UIC)(^{*)}).	4406 10 00	Classification is determined by general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 4406 and 4406 10 00.
3. Publication containing information about castles in Belgium, Luxembourg and the Netherlands and their suitability for sightseeing, receptions, conferences and the availability of hotels, restaurants, apartments, golf courses and tourist attractions. The publication includes simple maps showing the location of the castles.	4911 10 00	Classification is determined by general rules 1 and 6 for the interpretation of the combined nomenclature, note 5 to chapter 49 and the wording of CN codes 4911 and 4911 10 00.
4. Sets consisting of a toy clock of plastics with removable cardboard dial (which can be used as a writing board after removal of the dial), a toy eraser and a felt-tip pen.	9503 90 31	Classification is determined by general rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature, note 1 (1) to chapter 96 and the wording of CN codes 9503, 9503 90 and 9503 90 31.
5. Plastic 'cookie cutters' primarily intended as children's toys for cutting out plasticine into the shape of Disney characters.	9503 90 31	Classification is determined by general rules 1 and 6 for the interpretation of the combined nomenclature, note 2 (u) to chapter 39 and the wording of CN codes 9503, 9503 90 and 9503 90 31.
6. Inflatable beach balls of welded plastic sheets, with valve.	9503 90 31	Classification is determined by general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 9503, 9503 90 and 9503 90 31. The balls cannot be classified in heading 9506 because of their consistency and limited resistance to impact.
7. Play tent for use by children either indoors or outdoors, consisting of a one-piece cover of woven nylon textile fabric, a tubular plastic frame and small metal pegs for anchorage when used outdoors.	9503 90 37	Classification is determined by general rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature, note 1 (t) to section XI and the wording of CN codes 9503, 9503 90 and 9503 90 37. By reason of its size (approximately 110 cm high and 125 cm long when erected) and construction (in particular the absence of guy ropes), it is not considered to be a tent or camping goods and is therefore not excluded from chapter 95 by virtue of note 1 (u) to that chapter.

(^{*)} Union Internationale des Chemins de fer.

COMMISSION REGULATION (EEC) No 2088/92
of 23 July 1992
on the supply of refined rape seed oil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 3 305 tonnes of refined rape seed oil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾, as amended by Regulation (EEC) No 790/91 ⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

Refined rape seed oil shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annexes, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer shall be deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender shall be deemed unwritten.

Article 2

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

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

Done at Brussels, 23 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOTS A, B, C and D

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1991; 1992
3. **Recipient** ⁽²⁾: Euronaid, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽³⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.1 (a))
8. **Total quantity**: 3 305 tonnes net
9. **Number of lots**: four; see Annex II
10. **Packaging and marking** ⁽⁵⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.2.1, IIIA.2.3 and IIIA.3)
Five-litre metal canister without cardboard cross-pieces
Markings in: — French (364/92 to 370/92; 373/92 to 377/92; 379/92 to 389/92; 1216/91 to 1217/91; 1219/91)
— Portuguese (358/92; 372/92; 378/92; 390/92 to 392/92; 1220/91)
— English (363/92; 371/92; 393/92 to 403/92)
— Spanish (342/92 to 357/92; 359/92 to 361/92)
Supplementary markings on the packaging: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 5 — 20. 10. 1992
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** ⁽⁶⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 11. 8. 1992
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 25. 8. 1992
 - (b) period for making the goods available at the port of shipment: 19. 10 — 3. 11. 1992
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 8. 9. 1992
 - (b) period for making the goods available at the port of shipment: 2 — 17. 11. 1992
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁸⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B or 25670 AGREC B
25. **Refund payable on request by the successful tenderer**: —

Notes:

- (1) The operation number is to be quoted in all correspondence.
- (2) The successful tenderer is to contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (3) The successful tenderer is to deliver to the recipient a certificate from an official entity certifying that to the standards applicable, the products to be delivered as regards to nuclear radiation, in the Member State concerned, have not been exceeded.

The radiation certificate should contain the following information:

- (a) the amount of radiation of caesium-134 and -137;
- (b) iodine-131.

The successful tenderer is to supply to the recipient or its representative, on delivery, the following documents:

- plant-health certificate,
- certificate of origin.

- (4) The supplier should send a duplicate of the original invoice to:

Messrs De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.

- (5) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:

- either by porter at the office referred to in point 24 of this Annex,
- or by telecopier at one of the following numbers in Brussels:
 - 295 01 32,
 - 296 10 97,
 - 295 01 30,
 - 296 20 05,
 - 296 33 04.

- (6) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 does not apply to tenders submitted.

- (7) Shipment to take place in 20-foot containers, conditions FLC/FCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of cartons belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.

- (8) Commission delegate to be contacted by the successful tenderer: see list published on OJ No C 114, 29. 4. 1991, p. 33.

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

Designación de la partida Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation de la partie Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total de la partida (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale de la partie (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Acción nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº	Inscripciones complementarias sobre el embalaje Yderligere påskrifter Ergänzende Aufschriften auf der Verpackung Συμπληρωματικές ενδείξεις στη συσκευασία Supplementary markings on the packaging Inscriptions complémentaires sur l'emballage Iscrizioni supplementari sull'imballaggio Bijkomende vermeldingen op de verpakking Inscrições complementares na embalagem
(1)	(2)	(3)	(4)	(5)
A	1 125	A1: 60	342/92	Bolivia / CAM / 922006 / Cochabamba vía Arica
		A2: 15	343/92	Bolivia / Prosalus / 925506 / Sucre vía Arica
		A3: 60	344/92	Perú / Caritas B / 920242 / Lima vía Callao
		A4: 126	345/92	Perú / Caritas N / 920323 / Ayacucho vía Callao
		A5: 54	346/92	Perú / Caritas N / 920324 / Ayacucho vía Matarani
		A6: 30	347/92	Perú / AATM / 921709 / Lima vía Callao
		A7: 30	348/92	Perú / AATM / 921714 / Arequipa vía Puerto Matarani
		A8: 120	349/92	Perú / CAM / 922042 / Lima vía Callao
		A9: 30	350/92	Perú / DKW / 922316 / Lima vía Callao
		A10: 30	351/92	Perú / SBLB / 924510 / Lima vía Callao
		A11: 15	352/92	Perú / Prosalus / 925525 / Jaén vía Callao
		A12: 15	353/92	Perú / Prosalus / 925530 / Arequipa vía Callao
		A13: 15	354/92	Perú / Prosalus / 925535 / Chachapoyas vía Callao
		A14: 30	355/92	Perú / Prosalus / 925546 / Lima vía Callao
		A15: 15	356/92	Perú / Prosalus / 925547 / Lima vía Callao
		A16: 15	357/92	Perú / Prosalus / 925548 / Lima vía Callao
		A17: 75	358/92	Brasil / DKW / 922308 / Lajeado vía Rio Grande
		A18: 360	359/92	Guatemala / Caritas B / 920225 / Guatemala City vía Puerto Quetzal

(1)	(2)	(3)	(4)	(5)
B	1 290	A19: 15	360/92	Guatemala / CAM / 922015 / San Pedro Carcha <i>via</i> Santo Tomas de Castilla
		A20: 15	361/92	Guatemala / CAM / 922019 / Antigua <i>via</i> Santo Tomas de Castilla
		B1: 15	363/92	Jordan / Caritas B / 920234 / Aqaba / Expiry date :
		B2: 30	364/92	Liban / SSP / 921302 / Beirouth
		B3: 30	365/92	Liban / SPF / 923307 / Beirouth
		B4: 15	366/92	Bénin / AATM / 921755 / Cotonou
		B5: 90	367/92	Burkina Faso / Caritas B / 920212 / Bobo Dioulasso <i>via</i> Abidjan
		B6: 135	368/92	Burkina Faso / Caritas France / 920506 / Ouagadougou <i>via</i> Abidjan
		B7: 30	369/92	Burkina Faso / SSI / 923006 / Ouahigouya <i>via</i> Abidjan
		B8: 30	370/92	Burkina Faso / SSI / 923007 / Ouagadougou <i>via</i> Abidjan
		B9: 15	371/92	Gambia / Cathwel / 920107 / Kanifing <i>via</i> Banjul
		B10: 15	372/92	Guiné-Bissau / Caritas I / 920619 / Bissau
		B11: 15	373/92	Mali / SSI / 923015 / Souleymane Bougou <i>via</i> Abidjan
		B12: 15	374/92	Niger / Caritas Allemagne / 920410 / Niamey <i>via</i> Lomé
		B13: 45	375/92	Niger / SSI / 923021 / Niamey <i>via</i> Lomé
		B14: 15	376/92	Sénégal / AATM / 921703 / Saint-Louis <i>via</i> Dakar
		B15: 105	377/92	Sénégal / SSI / 923029 / Thies <i>via</i> Dakar
		B16: 15	378/92	Angola / Abila / 929508 / Lobito
		B17: 15	379/92	Congo / SBLB / 924501 / Pointe Noire
		B18: 15	380/92	République Centrafricaine / AATM / 921749 / Bangui <i>via</i> Douala
		B19: 120	381/92	Zaire / Caritas B / 920254 / Kinshasa <i>via</i> Matadi
		B20: 15	382/92	Zaire / AATM / 921700 / Zongo <i>via</i> Douala
		B21: 15	383/92	Madagascar / AATM / 921721 / Antalaha <i>via</i> Toamasina
		B22: 15	384/92	Madagascar / AATM / 921724 / Toliary <i>via</i> Toamasina
		B23: 15	385/92	Madagascar / AATM / 921728 / Toamasina
		B24: 30	386/92	Madagascar / AATM / 921732 / Fianarantsoa <i>via</i> Toamasina
		B25: 15	387/92	Madagascar / CAM / 922035 / Toliary
		B26: 15	388/92	Madagascar / CAM / 922038 / Ambatondrazaka <i>via</i> Toamasina

(1)	(2)	(3)	(4)	(5)
		B27 : 15	389/92	Madagascar / Caritas France / 924203 / Manakara <i>via</i> Toamasina
		B28 : 45	390/92	Moçambique / DKW / 922304 / Vilanculos
		B29 : 15	391/92	Moçambique / Caritas France / 924204 / Matola <i>via</i> Maputo
		B30 : 180	392/92	Moçambique / Prosalus / 925520 / Beira
		B31 : 135	393/92	Malawi / Caritas I / 920615 / Lilongwe <i>via</i> Dar Es Salaam
		B32 : 15	394/92	Tanzania / DKW / 922313 / Kigoma <i>via</i> Tanzania
C	465	C1 : 105	395/92	India / CAM / 922023 / Bombay
		C2 : 15	396/92	India / CAM / 922027 / Sultan's battery <i>via</i> Madras
		C3 : 15	397/92	India / CAM / 922031 / Pune <i>via</i> Bombay
		C4 : 15	398/92	India / SBLB / 924503 / Tiruchirapalli <i>via</i> Tuticorin
		C5 : 15	399/92	India / SBLB / 924507 / Ottapidaram <i>via</i> Tuticorin
		C6 : 15	400/92	India / Somedi / 926502 / Bombay
		C7 : 15	401/92	India / Somedi / 926506 / Bombay
		C8 : 90	402/92	Pakistan / Cathwel / 920111 / Karachi
		C9 : 180	403/92	Vietnam / Oxfam B / 920825 / Ho Chi Minh
D	425	D1 : 234	1216/91	Haïti / Caritas N / 910362 / Port au Prince
		D2 : 51	1217/91	Haïti / Protos / 911523 / Port au Prince
		D3 : 15	1219/91	Zaire / Cinterad / 913446 / Kinshasa <i>via</i> Matadi
		D4 : 125	1220/91	Angola / DWH / 912804 / Sioma <i>via</i> Durban

COMMISSION REGULATION (EEC) No 2089/92**of 23 July 1992****regarding that the market in peaches is in a state of serious crisis**

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular Article 19a (1) thereof,

Whereas, under Article 19a (1) of Regulation (EEC) No 1035/72, if, for a given product on one of the representative markets referred to in Article 17 (2) of that Regulation, the prices communicated to the Commission pursuant to paragraph 1 of that same Article remain below the buying-in price, plus 5 % of the basic price, for two consecutive market days, the Commission shall without delay record that the market in the product in question is in a state of serious crisis;

Whereas this situation has arisen in Spain as from 16 July 1992 and in Portugal as from 17 July 1992 for peaches; whereas it should consequently be recorded that the market in this product is in a state of serious crisis,

HAS ADOPTED THIS REGULATION:

Article 1

It is recorded that the market in peaches is in a state of serious crisis.

Article 2

This Regulation shall enter into force on 24 July 1992.

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

Done at Brussels, 23 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

II

(Acts whose publication is not obligatory)

COUNCIL

Information concerning the date of entry into force of the agreement with Austria on the extension of the agreement on the reciprocal establishment of tariff quotas for certain quality wines⁽¹⁾

On 29 June 1992 the Republic of Austria announced that it had completed the national procedures necessary for the entry into force of the agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria on the extension of the agreement on the reciprocal establishment of tariff quotas for certain quality wines. The agreement consequently entered into force on 1 July 1992.

⁽¹⁾ OJ No L 160, 13. 6. 1992, p. 25.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2561/90 of 30 July 1990 laying down provisions for the implementation of Council Regulation (EEC) No 2503/88 on customs warehouses

(Official Journal of the European Communities No L 246 of 10 September 1990)

On page 7, Article 24 (1) (c):

for: '... without having been presented.'

read: '... without having been presented to the control office.'
