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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2046/92

of 30 June 1992

amending Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats

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, in view of trends, in the olive-oil market and in its relations with other vegetable-oil markets, the representative market price and the threshold price should be fixed at the same time as the other official olive-oil prices; whereas, for this reason, the criteria for fixing the representative market price should also be adapted;

Whereas in order to ensure that the greatest number of producers are guaranteed intervention prices, access to Community intervention should be permitted to producer groups and associations thereof recognized under Regulation (EEC) No 136/66/EEC ⁽⁴⁾;

Whereas Regulation (EEC) No 136/66/EEC should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation No 136/66/EEC is hereby amended as follows:

⁽¹⁾ OJ No C 119, 11. 5. 1992, p. 21.

⁽²⁾ OJ No C 150, 15. 6. 1992.

⁽³⁾ OJ No C 169, 6. 7. 1992.

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

1. in Article 4 (1), the first subparagraph is replaced by the following:

'A production target price, an intervention price, a representative market price and a threshold price shall be fixed each year for the Community for olive oil.';

2. Article 4 (4) shall be replaced by the following:

'4. The prices referred to in paragraph 1 (a) and the standard quality referred to in paragraph 2 shall be adopted in accordance with the procedure laid down in Article 43 (2) of the Treaty.';

3. in Article 5 (1) the second subparagraph is replaced by the following:

'Each year the Council shall fix the unit amount of production aid in accordance with the procedure laid down in Article 43 (2) of the Treaty. A separate unit amount may be fixed for producers whose average production is less than 500 kg of olive oil per marketing year.';

4. Article 7 is replaced by the following:

'Article 7

The representative market price shall be fixed at a level permitting the normal disposal of olive-oil production, having regard, in particular, to the outlook for trends on the vegetable oils and fats market.';

5. Article 11 (6) is replaced by the following:

'6. The Council, acting by a qualified majority on a proposal from the Commission, shall fix, at the same time as the representative market price, the percentage of consumption aid referred to in paragraph 5 and the percentage of consumption aid to be used for information measures and any other measures intended to promote the consumption of olive oil produced in the Community.';

6. The first paragraph of Article 12 (1) shall be replaced by the following:

'The intervention agencies designated by the producer Member States shall buy in during the month of July, August, September and October of each marketing year, in accordance with the rules adopted under paragraph 4, olive oil of Community origin which is offered to them by producers or producer groups and associations thereof recognized pursuant to Regulation (EEC) No 1360/78 (or producer organizations and/or associations thereof recognized pursuant to the Regulation), at intervention centres in production areas. The intervention agencies shall buy in at the intervention price. The buying-in price shall be adjusted by means of a scale of price increases

and reductions where the description or quality of the oil offered to the intervention agency does not correspond to that for which the intervention price was fixed.'

Article 2

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

It shall apply from 1 November 1992, with the exception of Article 1 (6), which shall apply as from the date of entry into force of this Regulation.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2047/92

of 30 June 1992

fixing the prices, aids and percentages of aid to be retained in the olive-oil sector for the 1992/93 marketing year

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 Act of Accession of Spain and Portugal, and in particular Articles 89 (1), 92 (3), 234 (2) and 290 (3) thereof,

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⁾, and in particular Articles 4 (4), 5 (1) and 11 (6) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas the target price for olive-oil production must be fixed in accordance with the criteria laid down in Articles 4 and 6 of Regulation No 136/66/EEC;

Whereas the intervention price must be fixed in accordance with the criteria laid down in Article 8 of Regulation No 136/66/EEC;

Whereas, as a result of the application of Articles 68 and 236 of the Act of Accession, the intervention price for olive oil in Spain and Portugal differs from the common prices; whereas the detailed rules for the alignment of intervention prices for olive oil applicable in Spain and Portugal are those provided for in the second indents of Articles 92 (2) and 290 (2) of the Act of Accession;

Whereas the representative market price must be fixed according to the criteria laid down in Article 7 of Regulation No 136/66/EEC;

Whereas the threshold price must be fixed in such a way that the selling price for the imported product at the frontier crossing point determined in accordance with Article 9 of Regulation No 136/66/EEC is the same as the representative market price, account being taken of the effect of the measures referred to in Article 11 (6) of the said Regulation;

Whereas, if producers are to receive a fair income, production aid must be fixed in the light of the impact which the consumption aid has on a part only of production;

Whereas Articles 95 and 293 of the Act of Accession make provision for Community aid for the production of olive oil in Spain and Portugal; whereas, pursuant to Articles 79 and 246 of that Act, the Community aid in Spain and Portugal should be aligned on the common aid at the beginning of the marketing year; whereas the rules on that alignment result in the Spanish and Portuguese aid rates shown below;

Whereas, in accordance with Articles 5 (4) and 20d (1) of Regulation No 136/66/EEC, the percentages of production aid to be allocated to finance measures to improve the quality of olive-oil production and to finance expenditure incurred in the work done by recognized producer organizations or associations thereof in administering and controlling olive-oil production aid, should be determined;

Whereas Article 2 of Council Regulation (EEC) No 3416/90 of 27 November 1990 on the introduction of Community aid for the consumption of olive oil in Spain and Portugal ⁽⁵⁾ lays down criteria for adjusting this aid to the Community level; whereas the application of those criteria results in consumption aid in Spain and Portugal during the 1992/93 marketing year being fixed at the levels indicated in this Regulation;

Whereas, pursuant to Article 11 (5) and (6) of Regulation No 136/66/EEC, a certain percentage of the consumption aid during each olive-oil marketing year is to be used, on the one hand, to finance measures by the recognized trade organizations referred to in paragraph 3 of the abovementioned Article and, on the other hand, to finance measures to promote olive-oil consumption in the Community; whereas the said percentages for the 1992/93 marketing year should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 marketing year, the production target price and the intervention price for olive oil shall be as follows:

(a) production target price: ECU 322,01/100 kg;

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EEC) No 2046/92 (see page 1 of this Official Journal).

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 22.

⁽³⁾ OJ No C 150, 15. 6. 1992.

⁽⁴⁾ OJ No C 169, 6. 7. 1992.

⁽⁵⁾ OJ No L 330, 29. 11. 1990, p. 6.

(b) intervention price:

- for Spain ECU 183,27/100 kg,
- for Portugal ECU 198,48/100 kg,
- for the Community of Ten: ECU 202,37/100 kg.

Article 2

For the 1992/93 marketing year, the representative market price and the threshold price for olive oil shall be as follows:

- representative market price: ECU 191,78/100 kg,
- threshold price: ECU 188,48/100 kg.

Article 3

For the 1992/93 marketing year, the production aid shall be as follows:

- (a) — for Spain: ECU 55,47/100 kg,
- for Portugal: ECU 62,98/100 kg,
- for the Community of Ten: ECU 84,33/100 kg;

(b) for growers whose average production is less than 500 kg of olive oil per marketing year:

- for Spain: ECU 61,89/100 kg,
- for Portugal: ECU 59,40/100 kg,
- for the Community of Ten: ECU 92,12/100 kg.

Article 4

1. For the 1992/93 marketing year, 1,6 % of the production aid earmarked for olive-oil producers shall be allocated to the financing of specific measures to improve the quality of olive oil in each producer Member State.

2. For the 1992/93 marketing year, the percentage of the production aid which may be withheld pursuant to Article 20d (1) of Regulation No 136/66/EEC for organizations of olive oil producers or associations thereof recognized under the said Regulation shall be 1,2 %.

Article 5

For the 1992/93 marketing year, the levels of consumption aid for olive oil in Spain and Portugal shall be as follows:

- for Spain: ECU 45,75/100 kg,
- for Portugal: ECU 48,25/100 kg.

Article 6

1. For the 1992/93 marketing year, the percentage of consumption aid referred to in Article 11 (5) of Regulation No 136/66/EEC shall be 2 %.

2. For the 1992/93 marketing year the percentage of consumption aid to be allocated to the measures referred to in Article 11 (6) of Regulation No 136/66/EEC shall be 0,7 %.

Article 7

The prices referred to in this Regulation relate to ordinary virgin olive oil, the free fatty acid level of which, expressed in oleic acid, is 3,3 grammes for 100 grammes.

Article 8

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

It shall apply from 1 November 1992.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2048/92

of 30 June 1992

amending Regulation (EEC) No 569/76 laying down special measures for flax seed

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 1 (1) of Regulation (EEC) No 569/76 ⁽⁴⁾, stipulates that the guide price for flax seed is to be fixed annually, before 1 August, for the marketing year beginning

in the following calendar year; whereas, in view of current practice, that provision should be adapted,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EEC) No 569/76, 'before 1 August' and 'for the marketing year beginning in the following calendar year' are hereby deleted.

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 Luxembourg, 30 June 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 119, 11. 5. 1992, p. 31.

⁽²⁾ OJ No C 150, 15. 6. 1992.

⁽³⁾ OJ No C 169, 6. 7. 1992.

⁽⁴⁾ OJ No L 67, 15. 3. 1976, p. 29. Last amended by Regulation (EEC) No 4003/87 (OJ No L 377, 31. 12. 1987, p. 46).

COUNCIL REGULATION (EEC) No 2049/92

of 30 June 1992

fixing the guide price for flax seed for the 1992/93 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (1) and 234 (2) thereof,

Having regard to Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for flax seed ⁽¹⁾, and in particular Article 1 (1) and (3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas, when the guide price for flax seed is fixed every year, account has to be taken of the objectives of the common agricultural policy; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community and to ensure that supplies are available and reach consumers at reasonable prices;

Whereas the first subparagraph of Article 1 (1) of Regulation (EEC) No 569/76 provides more specifically that this price shall be fixed at a level which is fair to producers, account being taken of the supply requirements of the Community;

Whereas, in accordance with these criteria, the guide price should be fixed at the levels shown in this Regulation;

Whereas, under Article 68 of the Act of Accession, a price level differing from that of the common prices has been

applied in Spain; whereas, pursuant to Article 70 (1) of the Act of Accession, the Spanish prices should be aligned on the common prices each year at the beginning of the marketing year; whereas the rules laid down for this alignment give the Spanish prices set out below;

Whereas the guide price must be fixed for a standard quality to be determined by reference to the average quality of seeds harvested in the Community; whereas the quality laid down for the 1991/92 marketing year meets this requirement and can accordingly be used for the following marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 marketing year, the guide price for flax seed shall be:

- (a) ECU 51,67 per 100 kg for Spain;
- (b) ECU 54,49 per 100 kg for the other Member States.

Article 2

The price referred to in Article 1 shall relate to seed:

- in bulk, of sound, genuine and merchantable quality, and
- with an impurity content of 2 % and, for seeds as such, humidity and oil contents of 9 and 38 % respectively.

Article 3

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

It shall apply from 1 August 1992.

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 29. Last amended by Regulation (EEC) No 2048/92. (See page 5 of this Official Journal).

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 33.

⁽³⁾ OJ No C 150, 15. 6. 1992.

⁽⁴⁾ OJ No C 169, 6. 7. 1992.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2050/92

of 30 June 1992

amending Regulation (EEC) No 3698/88 laying down special measures for hemp seed

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 1 (1) of Regulation (EEC) No 3698/88 ⁽⁴⁾ stipulates that an aid for hemp seed is to be fixed each year

before 1 August for the following calendar year; whereas, in view of current practice, that provision should be adapted,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EEC) No 3698/88, 'before 1 August' and 'for the following marketing year' are hereby deleted.

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 Luxembourg, 30 June 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 119, 11. 5. 1992, p. 34.

⁽²⁾ OJ No C 150, 15. 6. 1992.

⁽³⁾ OJ No C 169, 6. 7. 1992.

⁽⁴⁾ OJ No L 325, 29. 11. 1988, p. 2.

COUNCIL REGULATION (EEC) No 2051/92

of 30 June 1992

fixing the aid for hemp seed for the 1992/93 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3698/88 of 24 November 1988 laying down special measures for hemp seed ⁽¹⁾, and in particular Article 1 (1) thereof,Having regard to the proposal from the Commission ⁽²⁾,Having regard to the opinion of the European Parliament ⁽³⁾,Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas Article 1 (1) of Regulation (EEC) No 3698/88 stipulates that an aid for hemp seed is to be fixed annually at a level that is fair to producers, account being taken of the supply requirements of the Commission;

Whereas application of the abovementioned criteria gives the amount indicated below,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for hemp seed for the 1992/93 marketing year shall be ECU 24,59 per 100 kg.

Article 2

The aid indicated in Article 1 shall apply to bulk seed that is of sound, genuine and merchantable quality.

*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 August 1992.

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

Done at Luxembourg, 30 June 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No L 325, 29. 11. 1988, p. 2. Last amended by Regulation (EEC) No 2050/92 (see page 8 of this Official Journal).

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 35.

⁽³⁾ OJ No C 150, 15. 6. 1992.

⁽⁴⁾ OJ No C 169, 6. 7. 1992.

COUNCIL REGULATION (EEC) No 2052/92

of 30 June 1992

adjusting, for the second time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular paragraph 11 of Protocol 4 on cotton, as amended by Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece ⁽²⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

Whereas examination of the operation of the system introduced for cotton by Protocol 4 referred to in Article 3 (2) of Regulation (EEC) No 1964/87 reveals a need for adjustment;

Whereas the production of cotton is very important to the agricultural economy of certain regions of the Community; whereas, in order to give cotton producers more guarantee as to their income, the annual fixing of the maximum guaranteed quantity should be replaced by fixing for a longer period;

Whereas the current level of the maximum guaranteed quantity has permitted cotton-growing in the Community to be maintained at an acceptable level; whereas, therefore, the quantity of cotton for which aid is granted should be maintained in its entirety; whereas this objective can be met by fixing the maximum guaranteed quantity at 701 000 tonnes of cotton of the average quality of unginned cotton produced in the Community;

Whereas, with a view to avoiding excessive variations in the reduction of the aid, it is appropriate that this reduction be limited to 15 % of the norm price and the proportion in

excess of this maximum together with any difference between actual and estimated production should be carried forward, without application of that limit, to the following marketing year;

Whereas experience may show the need to make other adjustments to the system provided for by the abovementioned Protocol; whereas, therefore, a procedure should be laid down whereby the Council may adjust the system,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation provides for adjustments to the system of aid for the production of cotton provided for in paragraphs 3 and 8 of Protocol 4 annexed to the Act of Accession of Greece and adjusted by Regulation (EEC) No 1964/87.

Article 2

Article 2 (1) of Regulation (EEC) No 1964/87 shall be replaced by the following:

'1. The Council, acting by a qualified majority on a proposal from the Commission, shall determine the maximum guaranteed quantity for a fixed period. Such quantity shall take into account a reference period and a foreseeable trend in demand.

However, for each of the 1992/93 to 1995/96 marketing years, the maximum guaranteed quantity shall be fixed at 701 000 tonnes of unginned cotton.'

Article 3

The second and third subparagraphs of Article 2 (2) of Regulation (EEC) No 1964/87 shall be replaced by the following:

'However, without prejudice to the third subparagraph, if the reduction in the amount of aid exceeds 15 % of the guide price, this reduction shall be limited, under the marketing year concerned, to 15 %. Any reduction which exceeds this limit shall be carried forward to the guide price of the following marketing year up to a limit of 5 %.

Moreover, the amount of the aid for the marketing year concerned shall be adjusted upwards of a threshold of 3 % on the basis of the relation between, on the one hand, the gap between the estimated production and the actual production and, on the other hand, the maximum quantity guaranteed for the preceding marketing year.

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 14. Regulation as amended by Regulation (EEC) No 1357/90 (OJ No L 134, 28. 5. 1990, p. 22).

⁽³⁾ OJ No C 119, 11. 5. 1992, p. 24.

⁽⁴⁾ OJ No C 150, 15. 6. 1992.

⁽⁵⁾ OJ No C 169, 6. 7. 1992.

However for the 1992/93 marketing year, the reduction in the guide price may in no case exceed 15 %.'

Article 4

In paragraph 8 of Protocol 4, the phrase 'before 1 August for the marketing year beginning the following year' is hereby deleted.

Article 5

Not later than the beginning of the 1996/97 marketing year, the Commission shall submit to the Council a report on the operation of the cotton aid system.

If the report shows this to be necessary, the Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, shall decide on changes to the system, taking account of the experience acquired in the operation of the system, on the one hand, and of the system of support for arable crops, on the other.

Article 6

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

It shall apply from the 1992/93 marketing year.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2053/92

of 30 June 1992

amending Regulation (EEC) No 2169/81 laying down the general rules for the system of aid for cotton

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular paragraph 9 of Protocol 4 on cotton, as last amended by Regulation (EEC) No 2052/92 ⁽¹⁾,Having regard to the proposal from the Commission ⁽²⁾,Whereas, following adjustment by Regulations (EEC) No 1964/87 ⁽³⁾ and (EEC) No 2052/92 of the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece, Article 7 (2) of Regulation (EEC) No 2169/81 ⁽⁴⁾ should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 (2) of Regulation (EEC) No 2169/81 is hereby replaced by the following:

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

Done at Luxembourg, 30 June 1992.

'2. In the case referred to in the first subparagraph of Article 2 (2) of Regulation (EEC) No 1964/87 and without prejudice to the application of the 15 % limit of the norm price, the reduction in aid shall be calculated using the following formula:

$$r = GP \times \frac{EQ - MGQ}{MGQ} \times 0,50$$

where:

r = the amount of the reduction,

GP = guide price,

EQ = estimated production quantity,

MGQ = maximum guaranteed quantity.'

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

It shall apply as from the 1992/93 marketing year.

*For the Council**The President*

Arlindo MARQUES CUNHA

⁽¹⁾ See page 10 of this Official Journal.

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 26.

⁽³⁾ OJ No L 184, 3. 7. 1987, p. 14.

⁽⁴⁾ OJ No L 211, 31. 7. 1981, p. 2. Last amended by Regulation (EEC) No 791/89 (OJ No L 85, 30. 3. 1989, p. 7).

COUNCIL REGULATION (EEC) No 2054/92

of 30 June 1992

amending Regulation (EEC) No 1152/90 instituting a system of aid in favour of small cotton producers

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2052/92 of 30 June 1992 adjusting, for the second time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece ⁽¹⁾, and in particular Article 3 (2) thereof,Having regard to the proposal from the Commission ⁽²⁾,Having regard to the opinion of the European Parliament ⁽³⁾,Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,Whereas, in order to alleviate the effects of falls in the income of producers growing cotton in a small area, Regulation (EEC) No 1152/90 ⁽⁵⁾ instituted in favour of those producers a system of aid restricted to the 1989/90, 1990/91 and 1991/92 marketing years, pending any adjustments to the system of aid for cotton introduced by Protocol 4;

Whereas, in accordance with the second paragraph of Article 5 of Regulation (EEC) No 2052/92, the Council is to decide on any adjustments to the system of aid instituted by Protocol 4 before the 1996/97 marketing year; whereas,

pending that decision, the duration of the system of aid provided for in Regulation (EEC) No 1152/90 should be extended to that marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1152/90 is hereby amended as follows:

1. in Article 2, '1989/90, 1990/91 and 1991/92' shall be replaced by 'from 1989/90 to 1995/96';
2. in Article 3 (1), 'in each of the three marketing years' shall be replaced by 'in the 1992/93 to 1995/96 marketing years';
3. in Article 3 (2), 'three' shall be replaced by 'seven';
4. in Article 4, '1989, 1990 and 1991' shall be replaced by '1989 to 1995'.

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

It shall apply as from the 1992/93 marketing year.

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

Done at Luxembourg, 30 June 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

⁽¹⁾ See page 10 of this Official Journal.⁽²⁾ OJ No C 119, 11. 5. 1992, p. 27.⁽³⁾ OJ No C 150, 15. 6. 1992.⁽⁴⁾ OJ No C 169, 6. 7. 1992.⁽⁵⁾ OJ No L 116, 8. 5. 1990, p. 1.

**COUNCIL REGULATION (EEC) No 2055/92
of 30 June 1992**

fixing the guide price for unginned cotton for the 1992/93 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece and in particular paragraph 8 of Protocol No 4 on cotton, as last amended by Regulation (EEC) No 2052/92 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas paragraph 8 of Protocol 4 states that the guide price for cotton that has not been ginned is to be fixed annually by reference to the criteria laid down in paragraph 2 of that Protocol;

Whereas reference to these criteria leads to the fixing of the guide price as indicated below,

Article 1

1. For the 1992/93 marketing year the guide price for unginned cotton shall be ECU 102,79 per 100 kg.
2. The price referred to in paragraph 1 shall be for cotton:
 - of sound, genuine and merchantable quality,
 - containing 10 % moisture and 3 % impurities,
 - with the characteristics required to yield, after ginning, 54 % of seed and 32 % of fibres of grade No 5 (white middling), with a length of 28 mm (1—3/32").

Article 2

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

It shall apply from 1 September 1992.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ See page 10 of this Official Journal.

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 28.

⁽³⁾ OJ No C 150, 15. 6. 1992.

⁽⁴⁾ OJ No C 169, 6. 7. 1992.

COUNCIL REGULATION (EEC) No 2056/92

of 30 June 1992

fixing the minimum price for unginned cotton for the 1992/93 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Regulation (EEC) No 2052/92 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, and in particular Article 9 (1) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Whereas, pursuant to Article 9 (2) of Regulation (EEC) No 2169/81, the Council is to fix a minimum price for unginned cotton each year at a level enabling producers to sell at a price as close as possible to the guide price; whereas that price must take account of market fluctuations and the cost of transporting the unginned cotton from the production areas to the ginning areas; whereas that price must be fixed for the quality to which the guide price relates and must apply at the farm gate;

Whereas application of the abovementioned criteria results in the fixing of the minimum price at the level given below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 marketing year, the minimum price for unginned cotton provided for in Article 9 (1) of Regulation (EEC) No 2169/81 shall be ECU 97,65 per 100 kg. That price shall apply to goods at the farm gate.

Article 2

The price fixed in Article 1 shall be for unginned cotton meeting the quality indicated in Article 1 (2) of Regulation (EEC) No 2055/92 fixing the guide price for unginned cotton for the 1992/93 marketing year ⁽⁴⁾.

Article 3

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

It shall apply from 1 September 1992.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ See page 10 of this Official Journal.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2. Last amended by Regulation (EEC) No 2053/92 (see page 12 of this Official Journal).

⁽³⁾ OJ No C 119, 11. 5. 1992, p. 29.

⁽⁴⁾ See page 14 of this Official Journal.

COUNCIL REGULATION (EEC) No 2057/92

of 30 June 1992

amending Regulation (EEC) No 1308/70 on the common organization of the market in flax and hemp

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 third paragraph of Article 4 (1) of Regulation (EEC) No 1308/70 ⁽⁴⁾, provides that the aid for flax and hemp is to be fixed annually, prior to 1 August, for the marketing year commencing in the following year; whereas,

in view of current practice, that provision should be adapted,

HAS ADOPTED THIS REGULATION:

Article 1

The third subparagraph of Article 4 (1) of Regulation (EEC) No 1308/70 is hereby replaced by the following:

'Such aid, the amount of which shall be uniform throughout the Community for each of these products, shall be fixed each year.'

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 Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 119, 11. 5. 1992, p. 30.

⁽²⁾ OJ No C 150, 15. 6. 1992.

⁽³⁾ OJ No C 169, 6. 7. 1992.

⁽⁴⁾ OJ No L 146, 4. 7. 1970, p. 1. Last amended by Regulation (EEC) No 3995/87 (OJ No L 377, 31. 12. 1987, p. 34).

COUNCIL REGULATION (EEC) No 2058/92

of 30 June 1992

fixing the amounts of aid for fibre flax and hemp and the amount withheld to finance measures to promote the use of flax fibre for the 1992/93 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (1) and 234 (2) thereof,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp ⁽¹⁾, and in particular Articles 2 (3) and 4 (3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas Article 4 of Regulation (EEC) No 1308/70 provides that the amounts of aid for flax grown mainly for fibre and for hemp grown in the Community are to be fixed each year;

Whereas, in accordance with Article 4 (2) of that Regulation, this amount shall be fixed per hectare of area sown and harvested so as to ensure an even balance between the volume of production required in the Community and the amount that can be marketed; whereas it must be fixed, taking into account the price for flax and hemp fibres and hemp seed on the world market, the price for other competing natural products and the guide price for flax seed;

Whereas Article 2 (3) of Regulation (EEC) No 1308/70 provides that the portion of aid for financing Community

measures to encourage the use of fibre flax is to be fixed when aid is fixed for the marketing year in question in accordance with the criteria referred to in that paragraph; whereas it is to be fixed in the light of trends on the market in flax, the amount of the aid for flax and the cost of the measures to be introduced;

Whereas application of the abovementioned criteria entails fixing the amounts of aid and the portions of the aid to be used for financing measures to promote the use of flax fibre at the level set out below,

HAS ADOPTED THIS REGULATION

Article 1

For the 1991/92 marketing year, the aid provided for in Article 4 of Regulation (EEC) No 1308/70 shall be:

- (a) ECU 374,36 per hectare as regards flax;
- (b) ECU 339,42 per hectare as regards hemp.

Article 2

For the 1992/93 marketing year, the amount of the aid for flax to be used to finance the measures to promote the use of flax fibre referred to in Article 2 of Regulation (EEC) No 1308/70 shall be ECU 37,44 per hectare.

Article 3

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

It shall apply from 1 August 1992.

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1. Last amended by Regulation (EEC) No 2057/92 (see page 16 of this Official Journal).

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 32.

⁽³⁾ OJ No C 150, 15. 6. 1992.

⁽⁴⁾ OJ No C 169, 6. 7. 1992.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2059/92

of 30 June 1992

amending Regulation (EEC) No 845/72 laying down special measures to encourage silkworm rearing

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 2 (1) of Regulation (EEC) No 845/72 ⁽⁴⁾ stipulates, *inter alia*, that the aid for silkworms is to be fixed each year by 1 August in respect of the rearing year beginning in the following calendar year; whereas, in view of current practice, that provision should be adapted,

Article 1

In Article 2 of Regulation (EEC) No 845/72, paragraph 1 is hereby replaced by the following:

'1. With effect from the 1972/73 rearing year, aid shall be granted for silkworms reared within the Community.

Such aid, the amount of which shall be uniform throughout the Community, shall be fixed annually.'

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 Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 119, 11. 5. 1992, p. 36.

⁽²⁾ OJ No C 150, 15. 6. 1992.

⁽³⁾ OJ No C 169, 6. 7. 1992.

⁽⁴⁾ OJ No L 100, 27. 4. 1972, p. 1. Amended by Regulation (EEC) No 4005/87 (OJ No L 377, 31. 12. 1987, p. 48).

COUNCIL REGULATION (EEC) No 2060/92

of 30 June 1992

fixing the amount of aid in respect of silkworms for the 1992/93 rearing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 845/72 of 24 April 1972 laying down special measures to encourage silkworm rearing⁽¹⁾, and in particular Article 2 (3) thereof,Having regard to the proposal from the Commission⁽²⁾,Having regard to the opinion of the European Parliament⁽³⁾,Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas Article 2 of Regulation (EEC) No 845/72 provides that the amount of aid for silkworms reared within the Community must be fixed each year in such a way as to help ensure a fair income for silkworm rearers, taking into

account the state of the market in cocoons and raw silk, of foreseeable trends on that market and of import policy;

Whereas application of the abovementioned criteria entails fixing the amount of aid at the level mentioned below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 rearing year, the amount of aid in respect of silkworms as referred to in Article 2 of Regulation (EEC) No 845/72 shall be fixed at ECU 111,81 per box of silkworm eggs used.

Article 2

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

It shall apply from 1 April 1992.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No L 100, 27. 4. 1972, p. 1. Last amended by Regulation (EEC) No 2059/92 (see page 19 of this Official Journal).

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 37.

⁽³⁾ OJ No C 150, 15. 6. 1992.

⁽⁴⁾ OJ No C 169, 6. 7. 1992.

COUNCIL REGULATION (EEC) No 2061/92

of 30 June 1992

laying down special measures for certain varieties of raw tobacco from the 1992 harvest

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, and in particular the second subparagraph of Article 13 (8) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas the Commission report provided for in Article 13 (1) of Regulation (EEC) No 727/70 shows that for varieties Nos 11 (a) Forchheimer Havanna II c, (b) Nostrana del Brenta, (c) Resistente 142, (d) Gojano, (e) hybrids of Badischer Geudertheimer, 23 Tsebelia and 24 Mavra, there was a substantial increase in the quantities taken over by the intervention agencies for the 1988 and 1989 harvests; whereas these quantities either exceed or seem likely to exceed a stated percentage of the production for two successive crops, and in any case a stated quantity as provided for by Council Regulation (EEC) No 1469/70 ⁽³⁾ or these quantities exceed a stated percentage of the production or a stated quantity as provided for by Regulation

(EEC) No 1469/70 for one crop only, the main cause being the extension of cultivated areas;

Whereas special measures as provided for in Article 13 (4) of Regulation (EEC) No 727/70 should therefore be adopted, and in particular the reduction in the intervention price should be maintained for the varieties concerned, as for previous crops,

HAS ADOPTED THIS REGULATION:

Article 1

The intervention price for tobacco of the following varieties from the 1992 harvest shall be reduced to 75 % of the corresponding norm price: No 11 Forchheimer Havanna II c, Nostrano del Brenta, Resistente 142, Gojano, hybrids of Badischer Geudertheimer, No 23 Tsebelia and No 24 Mavra.

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 Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

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

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 70.

⁽³⁾ OJ No L 164, 27. 7. 1970, p. 35. Last amended by Regulation (EEC) No 1332/90 (OJ No L 132, 23. 5. 1990, p. 52).

COUNCIL REGULATION (EEC) No 2062/92

of 30 June 1992

fixing, for the 1992 harvest, the norm and intervention prices and the premiums granted to purchasers of leaf tobacco, the derived intervention prices for baled tobacco, the reference qualities, and the production areas

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, and in particular Article 2 (5), Article 4 (4) and (5) and Article 6 (8) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas the Commission has proposed a reform of the common organizations of the market in raw tobacco which will apply from the 1993 harvest; whereas, therefore, the provisions applicable to the previous harvest should be maintained for the 1992 harvest, subject to amendments indispensable for the transition to the new system; whereas, with this in mind, it will not be necessary to fix the maximum guaranteed quantity for each variety or group of varieties as provided for in the first subparagraph of Article 4 (5) of Regulation (EEC) No 727/70 for the 1993 harvest;

Whereas, when the prices for raw tobacco are fixed, account should be taken of the objectives of the common agricultural policy; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and to ensure that supplies reach consumers at reasonable prices;

Whereas the norm and intervention prices for leaf tobacco must be fixed in accordance with the criteria laid down in Article 2 (2) of Regulation (EEC) No 727/70 in order, in particular, to encourage producers to convert to the cultivation of those varieties which are most in demand and most competitive as well as being the least harmful to health;

Whereas it is again desirable to fix, in respect of the 1992 harvest, derived intervention prices both for the varieties which, before the common organization of the market came into force or, in the case of varieties grown in Greece, Spain and Portugal, prior to accession, qualified for a price guarantee at the baled-tobacco stage and for the varieties which are grown mainly in Germany, in order to take account of the marketing practices in that country;

Whereas, when the provisions on prices, premiums and production quantity-control arrangements are applied, account should be taken of the differences in quality depending on the characteristics of the soil and the climate; whereas those conditions are met for the varieties Badischer Burley and Paraguay; whereas prices, premiums and maximum guaranteed quantities should consequently be fixed for specific production areas for these varieties;

Whereas the premium granted to purchasers of Community tobacco is intended to enable them to pay producers of leaf tobacco a price which is at the level of the norm price, account being taken of the trend in world market prices, and the level of prices established by the interaction of supply and demand on the Community market;

Whereas the premium is identical for all tobaccos of the variety in question, regardless of the quality of the tobacco delivered; whereas, however, this would encourage the production of low-quality tobacco; whereas, therefore, the premium for quantities of low-quality tobacco purchased by a processor in excess of a percentage corresponding to the normal quantity of low-quality tobacco relative to the total harvested quantity should be reduced;

Whereas the abovementioned prices and the amount of the premium must be fixed for each variety produced in recognized production areas and for a reference quality defined in such a way that as objective an assessment as possible can be made of the quality of the tobacco;

Whereas, for the 1992 harvest, the recognized production areas for each variety of tobacco should be specified and the definitions of the reference qualities should be those laid down in Regulation (EEC) No 1738/91 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992 harvest, the reference qualities and recognized production areas for each of the varieties of

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

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 71.

⁽³⁾ OJ No C 150, 15. 6. 1992.

⁽⁴⁾ OJ No C 169, 6. 7. 1992.

⁽⁵⁾ OJ No L 163, 26. 6. 1991, p. 13.

Community-produced leaf tobacco referred to in Article 2 (3) (b) and (c) of Regulation (EEC) No 727/70, shall be as set out respectively in Annexes I and III to this Regulation.

Article 2

For the 1992 harvest, the reference qualities and recognized production areas referred to in Article 6 (3) (b) and (c) of Regulation (EEC) No 727/70, for each of the varieties of Community-produced baled tobacco in respect of which a derived intervention price is fixed, shall be as set out respectively in Annexes II and III to this Regulation.

Article 3

1. For the 1992 harvest, the norm and intervention prices and the amounts of the premium granted to purchasers of leaf tobacco, referred to in Articles 2 and 3 of Regulation (EEC)

No 727/70, and the derived intervention prices for baled tobacco referred to in Article 6 of the said Regulation, shall be as set out in Annex IV to this Regulation.

2. Without prejudice to Article 7a of Regulation (EEC) No 727/70, the prices and premiums shall apply only provided that each of the varieties was grown in the corresponding production areas as set out in Annex III to this Regulation.

3. Where the quantity of tobacco of low class, category or quality purchased by a processor exceeds, relative to his total purchases of the variety in question, the percentage indicated in Annex IV, the premium shall be reduced by 30 % in respect of the quantity in excess of the percentage in question.

Article 4

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 Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

ANNEX I

Leaf tobacco: varieties and their reference qualities for the 1992 harvest

Serial No	Variety	Reference quality
1	Badischer Geudertheimer, Pereg, Korso	Class 1 Hauptgut (top-quality leaf) Class 1: leaf ripe, sound, without blemish, dark brown to mottled brown, of uniform length Packaging: tobacco graded, tied in hands, in temporary bales or in other packaging, with or without non-tobacco material Moisture: 26 %
2	Badischer Burley E and hybrids thereof	Class 1 Hauptgut (top-quality leaf) Class 1: leaf ripe, sound, without blemish, fleshy, reddish brown to light brown, of uniform length Packaging: tobacco graded, tied in hands, in temporary bales or in other packaging, with or without non-tobacco material Moisture: 25 %
3	Virgin D and hybrids thereof	Class 1 Leaf Class 1: leaf ripe, sound, without blemish, yellow to reddish yellow; variations in colour such as brownish to greenish yellow are allowed up to a third of the leaf's surface Packaging: tobacco graded, tied in hands, in temporary bales or in other packaging, with or without non-tobacco material Moisture: 19 %
4	(a) Paraguay and hybrids thereof (b) Dragon vert and hybrids thereof, Philippin, Petit Grammont (Flobecq), Semois, Appelterre	Class 2 Middle leaf Class 2: leaf sound, with minor defects as regards colour, texture, or ripeness but with satisfactory combustibility Packaging: tobacco graded and tied in hands or straight laid (loose leaf) Moisture: 27 %
5	Nijkerk	Class 2 Tips Class 2: — either leaf of second length (not exceeding 45 cm) with very gummy texture, fleshy, still undamaged; strong and elastic, without prominent veins, well ripened producing a lively brown to dark brown colour — or leaf of first length (exceeding 45 cm) with a texture still gummy, fleshy and still undamaged; strong, with relatively prominent veins, of all colours except bottle green Packaging: tobacco graded and tied in hands or straight laid (loose leaf) Moisture: 27 %

Serial No	Variety	Reference quality
6	(a) Misionero and hybrids thereof (b) Rio Grande and hybrids thereof	2nd quality leaf 2nd quality: leaf fully developed over 45 cm, not coarse grained, lively to fairly lively light, somewhat yellowish colour, reasonably firm and undamaged; reasonably good combustibility Packaging: tobacco graded and tied in hands or straight laid (loose leaf) Moisture: 27 %
7	Bright	Leaf in category A Category A: leaf sufficiently ripe, without curing defects, open texture, with stems (midribs) and veins not too prominent, sound, of various shades of yellow Packaging: in temporary bales of 30 to 40 kg Moisture: 16 %
8	Burley I	Leaf in category A Category A: leaf sufficiently ripe, without curing defects, of open possibly firm texture, stems (midribs) and veins not too prominent, sound, of a more or less lively nut-brown colour Packaging: in temporary bales of 30 to 40 kg or tied in hands of 25 to 30 leaves with non-tobacco material (fascicoli) Moisture: 19 %
9	Maryland	Leaf in category A Category A: leaf sufficiently ripe, with slight curing defects and only slightly mottled, of average texture with stems (midribs) and veins not too prominent, sound, of a rather lively reddish brown colour Packaging: in temporary bales of 30 to 40 kg or tied in hands of 25 to 30 leaves with non-tobacco material (fascicoli) Moisture: 19 %
10	(a) Kentucky and hybrids thereof (b) Moro di Cori (c) Salento	Leaf in category B Category B: leaf fully ripe, of firm texture, without curing and condition defects, brown in colour, with some damage, with good combustibility Packaging: in hands of 25 to 30 leaves tied with a non-tobacco material (fascicoli) Moisture: 23 %

Serial No	Variety	Reference quality
11	(a) Forchheimer Havana II c (b) Nostrano del Brenta (c) Resistente 142 (d) Gojano (e) Hybrids of Badischer Geudertheimer	Leaf in category B Category B: leaf of firm or light texture, sound, without any curing defects, brown to greenish in colour, with some damage, leaf ripe, sound, brown to mottled brown (hybrids of Badischer Geudertheimer) Packaging: tobacco graded, tied in hands or in temporary bales with non-tobacco material Moisture: 26 %
12	(a) Beneventano (b) Brasile Selvaggio and similar varieties	Leaf in category B Category B: leaf sufficiently ripe, firm texture or possibly coarse or thin, with minor defects as regards curing and fermentation and damage Packaging: in hands of 25 to 30 leaves tied with non-tobacco material (fascicoli) Moisture: 24 %
13	Xanti-Yakà	Leaf in category B Category B: leaf reasonably sound and ripe, sessile, of oval or elliptical shape, stems (midribs) not too prominent and well-spaced veins, with some curing defects, mainly of light texture, from yellow to brown in colour, with marked damage but in good condition, taken from all positions on the stalk, with discreet flavour, sufficient aroma and good combustibility The length of the middle leaves not to exceed 20 cm Packaging: in temporary bales of 15 to 20 kg or 'stringed' in cases of 30 to 40 kg Moisture: 17 %
14	(a) Perustitza (b) Samsun	Leaf in category B Category B: leaf reasonably sound and ripe, sessile (Perustitza) or with leaf stalks (Samsun), of elliptical-lanceolate shape with fine points (Perustitza) or elliptical and rounded (Samsun), without prominent stems (midribs) and with veins at a rather acute angle, with slight curing defects, generally of light texture, in colour from yellow to brown (Perustitza), or reddish (Samsun), with marked damage but in good condition, taken from all positions on the stalk, with discreet flavour, sufficient aroma and good combustibility The length of the middle leaves not to exceed 25 cm Packaging: in temporary bales of 15 to 20 kg or 'stringed' in cases of 30 to 40 kg Moisture: 17 %

Serial No	Variety	Reference quality
15	Erzegovina and similar varieties	Leaf in category B Category B: leaf reasonably sound and ripe, sessile, of oval or elliptical shape, with fairly prominent stems (midribs) and fairly open veins, with some curing defects, mainly of light texture, from yellow to brown in colour, with marked damage but in good condition, taken from all positions on the stalk, with discreet flavour, sufficient aroma and good combustibility The length of the middle leaves not to exceed 35 cm Packaging: in temporary bales of 15 to 20 kg or 'stringed' in cases of 30 to 40 kg Moisture: 17%
16	(a) Round Tip (b) Scafati (c) Sumatra I	Leaf in category B Category B: lower middle leaf, sorted by length in the following proportions: first length (38 cm and over): 60 % second length (from 32 to under 38 cm): 35 % third length (from 25 to under 32 cm): 5 % Leaf of convenient size, fully ripe and of uniform colour, sound, without damage, fine texture, tensile and elastic, stems and veins not prominent, well fermented and in good condition, good combustibility, of typical flavour and aroma, suitable for wrapping cigars, including about 25 % broken leaf Packaging: in hands tied with a non-tobacco material (fascicoli) Moisture: 22 %
17	Basma	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except the first 'protomana', up to 15 cm long, colour golden-yellow, orange to yellow-red, with good elasticity, shiny, fairly bodied, porous structure and fine texture, with strong, typical aroma, good combustibility Leaf as described above constitutes 45 % of quality I/III Leaf ripe showing slight damage and/or curing defects, with slight disease blemishes, from all positions on the plant, up to 20 cm long, colour light yellow, yellow-green, reddish or light brown, with fairly porous structure and fine texture, medium elasticity, moderately shiny and bodied, with strong, typical aroma, very good combustibility Leaf as described above constitutes 55 % of quality I/III Packaging: growers' bales of 15 to 25 kg, formed in the traditional way from two rows of pastals (leaves straight laid). In the districts of Astakos and Chrysoupolis packing is in 'armathodema' Moisture: 17%

Serial No	Variety	Reference quality
18	Katerini and similar varieties	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except the first 'protomana', up to 20 cm long, colour light yellow or orange to reddish, of porous structure, good elasticity, shiny, fairly bodied, fine texture and very good combustibility Leaf as above constitutes 45 % of quality I/III Leaf ripe with slight damage and/or curing defects, with slight disease blemishes, from all positions on the plant, up to 25 cm long, colour yellow, orange, yellow-green, reddish or light brown, of porous structure, moderately bodied, medium elasticity and shiny, fine texture and very good combustibility Leaf as described above constitutes 55 % of quality I/III Packaging: strings are usually bulked using the 'Baski' system before packing. Packing is in bales of 25 to 35 kg using traditional 'Kaloup' system Moisture: 16 %
19	(a) Kaba-Koulak classic (b) Elassona	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except top leaves, up to 25 cm long for Macedonia Kaba-Koulak and to 20 cm long for Elassona, Karatzova and Kontoula, of moderate to deep yellow colour, good elasticity, shiny, of porous structure, fine texture and excellent combustibility Leaf as described above constitutes 47 % of quality I/III Leaf ripe, with some slight damage and/or curing defects, with slight disease blemishes, from all positions on the plant, up to 30 cm long for Macedonia Kaba-Koulak and 25 cm long for Elassona, Karatzova and Kontoula, colour yellow, yellow-green, reddish, of fairly porous structure and fairly fine texture, medium elasticity and moderately shiny, excellent combustibility Leaf as described above constitutes 53 % of quality I/III Packaging: growers' bales of 15 to 30 kg, made up in the traditional form of two rows of 'armathodema' Moisture: 17 %
20	(a) Kaba-Koulak non-classic (b) Myrodata Smyrnis, Trapezous, Phi 1	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except the top leaves, up to 30 cm long for Macedonia Kaba-Koulak and Trapezous, 20 cm long for Phi 1 and 15 cm long for Myrodata Smyrnis, of light yellow to reddish colour, good elasticity, shiny, fairly porous structure, fine texture and excellent combustibility Leaf as described above constitutes 47 % of quality I/III Leaf ripe and reasonably undamaged, with slight curing defects, with slight disease blemishes, from all positions on the plant, up to 35 cm long for Macedonia Kaba-Koulak and Trapezous, 25 cm long for Phi 1 and 20 cm long for Myrodata Smyrnis, of yellow,

Serial No	Variety	Reference quality
20 (cont'd)	(a) Kaba-Koulak non-classic (b) Myrodata Smyrnis, Trapezous, Phi 1	yellow-green or light brown colour, of fairly porous structure, fairly fine texture, fairly elastic and shiny, very good combustibility Leaf as described above constitutes 53 % of quality I/III Packaging: growers' bales of 25 to 35 kg, made up using the traditional 'armathodema' system or of 35 to 50 kg using the 'Kaloup' system Moisture: 17 %
21	Myrodata Agrinion	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, without curing defects, from all positions on the plant except the first 'protomana', up to 25 cm long, of yellow to deep orange colour, of good elasticity, shiny, porous structure, fine texture and excellent combustibility Leaf as described above constitutes 47 % of quality I/III Leaf ripe and reasonably undamaged, with slight curing defects, with slight disease blemishes, from all positions on the plant, up to 30 cm long, of yellow, yellow-green or light reddish colour, fairly porous structure and fairly fine texture, fairly elastic and shiny, excellent combustibility Leaf as described above constitutes 53 % of quality I/III Packaging: growers' bales of 15 to 30 kg made up in the traditional way in two rows of 'armathodema' Moisture: 15 %
22	Zichnomyrodata	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, without curing defects, from all positions on the plant except top leaves, up to 20 cm long, light yellow to light orange colour, good elasticity, shiny, porous structure, fine texture; excellent combustibility Leaf as described above constitutes 47 % of quality I/III Leaf ripe and reasonably undamaged, with slight curing defects, with slight disease blemishes, from all positions on the plant, up to 25 cm long, colour yellow, yellow-green or light reddish, fairly porous structure and fairly fine texture, fairly elastic and shiny, excellent combustibility Leaf as described above constitutes 53 % of quality I/III Packaging: growers' bales of 15 to 30 kg made up in the traditional way in two rows of 'armathodema' Moisture: 17 %
23	Tsebelia	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, without curing defects, from all positions on the plant except the first 'protomana', up to 35 cm long, colour yellow-red, orange to reddish, of porous structure, good elasticity and shiny, fairly bodied, fine texture and very good combustibility Leaf as described above constitutes 45 % of quality I/III

Serial No	Variety	Reference quality
23 (cont'd)	Tsebelia	Leaf ripe and reasonably undamaged, with minor curing defects, from all positions on the plant, up to 40 cm long, colour light yellow, yellow-green, reddish or light brown, fairly porous structure, fairly elastic and shiny, fairly bodied, fairly fine texture, very good combustibility; includes leaves with slight disease blemishes and/or minor damage Leaf as described above constitutes 55 % of quality I/III Packaging: growers' bales of 30 to 40 kg, made up in two rows of 'armathodema' Moisture: 14 %
24	Mavra	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, without curing defects, from all positions on the plant except the first 'protomana', up to 30 cm long, colour yellow-reddish or orange to reddish, with porous structure, fine texture, good elasticity and shiny, fairly bodied, good combustibility Leaf as described above constitutes 45 % of quality I/III Leaf ripe and reasonably undamaged, showing minor curing defects, from all positions on the plant, up to 40 cm long, colour yellowish, yellow-green (lemon), reddish or light brown, fairly porous structure and fairly fine texture, fairly elastic and shiny, fairly bodied, of good combustibility; includes also leaves with slight disease blemishes and/or minor damage Leaf as described above constitutes 55 % of quality I/III Packaging: growers' bales of 30 to 50 kg, made up in two rows of 'armathodema' Moisture: 14 %
25	Burley EL	Quality A leaves Quality A: leaf fully ripe, fully developed, undamaged, sound, without curing defects, from the middle stalk position, of uniform medium nut-brown to nut-red colour, porous structure, fine texture, excellent combustibility Packaging: growers' bales of 50 to 70 kg, made up in two rows of 'armathodema', no strings (leaves loose) Moisture: 22 %
26	Virginia EL	Quality A leaves Quality A: leaf fully ripe, fully developed, sound, undamaged, without curing defects, of uniform lemon yellow to medium orange colour, well bodied, fine texture and good combustibility, mainly from the middle stalk position Packaging: growers' bales of 30 to 40 kg, made up in two rows of 'armathodema', no strings (leaves loose) Moisture: 19 %

Serial No	Variety	Reference quality
27	Santa Fé	Class 1 leaf Class 1: leaf ripe, sound, without curing defects, with stems (midribs) completely dried, brown in colour, with some damage Packaging: tobacco graded in uniform temporary bales Moisture: 18 %
28	Fermented Burley	Class 1 leaf Class 1: leaf ripe, sound, without curing defects, with stems (midribs) completely dried, with good combustibility, nut-brown to cinnamon in colour, with some damage Packaging: tobacco graded in uniform temporary bales Moisture: 18 %
29	Havana E	Class 1 leaf Class 1: leaf ripe, sound, fine texture, with stems (midribs) and veins not very prominent, without curing defects, with stems (midribs) completely dried brown, light brown or greenish in colour, with some damage Packaging: tobacco graded in uniform temporary bales Moisture: 18 %
30	Round Scafati	Class 1 leaf Class 1: leaf of reasonable size, well ripened, of uniform colour, sound, undamaged, fine texture, strong and elastic, with fine stems (midribs) and veins, in good condition, with good combustibility, with typical flavour and aroma, suitable for wrapping cigars; about 25 % broken leaf acceptable Packaging: in uniform temporary bales containing hands tied with non-tobacco material Moisture: 18 %
31	Virginia E	Class 1 leaf Class 1: leaf sufficiently ripe, without curing defects, open texture, with stems (midribs) and veins not very prominent, sound, lemon yellow or orange in colour Packaging: in uniform temporary bales of 33 to 45 kg not tied in hands and with the leaves separated according to their position on the stalk Moisture: 16 %
32	Burley E	Class 1 leaf Class 1: leaf sufficiently ripe, without curing defects, open texture, with stems (midribs) and veins not very prominent, sound, of various shades of cinnamon colour Packaging: in uniform temporary bales of 33 to 45 kg not tied in hands and with the leaves separated according to their position on the stalk Moisture: 18 %

Serial No	Variety	Reference quality
33	Virginia P	Class 1 leaf Class 1: leaf ripe, open and elastic texture, oily, lemon yellow to orange in colour, shiny, length exceeding 40 cm, leaves from the first and last positions on the stalk not included Packaging: in temporary bales of 45 kg with the leaves arranged in order Moisture: 17 %
34	Burley P	Class 1 leaf Class 1: leaf ripe, open and elastic texture, bright colour, length exceeding 40 cm, leaves from the first and last positions on the stalk not included Packaging: in temporary bales of 35 kg with the leaves arranged in order Moisture: 22 %

ANNEX II

Baled tobacco: varieties and their reference qualities for the 1992 harvest

Serial No	Variety	Reference quality
1	Badischer Geudertheimer, Pereg, Korso	Class 1 Hauptgut (top-quality leaf) Class 1: leaf ripe, sound, without blemish, dark brown to mottled brown, of uniform length, fermented normally Packaging: in bales, cases or cartons of approximately 75 to 220 kg or in barrels of approximately 225 to 450 kg Moisture: 16 %
2	Badischer Burley E and hybrids thereof	Class 1 Hauptgut (top-quality leaf) Class 1: leaf ripe, sound, without blemish, fleshy light brown to reddish or dark brown, of uniform length, fermented normally Packaging: in bales or cases of approximately 75 to 220 kg or in barrels of approximately 225 to 450 kg Moisture: 15 %
3	Virgin D and hybrids thereof	Class 1 leaf Class 1: leaf ripe, sound, without blemish, yellow to reddish or brownish yellow, fermented normally Packaging: in bales, cases or cartons of approximately 75 to 220 kg or in barrels of approximately 225 to 450 kg Moisture: 13 %
7	Bright	Leaf in category A Category A: leaf sufficiently ripe, without curing defects, open texture, with stems (midribs) and veins not too prominent, sound, of various shades of yellow Packaging: in barrels of approximately 280 to 450 kg or cartons of approximately 150 to 210 kg Moisture: 13 %
8	Burley I	Leaf in category A Category A: leaf sufficiently ripe, without curing defects, of open possibly firm texture, stems (midribs) and veins not too prominent, sound, of a more or less lively nut-brown colour Packaging: in barrels of approximately 280 to 450 kg or cartons of approximately 150 to 210 kg Moisture: 13 %

Serial No	Variety	Reference quality
9	Maryland	Leaf in category A Category A: leaf sufficiently ripe, with slight curing defects and only slightly mottled, of average texture, stems (midribs) and veins not too prominent, sound, of a rather lively reddish brown colour Packaging: in barrels of approximately 280 to 450 kg or cartons of approximately 150 to 210 kg Moisture: 13%
10	(a) Kentucky and hybrids thereof (b) Moro di Cori (c) Salento	Leaf in category B Category B: leaf fully ripe, of firm texture, without curing and condition defects, brown in colour, with some damage, of good combustibility Packaging: in barrels of approximately 280 to 450 kg, bales of approximately 170 to 200 kg or cartons of 150 to 200 kg Moisture: 16%
11	(a) Forchheimer Havana II c (b) Nostrano del Brenta (c) Resistente 142 (d) Gojano (e) Hybrids of Badischer Geudertheimer	Leaf in category B Category B: leaf in firm or light texture, sound, without any curing defects, brown to greenish in colour, with some damage; leaf ripe, sound, dark brown to mottled brown, normally fermented (hybrids of Badischer Geudertheimer) Packaging: in bales, cases or cartons of approximately 75 to 200 kg or in barrels of approximately 225 to 450 kg Moisture: 16%
12	(a) Beneventano (b) Brasile Selvaggio and similar varieties	Leaf in category B Category B: leaf sufficiently ripe, firm texture or possibly coarse or thin, with minor defects as regards curing and fermentation and damage Packaging: in bales of approximately 120 kg or barrels of approximately 330 kg Moisture: 16%
13	Xanti-Yakà	Leaf in category B Category B: leaf reasonably sound and ripe, sessile, of oval or elliptical shape, stems (midribs) not too prominent and well-spaced veins, with some curing defects, mainly of light texture, from yellow to brown in colour, with marked damage but in good condition, taken from all positions on the stalk, with discreet flavour, sufficient aroma and good combustibility The length of the middle leaves not to exceed 20 cm Packaging: in small bales of approximately 18 to 50 kg Moisture: 13%

Serial No	Variety	Reference quality
14	(a) Perustitza (b) Samsun	Leaf in category B Category B: leaf reasonably sound and ripe, sessile (Perustitza) or with leaf, stalks (Samsun) of elliptical lanceolate shape with fine points (Perustitza) or elliptical and rounded (Samsun) without prominent stems (midribs) and with veins at a rather acute angle, with slight curing defects, generally of light texture, in colour from yellow to brown (Perustitza) or reddish (Samsun), with marked damage but in good condition, taken from all positions on the stalk with discreet flavour, sufficient aroma and good combustibility The length of the middle leaves not to exceed 25 cm Packaging: in small bales of approximately 18 to 50 kg Moisture: 13 %
15	Erzegovina and similar varieties	Leaf in category B Category B: leaf reasonably sound and ripe, sessile, of oval or elliptical shape, with fairly prominent stems (midribs) and fairly open veins, with some curing defects, mainly of light texture, from yellow to brown in colour, with marked damage but in good condition, taken from all positions on the stalk, with discreet flavour, sufficient aroma and good combustibility The length of the middle leaves not to exceed 35 cm Packaging: in small bales of approximately 18 to 50 kg Moisture: 13 %
16	(a) Round Tip (b) Scafati (c) Sumatra I	Leaf in category B Category B: lower middle leaf, sorted by length in the following proportions: first length (38 cm and over): 60 % second length (from 32 to under 38 cm): 35 % third length (from 25 to under 32 cm): 5 % leaf of convenient size, fully ripe and of uniform colour, sound, without damage, fine texture, tensile and elastic, stems and veins not prominent, well fermented and in good condition, good combustibility, of typical flavour and aroma, suitable for wrapping cigars, including about 25 % broken leaf Packaging: in bales of approximately 70 to 90 kg or cartons of approximately 180 to 210 kg Moisture: 16 %
17	Basmas	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except the first 'protomana', up to 15 cm long, colour golden-yellow, orange to yellow-red, with good elasticity and shiny, fairly bodied, porous structure and fine texture, with strong, typical aroma, good combustibility

Serial No	Variety	Reference quality
17 (cont'd)	Basmas	Leaf as described above (I/II) constitutes 45 % of quality I/III Leaf ripe and reasonably undamaged, with slight curing defects and slight disease blemishes, up to 20 cm long, colour light yellow, reddish or light brown, with fairly porous structure and fine texture, medium elasticity, moderately shiny and bodied, with strong, typical aroma, very good combustibility Leaf as described above (III) constitutes 55 % of quality I/III Packaging: bales (tongas) of approximately 30 kg Moisture: 13 %
18	Katerini and similar varieties	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except the first 'protomana', up to 20 cm long, colour light yellow or orange to reddish, of porous structure, good elasticity, shiny, fairly bodied, fine texture and very good combustibility Leaf as described above (I/II) constitutes 45 % of quality I/III Leaf ripe with slight damage and curing defects, with slight disease blemishes, from all positions on the plant, up to 25 cm long, colour yellow, orange, yellow-green, reddish or light brown, of porous structure, medium elasticity and shiny, fairly bodied, fine texture and very good combustibility Leaf as described above constitutes 55 % of quality I/III Packaging: bales (tongas) of approximately 30 kg Moisture: 13 %
19	(a) Kaba-Koulak classic (b) Ellassona	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except top leaves, up to 25 cm long for Macedonia Kaba-Koulak and to 20 cm long for Ellassona, Karatzova and Kontoula, of moderate to deep yellow colour, good elasticity, shiny, of porous structure, fine texture and excellent combustibility Leaf as described above constitutes 47 % of quality I/III Leaf ripe with some slight damage and/or curing defects, with slight disease blemishes, from all positions on the plant, up to 30 cm long for Macedonia Kaba-Koulak and 25 cm long for Ellassona, Karatzova and Kontoula, of yellow to reddish colour, of fairly porous structure and fairly fine texture, medium elasticity, shiny, excellent combustibility Leaf as described above constitutes 53 % of quality I/III Packaging: bales (tongas) of approximately 30 kg Moisture: 13 %

Serial No	Variety	Reference quality
20	(a) Kaba-Koulak non-classic (b) Myrodata Smyrnis, Trapezous, Phi 1	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except top leaves, up to 30 cm long for Macedonia Kaba-Koulak and Trapezous, 20 cm long for Phi 1 and 15 cm long for Myrodata Smyrnis, of light yellow to reddish colour, good elasticity, shiny, fairly porous structure, fine texture and excellent combustibility Leaf as described above (I/II) constitutes 47 % of quality I/III Leaf ripe and reasonably undamaged, with slight curing defects, with slight disease blemishes, from all positions on the plant, up to 35 cm long for Macedonia Kaba-Koulak and Trapezous, 25 cm long for Phi 1, and 20 cm long for Myrodata Smyrnis, of yellow to light brown colour, fairly porous structure, fairly fine texture, fairly elastic and shiny, very good combustibility Leaf as described above (III) constitutes 53 % of quality I/III Packaging: bales (tongas) of approximately 30 kg Moisture: 13 %
21	Myrodata Agrinion	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except the first 'protomana', up to 25 cm long, of yellow to deep orange colour, of good elasticity, shiny, porous structure, fine texture and excellent combustibility Leaf as described above (I/II) constitutes 47 % of quality I/III Leaf ripe and reasonably undamaged, with slight curing defects, with slight disease blemishes, from all positions on the plant, up to 30 cm long, of yellow to light reddish colour, fairly porous structure and fairly fine texture, fairly elastic and shiny, excellent combustibility Leaf as described above (III) constitutes 53 % of quality I/III Packaging: bales (tongas) of approximately 30 kg Moisture: 14 %
22	Zichnomyrodata	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except top leaves, up to 20 cm long, from light yellow to light orange in colour, good elasticity, shiny, porous structure, fine texture and excellent combustibility Leaf as described above constitutes 47 % of quality I/III Leaf ripe and reasonably undamaged, with slight curing defects, with slight disease blemishes, from all positions on the plant, up to 25 cm long, of yellow to light reddish colour, fairly porous structure and fairly fine texture, fairly elastic and shiny, excellent combustibility Leaf as described above (III) constitutes 53 % of quality I/III Packaging: bales (tongas) of approximately 30 kg Moisture: 13 %

Serial No	Variety	Reference quality
23	Tsebelia	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except the first 'protomana', up to 30 cm long, colour yellow-red, orange to reddish, of porous structure, elastic and shiny, fairly bodied, fine texture and very good combustibility Leaf as described above (I/II) constitutes 45 % of quality I/III Leaf ripe and reasonably undamaged, with minor curing defects, from all positions on the plant, up to 40 cm long, colour from light yellow to reddish or light brown, fairly porous structure, fairly elastic and shiny, fairly bodied, fairly fine texture, very good combustibility; includes also leaves with slight disease blemishes and/or minor damage Leaf as described above constitutes 55 % of quality I/III Packaging: bales (tongas) of approximately 30 kg Moisture: 13 %
24	Mavra	Quality I/III leaves Quality I/III: leaf ripe, undamaged, sound, well cured, from all positions on the plant except the first 'protomana', up to 30 cm long, colour yellow-reddish or orange to reddish, with porous structure, fine texture, elastic and shiny, fairly bodied, good combustibility Leaf as described above constitutes 45 % of quality I/III Leaf ripe and reasonably undamaged, with minor curing defects, from all positions on the plant, up to 40 cm long, colour from yellowish to reddish or light brown, fairly porous structure and fairly fine texture, fairly elastic and shiny, fairly bodied, of good combustibility; includes also leaves with slight disease blemishes and/or minor damage Leaf as described above constitutes 55 % of quality I/III Packaging: bales (tongas) of approximately 30 kg Moisture: 13 %
25	Burley EL	Quality A leaves Quality A: leaf fully ripe, fully developed, undamaged, sound, well cured, from the middle stalk position, of uniform medium nut-brown to nut-red colour, porous structure, fine texture, excellent combustibility Packaging: bales of approximately 100 kg, cases of approximately 200 kg or barrels of 240 to 280 kg Moisture: 13 %
26	Virginia EL	Quality A leaves Quality A: leaf fully ripe, fully developed, from the middle stalk position, sound, undamaged, well cured, of a uniform lemon yellow to medium orange colour, fine texture and good combustibility Packaging: bales of approximately 100 kg Moisture: 13 %

Serial No	Variety	Reference quality
27	Santa Fé	Class 1 leaf Class 1: Leaf ripe, sound, well fermented, brown or dark brown in colour, with some damage Packaging: in bales of 80 to 100 kg or in cartons of 150 to 210 kg Moisture: 14 %
28	Fermented Burley	Class 1 leaf Class 1: Leaf ripe, sound, well fermented, brown in colour, with some damage Packaging: in bales of 80 to 100 kg or in cartons of 150 to 210 kg Moisture: 14 %
29	Havana E	Class 1 leaf Class 1: Leaf ripe, sound, fine texture, with stems (midribs) and veins not very prominent, well fermented, brown or light brown to greenish in colour, with some damage Packaging: in bales of 80 to 100 kg or in cartons of 150 to 210 kg Moisture: 14 %
30	Round Scafati	Class 1 leaf Class 1: Leaf of reasonable size, well ripened, of uniform colour, sound, without significant damage, fine texture, strong and elastic, with fine stems (midribs) and veins, in good condition, with good combustibility, with typical flavour and aroma, well fermented, suitable for wrapping cigars; about 25 % broken leaf acceptable Packaging: in bales of 70 to 100 kg or in cartons of 180 to 210 kg Moisture: 14 %
31	Virginia E	Class 1 leaf Class 1: Leaf sufficiently ripe, open texture, with stems (midribs) and veins not very prominent, sound, of various shades of yellow from lemon to orange Packaging: in cartons of 170 to 210 kg Moisture: 14 %
32	Burley E	Class 1 leaf Class 1: Leaf sufficiently ripe, open texture, with stems (midribs) and veins not very prominent, sound, of various shades of cinnamon colour Packaging: in cartons of 150 to 210 kg Moisture: 14 %

Serial No	Variety	Reference quality
33	Virginia P	Class 1 leaf Class 1: Leaf ripe, well cured, open and elastic texture, oily, lemon yellow to orange in colour, shiny, length exceeding 40 cm, leaves from the first and last positions on the stalk not included Packaging: in cartons of 200 kg, not tied in hands Moisture: 12,5 %
34	Burley P	Class 1 leaf Class 1: Leaf ripe, well cured, open and elastic texture, bright colour, length exceeding 40 cm, leaves from the first and last positions on the stalk not included Packaging: in cartons of 180 kg, not tied in hands Moisture: 13 %

ANNEX III

Recognized production areas for each Community-produced tobacco variety

Variety	Country	Production area
1. Badischer Geudertheimer, Pereg, Korso	Germany	Rhine valley and adjacent valleys, Mittelfranken, Brandenburg, Mecklenburg-Western Pomerania
	France	Nord-Pas-de-Calais, Picardy, Champagne-Ardennes, Alsace-Lorraine, Val-de-Loire, Poitou-Bretagne, Centre
2. Badischer Burley E and hybrids thereof	Germany	Rhine valley and adjacent valleys, Mittelfranken, Brandenburg, Mecklenburg-Western Pomerania
	France	A (*) Aquitaine, Midi-Pyrénées, Auvergne-Limousin, Alsace-Lorraine, Rhône-Alpes, Franche-Comté, Val-de-Loire, Centre, Poitou-Bretagne, Burgundy, Charente, Languedoc-Roussillon
	Italy	B (*) Piedmont, Lombardy, Veneto, Emilia-Romagna
3. Virgin D and hybrids thereof	Germany	Schleswig-Holstein, Lower-Saxony, Franconia, Rhine valley and adjacent valleys, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia
	France	Aquitaine, Midi-Pyrénées, Auvergne-Limousin, Champagne-Ardennes, Alsace-Lorraine, Rhône-Alpes, Franche-Comté, Provence, Val-de-Loire, Centre, Poitou-Bretagne, Charente, Languedoc-Roussillon, Normandy, Burgundy, Nord-Pas-de-Calais, Picardy, Ile-de-France
4. (a) Paraguay and hybrids thereof	France	A (*) Aquitaine, Midi-Pyrénées, Languedoc-Roussillon, Auvergne-Limousin, Poitou-Bretagne, Charente, Val-de-Loire, Centre, Rhône-Alpes, Provence, Franche-Comté, Alsace-Lorraine, Champagne-Ardennes, Picardy, Nord-Pas-de-Calais, Normandy, Burgundy
	Italy	B (*) Molise, Campania
	Belgium	C (*) Flanders
(b) Dragon vert and its hybrids thereof, Philippin, Petit Grammont (Flobecq), Semois, Appel terre	France	A (*) Nord-Pas-de-Calais, Picardy, Champagne-Ardennes, Val-de-Loire, Alsace-Lorraine
	Belgium	C (*) Flanders, Hainaut, Namur, Luxembourg
5. Nijkerk	France	Departments of Lot and Aveyron
6. Misionero	France	Réunion
7. Bright	Italy	Friuli, Veneto, Lombardy, Piedmont, Tuscany, Marches, Umbria, Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Calabria
8. Burley I	Italy	Veneto, Lombardy, Piedmont, Umbria, Emilia-Romagna, Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Sicily
9. Maryland	Italy	Friuli, Lombardy, Tuscany, Marches, Umbria, Lazio, Molise, Campania
10. Kentucky	Italy	Veneto, Tuscany, Umbria, Lazio, Campania
	Spain	Extremadura, Andalusia
11. (a) F. Havana II c (b) Nostrano del Brenta (c) Resistente 142 (d) Gojano (e) Hybrids of Badischer Geudertheimer	Italy	Friuli, Trentino, Veneto, Tuscany, Lazio, Molise, Campania
	Italy	Veneto, Tuscany, Molise, Campania, Lazio, Apulia
12. Beneventano Brasile Selvaggio	Italy	Campania
		Sicily
13. Xanti-Yakà	Italy	Abruzzi, Campania, Basilicata, Apulia

Variety	Country	Production area
14. (a) Perustitza (b) Samsun	Italy	Lazio, Abruzzi, Molise, Campania, Apulia, Sicily
15. Erzegovina	Italy	Lazio, Abruzzi, Apulia
16. Round Tip	Greece Italy	Central Macedonia Campania
17. Basmas	Greece	Thrace, Macedonia, Sterea Hellas, Thessaly
18. (a) Katerini (b) Similar varieties	Greece	Macedonia Macedonia, Sterea Hellas, Epirus, Thessaly
19. (a) Kaba Koulak classic (b) Elassona	Greece	Macedonia Thessaly
20. Kaba Koulak non-classic	Greece	Macedonia, Thessaly, Sterea Hellas, Thrace, Epirus, Peloponnese and Islands
21. Myrodata Agrinion	Greece	Sterea Hellas
22. Zichnomyrodata	Greece	Thessaly
23. Tsebelia	Greece	Epirus, Sterea Hellas
24. Mavra	Greece	Thessaly, Peloponnese, Sterea Hellas
25. Burley EL	Greece	Macedonia, Thessaly
26. Virginia EL	Greece	Sterea Hellas, Thessaly, Macedonia, Thrace, Peloponnese, Epirus
27. Santa Fé	Spain	Andalusia
28. Fermented Burley	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha, Valencia (Comunidad autonoma), Navarra, Rioja, Catalonia, Madrid
29. Havana E	Spain	Castile-Leon, Navarre, Galicia, Asturias, Cantabria, zone of Campero in the Basque region
30. Round Scafati	Spain	Galicia, Asturias, Navarra, Castile-Leon, Cantabria
31. Virginia E	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha
32. Burley E	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha
33. Virginia P	Portugal	Beira Interior, Ribatejo Oeste, Alentejo, Autonomous Region of the Azores
34. Burley P	Portugal	Beiras, Ribatejo Oeste, Entre Douro e Minho, Tras-os-Montes, Autonomous Region of the Azores

(*) Specific production areas as defined in Article 4 (5) of Regulation (EEC) No 727/70.

ANNEX IV

Norm prices, intervention prices and premiums for leaf tobacco from the 1992 harvest

Derived intervention prices for baled tobacco from 1992 harvest

(ECU/kg)

Serial No	Variety	Norm price	Intervention price	Premium	Derived intervention price	Maximum % Article 3 (3)
1	Badischer Geudertheimer, Pereg, Korso	3,637	3,091	2,530	4,636	30 ⁽²⁾
2	Badischer Burley E and hybrids thereof	4,504	3,829	2,956	5,417	45 ⁽³⁾
3	Virgin D and hybrids thereof	4,618	3,925	2,922	5,171	30 ⁽³⁾
4	(a) Paraguay and hybrids thereof (specific production areas A and C) (b) Dragon vert and hybrids thereof, Philippin, Petit Grammont (Flobecq), Semois, Appel terre (c) Paraguay and hybrids thereof (specific production area B)	3,394 2,953	2,885 2,510	2,348 2,043	— —	20 ⁽⁴⁾ 30 ⁽⁴⁾
5	Nijkerk	3,351	2,849	2,128	—	20 ⁽⁴⁾
6	(a) Misionero and hybrids thereof (b) Rio Grande and hybrids thereof	3,123	2,654	2,155	—	30 ⁽⁵⁾
7	Bright	4,063	3,454	2,457	4,756	30 ⁽⁶⁾
8	Burley I	2,474	2,102	1,748	3,202	30 ⁽⁶⁾
9	Maryland	3,307	2,811	1,872	4,007	30 ⁽⁶⁾
10	(a) Kentucky and hybrids thereof (b) Moro di Cori (c) Salento	2,791	2,373	1,902	3,341	30 ⁽⁶⁾
11	(a) Forchheimer Havanna II c (b) Nostrano del Brenta (c) Resistente 142 (d) Gojano (e) Hybrids of Badischer Geudertheimer	2,351	1,763 ⁽¹⁾	1,658	2,957 ⁽¹⁾	30 ⁽⁶⁾
12	(a) Beneventano (b) Brasile Selvaggio and similar varieties	1,270	1,079	0,935	1,825	30 ⁽⁶⁾
13	Xanti-Yakà	3,056	2,598	2,251	4,324	45 ⁽⁶⁾
14	(a) Perustitza (b) Samsun	2,893	2,459	2,142 2,085	3,737 3,761	45 ⁽⁶⁾
15	Erzegovina and similar varieties	2,599	2,209	1,930	3,371	45 ⁽⁶⁾
16	(a) Round Tip (b) Scafati (c) Sumatra I	13,816	11,744	8,345	18,731	30 ⁽⁶⁾
17	Basmas	6,080	5,168	3,067	6,902	20 ⁽⁷⁾
18	Katerini and similar varieties	5,064	4,305	2,729	6,185	20 ⁽⁷⁾
19	(a) Kaba Koulak classic (b) Ellassona	3,774	3,208	1,950	4,687	20 ⁽⁷⁾
20	(a) Kaba Koulak non-classic (b) Myrodata Smyrna, Trapezous and Phi I	2,843	2,417	1,335	3,799	20 ⁽⁷⁾
21	Myrodata Agrinion	3,752	3,189	1,970	4,608	20 ⁽⁷⁾
22	Zichnomyrodata	3,898	3,313	2,078	4,805	20 ⁽⁷⁾
23	Tsebelia	2,359	1,769 ⁽¹⁾	1,914	3,072 ⁽¹⁾	20 ⁽⁷⁾

Serial No	Variety	Norm price	Intervention price	Premium	Derived intervention price	Maximum % Article 3 (3)
24	Mavra	2,303	1,727 ⁽¹⁾	1,565	3,025 ⁽¹⁾	20 ⁽⁷⁾
25	Burley EL	2,247	1,910 ⁽¹⁾	1,496	3,031 ⁽¹⁾	20 ⁽⁶⁾
26	Virginia EL	3,572	3,036	2,951	4,240	30 ⁽⁶⁾
27	Santa Fé	1,381	1,174	0,300	2,031	30 ⁽⁴⁾
28	Fermented Burley	2,236	1,901	0,929	2,918	30 ⁽⁴⁾
29	Havanna E	2,873	2,442	1,949	3,627	30 ⁽⁴⁾
30	Round Scafati	7,529	6,400	5,134	11,408	30 ⁽⁸⁾
31	Virginia E	4,252	3,614	2,209	5,031	30 ⁽⁴⁾
32	Burley E	2,960	2,516	1,717	3,782	30 ⁽⁴⁾
33	Virginia P	4,256	3,617	2,350	4,944	30 ⁽⁴⁾
34	Burley P	3,067	2,607	1,717	3,890	30 ⁽⁴⁾

⁽¹⁾ Account being taken of the application of Article 13 of Regulation (EEC) No 727/70.

⁽²⁾ Class III Obergut.

⁽³⁾ Class III.

⁽⁴⁾ Class 3.

⁽⁵⁾ 3rd and 4th qualities.

⁽⁶⁾ Category C.

⁽⁷⁾ Grade IV.

⁽⁸⁾ Classes 3 and 4.

COUNCIL REGULATION (EEC) No 2063/92

of 30 June 1992

fixing the basic price, and the seasonal adjustments to the basic price for sheepmeat for the 1993 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, and in particular Article 3 (1) and (2) thereof,Having regard to the proposal from the Commission ⁽²⁾,Having regard to the opinion of the European Parliament ⁽³⁾,Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas the basic price must be fixed in accordance with the criteria laid down in Article 3 (2) of Regulation (EEC) No 3013/89;

Whereas, when the basic price for sheep carcasses is fixed, account should be taken of the objectives of the common agricultural policy; whereas the main objectives of the common agricultural policy are, in particular, to guarantee a fair standard of living for the farming community and to ensure that supplies are available and that they reach consumers at reasonable prices; whereas these factors result

in the price for the 1993 marketing year being fixed at the level laid down in this Regulation;

Whereas the weekly seasonally-adjusted amounts applicable to the basic price should be fixed in the light of experience gained during the 1990 and 1991 marketing years concerning private storage,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1993 marketing year, the basic price for sheepmeat is hereby fixed at ECU 422,95/100 kg carcase weight.

Article 2

The basic price referred to in Article 1 is hereby seasonally adjusted in accordance with the table set out in the Annex to this Regulation.

*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from the beginning of the 1993 marketing year.

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

Done at Luxembourg, 30 June 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

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

⁽²⁾ OJ No C 119, 11. 5. 1992, p. 51.

⁽³⁾ OJ No C 150, 15. 6. 1992.

⁽⁴⁾ OJ No C 169, 6. 7. 1992.

ANNEX

1993 marketing year

(ECU/100 kg carcase weight)

Week beginning	Week	Basic price
4 January 1993	1	432,17
11 January 1993	2	435,12
18 January 1993	3	438,55
25 January 1993	4	441,00
1 February 1993	5	443,45
8 February 1993	6	445,90
15 February 1993	7	448,35
22 February 1993	8	450,80
1 March 1993	9	452,76
8 March 1993	10	454,72
15 March 1993	11	455,70
22 March 1993	12	455,70
29 March 1993	13	454,72
5 April 1993	14	453,35
12 April 1993	15	451,49
19 April 1993	16	448,84
26 April 1993	17	446,88
3 May 1993	18	443,94
10 May 1993	19	441,00
17 May 1993	20	437,08
24 May 1993	21	432,18
31 May 1993	22	427,28
7 June 1993	23	421,40
14 June 1993	24	416,50
21 June 1993	25	412,58
28 June 1993	26	408,66
5 July 1993	27	405,72
12 July 1993	28	403,76
19 July 1993	29	402,78
26 July 1993	30	402,29
2 August 1993	31	401,77
9 August 1993	32	401,77
16 August 1993	33	401,77
23 August 1993	34	401,77
30 August 1993	35	401,77
6 September 1993	36	401,77
13 September 1993	37	401,77
20 September 1993	38	401,77
27 September 1993	39	401,80
4 October 1993	40	401,90
11 October 1993	41	402,00
18 October 1993	42	402,09
25 October 1993	43	402,19
1 November 1993	44	402,78
8 November 1993	45	403,56
15 November 1993	46	404,45
22 November 1993	47	405,43
29 November 1993	48	407,88
6 December 1993	49	411,80
13 December 1993	50	416,70
20 December 1993	51	422,78
27 December 1993	52	429,21

COUNCIL REGULATION (EEC) No 2064/92

of 30 June 1992

amending Regulation (EEC) No 762/89 introducing a specific measure for certain grain legumes

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 Regulation (EEC) No 762/89 ⁽⁴⁾ introduced a specific measure for certain grain legumes; whereas that Regulation expires on 30 June 1993;

Whereas the maintenance of crops of grain legumes such as lentils, chick-peas and vetches is in the Community economic interest; whereas, therefore, the specific measure in their favour should be extended to 30 June 1996;

Whereas it is opportune to lay down the detailed rules for implementation in accordance with the procedure laid down in Article 12 in Regulation (EEC) No 1117/78 of 22 May

1978 on the common organization of the market in dried fodder ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5 of Regulation (EEC) No 762/89, '1992/93' is hereby replaced by '1995/96'.

Article 2

In Article 4, the first sentence of Regulation (EEC) No 762/89 shall be replaced by the following:

'The Commission shall adopt the implementing Regulation in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1117/78'.

Article 3

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 Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 303, 22. 11. 1991.

⁽²⁾ OJ No C 125, 18. 5. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992.

⁽⁴⁾ OJ No L 80, 23. 3. 1989, p. 76.

⁽⁵⁾ OJ No L 142, 30. 5. 1978, p. 2. Last amended by Regulation (EEC) No 2275/89 (OJ No L 218, 28. 7. 1989, p. 1).

COUNCIL REGULATION (EEC) No 2065/92

of 30 June 1992

on the percentage to be used to calculate the aid for dried fodder for the 1993/94 marketing year

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 Act of Accession of Spain and Portugal, and in particular Article 89 (1) 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 5 (2) of Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder ⁽⁴⁾, provides that the percentage to be used to calculate the aid is to be fixed in accordance with the procedure laid down in Article 43 (2) of the Treaty;

Whereas, under Article 5 (2) of Council Regulation (EEC) No 1117/78, the aid provided for in paragraph 1 of that Article must be equal to a percentage of the difference between the guide price and the average world market price for the products in question;

Whereas in view of the characteristics of the market in question the percentage should be set at 70% for the 1993/94 marketing year;

Whereas the support scheme for dried fodder may need to be adjusted from 1 May 1994; whereas the Council must accordingly take decisions in good time on the future scheme,

HAS ADOPTED THIS REGULATION:

Article 1

The percentage to be used to calculate the aid referred to in Article 5 of Regulation (EEC) No 1117/78 shall be fixed at 70% for the 1993/94 marketing year.

Article 2

In accordance with the procedure laid down in Article 43 (2) of the Treaty, the Council shall, by 31 March 1994 at the latest, take a decision on whether from 1994/95 onwards the support for the producers of these products should be on the basis of a continuation of this specific aid or by inclusion of these products in the general framework of arable crop aids.

Article 3

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

It shall apply from 1 May 1993.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 303, 22. 11. 1991.

⁽²⁾ OJ No C 125, 18. 5. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992.

⁽⁴⁾ OJ No L 142, 30. 5. 1978, p. 1. Last amended by Regulation (EEC) No 2275/89 (OJ No L 218, 28. 7. 1989, p. 1).

COUNCIL REGULATION (EEC) No 2066/92

of 30 June 1992

amending Regulation (EEC) No 805/68 on the common organization of the market in beef and veal and repealing Regulation (EEC) No 468/87 laying down general rules applying to the special premium for beef producers and Regulation (EEC) No 1357/80 introducing a system of premiums for maintaining suckler cows

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 beef and veal sector is persistently subject to economic factors which, given the possibilities for exports to third countries, cause structural imbalance between supply and demand on the Community market;

Whereas, in order to redress the situation of agriculture in general, measures must be applied both in the farming sectors supplying raw materials for beef and veal production and in the beef and veal sector itself; whereas, as a result of these measures, the intervention price for beef is to be reduced;

Whereas, given the consequences for producers, substantial compensation should be granted in the form of premiums, subject to a limit on the number of eligible male animals to that corresponding to an economically viable holding; whereas, given the variety of stockfarming enterprises, the special premium for beef producers and the premium for maintaining suckler cow herds should be continued; whereas these schemes should be adapted to the new situation by redefinition of the conditions of grant;

Whereas the reorientation of the premiums should not be reflected in an increase in overall production; whereas, to that end, the number of animals eligible for premiums should be limited by applying regional and individual ceilings respectively to be determined in accordance with reference years; whereas most of the Member States do not have the information necessary regarding the special premium arrangements to establish the individual reference ceilings for each producer; whereas, furthermore, such detailed assessments would pose a variety of administrative

problems; whereas the Member States should therefore be given the choice between establishing individual or regional ceilings;

Whereas slaughtering too great a number of animals during the slaughtering season could disturb the market and result in excessive buying-in for intervention; whereas to encourage the putting up for slaughter of male animals outside the annual 'off grass' period, an additional premium should be granted, subject to certain conditions, to the special premium for animals slaughtered out of season during the first four months of the year;

Whereas, as regards the suckler cow premium, provision should be made for individual reference ceilings; whereas some increases in production become necessary because of changes in stock or production capacity of the recipients; whereas it is therefore advisable to provide for the possibility of transferring rights acquired in respect of individual ceilings to other producers, under certain conditions, either together with the holding or without retaining the link between premium rights and land farmed;

Whereas new producers and existing producers whose individual ceilings do not correspond, for various reasons, to normal movement in suckler cow herds must not be excluded from right to premium; whereas provision should be made to this effect to set up a national reserve, initially by means of a flat-rate levy on the individual ceilings of all producers and subsequently to be funded and administered in accordance with Community criteria; whereas, for the same reason, it is appropriate to make the transfer of the right to premium without transfer of the holding subject to rules whereby part of these transferred rights may be withdrawn without compensatory payment and to allocate the rights withdrawn to that national reserve;

Whereas, in order to support producers in the less-favoured areas, provision should be made to set up an additional reserve to be distributed exclusively between such producers;

Where it is opportune to establish a link between sensitive zones or localities and the production of suckler cows so as to ensure the maintenance of this production especially in areas where there is no other alternative;

Whereas, given the rising trend towards intensification of beef and veal production, premiums for stockfarming should

⁽¹⁾ OJ No C 303, 22. 11. 1991, p. 29.

⁽²⁾ OJ No C 125, 18. 5. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 20.

be determined with due regard for the various possibilities of use of the forage capacity of each holding in relation to the numbers and species of animals held; whereas, to encourage extensive production, the grant of such premiums should be subject to compliance with a maximum stocking density on the holding, and an additional amount should be granted to producers who do not exceed a minimum stocking rate; whereas, however, the situation of small producers should be taken into consideration;

Whereas one of the market destabilizing factors is the availability for rearing of a large number of male calves of dairy breeds; whereas in view of the different production structures in the Member States, the latter should be allowed to choose between paying a slaughter premium for such calves and introducing a new intervention scheme for lightweight carcasses of male animals;

Whereas the amounts of the special premiums and suckler cow premiums should be adapted progressively in several stages; whereas, in order to achieve the desired economic target, the premiums must be granted within a certain time limit;

Whereas agriculture in the territories of the new German Länder is still in an unusual situation compared to the rest of the Community; whereas it is subject to an ongoing and deep process of restructuring by which the size and management of many holdings will change as well as their productive structure; whereas these particular circumstances should be taken into consideration by providing for specific measures on a transitional basis; whereas special regional ceilings should therefore be fixed for the special premium and suckler cow premium arrangements and whereas Germany should be authorized to establish the operating details of such measures; whereas the Council will take a decision on the integration of the territory of the new German Länder into the Community scheme on the basis of a Commission report;

Whereas, in the case of the suckler cow premium, specific conditions must be laid down to permit the transition from the old arrangements to the new;

Whereas, in order to maintain the consistency of Community agricultural legislation, it is appropriate to use existing legislative instruments to lay down conditions concerning extensification of production; whereas Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures ⁽¹⁾ and Council Directive No 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas ⁽²⁾, can be used for this purpose;

Whereas, in order to monitor stockfarming enterprises qualifying for premiums, a system of marking and registration of stock satisfying identical criteria throughout the Community must be introduced;

Whereas in order to simplify agricultural legislation the premium arrangements and intervention measures should be grouped in two separate sections of Regulation (EEC) No 805/68 ⁽³⁾;

Whereas Regulations (EEC) No 468/87 ⁽⁴⁾ and (EEC) No 1357/80 ⁽⁵⁾ shall be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 805/68 is hereby amended as follows:

1. the following heading shall be inserted before Article 4a:

'Section 1 — Premiums';

2. Article 4a shall be replaced by the following:

'Article 4a

For the purposes of this section:

- "producer" shall mean an individual farmer, whether a natural or a legal person or group of natural or legal persons, irrespective of the legal status conferred by national law on such a group or its members, whose holding is located in Community territory and who is engaged in rearing bovine animals,
- "holding" shall mean all the production units managed by the producer and located in the territory of a single Member State,
- "suckler cow" shall mean:
 - (i) a cow belonging to a meat breed or born of a cross with a meat breed, and belonging to a herd intended for rearing calves for meat production;
 - and
 - (ii) an in-calf heifer, meeting the same criteria, which replaces a suckler cow.

Article 4b

1. A producer holding male bovine animals on his holding may qualify, on application, for a special premium. It shall be granted in the form of an annual premium per calendar year per holding within the limits of regional ceilings for not more than 90 animals for each of the age brackets referred to in paragraph 2.
2. The premium shall be granted no more than twice in the life of each male bovine animal:

⁽¹⁾ OJ No L 218, 6. 8. 1991, p. 1.

⁽²⁾ OJ No L 128, 19. 5. 1975, p. 1. Last amended by Regulation (EEC) No 797/85 (OJ No L 93, 30. 3. 1985, p. 1).

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24. Last amended by Regulation (EEC) No 1628/91 (OJ No L 150, 15. 6. 1991, p. 16).

⁽⁴⁾ OJ No L 48, 17. 2. 1987, p. 4.

⁽⁵⁾ OJ No L 140, 5. 6. 1980, p. 1.

- the first time at the age of 10 months,
- the second time after it has reached the age of 22 months.

To qualify for the premium, any animal for which an application has been made, must be held for fattening by the producer for a given period.

3. When in a given region the total number of animals for which an application has been made and which satisfy the conditions for granting the special premium exceeds the regional ceiling, the number of eligible animals per producer for the year in question shall be reduced proportionally.

When calculating the total number account shall be taken only of animals in the 10 to 21-month age bracket for which an application has been made.

Within the meaning of this Article, the following definitions shall apply:

- (a) "region": a Member State or region within a Member State at the choice of the Member State concerned;
- (b) "regional ceiling": the number of animals within a region and under a reference year which have qualified for the special premium; the Member States may choose 1990, 1991 or 1992 as the reference year for their entire territory. The Member States shall inform the Commission by 31 January 1993 of the reference year of their choice.

4. Where the Member States have the necessary information, they may allocate to all producers individual ceilings within the limits of the Member States' regional ceilings and on the basis of objective criteria.

In such cases:

- (a) each producer's right to premium shall be limited to his individual ceiling;
- (b) the proportional reduction shall not apply;
- (c) the Member States shall lay down special management conditions on the basis of the principles laid down in Articles 4e and 4f.

5. Member States may decide to grant the premium at the time of slaughter. It shall be granted only in respect of carcasses weighing not less than 200 kg.

The premium shall be paid or passed back to the producers.

The United Kingdom shall be authorized to apply in Northern Ireland a system for granting the special premium which differs from that applied in the remainder of its territory.

6. The amount of the premium per eligible animal shall be:

- ECU 60 for the 1993 calendar year,
- ECU 75 for the 1994 calendar year,
- ECU 90 for the 1995 calendar year and thereafter.

Save in duly justified exceptional cases, payment must be made as soon as the inspections are carried out and not later than 30 June of the year following the calendar year in respect of which the premium is applied for.

7. At the latest from the time of the first premium application, each male bovine animal must be covered by an administrative document until slaughter.

8. Detailed rules for applying this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 27.

Article 4c

1. Where, in a Member State, the number of male bovine animals slaughtered during the period 1 September to 30 November of the year exceeds 40 % of annual slaughterings of male bovine animals producers may qualify, as from the 1993 calendar year, on application, for an additional premium to the special premium granted under Article 4b (deseasonalization premium).

In order to establish whether the 40 % has been exceeded, account shall be taken of slaughtering carried out during the second year preceding that of the slaughter of the animal benefiting from the premium.

For the purposes of applying this Article to the United Kingdom, Northern Ireland shall be regarded as a separate entity.

2. The amount of this premium shall be set at ECU 60 per male bovine animal which has already benefited from the special premium and which is slaughtered during the period 1 January to 30 April of the following year.

3. The Commission shall submit to the Council before the end of 1995 a report on the effects of this premium system together with any appropriate proposals.

4. The Commission shall adopt the procedures for implementing this Article in accordance with the procedure laid down in Article 27.

Article 4d

1. A producer keeping suckler cows on his holding may qualify, on application, for a premium for maintaining suckler cows (suckler cow premium).

2. The producers' right to the premium shall be limited by the application of an individual ceiling. This

ceiling shall be equal to the number of animals for which a premium was granted in respect of the reference year, reduced so that the national reserve referred to in Article 4f may be set up. Member States may select 1990, 1991 or 1992 as the reference year. The Member States shall inform the Commission by 31 January 1993 of the reference year selected.

3. In the event of natural circumstances resulting in a non-payment or a reduced payment of the premium for the reference year, the number adopted may be that corresponding to the payments made during the nearest reference year.

In the event of non-payment or reduced payment of the premium for the reference year, following the applications of the relevant penalties, the number adopted shall be that recorded at the time of the inspection which gave rise to those penalties.

4. The right to premium shall apply to producers to whom the premium was granted in respect of the reference year and who also requested the premium for the years up to and including 1992.

5. The premium shall be granted to any producer not supplying milk or milk products from his holding for 12 months from the day of deposit of the application, provided that he keeps for not less than six months successively in that period a number of suckler cows at least equal to the number in respect of which the premium is applied for.

The supply of milk or milk products directly from the holding to the consumer shall not, however, prevent grant of the premium.

6. The premium shall also be granted to any producer supplying milk or milk products whose individual reference quantity as referred to in Article 5c of Regulation (EEC) No 804/68 ⁽¹⁾ does not exceed 60 000 kilograms.

In such cases, the premium shall be granted for a number of suckler cows not exceeding 10 per holding which are kept for not less than six months successively from the day of deposit of the application.

The fact of whether cows belong to a suckler herd or to a dairy herd shall be checked on the basis of the beneficiary's reference quantity and an average milk yield to be fixed in accordance with the procedure laid down in Article 27.

7. Per eligible animal, the amount of the premium shall be:

- ECU 70 for the 1993 calendar year,
- ECU 95 for the 1994 calendar year,
- ECU 120 for the 1995 calendar year and thereafter.

Save in duly justified exceptional cases, payment must be made as soon as the inspections are carried out and not

later than 30 June of the year following the calendar year in respect of which the premium is applied for.

Member States may grant an additional national premium, up to a maximum of ECU 25 per cow, provided that no discrimination is caused between stockfarmers in the Member State concerned.

In respect of holdings located in a region as referred to in the Annex of Regulation (EEC) No 2052/88 ⁽²⁾ the first ECU 20 per cow of this additional premium shall be financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF).

8. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 27:

- in particular those allowing the Member States to determine, taking into account the structure of their herds of suckler cows, the reduction referred to in paragraph 2,
- and also those relating to the definition of the concept of suckler cow referred to in Article 4a.

(1) Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products (OJ No L 148, 28. 6. 1968, p. 13). Last amended by Regulation (EEC) No 816/92 (OJ No L 86, 1. 4. 1992, p. 83).

(2) Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments (OJ No L 185, 15. 7. 1988, p. 9).

Article 4e

1. Where a producer sells or otherwise transfers his holding, he may transfer all his suckler cow premium rights to the person taking over his holding. He may also transfer, in full or in part, his rights to other producers without transferring his holding. In accordance with the procedure laid down in Article 27, the Commission may lay down specific rules relating to the minimum number which may form the subject of a partial transfer.

In the case of transfer without transfer of the holding a part of the transferred rights, which shall not exceed 15 %, shall be returned without compensatory payment to the national reserve of the Member State where his holding is situated to be distributed free of charge to newcomers or to other priority producers referred to in Article 4f ⁽²⁾.

2. The Member States:

- (a) shall take the necessary measures to prevent premium rights being transferred outside sensitive

areas or regions where beef and veal production is particularly important for the local economy;

- (b) may provide either that the transfer of rights without transfer of the holding is carried out directly between producers or that it is carried out through the intermediary of the national reserve.

3. Member States may authorize, before a date to be determined, temporary transfers of part of the premium rights which are not intended to be used by the producer who holds them.

4. Premium rights transferred and/or temporarily transferred to a producer shall be in addition to those which were assigned to him originally with his original ceiling.

5. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 27.

These detailed rules shall concern in particular provisions enabling the Member States to resolve problems relating to the transfer of premium rights by producers who are not the owners of the land occupied by their holdings.

Article 4f

1. Each Member State shall set up an initial national reserve equal to at least 1 % and at the most 3 %, of the total number of animals for which a suckler cow premium has been granted under the reference year to producers whose holdings are situated in their territory. To this national reserve shall also be added any premium rights withdrawn pursuant to Article 4e (1).

For Germany the initial national reserve shall be calculated on the basis of the total number of animals for which a suckler cow premium was granted under the reference year to producers whose holdings are situated in the former German Länder. This reserve concerns only those producers.

2. The Member States shall use their national reserves for granting, within the limits of those reserves, in particular rights to the producers referred to below:

- (a) producers who applied for a premium before 1 January 1993 and who have proved to the satisfaction of the competent authority that the application of individual ceilings in accordance with Article 4d (2) would put at risk the viability of their holdings, taking account of the implementation of an investment programme in the beef and veal sector before 1 January 1993;
- (b) producers who have submitted in respect of the reference year a premium application which as a

result of exceptional circumstances does not correspond to the actual situation as established during the previous years;

- (c) producers who have regularly submitted premium applications without, however, having submitted an application under the reference year;
- (d) producers who submit a premium application for the first time during the year following the reference year or subsequent years;
- (e) producers who have acquired part of the land previously used for cattle breeding by other producers.

3. An additional reserve shall be created equal to 1 % of the total of the individual ceilings of the producers in the less-favoured areas of each Member State; this reserve will be assigned exclusively to producers in those areas in accordance with criteria to be determined by the Member States.

For Germany, the additional reserve shall be equal to 1 % of the sum of individual limits applicable to producers whose holdings are situated in the less-favoured zones of the former German Länder. This reserve shall concern only those producers.

4. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 27.

The same procedure shall be used for adopting:

- the measures applicable where, in a Member State, the national reserve is not used,
- the transitional measures required to ease the passage from the pre-existing system to the system laid down in this Regulation, and, in particular, those measures concerning producers who benefited from the suckler cow premium for the first time under the year 1991 or 1992 in cases where one or either of these years directly succeeds the reference year chosen by the Member State concerned.

5. Before 1 July 1996 the Commission shall submit to the Council a report on the application of the system laid down in Article 4e and in the present Article together with any necessary proposals.

Article 4g

1. The total number of animals qualifying for the special premium and the suckler cow premium shall be limited by the application of a stocking density on the holding. This stocking density shall be expressed in livestock units (LU) per unit of forage area of the holding used for the animals carried on it. However, a producer shall be exempt from the application of the stocking

density if the number of animals held on his holding and to be taken into account for determining the stocking density is not more than 15 LU.

2. The stocking density shall be set at:

- 3,5 LU/ha for the 1993 calendar year,
- 3 LU/ha for the 1994 calendar year,
- 2,5 LU/ha for the 1995 calendar year,
- 2 LU/ha from the 1996 calendar year onwards.

3. For determining the stocking density of the holding, account shall be taken of:

- the male bovine animals, suckler cows, sheep and/or goats for which premium applications have been submitted, as well as the dairy cows needed to produce the reference quantity of milk allocated to the producer. The number of animals shall be converted to LU by reference to the conversion table in Annex I to Regulation (EEC) No 2328/91,
- the forage area, meaning the area of the holding available throughout the calendar year for rearing bovine animals and sheep and/or goats. The forage area does not include buildings, woods, ponds, paths or areas used for other crops eligible for Community aid or permanent crops or horticultural crops, or areas qualifying for the same system as that laid down for the producers of certain arable crops, or subject to a national or Community set-aside scheme other than the scheme referred to in point (a) of the third subparagraph of Article 2 (3) of Regulation (EEC) No 2328/91. Forage area includes areas in shared use and areas which are subject to mixed cultivation under rules to be adopted in accordance with the procedure laid down in Article 27.

4. Bovine animals for which the special premium or the suckler cow premium is granted must be identified by appropriate marking. Identification data shall be entered in a special register kept by the producer.

5. The Commission shall adopt detailed rules for applying this Article in accordance with the procedure laid down in Article 27 and in particular those enabling improper application of the stocking density to be prevented.

Article 4b

1. Producers receiving the special premium and/or the suckler cow premium may qualify for an additional amount of ECU 30 per premium granted provided that the stocking density for their holdings during the calendar year is less than 1,4 LU per hectare.

2. The Commission shall adopt detailed rules for applying this Article in accordance with the procedure laid down in Article 27.

Article 4i

1. Operators may qualify for a processing premium in respect of male dairy-breed calves which are withdrawn from production before exceeding the age of ten days (processing premium).

2. The amount of the premium shall be ECU 100 per calf withdrawn. Save in duly justified exceptional cases, payment must be made within a period not exceeding four months from the date of submission of the application.

3. Each Member State may decide not to apply the processing premium, taking account of its production structure. In that case, it shall participate in the special intervention arrangements for lightweight carcasses provided for in Article 6a.

4. In accordance with the procedure laid down in Article 27, the Commission:

- shall adopt detailed rules for applying this Article, and
- may amend the amount of the premium or decide to suspend the grant thereof.

Article 4j

Where an infringement of Article 2 of Directive 88/146/EEC⁽¹⁾ is established, the animal concerned shall not be eligible for the premiums provided for in this section.

⁽¹⁾ Council Directive 88/146/EEC of 7 March 1988 prohibiting the use in livestock of farming of certain substances having a hormonal action (OJ No L 70, 16. 3. 1988, p. 16).

Article 4k

1. By way of derogation from the provisions of this section, for the territory of the new German Länder:

(a) the following special regional ceilings shall be fixed:

780 000 male bovine animals, for the special premium;

180 000 suckler cows, for the suckler cow premium.

These ceilings shall include both the premium rights to be allocated initially and any reserve established for this territory;

b) Germany may authorize the premium rights to be transferred between the two special ceilings, up to 15 % of the total of the ceilings;

(c) Germany shall determine the conditions under which the special ceilings shall be distributed, and may in particular provide for their regional allocation.

2. The Commission may adopt detailed rules for implementing this Article in accordance with the procedure laid down in Article 27.

3. Before the end of 1995, the Commission shall submit a report to the Council, accompanied by proposals on the application in the territory of the new German Länder of the rules which apply in the rest of the Community.

The Council shall decide on these proposals by the end of 1996.

Article 41

The expenditure incurred in granting the premiums provided for in this section shall be considered as intervention measures within the meaning of Article 3 (1) of Regulation (EEC) No 729/70.;

3. the following heading shall be inserted before Article 5:

'Section 2 — Intervention';

4. Article 6 of Regulation (EEC) No 805/68 shall be replaced by the following:

'Article 6

1. Where the conditions laid down in paragraph 2 are met, buying-in by intervention agencies in one or more Member States or in a region of a Member State of one or more categories, qualities or quality groups, to be determined, of fresh or chilled meat falling within CN codes 0201 10 and 0201 20 11 to 0201 20 59 and originating in the Community may be organized under tender procedures arranged with a view to ensuring reasonable support of the market, having regard to seasonal developments as regards slaughterings.

Such purchases may not exceed the following quantities, per year and for the whole Community:

- 750 000 tonnes for 1993,
- 650 000 tonnes for 1994,
- 550 000 tonnes for 1995,
- 400 000 tonnes for 1996,
- 350 000 tonnes as from 1997 onwards.

2. For each quality or quality group that may be bought in, the tender procedures may be opened as provided in paragraph 8 whenever, in a Member State or in a region of a Member State, the following two conditions are both met for a period of two consecutive weeks:

- the average Community grading market price recorded on the basis of the Community scale for the carcasses of adult bovine animals is less than 84 % of the intervention price,

- the average market price recorded on the basis of the said scale in the Member State or States or regions of a Member State is less than 80 % of the intervention price.

The intervention price shall be set before the start of each marketing year in accordance with the procedure laid down in Article 43 (2) of the Treaty.

3. Tender arrangements for one or more qualities or quality groups shall be suspended in any one of the following two situations:

- where, for two consecutive weeks, the two conditions referred to in paragraph 2 are no longer both met,
- where buying-in is no longer appropriate in view of the criteria set out in paragraph 1.

4. Intervention shall also be opened if, for a period of two consecutive weeks, the average Community market price of young uncastrated male animals less than two years old or castrated male animals, recorded on the basis of the Community grading scale for carcasses of adult bovine animals, falls short of 78 % of the intervention price, and if in a Member State or regions of a Member State, the average market price of young uncastrated male animals less than two years old or castrated male animals, recorded on the basis of the Community grading scale for carcasses of adult bovine animals, falls short of 60 % of the intervention price; in this case, buying-in shall take place for the categories concerned in the Member States or regions of a Member State where the price level is below that limit.

For this buying-in, and without prejudice to paragraph 5, all offers shall be accepted.

The quantities bought in pursuant to this paragraph shall not be taken into account for the purposes of applying the buying-in ceilings referred to in paragraph 1.

5. Only offers equal to or less than the average market price recorded in a Member State or a region of a Member State and increased by an amount to be determined on the basis of objective criteria may be accepted under the buying-in systems referred to in paragraphs 1 and 4.

6. For each quality or quality group eligible for intervention, the buying-in prices and the quantities accepted for intervention shall be determined under tender procedures and may, in special circumstances, be fixed by a Member State or a region of a Member State on the basis of recorded average market prices. The tender procedures must ensure equality of access for all persons concerned. They shall be opened on the basis of

specifications to be determined taking commercial structures into account, where necessary.

7. Under the procedure provided for in Article 27:

- the categories, qualities or quality groups of products eligible for intervention shall be determined,
- the opening or reopening of tender procedures and their suspension in the case referred to in the last indent of paragraph 3 shall be decided,
- the buying-in prices and the quantities accepted for intervention shall be fixed,
- the amount of the increase referred to in paragraph 5 shall be determined,
- the procedures implementing this Article, and in particular those designed to prevent market prices spiralling downward, shall be adopted,
- any transitional provisions necessary for the implementation of these arrangements shall be adopted.

The Commission shall decide on:

- opening intervention as referred to in paragraph 4 and suspending it where one or more conditions laid down in that paragraph no longer apply,
- suspending buying-in as referred to in the first indent of paragraph 3.

Article 6a

1. The special intervention measures laid down in paragraph 2 may be taken during the period from 1 January 1993 to 31 December 1995. These measures shall apply exclusively in Member States which have not introduced the processing premium referred to in Article 4i.

2. By way of derogation from Article 5 (2), buying-in by intervention agencies in one or more Member States or in a region of a Member State of certain kinds of fresh or chilled meat from male bovine animals of 150 to

200 kg carcase weight and originating in the Community may be organized under tendering procedures.

3. The quantities of meat bought-in under the special measures shall be taken into account in applying the buying-in ceilings referred to in Article 6 (1).

4. The Commission shall adopt the detailed rules for implementing this Article in accordance with the procedure laid down in Article 27.;

5. the following Article shall be inserted:

Article 30a

The amounts to be paid pursuant to this Regulation shall be paid in full to the beneficiaries.'

Article 2

1. Applications for the special premium lodged in respect of the calendar year 1992 shall remain subject to former Article 4a of Regulation (EEC) No 805/68.

Regulation (EEC) No 468/87 shall be repealed with effect from 1 January 1993. It shall remain applicable to applications lodged not later than 31 December 1992.

2. Regulation (EEC) No 1357/80 shall be hereby repealed. It shall remain applicable to applications lodged not later than 31 December 1992.

Article 3

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

It shall apply from 1 January 1993.

However, Article 1 (4) shall apply from the first tendering procedure opened in 1993.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2067/92

of 30 June 1992

on measures to promote and market quality beef and veal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing in 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⁾,

Whereas the beef and veal market is affected by a long-term decline in Community consumption; whereas, given the imperative need to achieve a better balance between supply and demand, it has become necessary to reduce the intervention price under the market organization for beef and veal and to amend the premium arrangements and introduce a new premium for the withdrawal from production of young male calves of dairy breeds;

Whereas specific measures undertaken by trade and inter-trade organizations to encourage the consumption and marketing of quality beef and veal in the Community may help to restore a better market balance by stimulating demand; whereas such measures should be used to limit the build-up of surpluses; whereas, therefore it is appropriate to create the possibility for the Community to part-finance such measures;

Whereas measures qualifying for part-financing by the Community should be defined;

Whereas the purpose of such provisions is to establish better balance on the beef and veal market; whereas any expenditure incurred as a result of Community part-financing should be regarded as intervention within the meaning of Article 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽³⁾,

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

Done at Luxembourg, 30 June 1992.

Article 1

1. The Community may part-finance measures undertaken by trade and inter-trade organizations to promote and market quality beef and veal. Such part-financing may not exceed 40 % of the actual cost of such measures.

2. Promotion and marketing measures entailing control of meat quality throughout the chain of production, from the producer to the consumer, may be given priority. In such cases Community part-financing may be increased to 60 % of the actual cost of the measure.

Article 2

Measures and programmes undertaken for promotion and marketing purposes must not be biased in favour of any trade mark(s) nor confer advantage on products from a particular Member State.

Article 3

Expenditure incurred as a result of Community part-financing shall be regarded as intervention within the meaning of Article 3 (1) of Regulation (EEC) No 729/70.

Article 4

Detailed rules for the application of this Regulation, and in particular rules defining promotion and marketing measures, shall be adopted by the Commission in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 ⁽⁴⁾.

Article 5

This Regulation shall enter into force on 1 January 1993.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 303, 22. 11. 1991, p. 34.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13. Last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 24. Last amended by Regulation (EEC) No 2066/92 (See page 49 of this Official Journal).

COUNCIL REGULATION (EEC) No 2068/92

of 30 June 1992

fixing, for the period 1 July 1993 to 30 June 1996, the intervention prices for adult bovine animals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ⁽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 beef and veal sector is persistently subject to economic factors which, given the possibilities for exports to third countries, causes structural imbalance between supply and demand on the Community market;

Whereas, in order to redress the situation of agriculture in general, measures are being applied, including reductions in institutional prices, in the sectors supplying feedingstuffs, especially cereals; whereas the effect in the meat sector is a 10 % fall in the average production price;

Whereas the economic effect of the new conditions of production should be reflected proportionately in the intervention price; whereas, given the constant ratio between the production price for beef and those for pigmeat and poultrymeat and in order not to disturb competition between these two sectors, the intervention price for beef should be reduced by a further 5 %;

Whereas the intervention price should be adjusted with due regard for the transitional arrangements decided upon for the

cereals sector; whereas, therefore, the measures provided for in this Regulation should be implemented in three stages;

Whereas, during the period of transition, fixing of the intervention price before the start of each marketing year should be waived,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the second subparagraph of Article 6 (2) of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽⁴⁾, the intervention price for carcasses of male animals in category R3 of the Community scale for the classification of carcasses of adult bovine animals laid down in Regulation (EEC) No 1208/81 ⁽⁵⁾ shall be:

- ECU 325,85 per 100 kg carcass weight for the period 1 July 1993 to 30 June 1994,
- ECU 308,70 per 100 kg carcass weight for the period 1 July 1994 to 30 June 1995,
- ECU 291,55 per 100 kg carcass weight for the period 1 July 1995 to 30 June 1996.

These prices are subject to subsequent adjustment called for by market developments.

Article 2

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

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 303, 20. 11. 1991, p. 33.

⁽²⁾ OJ No C 125, 18. 5. 1992.

⁽³⁾ OJ No C 98, 2. 4. 1992, p. 20.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation last amended by Regulation (EEC) No 2066/92 (See page 49 of this Official Journal).

⁽⁵⁾ OJ No L 123, 7. 5. 1981, p. 3. Regulation amended by Regulation (EEC) No 1026/91 (OJ No L 106, 26. 4. 1991, p. 2).

COUNCIL REGULATION (EEC) No 2069/92

of 30 June 1992

amending Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat

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 experience indicates that Regulation (EEC) No 3013/89 ⁽⁴⁾ requires certain amendments;

Whereas it is opportune for administrative purposes that the latest date for the payment of the premium provided for in Article 5 of Regulation (EEC) No 3013/89 should coincide with the end of the budgetary year;

Whereas the upward trend in ewe numbers in the Community and the resulting substantial drop in prices are having serious repercussions on the market balance; whereas, while being partly curbed by the various measures introduced in recent years, in particular as regards prices and stabilizers, this trend has nevertheless resulted in an increase in production and in EAGGF expenditure during the last four years;

Whereas further, more severe measures should be introduced by imposing, subject to special provisions applicable to producer groups, an individual limit on each producer based on the total premiums granted for the 1991 marketing year to each producer;

Whereas, in order to take account of trends in production throughout the Community, this total should however be multiplied by a coefficient established for each Member State and representing the ratio between the total number of ewes eligible at the beginning of 1989, 1990 or 1991 and the total number of eligible animals conferring entitlement to the premium for the 1991 marketing year; whereas, however, special provisions must be adopted for Germany in order to take account of certain specific problems in the new 'Länder';

Whereas new producers and existing producers whose reference flocks are not in line with the normal trend in ewe numbers must not be excluded from entitlement to the premium; whereas, to that end, provision should be made for a national reserve made up initially of a flat-rate levy on the individual limits of all producers; whereas provision should be made to increase the reserve in less-favoured areas;

Whereas changes in production may be made necessary by possible alterations to the assets or production capacity of recipients; whereas, therefore, provision should be made that entitlements to the premium acquired in respect of individual limits may be transferred under certain conditions to other producers; whereas, in order to make the system of transfer as flexible as possible, it is appropriate to allow the transfer of rights to take place also without the transfer of the holding; whereas it is appropriate to submit the transfer to rules which allow some rights to be surrendered without payment to the national reserve in order that it can provide, in particular, rights for new entrants;

Whereas, in order to take account of the fact that producers should be permitted to reduce their production for a limited period, it is appropriate to authorize the Member States to foresee the possibility for a temporary transfer of premium rights;

Whereas it is opportune to establish a link between sensitive zones or localities and the production of sheep and goats so as to ensure the maintenance of this production especially in areas where there is no other alternative;

Whereas the introduction of the above arrangements, by maintaining flock numbers at their existing level, should reduce very appreciably the risk of budgetary overspending; whereas, in these circumstances, the coefficient for reducing the basic price referred to in Article 8 (2) of that Regulation should be fixed at the level adopted for the 1990 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3013/89 is hereby amended as follows:

1. In Article 5:

- in paragraph 3 and 5 '70%' shall be replaced by '80%',
- the text of the fourth subparagraph of paragraph 6 shall be replaced by the following text:

⁽¹⁾ OJ No C 303, 22. 11. 1991, p. 35.

⁽²⁾ OJ No C 125, 18. 5. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 20.

⁽⁴⁾ OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 3246/91 (OJ No L 307, 8. 11. 1991, p. 16).

'The amount of the final premium shall be determined without delay after the end of the marketing year in question and not later than 31 March. Before 15 October of the same year, any balance, where appropriate, shall be paid.';

2. The following Articles shall be inserted:

'Article 5a

1. An individual limit per producer is hereby introduced in respect of the grant of the premium provided for in Article 5.

In the case of producers who have been granted the premium prior to the 1992 marketing year, the premium shall be paid for the 1993 marketing year and subsequent years within the limits of the number of animals for which the premium has been paid for the 1991 marketing year, such number being multiplied by the coefficient referred to in paragraph 5.

However, where this coefficient is higher than one, Member States may decide to use, in whole or in part, the additional number of rights to the premium resulting therefrom in order to stock the reserve referred to in Article 5b (1).

These limits shall be reduced in such a way as to enable the national reserve referred to in Article 5 (b) (1) to be constituted.

2. In the case of natural circumstances which led to a non-payment or to a reduced payment of the premium for the 1991 marketing year, the number of animals corresponding to the payments made during the most recent marketing year shall be used. In the case of non-payment of the premium or of reduced payment for the 1991 marketing year, as a result of the imposition of penalties provided for to that end, the number recorded during the check which gave rise to those penalties shall be used.

3. In the case of groups, associations or other forms of cooperation between producers, the limits laid down in paragraph 1 shall be applied individually to each associate member in accordance with the following rule:

(a) where the group has notified the competent authority of the formula for apportioning livestock referred to in Article 2 (2) of Regulation (EEC) No 2385/91 ⁽¹⁾ in respect of the 1991 marketing year, in accordance with Article 4 of that Regulation, those limits shall be fixed for each producer member using that formula as a basis;

(b) where the group has not notified the competent authority of the formula for apportionment referred to in (a) in respect of the 1991 marketing year, the premium shall be paid to the group in respect of not more than the number of animals for which it was granted to the group for the 1991 marketing year, in accordance with the rules laid down in paragraph 1. An individual limit shall be fixed for each producer member in respect of the 1993 marketing year, in accordance with the allocation formula communicated by the group.

In the event of subsequent changes in the membership of the group, account shall be taken, when the premium is paid to the group, of the individual limit of each producer member who has joined or left the group.

4. (a) The right to premium attaches to producers who have been granted the premium in respect of the 1991 marketing year and who have also applied for a premium, under the 1992 marketing year.

(b) When a producer sells or otherwise transfers his holding, he may transfer all his premium rights to the person who takes over his holding.

He may also transfer, in whole or in part, his rights to other producers without transferring his holding. According to the procedure provided for in Article 30, the Commission may draw up specific rules relating to the minimum number which could form the subject of the partial transfer.

In the case of a transfer without transfer of the holding, a part of the premium rights transferred, not exceeding 15%, shall be surrendered without compensation to the national reserve of the Member State where his holding is situated for free distribution to new entrants or other priority producers referred to in Article 5 (b) (2).

(c) Member States:

— must take the necessary measures to avoid premium rights being moved away from sensitive zones or regions where sheep production is especially important for the local economy,

— may provide either that the transfer of the rights without transfer of the holding is carried out directly between the producers or that it is carried out through the intermediary of the national reserve.

(d) Member States may authorize, before a date to be fixed, temporary leases of that part of the premium rights which the producer, who is entitled thereto, does not intend to use.

(e) Entitlement to the premium transferred or temporarily leased to a producer shall be aggregated with that originally granted to him.

However, the premium actually granted at the full rate shall not exceed the limits fixed in Article 5 (7).

(f) The Commission shall lay down the detailed rules for implementing this paragraph in accordance with the procedure provided for in Article 30, and in particular those rules which enable Member States to determine, bearing in mind the structure of their flocks, the reduction

⁽¹⁾ OJ No L 219, 7. 8. 1991, p. 15.

referred to in paragraph 1 and those enabling Member States to resolve specific problems linked to the transfer of premium rights by producers who do not own the areas on which their holdings are situated.

5. For the purpose of applying paragraph 1, Member States shall establish a single coefficient representing the ratio between:

- (a) the total number of eligible animals conferring entitlement to the premium present at the beginning of one of the 1989, 1990 or 1991 marketing years on the holdings of beneficiaries, and
- (b) the total number of eligible animals conferring entitlement to the premium for the 1991 marketing year.

Member States shall inform the Commission before 31 October 1992 of the year which they have chosen for the purpose of point (a) above.

Article 5b

1. Each Member State shall establish an initial national reserve equal to at least 1 % and at most 3 % of the sum of the individual limits applicable to producers whose holdings are situated in its territory. The national reserve shall also receive the entitlements pursuant to Article 5a (4) (b).

For Germany, the initial national reserve shall be calculated on the basis of the total number of the sum of the individual limits applicable to producers whose holdings are situated in the former German 'Länder'. This reserve concerns only those producers.

2. Member States shall use their national reserves to grant, within the limits of the reserves, entitlements to the following producers in particular:

- (a) producers who have submitted an application for a premium prior to the 1992 marketing year and who have shown, to the satisfaction of the competent authority, that the application of the limits, pursuant to Article 5a, would jeopardize the viability of their holdings, taking into consideration the implementation of an investment programme in the sheep and goat sector drawn up before 1 January 1993;
- (b) producers who have submitted, in respect of the 1991 marketing year, an application for a premium which, owing to exceptional circumstances, does not correspond to the true situation as ascertained in previous marketing years;
- (c) producers who have regularly submitted an application for a premium without having submitted an application in respect of the 1991 marketing year;
- (d) producers who submit an application for a premium for the first time in the 1993 or subsequent marketing years;

- (e) producers who have acquired part of an area formerly used for sheep and/or goat production by other producers.

3. An additional reserve shall be created equal to 1 % of the sum of the limits of individual producers in the less-favoured areas of each Member State; this reserve shall be allocated exclusively to producers in these same areas in accordance with criteria to be defined by Member States.

For Germany, the additional reserve shall be equal to 1 % of the sum of the individual limits applicable to producers whose holdings are situated in the less-favoured areas of the former German 'Länder'. This reserve concerns only those producers.

4. Detailed rules for the application of Article 5a and this Article shall be laid down in accordance with the procedure provided for in Article 30.

In accordance with the same procedure:

- measures applicable in cases where the national reserve in a Member State is not allocated shall be adopted, and
- transitional measures necessary to facilitate the passage between the existing arrangements and those laid down by this Regulation shall be adopted and, in particular, those concerning producers and groups referred to in Article 5a (1) and (3) who have received the premium for the first time in respect of the 1992 marketing year.

5. The Commission shall submit to the Council before 1 July 1996 a report on the application of the arrangements laid down in Article 5a and in this Article together with, where appropriate, any necessary proposals.

Article 5c

1. By way of derogation from Article 5a (1) for the new Länder of Germany:

- (a) a regional ceiling of 1 million eligible animals shall be fixed; this quantity shall cover both quantities to be distributed initially and the reserve to be established for this territory;
- (b) Germany shall determine the conditions for the distribution of this ceiling and its regional breakdown.

2. The Commission shall lay down the detailed rules for implementing this Article in accordance with the procedure provided for in Article 30.

3. Before the end of the 1995 marketing year, the Commission shall submit to the Council a report with proposals for the application in the territories of the new German Länder of the provisions applicable in the rest of the Community.

Before the end of the 1996 marketing year, the Council shall decide on these proposals.';

3. Article 8 (4) shall be replaced by the following:

'4. However, from the 1993 marketing year, the coefficient for reducing the basic price referred to in paragraph 2 shall be 7%.'

Article 2

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

It shall apply with effect from the 1993 marketing year, with the exception of the first indent of point 1 of Article 1, which shall apply from the 1992 marketing year.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2070/92

of 30 June 1992

amending Regulation (EEC) No 3493/90 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, and in particular Article 5 (8) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas the concepts of 'eligible ewe' and 'eligible she-goat' as laid down in Council Regulation (EEC) No 872/84 of 31 March 1984 laying down general rules for the granting of premiums to sheepmeat producers and repealing Regulation (EEC) No 2643/80 ⁽³⁾, must be redefined because of the monitoring difficulties they entail; whereas, given the administrative difficulties associated with the drawing up of new definitions, Regulation (EEC) No 3493/90 of 27 November 1990 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers ⁽⁴⁾ provides that they will continue to apply to premiums payable in respect of 1991;

Whereas under the measures decided in the context of Council Regulation (EEC) No 2069/92 of 30 June 1992 amending Regulation (EEC) No 3013/89 ⁽⁵⁾, and in particular those relating to the fixing of individual limits for grant of the premium, it will be possible to resolve the said difficulties by applying relatively simple definitions for determining, in a readily verifiable manner, the animals intended for production of sheepmeat;

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

Done at Luxembourg, 30 June 1992.

Whereas in the interests of efficient management the new definitions should not be applied until the start of the 1993 marketing year and the definitions laid down in Regulation (EEC) No 872/84 should remain applicable for the 1992 marketing year;

Whereas Regulation (EEC) No 3493/90 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3493/90 is hereby amended as follows:

The following points shall be added to the first paragraph of Article 1:

4. "eligible ewe" means: any female of the ovine species having lambed at least once or aged at least one year;
5. "eligible she-goat" means: any female of the caprine species having kidded at least once or aged at least one year.;

Article 2

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

Article 1 (1) shall apply to premiums paid in respect of the 1993 marketing year and thereafter.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 2069/92 (see page 59 of this Official Journal).

⁽²⁾ OJ No C 303, 22. 11. 1991, p. 39.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 40. Regulation as last amended by Regulation (EEC) No 3493/90 (OJ No L 337, 27. 11. 1990, p. 7).

⁽⁴⁾ OJ No L 337, 4. 12. 1990, p. 7.

⁽⁵⁾ See page 59 of this Official Journal.

COUNCIL REGULATION (EEC) No 2071/92

of 30 June 1992

amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

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 5b of Regulation (EEC) No 804/68 ⁽⁴⁾, provides for the annual fixing of a guarantee threshold for milk; whereas the additional levy introduced by Article 5c of the said Regulation has a comparable objective and has de facto taken over the function of Article 5b, which should therefore be repealed;

Whereas in the interests of simplification and clarification, it would be preferable as a matter of good legislative practice to set out the basic provisions governing the additional levy in a separate Regulation; whereas, to this end, Article 5c of Regulation (EEC) No 804/68 should therefore be amended;

Whereas for the eighth period of the additional levy provision has been made to authorize the Member State to register temporary transfers of the reference quantity until 31 December 1991; whereas this relaxation should be maintained,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 804/68 is hereby amended as follows:

1. Article 5b shall be repealed;
2. The third subparagraph of Article 5c (1) (a) shall be replaced by the following:

'Notwithstanding the first subparagraph, Member States may authorize and register temporary transfers until not later than 31 December.'

3. Article 5c shall be replaced by the following:

'The price system is established without prejudice to the implementation of the additional levy.'

Article 2

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

It shall apply from 1 April 1993 with regard to Article 1 (1) and (3).

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 337, 31. 12. 1991, p. 34.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 22.

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

COUNCIL REGULATION (EEC) No 2072/92

of 30 June 1992

fixing the target price for milk and the intervention prices for butter, skimmed-milk powder and Grana Padano and Parmigiano Reggiano cheeses for two annual periods from 1 July 1993 to 30 June 1995

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 Act of Accession of Spain and Portugal, and in particular Article 234 (3) thereof,

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

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

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

Whereas the policy adopted by the Community since accession as regards prices and, in particular, the introduction of the system of agricultural stabilizers and the new guidelines for the common agricultural policy cannot bring about, in the manner provided for in Article 285 of the Act of Accession, the process of alignment of the prices of skimmed-milk powder in Portugal on the common price; whereas the common price was fixed for the 1992/93 marketing year at ECU 172,43/100 kg and the Portuguese prices for the same period at ECU 207/100 kg; whereas in order that the existing gap between these prices should not be widened but, on the contrary, closed, the relevant arrangements in the Act of Accession should be adapted; whereas the principle should be adopted of aligning the prices of skimmed-milk powder in Portugal on the common price in stages;

Whereas, given the pressing need to improve the balance between supply and demand, the Council decided as from April 1993 to extend the additional levy scheme instituted in the milk and milk-products sector and reduce the guaranteed total quantities fixed under that scheme, without prejudice to a review in the light of the market situation; whereas, given the foreseeable reduction in milk production costs following the fall in the prices of cereals and concentrates, the target price for milk should be reduced in order to improve the competitive position of milk products; whereas, therefore, the target price for milk must be reduced in relation to other agricultural products;

Whereas it is, moreover, necessary to take into consideration the long-term balance between supply and demand on the milk market, account being taken of external trade, and accordingly to fix the target price for milk in a

multiannual framework, without prejudice to subsequent adjustments necessitated by the market trend;

Whereas the intervention prices for butter and for skimmed-milk powder are intended to contribute to the achievement of the target price for milk; whereas it is necessary to determine their levels in the light of the overall supply and demand situation on the Community milk market and the opportunities for disposal of butter and skimmed-milk powder on the Community and world markets; whereas the competitive position of butter necessitates a reduction only in the intervention price for butter, whilst the intervention price for skimmed-milk powder remains unchanged;

Whereas it is appropriate that the gap between the prices of skimmed-milk powder in Portugal and the common prices be closed in three stages corresponding to each of the annual periods covered by the multiannual framework in which the target price for milk is fixed; whereas it has been observed that the level of the market prices obtaining in Portugal for skimmed-milk powder is such that alignment effected in this way is not likely to have a negative effect on the said product;

Whereas the intervention prices for Grana Padano and Parmigiano Reggiano cheeses must be fixed in accordance with the criteria laid down in Article 5 (2) of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The gap between the prices of skimmed-milk powder in Portugal and the common price shall be eliminated by an alignment in three stages between the Portuguese prices and the common prices.

The first alignment shall take place on 1 July 1993.

The common price shall be applied in Portugal on 1 July 1995.

Article 2

The target price for milk and the intervention prices for milk products shall be set as follows, without prejudice to later adaptations.

⁽¹⁾ OJ No C 337, 31. 12. 1991, p. 43.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 22.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EEC) No 2071/92 (see page 64 of this Official Journal).

1. For the period from 1 July 1993 to 30 June 1994

(ECU/100 kg)

	Community except Portugal	Portugal
(a) target price for milk	26,47	26,47
(b) intervention price for:		
— butter	285,46	285,46
— skimmed-milk powder	172,43	195,48
— Grana Padano cheese:		
— between 30 and 60 days old	372,71	—
— at least six months old	463,21	—
— Parmigiano Reggiano cheese, at least six months old	512,07	—

2. For the period from 1 July 1994 to 30 June 1995

(ECU/100 kg)

	Community except Portugal	Portugal
(a) target price for milk	26,13	26,13
(b) intervention price for:		
— butter	278,14	278,14
— skimmed-milk powder	172,43	183,95
— Grana Padano cheese:		
— between 30 and 60 days old	369,84	—
— at least six months old	460,18	—
— Parmigiano Reggiano cheese, at least six months old	509,04	—

Article 3

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

It shall apply from 1 July 1993.

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

Done at Luxembourg, 30 June 1992.

For the Council
The President
Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2073/92

of 30 June 1992

on promoting consumption in the Community and expanding the markets for milk and milk products

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 market in milk and milk products is affected by the continued fall in the consumption of certain milk products in the Community; whereas, in view of the pressing need to attain a better balance between supply and demand it has been necessary both to extend the additional levy scheme introduced in the milk and milk products sector and to reduce the guaranteed total quantities fixed under that scheme, without prejudice to a review in the light of the market situation; whereas in order to improve the competitive position of milk products provision has also been made for lowering the prices referred to in Title I of Council Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products ⁽⁴⁾;

Whereas specific measures to encourage consumption in the Community and favour expansion of the markets for milk and milk products may also help to improve market balance by stimulating demand; whereas these specific measures should be defined;

Whereas the provisions of this Regulation have the same objective as Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the market in milk and milk products ⁽⁵⁾; whereas, therefore, it is not necessary to extend the application of the said Regulation;

Whereas the purpose of the said provisions is to improve the balance on the market for milk products; whereas the expenditure incurred under the specific measures should therefore be considered as intervention within the meaning of Article 3 of Council Regulation (EEC) No 729/70 of 21

April 1970 on the financing of the common agricultural policy ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. Measures to promote consumption in the Community and to expand the markets for milk and milk products shall be adopted in accordance with the procedure laid down in Article 4.
2. The measures referred to in the previous paragraph shall be the following:
 - (a) dissemination within the Community of existing knowledge, particularly concerning the nutritional qualities of milk and milk products;
 - (b) research concerning, in particular, the nutritional aspects of milk and milk products;
 - (c) publicity and promotion campaigns within the Community to encourage the consumption of milk and milk products;
 - (d) market studies aimed at expanding the markets for milk and milk products.

Article 2

The Commission shall communicate to the Council each year before 1 April the programme of measures which it intends to take during the following marketing year.

With a view to programming measures, the Commission may, in particular, consult agencies which specialize in market studies and publicity as well as research institutes.

Article 3

The expenditure incurred under the measures referred to in Article 1 shall be considered as intervention within the meaning of Article 3 of Regulation (EEC) No 729/70.

Article 4

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 5

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

It shall apply from 1 January 1993.

⁽⁶⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

⁽¹⁾ OJ No C 337, 31. 12. 1991, p. 47.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 22.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EEC) No 2071/92 (see page 64 of this Official Journal).

⁽⁵⁾ OJ No L 131, 26. 5. 1977, p. 6. Regulation as last amended by Regulation (EEC) No 1374/92 (OJ No L 147, 29. 5. 1992, p. 3).

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2074/92

of 30 June 1992

establishing an additional levy on the milk and milk-products sector

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⁾,

Whereas pursuant to Council Regulation (EEC) No 856/84 amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products ⁽³⁾ an additional levy was introduced from 2 April 1984 in the said sector; whereas the purpose of this scheme, introduced for nine years and due to expire on 31 March 1993, was to reduce the imbalance between supply and demand on the milk and milk-products market and the resulting structural surpluses; whereas it remains necessary in the future in order to achieve a better market balance; whereas the additional levy should therefore continue to be applied for seven further consecutive 12-month periods starting on 1 April 1993;

Whereas, in order to make full use of the experience gained in this area and in the interests of simplification and clarification with a view to ensuring the legal certainty of producers and other parties concerned, the Commission has proposed that the Council lay down by a separate regulation the basic rules of the extended scheme and at the same time reduce their scope and diversity;

Whereas, although the extension of the scheme for another seven years can be formally decided without delay, it has

been deemed opportune to decide later, but by 31 December 1992, on the simplification and codification of the scheme,

HAS ADOPTED THIS REGULATION:

Article 1

During seven further consecutive 12-month periods beginning on 1 April 1993, an additional levy shall be payable by producers of cows' milk on the quantities of milk or milk equivalent delivered to a purchaser or sold for direct consumption during a 12-month period in excess of a quantity to be determined.

Article 2

In order to codify and simplify the current rules, the Council shall adopt the necessary provisions, including those relating to the transfer of the reference quantities in certain specific situations, by 31 December 1992, on the basis of the Commission's proposals.

Article 3

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

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No C 337, 31. 12. 1991, p. 35.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 10.

COUNCIL REGULATION (EEC) No 2075/92

of 30 June 1992

on the common organization of the market in raw tobacco

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the 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 operation and development of the common market for agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of markets which may take various forms depending on the product;

Whereas it is the purpose of the common agricultural policy to achieve the objectives of Article 39 of the Treaty, and, in particular in the raw tobacco sector, the stabilization of markets and a fair standard of living for the agricultural population concerned; whereas these objectives may be achieved by adapting resources to requirements, in particular by means of a quality policy;

Whereas the present situation on the tobacco market, on which supply does not correspond to demand, calls for a substantial overhaul of the Community arrangements which have governed the market hitherto, while ensuring the continuation of tobacco growing by the traditional producers; whereas such an overhaul requires simplification of the market management mechanisms, limitation of production in line with the requirements of the market and the demands of the budget, and stronger means of control to ensure that the management mechanisms fully achieve the objectives of the common market organization;

Whereas tobacco varieties can be classified in groups according to cultivation technique and production costs, taking account of the descriptions used in international trade;

Whereas competition on the tobacco market calls for some support of traditional tobacco producers; whereas such support should be based on a premium system allowing the disposal of tobacco in the Community;

Whereas the premium system can be managed efficiently by means of cultivation contracts between growers and first processors which guarantee stable outlets to the growers and regular supplies to the processor; whereas payment of a sum equivalent to the premium by the processor to the producer at the time of delivery of the tobacco covered by the contract, subject to compliance with the quality requirements, provides support for the growers while facilitating management of the premium system;

Whereas, in order to limit Community tobacco production and to discourage the production of varieties which are not readily disposed of, a maximum global guarantee threshold should be laid down for the Community and divided annually into specific guarantee thresholds for the respective groups of varieties;

Whereas, to ensure that the guarantee thresholds are observed, a processing quota system must be instituted for a limited period; whereas for a transitional period the Member States must allocate, within the guarantee thresholds, processing quotas to the firms concerned, the Community rules laid down for the purpose being applied to ensure fair allocation on the basis of quantities processed in the past, but disregarding any abnormal production levels; whereas the necessary measures will be taken to permit the quotas to be allocated to the producers subsequently, under satisfactory conditions; whereas Member States possessing the necessary data to allocate quotas to producers on the basis of past performance, should be authorized to do so;

Whereas first processors must not conclude cultivation contracts for quantities exceeding the quotas allocated; whereas reimbursement of the premium must be limited to an amount corresponding to the quota;

Whereas provision should be made initially for the premium and production limitation systems to run until 1997 so that they can be reviewed in the light of experience and possibly adapted for the subsequent period;

Whereas measures to orientate production can help to stabilize the tobacco market and improve the quality of production; whereas specific aid will enable producer groups to contribute towards the improvement of the organization and orientation of production; whereas a research programme financed with the proceeds of a deduction from the premium will enable tobacco growing to be brought more closely into line with Community requirements as

⁽¹⁾ OJ No C 295, 14. 11. 1991, p. 10.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 18.

regards public health; whereas, lastly, a conversion programme for growers of Mavra, Tsebelia, Forchheimer Havanna Ilc and hybrids of Geudertheimer tobacco is necessary because of the importance of these varieties for the economy of certain Community regions;

Whereas the establishment of a single market requires a single system of trade at the external frontiers;

Whereas quantitative restrictions at the Community's external frontiers can be dispensed with; whereas, however, should exceptional circumstances arise, in order not to leave the Community market without protection against any disturbance, the Community should be able to take all the necessary measures without delay;

Whereas unforeseen market circumstances may necessitate the adoption by the Commission of exceptional market support measures;

Whereas the achievement of a single market would be jeopardized by the grant of certain aids; whereas the Treaty provisions governing the appraisal of aids granted by Member States and the prohibition of aids incompatible with the common market should be applied to the tobacco sector;

Whereas, in accordance with Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, the Community should bear financial responsibility for expenditure incurred by Member States pursuant to this Regulation;

Whereas experience shows that more stringent controls in the tobacco sector are essential, whereas in appropriate cases certain powers of control could be assigned to an independent supervisory agency to deal with the specific requirements of the tobacco market;

Whereas the common organization of the tobacco market must take account, simultaneously and appropriately, of the objectives laid down in Article 39 and 110 of the Treaty;

Whereas the transition from the arrangements instituted by Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽²⁾, to the arrangements provided for herein must take place in the best possible conditions; whereas transitional measures may prove necessary to ensure this; whereas the new arrangements should not become fully applicable until the 1993 harvest,

HAS ADOPTED THIS REGULATION:

Article 1

The common organization of the market in raw tobacco shall comprise rules on:

- a premium system,
- measures to orientate and limit production,
- arrangements for trade with third countries.

The common organization shall cover raw or unmanufactured tobacco and tobacco refuse falling within CN heading 2401.

Article 2

Raw tobacco varieties shall be classified in the following groups:

- (a) flue-cured:
 - tobacco dried in ovens with controlled air circulation, temperature and humidity;
- (b) light air-cured:
 - tobacco dried in the air under cover, not left to ferment;
- (c) dark air-cured:
 - tobacco dried in the air under cover, left to ferment naturally before being marketed;
- (d) sun-cured:
 - tobacco dried in the sun;
- (e) fire-cured:
 - tobacco dried by fire;
- (f) Basma (sun-cured);
- (g) Katerini (sun-cured);
- (h) Kaba-Koulak (classic) and similar (sun-cured).

The varieties in each group are listed in the Annex.

TITLE I

Premium system

Article 3

1. From the 1993 harvest until the 1997 harvest a premium system shall be applied. The amount of the premium shall be the same for the tobacco varieties in each of the various groups.

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

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

2. However, for flue-cured, light air-cured and dark air-cured tobaccos grown in Belgium, Germany and France, a supplementary amount shall be granted. This amount shall be equal to 50 % of the difference between the premium granted for these tobaccos in accordance with paragraph 1 and the premium applicable for the 1992 harvest.

3. The purpose of the premium shall be to supplement the incomes of producers whose products correspond to market requirements and to facilitate the disposal of tobacco produced in the Community.

Article 4

1. In accordance with the procedure laid down in Article 43 (2) of the Treaty, the Council shall fix the amount of the premium and the supplementary amounts for each tobacco harvest, taking particular account of past and foreseeable possibilities for the disposal of the various types of tobacco, under normal conditions of competition, on the Community and world markets.

2. The amount of the premium shall be fixed:

- (a) per kilogram of leaf tobacco not having undergone first processing and market preparation;
- (b) for each group of raw tobacco.

Article 5

Granting of the premium shall be subject in particular to the following conditions:

- (a) the tobacco must come from a production area specified for the variety concerned;
- (b) quality requirements must be fulfilled;
- (c) the leaf tobacco must be delivered by the producer to the premises of the first processor under a cultivation contract.

Article 6

1. Cultivation contracts shall comprise:

- an undertaking by the first processor to pay to the grower, in addition to the purchase price, a sum equal to the premium at the time of delivery for the quantity under contract and effectively delivered;
- an undertaking by the grower to deliver to the premises of the first processor raw tobacco corresponding to the quality requirements.

2. The competent body shall reimburse the amount of the premium to the first processor against presentation of proof that the grower has delivered the tobacco and that the amount referred to in paragraph 1 has been paid.

Article 7

Detailed rules for the application of this Title shall be adopted in accordance with the procedure laid down in Article 23.

They shall comprise:

- delimitation of the production areas for each variety,
- quality requirements for delivered tobacco,
- additional points to be included in the cultivation contract and the final date for its conclusion,
- the possible obligation for the first processor to provide a security if he requests an advance, and the conditions governing the provision and release of the said security,
- specific conditions for the grant of the premium in cases where the cultivation contract is concluded with a group of producers,
- measures to be taken in the event of failure of the grower or first processor to fulfil his statutory obligations.

TITLE II

System of production limitation

Article 8

A maximum global guarantee threshold for the Community is hereby fixed at 350 000 tonnes of raw leaf tobacco per harvest. However, for 1993, this threshold is fixed at 370 000 tonnes.

Every year, within this limit the Council shall fix, in accordance with the procedure laid down in Article 43 (2) of the Treaty, a specific guarantee threshold for each group of varieties, taking particular account of market conditions and socio-economic and agronomic conditions in the production areas concerned.

Article 9

1. To ensure observance of the guarantee thresholds a system of processing quotas is hereby instituted for the harvests of 1993 to 1997.

2. For each harvest, in accordance with the procedure laid down in Article 43 (2) of the Treaty, the Council shall allocate among the producer Member States the quantities available for each group of varieties.

3. On the basis of the quantities allocated pursuant to paragraph 2 and without prejudice to the application of paragraph 5, Member States shall distribute processing quotas on a transnational basis for the 1993 and 1994 harvests among the first processors in proportion to the average quantities delivered for processing during the three years preceding the year of the last harvest, broken down by

group of varieties. However, production in 1992 and deliveries from this harvest shall not be taken into account. The procedure for allocating processing quotas for the following harvests shall not be affected by this allocation.

First processors who start business after the beginning of the reference period shall obtain a quantity proportional to the average quantity delivered for processing during their period of business.

For first processors which begin business in the year of harvest or during the preceding year, Member States shall reserve 2 % of the total quantities available to them by group of varieties. Within this percentage, the said first processors shall obtain a quantity not exceeding 70 % of their processing capacity, provided that they offer adequate guarantees as to the efficiency and long-term viability of their business.

4. However, Member States may distribute quotas directly to producers if they dispose of the necessary data on production of all producers for the three harvests preceding the last harvest, in relation to varieties and quantities produced and delivered to a processor.

5. When the quotas are allocated as provided for in paragraphs 3 and 4, no account shall be taken in particular, when calculating the reference production, of any quantities of raw tobacco produced in excess of the maximum guaranteed quantities applicable under Regulation (EEC) No 727/70.

Where appropriate, production shall be taken into account only within the limit of the quota allocated during the years taken into consideration.

Article 10

A first processor may not conclude cultivation contracts or be reimbursed the amount of the premium for quantities exceeding the quota allocated to him, or to the producer.

Article 11

Detailed rules for the application of this Title shall be adopted in accordance with the procedure laid down in Article 23. They shall include the adjustments, as provided for in Article 9 (5), in the method of distribution of the quotas and the preconditions for applying the quotas at the level of the producers, in particular in relation to their previous situations.

TITLE III

Measures to convert production

Article 12

1. In order to concentrate supply and adapt it to the qualitative requirements of the market, specific aid

equivalent to 10 % of the premium shall be granted where cultivation contracts are concluded between a first processor and a recognized group of producers and where the deliveries covered by such contracts account for the entire output of the members of the group.

2. Specific aid shall be paid to the producers' group for the purpose of improving the organization and orientation of production.

3. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 23. They shall include:

- the definition of producers' groups eligible for specific aid,
- the conditions for recognizing producers' groups,
- the use to which specific aid may be put.

Article 13

1. A Community fund for tobacco research and information shall be set up. It shall be financed from the proceeds of a deduction not exceeding 1 % from the premium at the time of payment.

2. The fund shall finance and coordinate programmes of research and information to promote greater knowledge of the harmful effects of tobacco and the appropriate preventive and curative measures relevant to such effects and to orientate Community tobacco production towards the least harmful varieties and qualities.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.

Article 14

A three-year programme for the conversion of plantations of Mavra, Tsebelia, Forchheimer Havanna Ilc and hybrids of Geudertheimer tobacco to varieties more in line with market requirements or to other agricultural crops shall be adopted by the Commission in accordance with the procedure laid down in Article 23. The programme shall be launched beginning with the 1993 harvest. It may comprise specific measures to compensate growers for any loss of income due to the conversion.

TITLE IV

Trade with third countries

Article 15

Except where this Regulation provides otherwise or where the Commission adopts a derogation in accordance with the

procedure laid down in Article 23, the following shall be prohibited in trade with third countries:

- (a) the collection of any charge with an effect equivalent to a customs duty;
- (b) the application of any quantitative restriction or measure with equivalent effect.

Article 16

1. If, by reason of imports or exports, the Community market in one or more of the products referred to in Article 1 suffers or is liable to suffer serious disturbance which may jeopardize the objectives of Article 39 of the Treaty, appropriate measures may be taken in respect of trade with third countries until the disturbance or threat of disturbance has ceased.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide on the necessary measures, which shall be notified to the Member States and be immediately applicable. If the Commission receives a request from a Member State it shall take a decision thereon within 24 hours after receipt of the request.

3. The measures taken by the Commission may be referred to the Council by any Member State within three working days of the date of notification. The Council shall meet without delay. It may amend or repeal the measure in question by a qualified majority.

TITLE V

General and transitional provisions

Article 17

In order to deal with unforeseen market circumstances, exceptional support measures may be taken in accordance with the procedure laid down in Article 23. The scope and duration of such measures may not exceed that which is strictly necessary to support the market.

Article 18

Except where this Regulation provides otherwise, Articles 92, 93 and 94 of the Treaty shall apply to production of and trade in the products referred to in Article 1.

Article 19

Expenditure incurred pursuant to Title I and III shall be regarded as expenditure within the meaning of Article 1 (2) of Regulation (EEC) No 729/70.

Article 20

1. Member States shall take all the necessary measures to ensure compliance with the Community provisions concerning raw tobacco. To this end they shall notify to the Commission, within six months after the adoption of this Regulation, the arrangements they intend to make for the purposes of management and control. Within three months after such notification the Commission shall approve the arrangements or ask for adjustments. Where adjustments are required the Member State shall make them at the earliest opportunity. Any modification of national arrangements shall be notified without delay by the Member States to the Commission and examined by it in accordance with the same procedure.

2. Each producer Member State shall set up, in accordance with its legal order, a specific agency to carry out certain checks in connection with the Community arrangements for tobacco. However, Member States who have a threshold quantity of less than 45 000 tonnes pursuant to Article (9) 2, may choose not to set up such an agency.

3. The agency shall be given complete administrative autonomy. It shall be given full powers by the Member States concerned to carry out the tasks assigned to it.

Its staff shall be sufficient in number and level of training to accomplish the tasks specified above.

4. Before the beginning of each marketing year, the Member State concerned shall, acting on a proposal from the agency, draw up and send to the Commission a budget estimate and work schedule to ensure correct application of the premium system. The Commission may ask the Member State, without prejudice to the responsibilities of the latter, to make any change in the budget estimate or work schedule that it deems appropriate.

Persons designated by the Commission may at any time monitor any of the work carried out by the agency.

The agency shall submit to the Member State and the Commission regular reports on the work which it has carried out. Such reports must mention any problems encountered and, where appropriate, suggestions as to how to improve the checking arrangements.

5. 50% of actual expenditure by the agency shall be chargeable to the general budget of the European Communities, the remainder being covered by the Member State concerned.

6. The annual amount representing the actual expenditure referred to in paragraph 5 shall be decided upon by the Commission on the basis of the particulars provided by the Member States concerned. The amount shall be granted when the Commission is satisfied that the agency has been set up and is performing the work assigned to it. In order

to facilitate the setting-up and operation of the agency, the amount in question may be paid in advance in the form of instalments during the year in question, in accordance with the agency's annual budget, the latter being drawn up with the agreement of the Member State and the Commission before the end of October of each following year.

7. Member States shall take the necessary measures to ensure that the inspection officers designated pursuant to paragraphs 2 to 4:

- have access to the premises of production, processing and marketing,
- can examine accounting data and other documents relevant to the checking procedure, and make copies or take extracts from them,
- can ask for any relevant information.

8. Detailed rules for the application of this Article shall be adopted by the Commission in accordance with the procedure laid down in Article 23.

Article 21

Member States and the Commission shall send each other any information necessary for the application of this Regulation. Detailed rules for the sending and dissemination of such information shall be adopted in accordance with the procedure laid down in Article 23.

Article 22

A Management Committee for Tobacco (hereinafter called 'the Committee') shall be established, consisting of representatives of Member States and presided over by a representative of the Commission.

Article 23

1. 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.

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

Done at Luxembourg, 30 June 1992.

2. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

3. The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

Article 24

The Committee may consider any other matter raised by its chairman, either on his initiative or at the request of the representative of a Member State.

Article 25

This Regulation must be applied in such a way that account is taken, simultaneously and appropriately, of the objectives laid down in Articles 39 and 110 of the Treaty.

Article 26

Before 1 April 1996 the Commission shall submit a proposal to the Council concerning the arrangements provided for in Titles I and II for application from the 1998 harvest onwards. The Council shall act on this proposal in accordance with the procedure laid down in Article 43 (2) of the Treaty.

Article 27

Where transitional measures prove necessary to facilitate the transition from the arrangements set up by Regulation (EEC) No 727/70 to those laid down in this Regulation, such measures shall be adopted in accordance with the procedure laid down in Article 23.

Article 28

Regulation (EEC) No 727/70 is repealed with effect from the 1993 harvest.

Article 29

This Regulation shall apply from the 1993 harvest.

For the Council

The President

Arlindo MARQUES CUNHA

ANNEX

CLASSIFICATION OF TOBACCO VARIETIES

- | | |
|---|--|
| <p>I. FLUE-CURED</p> <p>Virginia</p> <p>Virginia D and hybrids thereof</p> <p>Bright</p> <p>II. LIGHT AIR-CURED</p> <p>Burley</p> <p>Badischer Burley and hybrids thereof</p> <p>Maryland</p> <p>III. DARK AIR-CURED</p> <p>Badischer Geudertheimer, Pereg, Korso</p> <p>Paraguay and hybrids thereof</p> <p>Dragon Vert and hybrids thereof</p> <p>Philippin</p> <p>Petit Grammont (Flobecq)</p> <p>Semois</p> <p>Appelterre</p> <p>Nijkerk</p> <p>Misionero and hybrids thereof</p> <p>Rio Grande and hybrids thereof</p> <p>Forchheimer Havanna Ilc</p> <p>Nostrano del Brenta</p> <p>Resistente 142</p> <p>Goyano</p> <p>Hybrids of Geudertheimer</p> | <p>Beneventano</p> <p>Brasile Selvaggio and similar varieties</p> <p>Fermented Burley</p> <p>Havanna</p> <p>IV. FIRE-CURED</p> <p>Kentucky and hybrids</p> <p>Moro di Cori</p> <p>Salento</p> <p>V. SUN-CURED</p> <p>Xanthi-Yaka</p> <p>Perustitza</p> <p>Samsun</p> <p>Erzegovina and similar varieties</p> <p>Myrodata Smyrnis, Trapezous and Phi I</p> <p>Kaba Koulak (non-classic)</p> <p>Tsebelia</p> <p>Mavra</p> <p>VI. Basmás</p> <p>VII. Katerini and similar varieties</p> <p>VIII. Kaba Koulak (classic)</p> <p>Elassona</p> <p>Myrodata Agrinion</p> <p>Zichnomyrodata</p> |
|---|--|
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COUNCIL REGULATION (EEC) No 2076/92

of 30 June 1992

fixing the premiums for leaf tobacco by group of tobacco varieties and the processing quotas
allocated by group of varieties and by Member State

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2075/92 of
30 June 1992 on the common organization of the market in
raw tobacco ⁽¹⁾, and in particular Articles 4 (1), 8 second
subparagraph and 9 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European
Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social
Committee ⁽⁴⁾,

Whereas, when the premiums for raw tobacco are fixed,
account should be taken of the objectives of the common
agricultural policy; whereas the common agricultural policy
aims in particular to guarantee a fair standard of living for the
farming community and to ensure supplies at reasonable
prices to consumers; whereas the premiums must take
account in particular of past and foreseeable possibilities of
disposal of the various tobaccos under normal conditions of
competition;

Whereas Article 8 (2) and 9 (2) of Regulation (EEC) No
2075/92 provide for the annual allocation of guarantee
thresholds for each group of varieties among the producer
Member States; whereas those thresholds should be fixed for
the 1993 and 1994 harvests taking account in particular of
market conditions and the socio-economic and agricultural
circumstances of the production areas concerned,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1993 harvest, the premium referred to in Article 4 of
Regulation (EEC) No 2075/92 for each group of raw
tobacco varieties, and the supplementary amounts, shall be
as set out in Annex I hereto.

Article 2

For the 1993 and 1994 harvests, the guarantee thresholds
referred to in Articles 8 and 9 of Regulation (EEC) No
2075/92 by group of varieties and by Member State shall be
as set out in Annex II hereto.

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

Done at Luxembourg, 30 June 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

⁽¹⁾ See page 70 of this Official Journal.

⁽²⁾ OJ No C 295, 14. 11. 1991, p. 17.

⁽³⁾ OJ No C 94, 13. 4. 1992.

⁽⁴⁾ OJ No C 98, 21. 4. 1992, p. 18.

ANNEX I

PREMIUMS FOR LEAF TOBACCO FROM THE 1993 HARVEST

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	VI Basmas	VII Katerini and similar	VIII Kaba Koulak
(ECU/kg)	2,273	1,818	1,818	2,000	1,818	3,000	2,545	1,818

SUPPLEMENTARY AMOUNTS

Variety	ECU/kg
Badischer Geudertheimer, Pereg, Korso	0,356
Badischer Burley E and hybrids thereof	0,569
Virgin D, Virginia, and hybrids thereof	0,325
Paraguay and hybrids thereof, Dragon vert and hybrids thereof, Philippin, Petit Grammont (Flobecq), Semois, Appelterre	0,265
Nijkerk	0,155
Misionero and hybrids thereof, Rio Grande and hybrids thereof	0,169

ANNEX II

GUARANTEE THRESHOLDS 1993

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Other			Total (tonnes)
						VI Basmas	VII Katerini	VIII K. Koulak	
Italy	47 600	51 600	21 800	9 100	15 000				145 100
Greece	30 000	12 400			20 650	27 500	23 400	20 000	133 950
Spain	28 300	4 970	9 000	30					42 300
Portugal	5 500	1 200							6 700
France	8 000	7 050	13 000						28 050
Germany	2 500	6 000	3 500						12 000
Belgium			1 900						1 900
	121 900	83 220	49 200	9 130	35 650	27 500	23 400	20 000	370 000

GUARANTEE THRESHOLDS 1994

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Other			Total (tonnes)
						VI Basmas	VII Katerini	VIII K. Koulak	
Italy	47 600	45 000	17 200	9 000	14 000				132 800
Greece	29 000	12 300			16 400	26 500	22 500	20 000	126 700
Spain	28 300	4 970	9 000	30					42 300
Portugal	5 500	1 200							6 700
France	8 700	7 900	11 000						27 600
Germany	2 500	6 000	3 500						12 000
Belgium			1 900						1 900
	121 600	77 370	42 600	9 030	30 400	26 500	22 500	20 000	350 000

COUNCIL REGULATION (EEC) No 2077/92

of 30 June 1992

concerning inter-branch organizations and agreements in the tobacco sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the 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 medium and long-term prospects for the Community and world agricultural markets require certain instruments of the common agricultural policy to be revised in order to restore market balance; whereas such adjustments, directed principally at increasing the flexibility of the market-support instruments, require the operators concerned to change their economic behaviour to take better account of the actual market situation;

Whereas inter-branch organizations established by individuals or groups, and representing a significant proportion of the various categories involved in production, processing and marketing in the tobacco sector are likely to contribute to better account being taken of the market situation and encourage changes in economic behaviour intended to improve knowledge and organization of production, processing and marketing; whereas some of their activities may contribute to improving market balance and so help achieve the objectives in Article 39 of the Treaty; whereas the measures which may constitute such a contribution by the inter-branch organizations should be defined;

Whereas in view of the above, it appears appropriate to grant specific recognition to bodies which can demonstrate their proven representativeness at regional, inter-regional or Community level and which take positive action in pursuit of the objectives mentioned above; whereas such recognition should be granted by the Member State or by the Commission depending on the scope of the activities of the trade association;

Whereas to support certain activities of inter-branch organizations which are of particular interest in the light of the current rules concerning the market organization for the tobacco sector, provision should be made for the rules

adopted by an inter-branch organization for its members to be extended, subject to certain conditions, to all non-member producers and groups in one or more regions; whereas non-members should also be made liable to pay all or part of the subscriptions intended to cover the non-administrative costs incurred in pursuing such activities; whereas this procedure should be implemented in a way which guarantees the rights of the socio-economic groups concerned, in particular the rights of the consumer;

Whereas other activities of the recognized inter-branch organizations may be of general economic or technical interest for the tobacco sector and so be of benefit to all persons active in the branches in question, whether or not they are members of the organization; whereas in such cases it appears reasonable to make non-members liable to pay the subscriptions intended to cover the costs, other than administrative costs, arising directly from performance of the activities in question;

Whereas, in order to ensure correct operation of the scheme, there should be close cooperation between the Member States and the Commission, which should also have permanent monitoring powers, particularly as regards recognition of inter-branch organizations operating at regional or inter-regional level and the agreements and concerted practices adopted by such organizations;

Whereas there should be provision for publication, at the beginning of each year, of a list of the organizations recognized during the previous year, a list of the organizations whose recognition has been withdrawn during the same period and the rules which have been extended with an indication of their scope, for the information of the Member States and other interested parties,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the conditions for the recognition and activity of inter-branch organizations operating in the sector covered by the market organization for tobacco.

Article 2

Inter-branch organizations which:

1. comprise representatives of the economic activities relating to production of, processing of and trade in tobacco;

⁽¹⁾ OJ No C 295, 14. 11. 1991, p. 5.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 31.

2. have been set up on the initiative of all or some of their constituent organizations or associations;
3. are pursuing a number of the following activities at regional level, in a number of Community regions or throughout the Community; taking account where appropriate of consumer interests:
 - (a) contributing to enhanced coordination of the placing on the market of leaf or baled tobacco;
 - (b) preparing standard contracts compatible with Community rules;
 - (c) improving market intelligence and transparency;
 - (d) increasing value added, particularly by means of marketing and research into new uses which do not pose a threat to public health;
 - (e) redirecting the sector towards products which better meet market and public health requirements;
 - (f) carrying out research into methods permitting reduced use of plant health products and guaranteeing product quality and soil conservation;
 - (g) developing methods and instruments for improving product quality at the production and processing stages;
 - (h) use of certified seed and monitoring of product quality;

shall be recognized under this Regulation.

Article 3

1. On application, Member States shall recognize inter-branch organizations established in their territory which:

- (a) carry out their activities at regional or inter-regional level within the territory;
- (b) cover a significant proportion of the production and/or trade in relation to the sphere of action and the branches represented; where an inter-branch organization is inter-regional in scope, it must provide proof of minimum representativeness, in respect of each of the grouped branches, in each region covered;
- (c) pursue a number of the activities referred to in Article 2 (3);
- (d) do not themselves undertake the production, processing or marketing of the products covered by the market organization referred to in Article 1.

2. Prior to recognition being granted, Member States shall notify the Commission of the inter-branch organizations which have applied for recognition and provide all necessary information on the branches of economic activity which they encompass, their representativeness, the activities undertaken and any other information required for consideration of the application.

The Commission may oppose recognition within 60 days of notification by the Member State.

3. Member States shall withdraw recognition:

- (a) if the conditions laid down in this Regulation cease to be met;
- (b) if the inter-branch organization contravenes one or more of the prohibitions listed in Article 7 (3), without prejudice to criminal proceedings which may be brought under national law;
- (c) if the inter-branch organization fails in its obligation to make the notification required under Article 7 (2).

Member States shall notify the Commission immediately of decisions to withdraw recognition.

Article 4

1. On application the Commission shall recognize inter-branch organizations which:

- (a) carry out their activities throughout or in part of the territories of several Member States, or throughout the Community;
- (b) have been established under the national legislation of a Member State or under Community law;
- (c) satisfy the provisions of Article 3 (1) (b), (c) and (d).

2. The Commission shall notify applications for recognition to the Member States on whose territories the inter-branch organization is established and in which it carries out its activities. Following such notification, the Member States concerned shall have two months within which to make their comments.

The Commission shall take a decision on recognition within three months of receiving the application and all necessary information.

3. The Commission shall withdraw recognition of the organizations referred to in paragraph 1 in the circumstances referred to in Article 3 (3).

Article 5

The Commission shall publish in the 'C' series of the *Official Journal of the European Communities* the names of the inter-branch organizations recognized, together with a statement of the economic sector or the area in which they operate and the activities pursued within the meaning of Article 2. Withdrawals of recognition shall also be published.

Article 6

Recognition of inter-branch organizations shall imply authorization for them to carry out the activities referred to in Article 2 (3) subject to the conditions laid down in this Regulation.

Article 7

1. Notwithstanding Article 1 of Regulation No 26 ⁽¹⁾, Article 85 (1) of the Treaty shall not apply to the agreements and concerted practices of recognized inter-branch organizations intended to implement the measures referred to in Article 2 (3).

2. Paragraph 1 shall apply only provided that:

- the agreements and concerted practices have been notified to the Commission, and that
- within three months of receipt of all the details required the Commission has not found that the agreements or concerted practices are incompatible with Community rules.

The agreements and concerted practices may not be implemented until this period has elapsed.

3. Agreements and concerted practices which:

- may lead to the partitioning of markets in any form within the Community,
- may affect the sound operation of the market organization,
- may create distortions of competition which are not essential in achieving the objectives of the common agricultural policy pursued by the inter-branch organization measure,
- entail the fixing of prices or quotas, without prejudice to measures taken by inter-branch organizations in the application of specific provisions of Community rules,
- may create discrimination or eliminate competition in respect of a substantial proportion of the products in question,

shall in any case be declared contrary to Community rules.

4. If, following expiry of the three-month period referred to in the second indent of paragraph 2, the Commission finds that the conditions for applying this Regulation have not been met, it shall take a decision declaring that Article 85 (1) of the Treaty applies to the agreement or concerted practice in question.

That decision shall not come into effect earlier than the date of notification to the inter-branch organization concerned,

⁽¹⁾ Council Regulation No 26 applying certain rules of competition to production of and trade in agricultural products (OJ No 30, 20. 4. 1962, p. 993/62). Regulation as amended by Regulation (EEC) No 49 (OJ No 53, 1. 7. 1962, p. 1571/62).

unless that inter-branch organization has given incorrect information or abused the exemption provided for in paragraph 1.

Article 8

1. Inter-branch organizations may request that certain of their agreements or concerted practices be made binding for a limited period on individuals and groups in the economic sector concerned which are not members of the trade branches which they represent, in the areas in which the branches operate.

In order for their rules to be extended, inter-branch organizations must represent at least two thirds of the production and/or the trade concerned. Where the proposed extension of the rules is of inter-regional scope, the inter-branch organizations must prove they possess a minimum degree of representativeness, in respect of each of the grouped branches, in each region covered.

2. The rules, of which extension of the scope is requested, shall have been in force for at least one year and shall relate to one of the following objectives:

- (a) knowledge of production and the market;
- (b) definition of minimum quantities;
- (c) the utilization of cultivation methods compatible with the protection of the environment;
- (d) the definition of minimum standards of packing and presentation;
- (e) use of certified seed and monitoring of product quality.

3. Extension of the rules shall be subject to approval by the Commission in accordance with the procedure laid down in Article 9.

Article 9

1. In the case of rules laid down by inter-branch organizations recognized by the Member States, the Member States shall publish for the information of the socio-economic groups concerned the agreements or concerted practices which it is intended to extend to non-member individual operators or groups in a particular region or group of regions.

Those concerned shall have two months in which to make their comments.

2. At the end of this period and prior to taking a decision, the Member States shall notify the Commission of the rules which they intend to make binding and supply all

appropriate information. Notification shall include all the comments received following publication in accordance with paragraph 1 and an evaluation of the application for extension.

3. The Commission shall publish in the 'C' series of the *Official Journal of the European Communities* rules of which extension is requested by inter-branch organizations which it has recognized under Article 4. Following publication, the Member States and the socio-economic groups concerned shall have two months in which to make their comments.

4. If the rules of which extension is requested are 'technical rules' within the meaning of Directive 83/189/EEC ⁽¹⁾, they shall be notified to the Commission in accordance with Article 8 of that Directive at the same time as the notification provided for in paragraph 2.

Without prejudice to paragraph 5, where the conditions for delivery of a reasoned opinion under Article 9 of that Directive are met, the Commission shall refuse to approve the rules of which extension has been requested.

5. The Commission shall take a decision within three months of notification by the Member State in accordance with paragraph 2 and, where paragraph 3 applies, within five months of publication in the *Official Journal of the European Communities* of the application for extension of rules.

The Commission shall in any case take a negative decision if it finds that the extension:

- prevents competition in a substantial part of the common market,
- restricts freedom of trade, or
- jeopardizes the objectives of the common agricultural policy or those of any other Community rules.

6. The rules, application of which has been extended, shall be published in the *Official Journal of the European Communities*.

7. When, pursuant to this Article, rules are made binding on non-members of an inter-branch organization, the Member State or the Commission, as appropriate, may decide that individuals or groups which are not members shall pay the organization all or part of the subscriptions paid by members, to the extent that such subscriptions are not used to cover the administrative costs of applying the rules or concerted practices.

Article 10

1. Where one or more of the activities referred to in paragraph 2 are pursued by a recognized inter-branch organization and are in the general economic interest of those persons whose activities relate to one or more of the products, the Member State which has granted recognition, or the Commission, where recognition has been granted under Article 4, may decide that individuals or groups which are not members of the association but which benefit from those activities shall pay the organization all or part of the subscriptions paid by its members to the extent that such subscriptions are intended to cover costs, other than administrative costs of any description, directly incurred as a result of pursuing the activities in question.

2. The activities referred to in this Article shall relate to one or other of the following objectives:

- research to add value to the products, in particular through new uses which do not pose a threat to public health,
- studies to improve the quality of leaf or baled tobacco,
- research into methods of cultivation permitting reduced use of plant health products and guaranteeing conservation of the soil and the environment.

3. The Member States concerned shall notify the Commission of decisions which they intend to take under paragraph 1. Such decisions may not take effect until three months have elapsed from the date of notification to the Commission. The Commission may within this time limit call for the rejection of all or part of the draft decision if the general economic interest put forward does not appear to be well founded.

4. Where the activities of an inter-branch organization recognized by the Commission pursuant to Article 4 are in the general economic interest, the Commission shall notify its draft decision to the Member States concerned, who shall then have two months in which to make their comments.

Article 11

Any measure by the Member States or the Commission imposing a subscription on individuals or groups which are not members of an inter-branch organization shall be published in the *Official Journal of the European Communities*. The measure may not take effect until two months have elapsed from the date of publication.

Article 12

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 2075/92 ⁽²⁾.

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

⁽²⁾ See page 70 of this Official Journal.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COUNCIL REGULATION (EEC) No 2078/92

of 30 June 1992

on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the 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 requirements of environmental protection are an integral part of the common agricultural policy;

Whereas measures to reduce agricultural production in the Community must have a beneficial impact on the environment;

Whereas many factors affect the environment; whereas it is subject to very diverse pressures within the Community;

Whereas an appropriate aid scheme would encourage farmers to serve society as a whole by introducing or continuing to use farming practices compatible with the increasing demands of protection of the environment and natural resources and upkeep of the landscape and the countryside;

Whereas the introduction of an aid scheme to encourage substantial reductions in the use of fertilizers and plant-protection products or the use of organic farming methods can help not only to reduce agricultural pollution but also to adapt a number of sectors to market requirements by encouraging less intensive production methods;

Whereas a reduction in farm livestock or in animal proportion per hectare can help to avert environmental damage due to pressure from excessive numbers of sheep and cattle; whereas, therefore, the extensification scheme for various products provided for in Article 3 of Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures ⁽⁴⁾ should be incorporated in the scheme introduced under this Regulation;

Whereas the production of products for non-food uses under a Community set-aside scheme must comply with the requirements of environmental protection; whereas, therefore, this scheme must not apply to such products;

Whereas a scheme to encourage the introduction or maintenance of particular farming practices may help to solve specific problems related to protection of the environment or the countryside and thus contribute to environmental policy goals;

Whereas many agricultural and rural areas in the Community are increasingly threatened by depopulation, soil erosion, flooding and forest fires; whereas the institution of special measures to encourage the upkeep of land can reduce such risks;

Whereas because of the scale of the problems such schemes should be applicable to all farmers in the Community who undertake to use farming methods which will protect, maintain or improve the environment and the countryside and to refrain from further intensification of agricultural production;

Whereas the current set-aside scheme for arable land provided for in Article 2 of Regulation (EEC) No 2328/91 has been replaced by provisions in the regulations covering the common organization of the markets; whereas it appears nonetheless appropriate to introduce a scheme for long-term set-aside of agricultural land for environmental reasons and for the protection of natural resources;

Whereas the measures provided for in this Regulation must encourage farmers to make undertakings regarding farming methods compatible with the requirements of environmental protection and maintenance of the countryside, and thereby to contribute to balancing the market; whereas the measures must compensate farmers for any income losses caused by reductions in output and/or increases in costs and for the part they play in improving the environment;

Whereas the introduction by the Member States of codes of good agricultural practice can also help to make farming practices more compatible with the requirements of environmental protection;

Whereas the diversity of the environment, natural conditions and the structure of agriculture in the various parts of the Community call for the measures provided for to be adapted;

⁽¹⁾ OJ No C 300, 21. 11. 1991, p. 7.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 25.

⁽⁴⁾ OJ No L 218, 6. 8. 1991, p. 1.

whereas they should therefore be implemented within the framework of zonal programmes for the management of agricultural or abandoned land and possibly as part of national regulations;

Whereas both the Community and the Member States must increase their effort to educate farmers in, and inform them of, the introduction of agricultural and forestry production methods compatible with the environment, and in particular regarding the application of a code of good farming practice and organic farming;

Whereas, in order to guarantee the maximum effectiveness of such programmes, it is vital to ensure that the results are disseminated and monitored regularly;

Whereas such measures must contribute towards certain specific environmental goals set out in Community legislation;

Whereas, given that the Community is to contribute to the financing of the scheme, it must be able to ascertain that the implementing arrangements adopted by the Member States contribute towards the attainment of its objectives; whereas the structure of cooperation between the Member States and the Commission introduced by Article 29 of Regulation (EEC) No 4253/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾, should be used for this purpose;

Whereas the resources available for implementing the measures provided for in this Regulation must be additional to those available for the implementation of measures under the rules governing the Structural Funds, and in particular for measures applicable in regions covered by Objectives 1 and 5 (b) as defined in Article 1 of Regulation (EEC) No 2052/88 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Purpose of the aid scheme

A Community aid scheme part-financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) is hereby instituted in order to:

- accompany the changes to be introduced under the market organization rules,
- contribute to the achievement of the Community's policy objectives regarding agriculture and the environment,

- contribute to providing an appropriate income for farmers.

This Community aid scheme is intended to promote:

- (a) the use of farming practices which reduce the polluting effects of agriculture, a fact which also contributes, by reducing production, to an improved market balance;
- (b) an environmentally favourable extensification of crop farming, and sheep and cattle farming, including the conversion of arable land into extensive grassland;
- (c) ways of using agricultural land which are compatible with protection and improvement of the environment, the countryside, the landscape, natural resources, the soil and genetic diversity;
- (d) the upkeep of abandoned farmland and woodlands where this is necessary for environmental reasons or because of natural hazards and fire risks, and thereby avert the dangers associated with the depopulation of agricultural areas;
- (e) long-term set-aside of agricultural land for reasons connected with the environment;
- (f) land management for public access and leisure activities;
- (g) education and training for farmers in types of farming compatible with the requirements of environmental protection and upkeep of the countryside.

Article 2

Aid scheme

1. Subject to positive effects on the environment and the countryside, the scheme may include aid for farmers who undertake:

- (a) to reduce substantially their use of fertilizers and/or plant protection products, or to keep to the reductions already made, or to introduce or continue with organic farming methods;
- (b) to change, by means other than those referred to in (a), to more extensive forms of crop, including forage, production, or to maintain extensive production methods introduced in the past, or to convert arable land into extensive grassland;
- (c) to reduce the proportion of sheep and cattle per forage area;

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 9.

- (d) to use other farming practices compatible with the requirements of protection of the environment and natural resources, as well as maintenance of the countryside and the landscape, or to rear animals of local breeds in danger of extinction;
 - (e) to ensure the upkeep of abandoned farmland or woodlands;
 - (f) to set aside farmland for at least 20 years with a view to its use for purposes connected with the environment, in particular for the establishment of biotope reserves or natural parks or for the protection of hydrological systems;
 - (g) to manage land for public access and leisure activities.
2. In addition, the scheme may include measures to improve the training of farmers with regard to farming or forestry practices compatible with the environment.

Article 3

Aid programmes

1. Member States shall implement, throughout their territories, and in accordance with their specific needs, the aid scheme provided for in Article 2 by means of multiannual zonal programmes covering the objectives referred to in Article 1. The programmes shall reflect the diversity of environmental situations, natural conditions and agricultural structures and the main types of farming practised, and Community environment priorities.
2. Each zonal programme shall cover an area which is homogeneous in terms of the environment and the countryside and shall include, in principle, all of the aids provided for in Article 2. However, where there is sufficient justification, programmes may be restricted to aids which are in line with the specific characteristics of an area.
3. Zonal programmes shall be drawn up for a minimum period of five years and must contain at least the following information:
 - (a) a definition of the geographical area and, where applicable, the sub-areas concerned;
 - (b) a description of the natural, environmental and structural characteristics of the area;
 - (c) a description of the proposed objectives and their justification in view of the characteristics of the area, including an indication of the Community environment legislation the objectives of which the programme seeks to fulfil;
 - (d) the conditions for the grant of aid, taking into account the problems encountered;
 - (e) an estimate of annual expenditure for implementing the zonal programme;

- (f) the arrangements made to provide appropriate information for agricultural and rural operators.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may establish a general regulatory framework providing for the horizontal application throughout their territory of one or more of the aids referred to in Article 2. That framework must be defined and, where appropriate, supplemented by the zonal programmes referred to in paragraph 1.

Article 4

Nature and amounts of aid

1. An annual premium per hectare or livestock unit removed from a herd shall be granted to farmers who give one or more of the undertakings referred to in Article 2 for at least five years, in accordance with the programme applicable in the zone concerned. In the case of set-aside, the undertaking shall be for 20 years.
2. The maximum eligible amount of the premium shall be:
 - ECU 150 per hectare for annual crops for which a premium per hectare is granted under the market regulations governing the crops in question,
 - ECU 250 per hectare for other annual crops and pasture,
 - ECU 210 for each sheep or cattle livestock unit by which a herd is reduced,
 - ECU 100 for each livestock unit of an endangered breed reared,
 - ECU 400 per hectare for specialized olive groves,
 - ECU 1 000 per hectare for citrus fruits,
 - ECU 700 per hectare for other perennial crops and wine,
 - ECU 250 per hectare for the upkeep of abandoned land,
 - ECU 600 per hectare for land set aside,
 - ECU 250 per hectare for the cultivation and propagation of useful plants adapted to local conditions and threatened by genetic erosion.

The table for converting animals into livestock units is given in the Annex.

3. The maximum eligible amount for annual crops and pasture shall be increased to ECU 350 per hectare if the farmer has, at the same time and for the same area, given one

or more of the undertakings referred to in Article 2 (1) (a) and (b), together with an undertaking as referred to in Article 2 (1) (d).

4. Where a premium is granted for the reduction of the number of livestock units:

- the aids provided for in Article 2 (1) (a) and (b) may not be granted for the forage area of the holding,
- the maximum eligible amount of premium for forage areas under Article 2 (1) (d) shall be reduced by 50 %.

5. Subject to conditions to be determined by the Commission in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88, the Community may also contribute to the premiums referred to in the preceding paragraphs which are granted by Member States in order to compensate for income losses resulting from the mandatory application of the restrictions referred to in Article 2 in the context of measures implemented in the Member States pursuant to Community provisions.

6. Member States may stipulate that a farmer's undertaking may be given in the context of an overall plan for the entire holding or for a part thereof.

In such cases, the amount of the aid may be calculated as an overall figure taking account of the individual amounts and conditions in this Article and Article 5.

Article 5

Conditions of grant

1. In order to achieve the objectives of this Regulation in the context of the general rules referred to in Article 3 (4) and/or the zonal programmes, Member States shall determine:

- (a) the conditions for granting aid;
- (b) the amount of aid to be paid, on the basis of the undertaking given by the beneficiary and of the loss of income and of the need to provide an incentive;
- (c) the terms on which the aid for the upkeep of abandoned land as referred to in Article 2 (1) (e) may be granted to persons other than farmers, where no farmers are available;
- (d) the conditions to be met by the beneficiary to ensure that compliance with the undertakings may be verified and monitored;
- (e) the terms on which the aid may be granted where the farmer personally is unable to give an undertaking for the minimum period required.

2. No aid may be granted under this Regulation in respect of areas subject to the Community set-aside scheme which are being used for the production of non-food products.

3. While ensuring that the incentive content of the measure is retained, Member States may restrict the aid to a maximum amount per holding and differentiate it according to holding size.

Article 6

Courses, traineeships and demonstration projects

1. Where no financing is granted under Article 28 of Regulation (EEC) No 2328/91, Member States may introduce a separate aid scheme for training courses and traineeships concerned with agricultural and forestry production practices compatible with the requirements of protection of the environment and natural resources and maintenance of the countryside and the landscape, and particularly with codes of good farming practice or good organic farming practice. The aid scheme shall include the grant of aid:

- for attendance of courses and traineeships,
- for the organization and implementation of courses and traineeships.

The expenditure incurred by the Member States in granting the aid referred to in the first subparagraph shall be eligible up to ECU 2 500 per person completing a full course or traineeship.

The measure concerned by this Article shall not cover courses or traineeships which are part of normal programmes or curricula of secondary or higher agricultural education.

2. The Community may contribute to demonstration projects concerning farming practices compatible with the requirements on environmental protection, and in particular the application of a code of good farming practice and organic farming practice.

The Community contribution referred to in the first subparagraph may cover assistance for training and education initiatives (including materials) organized by local or non-governmental organizations competent in this field.

Article 7

Programme appraisal procedure

1. Member States shall communicate to the Commission, by 30 July 1993 the draft general regulatory framework referred to in Article 3 (4) and the draft programmes referred to in Article 3 (1) and any existing or proposed laws, regulations or administrative provisions by which they intend to apply this Regulation.

2. The Commission shall examine the texts communicated in order to determine:

- their compliance with this Regulation, taking account of its objectives and the links between the various measures,
- the nature of the measures eligible for part-financing,
- the total amount of expenditure eligible for part-financing.

3. The Commission shall decide on the approval of the general regulatory framework and zonal programmes, on the basis of the factors listed in paragraph 2 and in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88.

Article 8

Rate of Community financing

The rate of Community part-financing shall be 75 % in regions covered by the objective defined in point 1 of Article 1 of Regulation (EEC) No 2052/88 and 50 % in the other regions.

Article 9

Detailed rules of application

Detailed rules for the application of this Regulation shall be adopted by the Commission in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88.

Article 10

Final provisions

1. This Regulation shall not preclude Member States from implementing, except in the field of application of Article 5 (2), additional aid measures for which the conditions of granting of aid differ from those laid down herein or the amounts of which exceed the limits stipulated

herein, provided that the said measures comply with the objectives of this Regulation and with Articles 92, 93 and 94 of the Treaty.

2. Three years after the date of entry into force in the Member States, the Commission shall present to the European Parliament and the Council a report on the application of this Regulation.

Article 11

Transitional provisions

Application of the measures referred to in Article 39 of Regulation (EEC) No 2328/91 shall be extended with the following effect:

1. Article 3 of Regulation (EEC) No 2328/91, dealing with extensification of production, shall remain applicable until the entry into force of the zonal programmes referred to in Article 3 (1) of this Regulation or of the general regulatory framework referred to in the said Article 3 (4).
2. Articles 21 to 24 of Regulation (EEC) No 2328/91, dealing with aid in environmentally sensitive areas, shall remain applicable until the entry into force of the zonal programmes referred to in Article 3 (1) of this Regulation or of the general regulatory framework referred to in the said Article 3 (4).

The maximum eligible amounts for the remaining annual payments shall be adjusted in line with the ceilings provided for in Article 4.

Article 12

Entry into force

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 Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

ANNEX

TABLE FOR CONVERTING CATTLE, EQUIDAE, SHEEP AND GOATS INTO LIVESTOCK UNITS (LSU),
AS REFERRED TO IN ARTICLE 4

Bulls, cows and other bovine animals over two years of age, and Equidae over six months old	1,0 LSU
Bovine animals from six months to two years	0,6 LSU
Ewes	0,15 LSU
Goats	0,15 LSU

The coefficients for ewes and goats are applicable to all the amounts per LSU set out in Article 4.

COUNCIL REGULATION (EEC) No 2079/92

of 30 June 1992

instituting a Community aid scheme for early retirement from farming

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas, given the medium to long-term outlook for Community agriculture and the reform of the market support mechanisms, a greater effort of adjustment is being required of farmers;

Whereas early retirement from farming should be encouraged in order to improve the viability of agricultural holdings;

Whereas an aid scheme for early retirement can help to provide an income for elderly farmers who decide to stop farming, to encourage the replacement of such elderly farmers by farmers able to improve the viability of the remaining agricultural holdings and to allow the reassignment of agricultural land to non-agricultural uses where there are no farmers likely to take it over in satisfactory conditions of viability;

Whereas elderly family helpers and paid workers may lose their employment and income if the agricultural holding employing them ceases to operate; whereas provision should therefore be made for an income source for such persons;

Whereas, in order to ensure the effectiveness of the scheme, the transfer and expansion of agricultural holdings and the reassignment of land to non-agricultural uses should be organized, while ensuring rational use of the countryside; whereas Member States can attain that objective by providing their existing services with the necessary resources or by helping to set up new services;

Whereas the diversity of the causes, nature and gravity of the structural problems in agriculture may call for solutions differentiated according to the region concerned and adaptable over time; whereas a contribution must be made to the overall economic and social development of each region concerned; whereas the best results will be obtained if Member States, applying Community criteria, implement the scheme in the form of multiannual programmes drawn up in consultation with the Commission, and adopt the laws, regulations and administrative provisions necessary for their implementation;

Whereas a procedure should be laid down for adopting, where necessary, detailed rules for the application of this Regulation, especially as regards monitoring arrangements;

Whereas the resources available for implementing the measures provided for in this Regulation must be additional to those available for the implementation of measures under the rules governing the Structural Funds, and in particular for measures applicable in regions covered by Objectives 1 and 5(b) as defined in Article 1 of Regulation (EEC) No 2052/88 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

*Article 1***Objectives of the aid scheme for early retirement**

1. In order to accompany the changes to be introduced under the market organization rules, the Member States may institute a Community aid scheme for early retirement from farming, part-financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) under the conditions laid down in this Regulation.
2. Early retirement aid shall contribute simultaneously to the following objectives:
 - (a) providing an income for elderly farmers who decide to stop farming;
 - (b) encouraging the replacement of such elderly farmers by farmers able to improve the economic viability of the remaining agricultural holdings;
 - (c) reassigning agricultural land to non-agricultural uses where it cannot be farmed under satisfactory conditions of viability.

⁽¹⁾ OJ No C 300, 21. 11. 1991, p. 15.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 25.

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 9.

3. Early retirement aid may comprise measures to:

- (a) provide an income for elderly family helpers and elderly paid farm workers who lose their employment as a result of a farmer's early retirement;
- (b) organize the transfer and expansion of agricultural holdings and the reassignment of agricultural land to non-agricultural use and ensure rational use of the countryside.

(c) annual allowance per hectare of released land;

(d) retirement pension supplement where the amount paid under the national retirement scheme is too low to induce farmers to stop farming.

These forms of aid may be combined and may be paid in degressive annual amounts.

The total amount eligible for part-financing per holding shall be calculated on the basis of the following reference method:

- (a) aid is paid, from the age of early retirement to the normal retirement age, in the form of annual compensation at a rate of ECU 4 000 per holding, plus an annual allowance of ECU 250 per hectare, up to a maximum annual total of ECU 10 000 per holding;
- (b) aid is paid, as appropriate, in the form of an annual supplement to the normal retirement pension paid by the Member State in order to arrive at the same annual total amount as that specified in (a);
- (c) the duration of payment of aid as defined in (a) and (b) does not exceed 10 years and does not continue after the transferor's seventieth birthday.

Member States may, however, use a method of payment different from the reference method defined in the third subparagraph, including the payment of smaller annual amounts, possibly on a degressive scale and for a period exceeding 10 years or continuing beyond the transferor's seventieth birthday. In such cases, the amount eligible for part-financing shall not exceed the amount which would be obtained by using the reference method. Furthermore, where the aid scheme includes a retirement grant, the maximum amount of the grant eligible for part-financing shall not exceed ECU 12 000, plus ECU 750 per hectare of released land, up to a limit of ECU 30 000 per holding; this amount shall be considered as within the total amount eligible for part-financing calculated by the reference method.

2. Early retirement aid granted to workers may take the following forms:

- (a) retirement grant;
- (b) annual compensation.

These forms may be combined.

The total amount eligible for part-financing per worker shall be calculated on the basis of the following reference method:

- (a) aid is paid, from the age of early retirement to the normal retirement age, in the form of annual compensation at a rate of ECU 2 500;
- (b) the duration of payment of compensation as referred to in (a) does not exceed 10 years and does not continue after the worker's normal retirement age.

Article 2

Definitions

For the purposes of this Regulation:

- 'transferor' shall mean a farmer who stops all commercial farming activity definitively pursuant to this early retirement aid scheme,
- 'workers' shall mean a family helper or paid farm worker who was employed on a transferor's agricultural holding before his early retirement and who stops all farm work definitively,
- 'farming transferee' shall mean the person who succeeds the transferor at the head of the agricultural holding and expands it, or a farmer who takes over all or part of the land released by a transferor in order to expand his own agricultural holding,
- 'non-farming transferee' shall mean any other person or body who takes over all or part of the released land to use it for non-agricultural purposes, forestry or the creation of ecological reserves,
- 'released land' shall mean land which was farmed by a transferor before he stopped farming commercially and is no longer farmed by him,
- 'farming as a main occupation' shall mean farming in accordance with Article 5 (1) (a) of Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures ⁽¹⁾.

Article 3

Aid scheme

1. Early retirement aid granted to transferors may take the following forms:

- (a) retirement grant;
- (b) annual compensation not dependent on the area of land released;

⁽¹⁾ OJ No L 218, 6. 8. 1991, p. 1.

Member States may, however, use a method of payment different from the reference method defined in the third subparagraph, including the payment of smaller annual amounts, possibly on a degressive scale and for a period exceeding 10 years or continuing beyond the worker's normal retirement age. In such cases, the amount eligible for part-financing shall not exceed the amount which would be obtained by using the method of reference. Furthermore, where the aid scheme includes a retirement grant, the amount of the grant eligible for part-financing shall not exceed ECU 7 500 per worker; this amount shall be considered as within the total amount eligible for part-financing calculated by the reference method.

Early retirement aid shall be eligible for part-financing by the Community for two workers per agricultural holding.

3. Member States may grant start-up aid for services and networks responsible for organizing the transfer and expansion of agricultural holdings and the reassignment of agricultural land to non-agricultural uses while ensuring rational use of the countryside; such aid shall be intended to contribute towards operating costs.

The services may carry out surveys of agricultural holdings to be transferred, compile a directory of land and agricultural holdings available or wanted, and draw up documents relevant to the planning of the use of land released by transferors. They may also take charge of released land and reconvey it at a later date to a transferee satisfying conditions laid down in this Regulation.

To qualify for aid, such services must be approved by the Member State and employ at least one full-time person fully qualified for the duties he must perform.

The start-up aid eligible for part-financing by the Community shall be ECU 36 000 per full-time employee. Payment of this amount shall be spread over the first five years of employment of each person.

Article 4

Aid programmes

1. Member States shall implement the aid scheme throughout their territory by means of multiannual programmes drawn up at national or regional level.

2. Each programme shall include at least the following:

- the geographical limits of the area covered,
- a description of the structural situation of the area, including statistical data on the number of agricultural holdings, by size and by age of farmer, and on incomes,

- a description of the early retirement and retirement schemes existing in the area, the degree of take-up in recent years and problems encountered,
- an indication, with explanatory comments, of the rates and conditions of grant of aid, by type of beneficiary,
- an estimate of the number of transferors, transferees and workers who will be concerned by such aid,
- an estimate of the number of hectares which will be released by the transferors and the proportions which will be transferred to farming transferees (successors or other farmers) and non-farming transferees,
- an estimate of the expected costs of the various types of aid envisaged and the financial means required, together with the expected schedule of expenditure,
- the proposed timetable for implementing the various types of aid.

Article 5

Conditions applicable to persons concerned

Member States shall lay down the conditions to be met by the persons concerned, which shall include at least the following:

1. A transferor must:

- be not less than 55 years old but not yet of normal retirement age at the time of transfer,
- have practised farming as a main occupation for the 10 years preceding transfer.

2. A farming transferee must:

- possess adequate occupational skill and competence within the meaning of Article 5 (6) of Regulation (EEC) No 2328/91,
- undertake to practise farming as a main occupation on the agricultural holding for not less than 5 years in accordance with the conditions laid down in Article 6 (3) and (4).

3. A worker must:

- be not less than 55 years old but not yet of normal retirement age,
- stop farming completely and definitively after having devoted at least half of his/her working time to it during the preceding five years,
- have worked on the transferor's agricultural holding for at least the equivalent of two years full-time

during the four-year period preceding the early retirement of the transferor,

— belong to a social security scheme.

4. A non-farming transferee must undertake to use the land in accordance with Article 6 (5).

Article 6

Conditions applicable to released land

1. The conditions laid down in this Article must be applied throughout the period during which the transferor receives early retirement aid.

2. Transferors may continue farming a maximum of 10 %, but not more than one hectare, of their agricultural land provided that they stop commercial production completely. The agricultural land to be retained by transferors may be adapted by the Commission according to the procedure provided for in Article 29 of Regulation (EEC) No 4253/88 ⁽¹⁾. Furthermore, transferors may, under conditions to be laid down by the Member State, retain the use of the area on which the buildings in which they will continue to live with their family are situated.

3. The size of the agricultural holdings resulting from the transfer of land released by the transferor must be increased so as to improve their economic viability, in compliance with conditions to be defined in terms in particular of the occupational skill of the transferee, of surface area, of volume of work or of income, according to the region and type of production. The Member States shall lay down these conditions and the deadline by which the beneficiary must satisfy them.

4. Released land transferred to farming transferees must be farmed for not less than five years, in harmony with the requirements of environmental protection.

5. Released land transferred to non-farming transferees must be used in a manner compatible with protection or improvement of the quality of the environment and of the countryside.

6. Released land may be included in a reparable operation or in a simple exchange of parcels. In such cases, the conditions laid down in this Article must be applied to areas equivalent to those of the released land.

In addition, Member States may make provision for released land to be taken in charge by a body which undertakes to reconvey it at a later date to a transferor who satisfied the conditions laid down in this Regulation.

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

Article 7

National provisions

1. Member States shall adopt the necessary laws, regulations and administrative provisions to implement the programme. These provisions must ensure in particular:

- that the programme is sufficiently attractive compared with any early retirement schemes already existing in the area covered by the programme,
- the ease of transfer of released land, in particular by encouragement of appropriate forms of purchase or rental of land which ensure the conservation or improvement of the land,
- that the purchase or rental contracts of the land released contain clauses requiring compliance with the conditions laid down in Article 6 regarding use of the land,
- organization of the transfer and expansion of agricultural holdings and the rational use of the countryside by providing their existing services with the necessary resources or by helping to set up new services,
- a harmonious transition from the Community early-retirement aid scheme to the national retirement scheme.

2. This Regulation shall not preclude Member States from implementing additional aid measures, for which the conditions or granting of aid differ from those laid down herein or the amounts of which exceed the limits stipulated herein, provided that the said measures comply with Articles 92, 93 and 94 of the Treaty.

Article 8

Programme appraisal

1. The Member States shall communicate to the Commission the draft aid programmes and any existing or envisaged national provisions.

2. The Commission shall examine the text communicated by the Member States in order to determine:

- their compliance with this Regulation, taking account of its objectives and the links between the various measures,
- the nature of the measures eligible for part-financing,
- the total amount of expenditure eligible for part-financing.

3. The Commission shall decide on the approval of the programmes in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88.

*Article 9***Rate of Community financing**

The rate of Community part-financing shall be 75 % in the regions covered by Objective 1 of Article 1 of Regulation (EEC) No 2052/88 and 50 % in the other regions.

*Article 10***Detailed rules of application**

Detailed rules for the application of this Regulation shall be adopted, where necessary, by the Commission in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88.

*Article 11***Final provisions**

Regulation (EEC) No 1096/88 ⁽¹⁾ is hereby repealed. It shall, however, remain applicable to aid granted before 30 July 1993.

*Article 12***Entry into force**

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 Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No L 110, 29. 4. 1988, p. 1.

COUNCIL REGULATION (EEC) No 2080/92

of 30 June 1992

instituting a Community aid scheme for forestry measures in agriculture

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the 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 afforestation of agricultural land is especially important both from the point of view of soil use and the environment and as a contribution to reducing the shortage of forestry products in the Community and as an accompaniment to the Community's policy for controlling agricultural production;

Whereas experience in matters of afforestation of agricultural land by farmers shows that existing aid schemes for promoting afforestation are insufficient; whereas afforestation of agricultural land withdrawn from agricultural production in recent years has proved unsatisfactory;

Whereas, therefore, the measures provided for in Title VIII of Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures ⁽⁴⁾ should be replaced by measures which provide more effective encouragement for afforestation of agricultural land;

Whereas the eligible amounts of the costs of afforestation must correspond to the effective costs of afforestation observed in the Community;

Whereas a degressive premium for the first five years to alleviate the cost of maintenance of new woodlands may contribute significantly towards the encouragement of afforestation;

Whereas, in order to increase afforestation of agricultural land as a way of furthering the aims of the common agricultural policy (CAP), it is necessary to introduce premiums to compensate for the income loss incurred by farmers during the non-productive period of afforested agricultural land;

Whereas, in many cases, private persons other than farmers are in a position to undertake afforestation of agricultural

land and whereas provisions should be made for incentives to be offered to such persons; whereas, therefore, a premium per hectare should be introduced for the benefit of private persons other than farmers who undertake afforestation of agricultural land;

Whereas, in many parts of the Community, afforestation of agricultural land may be undertaken by public authorities, in particular local authorities; whereas, therefore, afforestation schemes undertaken by such authorities should be supported and reinforced;

Whereas afforestation with fast-growing species cultivated on the basis of a short felling cycle is generally fairly profitable; whereas, therefore, for afforestation with these species, it is sufficient to provide Community assistance for afforestation costs incurred by farmers practising farming as a main occupation;

Whereas the improvement of existing farm woodlands can help to improve the incomes of persons employed in farming; whereas, in particular, because of the structure of cork production and its specific problems, measures to preserve, densify and improve existing cork oak stands should be reinforced;

Whereas, given that the Community is to contribute to the financing of the measure, it must be able to ascertain that the implementing arrangements adopted by the Member States contribute towards the attainment of its objectives; whereas, for this purpose, a structure for cooperation should be set up between the Member States and the Commission in the Standing Forestry Committee set up by Decision 89/367/EEC ⁽⁵⁾;

Whereas the resources available for implementing the measures provided for in this Regulation must be additional to those available for the implementation of measures under the rules governing the Structural Funds, and in particular for measures applicable in regions covered by Objectives 1 and 5(b) as defined in Article 1 of Regulation (EEC) No 2052/88 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

*Article 1***Purpose of the aid scheme**

A Community aid scheme part-financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) is hereby instituted in order to:

⁽¹⁾ OJ No C 300, 21. 11. 1991, p. 12.

⁽²⁾ OJ No C 94, 13. 4. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 25.

⁽⁴⁾ OJ No L 218, 6. 8. 1991, p. 1.

⁽⁵⁾ OJ No L 165, 15. 6. 1989, p. 14.

⁽⁶⁾ OJ No L 185, 15. 7. 1988, p. 9.

- accompany the changes to be introduced under the market organization rules,
- contribute towards an eventual improvement in forest resources,
- contribute towards forms of countryside management more compatible with environmental balance,
- combat the greenhouse effect and absorb carbon dioxide.

This Community aid scheme shall promote:

- (a) afforestation as an alternative use of agricultural land;
- (b) the development of forestry activities on farms.

Article 2

Aid scheme

1. The aid scheme may comprise:
 - (a) aid for afforestation costs;
 - (b) an annual premium per hectare afforested to cover maintenance cost in the first five years;
 - (c) an annual premium per hectare to cover losses of income resulting from afforestation of agricultural land;
 - (d) investment aid for the improvement of woodlands by the provision of shelterbelts, firebreaks, waterpoints and forest roads, and for the improvement of cork oak stands.
2. (a) Aid as referred to in paragraph 1 (a) and (b) may be granted to any natural or legal person undertaking afforestation of agricultural land.
- (b) Aid as referred to in paragraph 1 (c) shall be eligible only if it is granted to:
 - farmers not participating in the early-retirement scheme introduced by Council Regulation (EEC) No 2079/92 of 30 June 1992 instituting a Community aid scheme for early retirement from farming ⁽¹⁾,
 - any other private-law, natural or legal person.

- (c) In the case of fast-growing species cultivated in the short term, aid as referred to in paragraph 1 (a) shall be eligible only if it is granted to farmers practising farming as a main occupation in accordance with Article 5 (1) (a) of Regulation (EEC) No 2328/91 and provided that the planting is adapted to local conditions compatible with the environment.
- (d) The planting of Christmas trees shall not be eligible.
- (e) Aid as referred to in paragraph 1 (d) shall be eligible only if it is granted to farmers or associations thereof.

3. The scheme may also comprise a Community contribution to the costs of afforestation of agricultural land undertaken by the competent public authorities of the Member States.

Article 3

Amount of aid

The maximum eligible amounts of aid as referred to in Article 2 shall be as follows:

- (a) in the case of afforestation costs:
 - ECU 2 000 per hectare for eucalyptus plantations,
 - ECU 3 000 per hectare for conifer plantations,
 - ECU 4 000 per hectare for the plantation of broadleaves or mixed plantation comprising not less than 75 % of broadleaves;
 - (b) in the case of maintenance costs:
 - ECU 250 per hectare per year for the first two years and ECU 150 per hectare per year for the following years in the case of the planting of conifers,
 - ECU 500 per hectare per year for the first two years and ECU 300 per hectare per year for the following years in the case of the planting of broadleaves or mixed planting comprising not less than 75 % of broadleaves.
- Member States may aggregate the aid referred to in (a) and (b) and stagger payment of this aggregate amount over a five-year period provided that the newly-planted areas are maintained;
- (c) in the case of the premium to compensate for income losses:
 - ECU 600 per hectare per year if the afforestation is undertaken by a farmer or a group of farmers who worked the land before its afforestation,

⁽¹⁾ See page 91 of this Official Journal.

- ECU 150 per hectare per year if the afforestation is undertaken by another party as referred to in Article 2 (2) (b),

for a maximum period of 20 years from the date of first afforestation;

(d) in the case of improvements to existing woodlands:

- ECU 700 per hectare for woodland improvement and the provision of shelterbelts,
- ECU 1 400 per hectare for renovation and improvement of cork oak stands,
- ECU 18 000 per kilometre for forest roads,
- ECU 150 per hectare of woodland provided with firebreaks and waterpoints.

The cost of adapting agricultural machinery for forestry work shall be included in the investment referred to above.

At the justified request of a Member State and subject to the availability of funds, the Commission may decide, in accordance with the procedure laid down in Article 5, to increase the amounts laid down for woodland improvements and for the renovation and improvement of cork oak stands to ECU 1 200 per hectare and ECU 3 000 per hectare respectively.

Article 4

Aid programmes

1. Member States shall implement the aid scheme referred to in Article 2 by means of national or regional multiannual programmes covering the objectives laid down in Article 1 and which set out in particular:

- the amounts and duration of the aid referred to in Article 2 on the basis of actual expenditure on afforestation and the maintenance of species or types of trees used for afforestation or on the basis of loss of income,
- the conditions for granting aid, in particular for afforestation,
- the measures taken to evaluate and monitor environmental impact and compatibility with land use criteria,
- the nature of any accompanying measures taken or planned,
- the measures taken to provide agricultural and rural operators with appropriate information.

2. Member States may also devise zonal afforestation plans reflecting the diversity of environmental situations, natural conditions and agricultural structures.

Zonal afforestation plans shall be concerned in particular with:

- the setting of an afforestation objective,

- conditions in respect of the location and grouping of areas which may be afforested,
- forestry practices to be complied with,
- selection of species of trees adapted to local conditions.

Article 5

Programme appraisal procedure

1. Member States shall communicate to the Commission, by 30 July 1993 the draft national or regional programmes referred to in Article 4 and any existing or proposed laws, regulations or administrative provisions by which they intend to apply this Regulation, together with an estimate of the annual cost of implementing the programmes.

2. The Commission shall examine the texts communicated by the Member States in order to determine:

- their compliance with this Regulation, taking account of its objectives and the links between the various measures,
- the nature of the measures eligible for part-financing,
- the total amount of expenditure eligible for part-financing.

3. The Commission shall decide on the approval of national or regional programmes on the basis of the factors listed in paragraph 2. For this purpose the Commission representative shall submit to the Standing Forestry Committee set up by Council Decision 89/367/EEC a draft decision on the matter.

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 measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission may defer application of the measures it has decided for a period of not more than one month from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

4. Member States shall notify the Commission of the afforestation plans referred to in Article 4 (2).

*Article 6***Rate of Community financing**

The rate of Community part-financing shall be 75 % in regions covered by the objective defined in point 1 of Article 1 of Regulation (EEC) No 2052/88 and 50 % in other regions.

*Article 7***Detailed rules of application**

Detailed rules for the application of this Regulation shall be adopted, where necessary, by the Commission in accordance with the procedure laid down in Article 5.

*Article 8***Final provisions**

1. Articles 25, 26 and 27 of Regulation (EEC) No 2328/91 are hereby repealed. They shall remain

applicable to aid granted before the entry into force of the programmes referred to in Article 4 of this Regulation.

2. This Regulation shall not preclude Member States from implementing additional aid measures for which the conditions or granting of aid differ from those laid down herein or the amounts of which exceed the limits stipulated herein, provided that the aid measures comply with Articles 92, 93 and 94 of the Treaty.

3. Three years after the date of implementation in the Member States, the Commission shall submit to the European Parliament and the Council a report on the application of this Regulation.

*Article 9***Entry into force**

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 Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 30 June 1992

on temporary national compensation for farmers in Germany

(92/392/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the 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 to compensate for the lower farm incomes resulting from reductions in prices expressed in national currency brought about in Germany by the adaptation of agricultural conversion rates, Council Regulation (EEC) No 855/84 of 21 March 1984 on the calculation and dismantlement of the monetary compensatory amounts applying to certain agricultural products ⁽⁴⁾, provided that, subject to certain specified conditions, a special national aid granted through the value added tax (VAT) system was compatible with the common market; whereas the aid provisions laid down in that Regulation are not limited in time; whereas Twentieth Council Directive 85/361/EEC of 16 July 1985 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax; derogations in connection with the special aids granted to certain farmers to compensate for the dismantlement of monetary compensatory amounts applying to certain

agricultural products ⁽⁵⁾, laid down the conditions under which VAT could be used for the grant of this special aid;

Whereas the Council, when adopting Directive 85/361/EEC, noted that the consequences of the dismantlement of monetary compensatory amounts are temporary and degressive; whereas farm incomes in Germany have recently developed in an unsatisfactory manner; whereas the said Directive expired on 31 December 1991; whereas it is therefore appropriate to provide for an income support benefit for the farm sector in Germany in 1992;

Whereas the mechanism for granting aid as laid down in Directive 85/361/EEC is production-linked; whereas the need to support incomes for 1992 temporarily could be met more appropriately by national farm support measures; whereas due account should be taken of the farm structure in the Länder of the former German Democratic Republic; whereas the aid provided for in Council Decision 88/402/EEC of 30 June 1988 on aid to farmers in the Federal Republic of Germany ⁽⁶⁾ should be granted notwithstanding this Decision,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Decision 88/402/EEC, Germany is hereby authorized to grant to farmers, from 1 January 1992 until 31 December 1992, special national aid which is not

⁽¹⁾ OJ No C 54, 29. 2. 1992, p. 4.

⁽²⁾ OJ No C 176, 13. 7. 1991.

⁽³⁾ OJ No C 106, 27. 4. 1992, p. 19.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽⁵⁾ OJ No L 192, 24. 7. 1985, p. 18.

⁽⁶⁾ OJ No L 195, 23. 7. 1988, p. 70.

linked to prices or to production, under the following conditions:

1. Individual farmers shall qualify for aid per hectare of utilized agricultural area of their holdings; however, the aid per holding shall not be less than DM 1 500 and shall not exceed DM 16 000 per year. This aid shall be paid on a one-off basis.
2. Germany may lay down that farmers who cooperatively work the same holding on 1 January 1992 receive the aid specified in point 1. The ceiling on area and maximum amount shall be multiplied by the number of farmers in the cooperative.
3. In principle, only farmers who are members of the German farm retirement pension scheme (GAL) may qualify for this scheme;
4. Derogations from point 1 except as regards the one-off payment and from point 3 shall be applied to the extent necessary to take account of the farm structure in the new Länder.
5. Germany shall fix the unit amount referred to at point 1, the conditions of point 4, and all other implementing details in such a way as to ensure that the overall volume of the special aid does not exceed DM 2 200 million.

Article 2

1. Germany shall notify to the Commission drafts of detailed provisions and of any further amendments relating to the implementation of the aid scheme referred to in Article 1.

At the request of the Commission, it shall provide further guidance information.

2. Germany may not implement the relevant provisions before such time as the Commission has ascertained their compatibility with the stipulations set out in Article 1.

The Commission shall decide on whether to approve the draft provisions within two months from the date of receiving them.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA