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Contents

I Acts whose publication is obligatory

Commission Regulation (EEC) No 2247/92 of 3 August 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2248/92 of 3 August 1992 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 2249/92 of 31 July 1992 altering the import levies on products processed from cereals and rice	5
* Commission Regulation (EEC) No 2250/92 of 31 July 1992 concerning the stopping of fishing for cod by vessels flying the flag of the United Kingdom	8
* Commission Regulation (EEC) No 2251/92 of 29 July 1992 on quality inspection of fresh fruit and vegetables	9
* Commission Regulation (EEC) No 2252/92 of 30 July 1992 laying down detailed rules for applying the special scheme for raspberries intended for processing	19
* Commission Regulation (EEC) No 2253/92 of 31 July 1992 laying down detailed rules for implementing the specific arrangements for supplying the Canary Islands with products of the wine-growing sector	30
* Commission Regulation (EEC) No 2254/92 of 31 July 1992 laying down detailed rules for the implementing the specific measures for supplying the Canary Islands with live bovine animals	34
* Commission Regulation (EEC) No 2255/92 of 31 July 1992 laying down detailed rules for implementing the specific arrangements for supplying Madeira with live bovine animals	37
* Commission Regulation (EEC) No 2256/92 of 31 July 1992 on statistical thresholds for the statistics on trade between Member States	40

Contents (continued)

★ Commission Regulation (EEC) No 2257/92 of 31 July 1992 laying down detailed rules for implementing the specific arrangements for supplying Madeira with certain vegetable oils and establishing the provisional supply balance	44
★ Commission Regulation (EEC) No 2258/92 of 31 July 1992 laying down detailed rules for implementing the specific arrangements for supplying the Canary Islands with certain vegetable oils and establishing the provisional supply balance	46
Commission Regulation (EEC) No 2259/92 of 3 August 1992 introducing a countervailing charge on certain varieties of plum originating in Hungary	48
Commission Regulation (EEC) No 2260/92 of 3 August 1992 introducing a countervailing charge on certain varieties of plum originating in Romania	50
Commission Regulation (EEC) No 2261/92 of 3 August 1992 abolishing the corrective amount on the import of table grapes into the Community of Ten from Spain	52
Commission Regulation (EEC) No 2262/92 of 3 August 1992 introducing a corrective amount on the import of peaches including nectarines into the Community of Ten from Spain	53

II *Acts whose publication is not obligatory*

Council

★ Council Directive 92/68/EEC of 20 July 1992 amending Directive 90/684/EEC on aid to shipbuilding	54
92/396/EEC :	
★ Council Decision of 20 July 1992 concerning the conclusion of the International Natural Rubber Agreement, 1987	56

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2247/92

of 3 August 1992

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

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

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

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

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

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

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

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

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

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

Whereas these exchange rates being those recorded on 31 July 1992;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 August 1992.

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

Done at Brussels, 3 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 1.

ANNEX

to the Commission Regulation of 3 August 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy ^(?) (ECU/tonne)
0709 90 60	150,14 ^(?) ^(?)
0712 90 19	150,14 ^(?) ^(?)
1001 10 10	161,09 ^(?) ^(?) ⁽¹⁰⁾
1001 10 90	161,09 ^(?) ^(?) ⁽¹⁰⁾
1001 90 91	144,54
1001 90 99	144,54 ⁽¹¹⁾
1002 00 00	153,99 ⁽⁹⁾
1003 00 10	126,07
1003 00 90	126,07 ⁽¹¹⁾
1004 00 10	109,13
1004 00 90	109,13
1005 10 90	150,14 ^(?) ^(?)
1005 90 00	150,14 ^(?) ^(?)
1007 00 90	152,15 ⁽⁹⁾
1008 10 00	52,35 ⁽¹¹⁾
1008 20 00	102,90 ⁽⁹⁾
1008 30 00	50,53 ^(?)
1008 90 10	()
1008 90 90	50,53
1101 00 00	215,31 ⁽⁹⁾ ⁽¹¹⁾
1102 10 00	228,55 ⁽⁹⁾
1103 11 10	262,59 ⁽⁹⁾ ⁽¹⁰⁾
1103 11 90	232,37 ⁽⁹⁾

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 2248/92

of 3 August 1992

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

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

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

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

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

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

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

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

Whereas these exchange rates being those recorded on 31 July 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 August 1992.

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

Done at Brussels, 3 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 185, 4. 7. 1992, p. 4.

ANNEX

to the Commission Regulation of 3 August 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour*(ECU/tonne)*

CN code	Current 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt*(ECU/tonne)*

CN code	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2249/92

of 31 July 1992

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 14 (4) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92⁽⁴⁾, and in particular Article 12 (4) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾ as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2197/92⁽⁷⁾;Whereas Council Regulation (EEC) No 1906/87⁽⁸⁾, amended Council Regulation (EEC) No 2744/75⁽⁹⁾, as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 30 July 1992;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹⁰⁾, as last amended by Regulation (EEC) No 1740/78⁽¹¹⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to Regulation (EEC) No 2197/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 4 August 1992.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁷⁾ OJ No L 218, 1. 8. 1992, p. 9.⁽⁸⁾ OJ No L 188, 8. 7. 1992, p. 30.⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.⁽¹¹⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 31 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 31 July 1992 altering the import levies on products processed from cereals and rice

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
1102 20 10	269,96	276,00
1102 20 90	152,98	156,00
1100 30 00	171,07	174,09
1103 13 10	269,96	276,00
1103 13 90	152,98	156,00
1103 14 00	171,07	174,09
1103 21 00	258 26	264,30
1103 29 40	269,96	276,00
1103 29 50	171,07	174,09
1104 19 10	258,26	264,30
1104 19 50	269,96	276,00
1104 19 91	290,50	296,54
1104 23 10	239,97	242,99
1104 23 30	239,97	242,99
1104 23 90	152,98	156,00
1104 29 11	190,83	193,85
1104 29 31	229,57	232,59
1104 29 91	146,35	149,37
1104 30 10	107,61	113,65
1104 30 90	112,49	118,53
1106 20 90	237,84 (°)	262,02
1107 10 11	255,39	266,27
1107 10 19	190,83	201,71
1108 11 00	315,66	336,21
1108 12 00	241,47	262,02
1108 13 00	241,47	262,02 (°)
1108 14 00	120,73	262,02
1108 19 10	245,31	276,14
1108 19 90	120,73 (°)	262,02

(ECU/tonne)

CN code	Import levies ^(*)	
	ACP	Third countries (other than ACP) ^(*)
1109 00 00	573,92	755,26
1702 30 51	314,96	411,68
1702 30 59	241,47	307,96
1702 30 91	314,96	411,68
1702 30 99	241,47	307,96
1702 40 90	241,47	307,96
1702 90 50	241,47	307,96
1702 90 75	329,96	426,68
1702 90 79	229,47	295,96
2106 90 55	241,47	307,96
2302 10 10	58,23	64,23
2302 10 90	124,79	130,79
2302 20 10	58,23	64,23
2302 20 90	124,79	130,79
2302 30 10	58,23 ⁽¹⁰⁾	64,23
2302 30 90	124,79 ⁽¹⁰⁾	130,79
2302 40 10	58,23	64,23
2302 40 90	124,79	130,79
2303 10 11	299,96	481,30

^(*) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

^(*) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.

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

^(*) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽¹⁰⁾ Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.

COMMISSION REGULATION (EEC) No 2250/92

of 31 July 1992

concerning the stopping of fishing for cod by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3882/91 of 18 December 1991 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1992 and certain conditions under which they may be fished⁽³⁾, provides for cod quotas for 1992;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES division II b by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1992; whereas the United Kingdom has prohibited fishing for this stock as from 10 July 1992; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES division II b by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1992.

Fishing for cod in the waters of ICES division II b by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 10 July 1992.

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

Done at Brussels, 31 July 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 367, 31. 12. 1991, p. 1.

COMMISSION REGULATION (EEC) No 2251/92**of 29 July 1992****on quality inspection of fresh fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular Articles 3 (5), 8, 10 (1) and 12 (3) thereof,

Whereas Regulation (EEC) No 1035/72 stipulates that conformity checks must be carried out by sampling to ensure that fruit and vegetables for which quality standards have been laid down effectively comply with those standards; whereas all the existing provisions concerning inspections should be grouped in a single Regulation; whereas Commission Regulations No 80/63/EEC of 31 July 1963 on quality inspection of fruit and vegetables imported from third countries⁽³⁾, as last amended by Regulation (EEC) No 3078/89⁽⁴⁾, No 93/67/EEC of 3 May 1967 laying down initial provisions on quality control of fruit and vegetables marketed within the Community⁽⁵⁾, as last amended by Regulation (EEC) No 2122/86⁽⁶⁾, (EEC) No 2638/69 of 24 December 1969 laying down additional provisions on quality control of fruit and vegetables marketed within the Community⁽⁷⁾ and (EEC) No 496/70 of 17 March 1970 laying down initial provisions on quality control of fruit and vegetables exported to third countries⁽⁸⁾ should therefore be repealed;

Whereas a single inspection method with well-defined components must be applicable at all marketing stages, regardless of the marketing channels followed by fruit and vegetables produced in the Community and subject to conformity inspection; whereas any lot of the goods in question could potentially be inspected; whereas the conditions on which goods are to be rejected must be specified;

Whereas the competent body or bodies designated by the Member State are responsible for carrying out conformity inspections and must, as a rule, carry out the said inspections; whereas, however, in the interests of efficiency and in order to take account of the different situations to be found in the different Member States, provision should be made, subject to certain conditions, for authority to be transferred to approved private bodies or for centralized inspection centres to be used or for operators to be granted exemption provided they offer the necessary guarantees;

Whereas implementation of the inspection arrangements, including exemptions from inspection, requires that all operators and importers in the marketing chain be known; whereas, therefore, provision should be made for a register for this purpose, whereas the carrying out of inspection operations requires that information on the said operations be made available to the competent authorities; whereas, however, exemption from inspection must automatically entail exemption from this requirement;

Whereas the Community rules apply to imports from third countries; whereas imports must therefore comply with Community quality standards or equivalent standards and the Community inspection method must be applied to them; whereas certain third countries may have the products which they export to the Community inspected by their own authorities, on the spot or on arrival, provided that they satisfactorily guarantee that the standards have been complied with; whereas in the interests of good administrative and commercial practice, provision should therefore be made for the approval, at their request, of the inspection authorities of the exporting third countries concerned, where they meet certain requirements;

Whereas care should be taken that Community and imported products which are not required to meet the standards and are intended for processing are not disposed of on the market in products for consumption in the fresh state; whereas, to that end, such products should be accompanied by a processing certificate certifying their end-use and enabling that use to be checked;

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No 121, 3. 8. 1963, p. 2137/63.

⁽⁴⁾ OJ No L 294, 13. 10. 1989, p. 18.

⁽⁵⁾ OJ No 90, 10. 5. 1967, p. 1765/67.

⁽⁶⁾ OJ No L 185, 8. 7. 1986, p. 11.

⁽⁷⁾ OJ No L 327, 30. 12. 1969, p. 33.

⁽⁸⁾ OJ No L 62, 18. 3. 1970, p. 11.

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall carry out conformity checks as laid down in Articles 8, 9, 11 and 12 of Regulation (EEC) No 1035/72, in accordance with the provisions of this Regulation.

Article 2

The following definitions shall apply for the purposes of this Regulation:

- (a) 'conformity check' means any physical check or administrative formality carried out, following the method and procedure laid down in this Regulation, in order to ascertain whether fruit and vegetables meet the common quality standards, by specialist officials of the competent agencies appointed the Member States;
- (b) 'identity check' means any check that products are correctly specified in the accompanying documents or certificates;
- (c) 'competent agency' means the agency or agencies designated by a Member State to carry out the conformity checks referred to in Article 1;
- (d) 'inspector' means a suitably trained official duly authorized by the competent agency to carry out conformity checks;
- (e) 'goods' means the quantity of products to be sold by a given trader which is present when inspection is carried out. Such goods may be identified by a document and may consist of one or more types of product and one or more lots;
- (f) 'lot' means a quantity of products that when inspected is presented as uniform as regards:
 - identity of packer and/or consignor,
 - country of origin,
 - type of product,
 - quality class,
 - variety or commercial type (where appropriate),
 - packaging and presentation,
 - size (where appropriate);
- (g) 'package' means individually packaged part of a lot, including contents;

- (h) 'trader' means any natural or legal person presenting goods originating in Community or in free circulation within the Community, with a view to their marketing in the Community's territory and/or export to third countries;
- (i) 'importer' means any natural or legal person presenting goods from third countries for entry into the customs territory of the Community;
- (j) 'packing station' means any place where sorting, sizing, packing, marking and, where applicable, cold storage of produce takes place;
- (k) 'border inspection post' means any inspection post, covering a port or airport or a road or railway line, that performs inspections on entry into the customs territory of the Community. It must be designed and provide facilities so that such inspection and communication with parties presenting goods and with other border inspection posts in the Community can be carried out in the quickest and most efficient manner possible;
- (l) 'sampling' means temporary removal of a certain quantity of produce ('sample') when a conformity check is made;
- (m) 'primary sample' means package removed from a lot; for bulk produce, quantity removed at one place in a lot;
- (n) 'bulk sample' means a number of primary samples representative of a lot and sufficient in quantity to permit assessment of it by all criteria;
- (o) 'reduced sample' means a representative quantity taken from a bulk sample, of sufficient size to permit assessment of it by certain criteria; a number of reduced samples may be taken from a bulk sample.

CHAPTER I

Method of inspection

Article 3

1. A conformity check shall be carried out by assessment of a bulk sample taken at random from different places in the lot selected for inspection and assumed to be representative of that lot.

2. The inspector shall indicate the lot(s) and packages in the lot that he wishes to examine or, for bulk produce, the places in the lot from where the samples are to be taken. The trader or importer responsible for the goods or his representative must present the samples requested and provide all the information needed for identification of the goods or of the lots of which they consist. If reduced samples are needed so that a more thorough check can be made, the inspector shall select them from the bulk sample.

3. Lots shall be identified by means of the indications or marks laid down under Council Directive 89/396/EEC⁽¹⁾.

If goods are made up of a number of lots, the inspector must check the identity of each of the lots in order to determine to what extent they tally with the information given in the accompanying documents or declarations.

However, in the event of difficulty in differentiating lots, all lots that are uniform as to type of produce, traders or importers concerned, country of origin, quality class and, where appropriate, variety, size or commercial type, may be treated as a single lot.

4. The checks on the lot shall comprise in particular:

- an assessment of packaging and the presentation, using primary samples, to ascertain whether packaging has been carried out properly using clean material of the correct specification and that the presentation is correct,
- a check that the marking is correct, using samples,
- a check that the products themselves are in conformity: the inspector shall decide on the size of the bulk sample he needs for assessment of the lot.

If, on the basis of his checks, the inspector is unable to take a decision, he may make a second inspection in order to obtain a result consisting of the average yielded by the two inspections.

5. The produce to be inspected must be completely removed from its packaging. For prepackaged products the inspector may however dispense with this if the type

and nature of the packaging are such that the contents can be checked without unwrapping. Uniformity, minimum requirements and quality and size classification must be checked from the bulk sample. If defects are found the inspector shall determine their percentage according to the number of items or the weight of produce not meeting the standard.

6. If the inspection operations are liable to affect the quality of the products, the inspector must check for internal defects using reduced samples, of a size limited to the minimum quantity necessary to assess the lot. Where such internal defects are found or suspected, the size of the reduced sample may not be more than 10 % of that of the bulk sample initially made up for inspection.

7. For assessing ripeness the inspector may use the instruments and methods specified for the purpose in the common quality standards.

In the case of apples, the competent body may refer to a colorimetric scale and/or apply a starch regression test (iodine test) in order to verify that the requirement laid down in the quality standards for apples and pears under the first indent of the last subparagraph of Title II A of the Annex to Commission Regulation (EEC) No 920/89⁽²⁾ is met.

8. Where inspections are carried out at a stage other than consignment, the inspector shall take into account the fact that transport, even under conditions appropriate to the nature of the product, may result in a slight loss of the freshness and turgidity displayed at the time of consignment, except for products in the Extra class.

9. On completion of inspection, the inspector shall take a decision on the basis of the results of the check made as specified in paragraph 4.

If he finds that the lot satisfies the Community provisions in force for the product, he shall issue the inspection certificate provided for in Annex I. If not, he shall notify the trader and/or importer or his representative in writing of the defects. Where the latter decides to bring the goods into conformity, the inspector shall issue a certificate once he finds that this has been done.

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 21.

⁽²⁾ OJ No L 97, 11. 4. 1989, p. 19.

10. In the event of a decision that the goods are not in conformity, a new sample should relate to at least the following minimum quantities⁽¹⁾:

Packed produce

Number of packages in lot	Number of packages to be taken (primary samples)
up to 100	5
101 to 300	7
301 to 500	9
501 to 1 000	10
more than 1 000	15 (minimum)

Bulk produce

Weight of lot in kg or number of units in lot	Weights in kg of primary samples or number of units to be taken ⁽¹⁾
up to 100	10
201 to 500	20
501 to 1 000	30
1 001 to 5 000	60
more than 5 000	100 (minimum)

⁽¹⁾ For large fruit and vegetables (more than 2 kg per dem), the primary samples must consist of a minimum of five items.

11. If a Member State wishes to try a method of sampling other than that provided for in paragraph 10, the Commission may decide to allow that method to be applied in the Member State in question subject to conditions which the Commission shall determine. In such cases, the Commission shall inform the other Member States.

12. Where the goods are not brought into conformity, the inspector shall make out a statement specifying the criteria not fulfilled and shall take action to ensure that the goods in question are not marketed for consumption as fresh produce.

To this end, the inspector shall issue a document certifying that the goods have not been marketed for consumption as fresh produce and shall specify the measures adopted to ensure compliance with this prohibition.

13. On completion of an inspection the bulk sample shall be returned to the trader and/or importer or his representative.

The competent agency shall be under no obligation to restore those parts of the bulk sample destroyed during inspection.

⁽¹⁾ These quantities shall not apply at the retail stage.

CHAPTER II

Conformity checks of fruit and vegetables produced in the Community

Article 4

1. Fruit and vegetables produced in the Community and intended for consumption in the fresh state on the internal market or for export shall be subject to conformity checking, either at the packing/loading station and, if unavoidable, during the process of consignment, or at a designated inspection centre and at destination at the wholesale selling point or in distribution centres.

2. With a view to carrying out inspections as referred to in this Article, traders or their representatives shall make available to the competent agency all necessary information. Such information shall include identification of the produce and details of the place and the period during which the consignment(s) are to be dispatched, and of the destination.

Traders meeting the conditions laid down in Article 6 (1) shall be exempt from this requirement.

3. Notwithstanding paragraphs 1 and 2, Member States may exempt from notification and inspection goods weighing 500 kg per product or less.

4. The inspection certificate referred to in Article 3 (9) shall be issued in cases where fruit and vegetables are to be exported.

Article 5

1. Member States shall designate the competent agency or agencies responsible for conformity checking. Such agencies may however delegate their powers wholly or in part to private agencies or instruct such agencies to carry out the checks. Approval shall be for a three-year period following an invitation to tender by the Member State addressed to private agencies with:

- (a) inspectors who have followed a training course approved by the competent agency;
- (b) equipment and installations to make the checks and analyses that inspection will require;
- (c) suitable communications facilities.

2. The competent agency shall check periodically on the execution, the number and efficiency of inspections made by approved agencies.

It shall withdraw approval if it finds anomalies or irregularities casting doubt on the due execution and efficiency of inspections or if the requirements are no longer met.

Approval may be renewed for a further period of three years.

3. Approved agencies shall :

- (a) provide all facilities required for making inspections and all information requested for the purposes of checks by the competent agency ;
- (b) forward, before 31 January of each year, a list of the traders on whose goods it has carried out inspections during the previous year and a report giving details of its inspection work and the results obtained.

Article 6

1. The competent agency of a Member State may exempt traders from inspection of goods at the time of consignment and shall issue an exemption certificate to that effect, if the traders in question can guarantee uniform quality of the produce they are marketing and have :

- (a) inspection staff who have received training approved by the competent agency ;
- (b) suitable equipment for preparing and packing produce ;
- (c) precooling equipment, if the products which they market require this before transport ;
- (d) a register recording all operations carried out.

Exemptions shall be granted for a period of one year and shall be renewable.

2. The competent agency shall regularly check the quality of the produce consigned by exempted traders.

It shall withdraw an exemption from inspection if it finds anomalies or irregularities casting doubt on the conformity of the product or if the requirements listed in paragraph 1 are no longer met.

Exempted traders shall grant the competent agency all facilities necessary for its verification checks.

3. Exempted traders shall affix a label (in accordance with the specimen in Annex III) on each package

consigned, bearing their registration number as referred to in Article 11 (3).

Article 7

Inspection centres

Member States may provide for conformity checks to be carried out by the competent agency at inspection centres designated by the competent authority.

Inspection centres must have suitable reception facilities for the purposes of carrying out inspections, comprising, in particular :

- suitable vehicle bays allowing samples to be taken at a number of places in the load,
- refrigerated areas for packages unloaded from vehicles,
- suitable communications facilities,
- equipment and installations to make the checks and analyses that inspection will require.

Inspections must be carried out with all speed, in accordance with the method specified in Article 3.

CHAPTER III

Conformity checks of fruit and vegetables for importation into the Community

Article 8

1. Before being admitted into Community territory, fruit and vegetables from third countries intended to be consumed fresh and for which there are common quality standards shall be subject to a conformity check to determine whether the goods meet the common quality standards or at least equivalent standards in the case of third countries other than European third countries or non-European third countries in the Mediterranean region.

2. The Commission shall establish a correlation table between the quality classes provided for in the standards applied in the countries in question and those provided for in the common quality standards.

Article 9

1. Where the official inspection authorities of third countries have been previously approved, goods shall be subject to conformity checking before being exported to the Community.

The list of approve official authorities shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72. This list shall be supplemented or amended by the Commission.

2. The approval referred to in paragraph 1 shall be granted to the official authorities of third countries which so request, and on whose territory the common quality standards or standards which are at least equivalent, in accordance with Article 8 (1), are met for products exported to the Community.

The official authority must be an officially recognized conformity checking agency which provides satisfactory guarantees, and has at its disposal the necessary staff, equipment and facilities to enable the checks in question to be carried out.

Information about the establishment and transmission of requests for approval shall be made public by way of a Commission notice published periodically in the *Official Journal of the European Communities*, C series.

3. Approval shall be granted for a period of three years and shall be renewable following a thorough check and in particular on-the-spot verification to ensure proper application of the provisions of paragraph 2.

Such approval shall be withdrawn at any time by the Commission if it is found that goods coming from the third country concerned do not meet the standards laid down.

4. Goods coming from third countries in which the official authority has been approved as laid down in paragraph 3 shall be accompanied by an inspection certificate as provided for in Annex I issued by that authority attesting that the said produce conforms to the quality standard for the quality class within which it falls. The certificate shall be deemed to show that the produce complied with the standard at the time of export. The competent agencies of the Member States shall regularly verify the conformity of products from third countries. The period of validity of the inspection certificate shall be fixed by the official authority so as to ensure conformity while taking account of the type of produce.

If the inspection certificate is no longer valid, paragraph 5 shall apply.

5. In the case of goods coming from third countries whose official inspection authorities have not been approved, or in the case of goods from third countries whose official authorities have been approved but which, on importation, are not accompanied by an inspection

certificate as provided for in Annex I, the customs authorities shall authorize their release for free circulation in the customs territory of the Community only if the goods have been inspected in accordance with Article 3.

In cases where the competent agencies have not inspected certain goods, they shall either affix their stamp to the notification referred to in paragraph 8 and forward the notification to the customs authorities or inform the customs authorities in some other way.

The competent agency may decide not to carry out the abovementioned checks where the goods is to be exported subsequently to a third country.

6. Paragraphs 4 and 5 shall be implemented without prejudice to spot checks carried out at border inspection posts and checks on arrival at wholesale locations or distribution centres.

7. Where, in the case of goods leaving a warehouse after storage or of goods not to be put into free circulation in the territory of the Member State that carried out the check specified in Article 8 (1), a lot is split up, the inspector in charge shall :

- retain the original certificate(s),
- provide the importer or first purchaser with the same number of authenticated copies of the original certificate as the portions into which the lot has been split.

8. The importer or his representative must notify the competent agency of the Member State in good time of the border inspection post at which the goods will be presented for inspection, specifying the nature and volume of the products, the number of lots and the expected date of arrival.

CHAPTER IV

Inspection of produce for processing

Article 10

1. Community products due to be processed outside the region in which they are produced shall be accompanied by a 'processing certificate' as provided for in Annex II, issued by the competent inspection authority, which shall immediately send a copy of the certificate to the inspection authority operating in the region in which the produce is to be processed.

2. Imported products due to be processed in the Community shall be accompanied, prior to being put into free circulation, by a 'processing certificate' as provided for in Annex II, issued by the competent import inspection authority, which shall immediately send a copy of the certificate to the inspection authority operating in the region in which the produce is to be processed.

3. After processing, the processor shall return the certificate to the inspection authority of the region in which processing has been carried out.

4. Inspection may be carried out on the spot and a check made on the accounting documents of the undertaking concerned.

The central offices of the inspection authority issuing the processing certificate shall be notified of any irregularity which might be detected.

CHAPTER V

Final provisions

Article 11

1. The inspection authority of a Member State on whose territory a lot from another Member State is found not to meet the requirements because of defects or deterioration which could have been detected at the time of packaging shall notify cases of non-conformity discovered up to the wholesale marketing stage within 24 hours to the central offices of the inspection authorities of the other Member States likely to be concerned.

2. Where, on importation from a third country, a lot is found not to meet the requirements because of defects or deterioration which could have been detected at the time

of packaging, the inspection agencies of the Member State concerned shall, within 24 hours, notify the Commission and the central offices of the inspection authorities of the other Member States likely to be concerned, which shall then pass on this information as necessary in their territory.

3. The Member States shall draw up a register of traders and importers of fruit and vegetables and shall assign each a registration number.

4. The Commission shall publish in the *Official Journal of the European Communities*, C series, a list of:

- the central offices of inspection authorities,
- inspection centres,
- approved agencies,
- in each Member State, and of
- the approved official inspection authorities in third countries.

A list of exempted traders shall be published in the government and/or trade press in each Member State.

Article 12

Commission Regulations No 80/63/EEC, No 93/67/EEC, (EEC) No 496/70 and (EEC) No 2638/69 are hereby repealed with effect from 1 January 1993.

Article 13

The 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.

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

Done at Brussels, 29 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

☐ internal

Inspection certificate

☐ import☐ export

1. Trader / importer		Inspection certificate EEC No This certificate is exclusively for the use of inspection agencies.	
2. Packer identified on packaging (if other than trader / importer)		3. Inspection authority	
		4. Place of inspection / Region or country of destination Country of origin (*)	
5. Identification of means of transport		6. Destination check (if applicable)	
7. Packages (Number and type)	8. Type of product (variety if the standard specifies)	9. Quality class	10. Total weight in kg gross/net
11. The abovementioned inspection authority certifies, following inspection by sampling, that the abovementioned goods corresponded at the time of inspection to the quality standards in force Customs office : entry/exit Period of validity : days Place and date of issue Inspector : (name in block letters) Signature Inspection stamp			
12. Comments :			

(*) Where the produce is re-exported, indicate its origin in Box 8.

ANNEX II

Processing certificate

1. Trader/importer		Inspection certificate EEC No	
2. Origin of produce		3. Inspection authority issuing the certificate	
4. Intended processing of produce Name and address of processor		5. Inspection agency in the region where processing is to take place	
6. Packages Bulk	7. Type of product		8. Total weight in kg gross/net
9. Customs office : entry/exit			
Place and date of issue Inspector : name (in block letters) Signature Inspection stamp			
10. Comments :			
11. The processor certifies that the product indicated above has been processed.			
Place and date Signature Stamp			

ANNEX III

SPECIMEN

	REGULATION (EEG) No 2251/92 Serial No ... (Name of Member State)
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COMMISSION REGULATION (EEC) No 2252/92

of 30 July 1992

laying down detailed rules for applying the special scheme for raspberries intended for processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1991/92 of 13 July 1992 establishing a special scheme for raspberries intended for processing⁽¹⁾, and in particular Article 8 thereof,

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

Whereas Regulation (EEC) No 1991/92 includes specific provisions to remedy the deficiencies in the production and marketing of raspberries intended for processing; whereas the aid provided for is paid to specifically recognized producers' organizations which have submitted a programme to improve the competitiveness of the sector approved by the competent national authority;

Whereas it should be recalled that this specific recognition is not conditional on previous recognition pursuant to Article 13 of Council Regulation (EEC) No 1035/72 of 18 May 1992 on the common organization of the market in fruit and vegetables⁽⁴⁾, as last amended by Regulation (EEC) No 1754/92⁽⁵⁾; whereas recognition is granted independently of the latter provided that the particular conditions laid down for granting it are observed;

Whereas the conditions for recognition must include reasonable assurances that the producers' organizations in receipt of Community aid will, through the extent and duration of their activities and through their *modus operandi*, contribute to the desired improvement in the conditions under which the products in question are produced and marketed; whereas, to ensure minimum stability in the producers' organizations, they must of necessity include in their statutes specific clauses guaranteeing producers control over the decisions and functioning of the organization and clauses laying down penalties for infringing the rules agreed;

Whereas the marketed quantities should be determined for the payment of the flat-rate aid to recognized produ-

cers' organizations which have presented a programme to improve the competitiveness of the sector, approved by the competent national authority; whereas unfavourable weather conditions in the production region during the relevant marketing year for calculating the aid may introduce very noticeable distortions in the application of the aid scheme; whereas provision should be made to calculate the aid in such cases on the basis of the quantities marketed in the marketing year following the year noticeably affected by the aforementioned weather conditions;

Whereas the various measures, which may include individual or joint measures provided for under the programme to improve the competitiveness of the sector producing raspberries for processing, should be determined; whereas, although it falls to the national authorities to approve the programmes, collaboration and administrative cooperation with the Commission for the purpose of guaranteeing the aims of the regulations should allow the Commission to request, where necessary, amendments to the draft programme or even reject the granting of both national and Community financial assistance;

Whereas specific rules should be drawn up for the approval of joint measures in the programmes of producers' organizations located in the same production zone and, even more importantly, for the approval of transnational measures;

Whereas certain general and financial provisions should be laid down for aid financed by the European Agricultural Guidance and Guarantee Fund, Guarantee Section, subject to the conditions laid down in Regulation (EEC) No 1991/92; whereas it should be recalled that Community aid may only be paid in any event to the Member State after or at the very most at the same time that the national contribution is paid out, subsequent to appropriate checks;

Whereas the maximum amount of aid per hectare, fixed for measures relating to cultural and/or variety improvement of production, should be converted into the national currency concerned at the agricultural conversion rate applicable on the first day of each marketing year, in accordance with the provisions of Regulation (EEC) No 1676/85;

Whereas implementation of the various specific measures in question involves a compelling obligation on the beneficiary producers' organization to submit full and detailed information, at determined intervals, to the authority appointed by Member State so as to allow the said authority to monitor the fulfilment of the commitments entered into by the producers' organization;

⁽¹⁾ OJ No L 199, 18. 7. 1992, p. 1.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 180, 1. 7. 1992, p. 23.

Whereas the obligation on the aid beneficiary to provide information cannot in itself guarantee that the measures are well administered; whereas it is therefore necessary to specify the documentary checks and on-the-spot inspections which the national authority must carry out, depending on the type of financial assistance provided for in the said Regulation;

Whereas the most serious failures to comply with the obligations laid down in Regulation (EEC) No 1991/92 or in this Regulation must be appropriately penalized;

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

HAS ADOPTED THIS REGULATION:

Article 1

Producers' organizations engaged in the production and marketing of raspberries intended for processing

- which have received specific recognition in accordance with Title I,
- and which have submitted a programme to improve the competitiveness of the sector producing raspberries for processing in accordance with Title II which has been approved by the Member State concerned,

shall qualify for the specific measures provided for in Regulation (EEC) No 1991/92, subject to the rules laid down in this Regulation.

TITLE I

Specific recognition of producers' organizations for raspberries intended for processing

Article 2

Member States shall grant specific recognition under Regulation (EEC) No 1991/92 to producers' organizations and groups of producers (hereinafter referred to as 'producers' organizations') engaged in the production and marketing of raspberries intended for processing:

- which have been set up at the instigation of the producers themselves with a view to achieving, in the sector producing raspberries for processing, the objectives referred to in Article 13 (1) (a) of Regulation (EEC) No 1035/72,
- which require their members to meet the obligations listed in this Article,
- which make available to their members technical facilities for pre-sales operations, particularly the packaging and, where applicable, the storage of the products concerned,
- whose statutes:
 - (a) make it compulsory for producers to have all their production of raspberries for processing sold by the producers' organization;

(b) include provisions designed to ensure that producers have control over the organization and the decisions which it takes;

(c) lay down penalties for any infringement of the organization's rules by producers belonging thereto;

(d) make it compulsory for producers:

- to belong to the producers' organization for a period of at least three years,
- to give at least 12 months' advance notice of their departure therefrom;

(e) include provisions concerning the fees to be paid by their members,

— which provide evidence of a sufficient level of economic activity, in accordance with Article 2 (1) of Regulation (EEC) No 1991/92,

— which keep separate accounts for their activities relating to raspberries for processing.

Article 3

1. Producers' organizations shall submit their application for specific recognition under Regulation (EEC) No 1991/92 to the competent authority designated by the Member State not later than 12 months after entry into force of the said Regulation.

2. Applications for recognition shall be accompanied by the articles of incorporation and the particulars listed in Annex I.

3. The competent authority shall check the accuracy of the particulars supplied by scrutiny of the documents and by on-the-spot inspections. In doubtful cases the competent authority shall carry out any appropriate checks to ensure compliance with the conditions set down in Article 2.

4. Specific recognition shall be granted within three months of lodging the application. However, if additional enquiries are necessary, the three-month time limit may be extended to six months.

5. Each year, before 1 December, producers' organizations shall forward to the competent authority an updated version of the particulars listed in Annex I.

Article 4

The competent authority shall make periodic checks, and at least every three years, to ensure that the producers' organizations recognized in accordance with Article 3 are operating in the correct manner and that they are observing the conditions laid down for their recognition.

The competent authority shall withdraw specific recognition if it finds that:

- the obligations on which recognition is conditional have not been met,
- the particulars referred to in Article 3 (5) have not been supplied.

Article 5

Each year, by 31 January, the Member States concerned shall forward to the Commission :

- a list of the producers' organizations for raspberries for processing which have received specific recognition under Regulation (EEC) No 1991/92,
- for each producers' organization, the form shown in Annex I, duly completed.

Article 6

For the purposes of granting the flat-rate aid to recognized producers' organizations as provided for in Article 2 (2) of Regulation (EEC) No 1991/92, the volume of produce marketed means the quantity actually sold for processing during the first marketing year following the date of specific recognition. Where poor weather conditions in the production region result in a reduction of more than 20 % in the harvest of the producers' organization, the quantity marketed shall be that actually sold for processing during the second marketing year following the date of specific recognition.

TITLE II

The programme to improve the competitiveness of the sector producing raspberries for processing*Article 7*

1. The measures referred to in Article 5 (1) of Regulation (EEC) No 1991/92 shall include, as appropriate, the following measures :

(a) mechanization of the harvest :

purchase and depreciation of raspberry harvesting machinery ;

(b) adaptation of existing plantations with a view to cultural and/or varietal improvement :

- the grubbing of canes, followed by the planting of new canes,
- varietal conversion, with a view to quantitative and/or qualitative genetic improvement,
- the improvement of cultivation techniques regarding the management and spacing of plantations ;

(c) technical advice :

- the provision to members of technical assistance to prepare for the mechanization of harvesting, to improve crop management and to coordinate all measures relating to production.

2. The measures referred to in Article 5 (2) of Regulation (EEC) No 1991/92 shall include, as appropriate, the following measures :

(a) the scientific preparation and dissemination of measures to overcome weaknesses in production structures :

- the use of new varieties with higher yields and/or of a quality better tailored to the requirements of users and more suited to processing,
- the preparation of new methods for controlling certain diseases.

These measures shall be submitted and implemented in direct cooperation with institutes and/or bodies which are competent in this field ;

(b) the development of new products and/or new uses for processed products :

- market surveys,
- the search for new outlets,
- commercial studies concerning the design of packaging and presentation,
- the development of new products, from conception to marketing,
- cost-benefit analysis of new conservation techniques.

These measures shall be submitted and implemented in direct cooperation with processors or processors' organizations ;

(c) a survey on the development potential of the market for fresh raspberry products :

- an analysis of the market outlook for fresh produce and the feasibility, for the production areas in view of their access to the market, to redirect part of their production away from the processing industry and onto the market for fresh produce.

Article 8

1. Producers' organizations shall submit their draft programmes for approval by the competent authority designated by the Member State, in the form shown in Annex II and together with all the supporting documents.

Implementation of the programme must not commence until the latter has been approved by the competent national authority.

2. The competent authority shall take a decision on the draft programme within five months of receiving it. Requests for changes as referred to in paragraph 3 (b) shall result in an interruption of that period.

The competent authority shall :

- use all appropriate means, including on-the-spot inspections, to check the accuracy of the information provided on the production of raspberries for processing by the members of the producers' organization at the time when the programme is submitted,

- check that the programme takes the form shown in Annex II and complies with the objectives of this Title,
- verify the economic consistency and technical validity of the draft programme, the validity of the estimates and the financing plan and the timetable for implementation.

Before the end of the third month following receipt of the draft programmes, the competent authority shall forward to the Commission those which may, in its opinion, be approved under Article 6 of Regulation (EEC) No 1991/92, together with a general assessment of their compliance with the criteria referred to in the third indent of the second subparagraph.

Within 40 days of receiving such communication, the Commission shall, if necessary, request the competent authority to reject programmes or have them modified.

3. The competent authority shall :
 - (a) either approve programmes if they meet the requirements of Regulation (EEC) No 1991/92 and of this Title ;
 - (b) or request changes to drafts, either on its own initiative or at the Commission's request. Draft programmes may not be approved until they incorporate the changes requested ;
 - (c) or reject programmes, either on its own initiative or at the Commission's request.
4. (a) Approval of programmes relating also to measures to be submitted and implemented jointly by producers' organizations whose members are from one or more production areas shall, where necessary, be subject to approval of the joint section in the programmes of the other producers' organizations concerned.
- (b) A production area shall cover the entire national territory of a Member State.
- (c) In the case of transnational joint measures, the competent authorities of the Member States concerned shall collaborate closely when approving the plans.
5. During the implementation of each programme, the competent authority shall make periodic checks, by means of the reports which are to be sent to it each year by the producers' organizations concerned and by means of on-the-spot inspections, on the progress being made with the implementation of the approved programme, on whether the work done complies with the technical and financial requirements, and on the accuracy of the supporting documents submitted.

At least two on-the-spot inspections shall be conducted on each programme in the course of implementation.

Article 9

Each year, by 31 January, the competent authority shall forward to the Commission a report on the progress made in the implementation of the approved programmes and on the outcome of the inspections carried out and shall provide the Commission with all relevant information should any difficulties arise in the course of implementation which could jeopardize fulfilment of the undertakings given by the producers' organizations.

TITLE III

General and financial provisions

Article 10

1. 70 % of the provisional amount of the flat-rate aid to recognized producers' organizations which have submitted a programme to improve the competitiveness of the sector producing raspberries for processing approved by the competent national authorities shall be paid by the national authorities to producers' organizations not later than two months after the programme is approved.
2. The provisional amount shall be determined, where necessary, on the basis of the quantity marketed by each producers' organization as shown in the application for recognition.
3. The definitive amount of the aid shall be fixed and the balance of that amount shall be paid not later than one month following the communication by the producers' organization to the competent national authority of the quantity marketed during the first marketing year following its recognition.

Article 11

1. To obtain Community aid for their programme to improve the competitiveness of the sector producing raspberries for processing, the producers' organizations qualifying therefore shall submit an aid application to the competent national authority at the end of each marketing year.
2. Aid applications shall be submitted in accordance with Annex III within the two months following the end of the marketing year, and must be accompanied by the invoices and all other equivalent documents relating to the work done.
3. Financing of expenditure incurred for measures implemented jointly by several producers' organizations shall be shared among those organizations and be equal to the expenditure incurred during the marketing year in question.
4. Where applications are submitted after the above-mentioned time limit has expired, aid shall be reduced by 5 %.

Article 12

The competent authorities of the Member States, having checked the aid applications and the documentary evidence produced in support thereof, shall pay, each year within the three months following the lodging of the application for aid, the aid granted by the Member State and the Community in accordance with Article 6 (3) of Regulation (EEC) No 1991/92.

Article 13

The rate to be used each year for the conversion into national currency of the maximum amount of aid per hectare referred to in Article 6 (3) of Regulation (EEC) No 1991/92 shall be the agricultural conversion rate in force on the first day of the marketing year concerned.

Article 14

1. Should any aid have been paid in error, Member States shall recover the amounts paid, plus the interest thereon from the date when the aid was paid until the date when it is recovered. The rate of interest to be applied shall be that in force for similar recovery operations under national law.

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

Done at Brussels, 30 July 1992.

Member States shall recover all aid pursuant to Regulation (EEC) No 1991/92 to producers' organizations which cease their activities before the end of the third year following the date of specific recognition referred to in Title I of this Regulation, or from which specific recognition has been withdrawn pursuant to Article 4.

2. Aid recovered shall be paid to the disbursing agency or departments and deducted by the latter from expenditure financed by the European Agricultural Guidance and Guarantee Fund Guarantee Section in proportion to the Community financing.

3. The financial consequences arising from inability to recover sums paid shall be borne by the Commission in proportion to the Community financing.

Article 15

Member States shall take the necessary steps to penalize any serious failure to fulfil the undertakings given or the obligations contracted under Regulation (EEC) No 1991/92 and this Regulation.

Article 16

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

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

DATA SHEET FOR PRODUCERS' ORGANIZATIONS

Member State :

Year :

Marketing year :

The data provided below relate to the

1. Business name :

2. Legal form :

3. Statutes (Attach a copy)

4. Address (Street, number, locality, telephone number, telex number)

— of the administrative headquarters :

— of the sales headquarters :

5. Territory covered :

6. Number of members :

— Number of producers :

— Number of non-producer members (where applicable) :

7. Particulars of members :

Please enclose a list of members, providing the following particulars :

— surname and first name

— number of plots used to grow raspberries for processing, together with the registration numbers of the plots

— quantities harvested

— yield obtained per hectare

8. Financing provided by members :

Membership fees ☐Other form of funding ☐

Joining fee :

Annual fee :

— flat-rate amount :

— percentage :

9. Rules laid down by the producers' organization :

— Rules relating to farming skills :

yes ☐ no ☐

— Rules relating to production

— Rules relating to marketing

(please enclose a copy of these rules).

10. Technical facilities made available to members (optional)

A. Preparation and packaging station

Yes ☐ No ☐

Brief description of the facility (constituent parts, area covered, etc.) :

B. Equipment installed :

- refrigerated storage

yes ☐no ☐

capacity : m³ or

..... tonnes
- other (please specify) :.....

capacity :tonnes :

11. Staff responsible for :

- administration :
- management :
- preparation, packaging, storage :
- marketing :
- technical assistance :

12. Total area of members' plantations :

Product	Area (ha)
Raspberries for processing	
Raspberries (for consumption, fresh)	
Other fruit and vegetables (¹)	

(¹) Optional

13. Sales data for the preceding marketing year

Product	Produce harvested (tonnes)	Unsold stocks (tonnes)	Losses (tonnes)	Produce marketed (tonnes)	Average price obtained (national currency/tonnes)	Value of produce marketed
Raspberries for processing,						

14. Profit or loss on operations during the preceding marketing year :

.....

.....

.....

15. Programme to improve the competitiveness of the sector producing raspberries for processing :

- (a) Date of submission :
- Date of approval :
- Date of implementation :
- (b) Brief description of the measures planned/proposed/in progress (delete where inapplicable) :
- individual measures :
-
- joint measures :
-

To be completed by the Member State

16. Recognition — under Article 13 of Regulation (EEC) No 1035/72 (1)

Date : Decision No :

Published in on

17. Specific recognition under Article 2 of Regulation (EEC) No 2252/92

Date : Decision No :

Published in on

18. Withdrawal of specific recognition

Date : Decision No :

Published in on

19. Checks carried out

Date :

Subject :

.....

Comments :

.....

.....

(1) Where applicable

*ANNEX II***Description of the programme to improve the competitiveness of the sector producing raspberries for processing****A. Definition of the geographical area concerned**

1. Individual measures
2. Joint measures

B. Description of the initial situation as regards :

1. Production :
 - number of holdings, area farmed, yield per hectare, volume of production harvested and importance thereof in relation to national production,
 - status of plantations (age, density, size, presence of other fruit trees, etc.),
 - technical infrastructure available to the holdings.
2. Technical assistance.
3. Marketing :
Brief description of existing facilities, equipment and capacity.
4. Problems preventing normal continuation of production.

C. Production potential : objectives and prospective outlets**D. Objectives pursued by the programme.**

1. Description of the objectives to be attained through the programme.
2. Description of the objectives of each measure.
 - 2.1. Individual measures
 - 2.1.1. mechanization of the harvest
 - 2.1.2. restructuring and conversion of plantations : replanting
 - 2.1.3. technical assistance
 - 2.2. Joint measures
 - 2.2.1. Scientific preparation and dissemination of measures to overcome weaknesses in structures
 - genetic improvement
 - adoption of new varieties
 - acquisition of certified material
 - disease control
 - preservation of product quality after harvesting
 - tailoring the quality of the product of the needs of the processing industry.
 - 2.2.2. Development of new products and/or new outlets :
 - development of new products and
 - improvement of how existing products are marketed.
 - 2.2.3. Market study on the outlook for development of the market for fresh produce.

E. Joint measures, information on :

1. the producers' organizations taking part in joint measures under the programme ;
2. institutes and/or bodies taking part in scientific preparation and dissemination measures ;
3. processors and/or groups of processors taking part in measures to develop new products or outlets.

F. Necessary investments :

1. Overall cost of the programme, broken down by measure ;
2. Provisional cost, broken down by year of implementation.

G. Foreseeable period of implementation and annual timetable, over a period not exceeding eight years.

ANNEX III

AID APPLICATION PROVIDED FOR IN ARTICLE 11

Business name of the producers' organization :

Administrative address :

(Street, number, locality, telephone number, telex number)

Bank and account number to which the aid should be paid :

Specific recognition under Article 2 of Regulation (EEC) No 2252/92 :

Date : Decision No :

Production and total area of the holding :

Marketing year :

List of measures carried out during the marketing year

Type of measure and supporting documents enclosed	Amount (in national currency)
1. Individual measures	
A. Mechanization of harvesting	
1. Invoice No of	
2. Invoice No of	
3. Invoice No of	
4. Invoice No of	
B. Cultural and/or varietal improvement of production	
1. Invoice No of	
2. Invoice No of	
3. Invoice No of	
4. Invoice No of	
C. Technical assistance	
1. Invoice No of	
2. Invoice No of	
3. Invoice No of	
4. Invoice No of	
2. Joint measures	
A. Scientific preparation and dissemination	
1. Invoice No of	
2. Invoice No of	
3. Invoice No of	
4. Invoice No of	
B. Development of new products and/or outlets	
1. Invoice No of	
2. Invoice No of	
3. Invoice No of	
4. Invoice No of	
C. Market study on the outlook for development of the market for fresh produce	
1. Invoice No of	
2. Invoice No of	
3. Invoice No of	
4. Invoice No of	
Total expenditure on the competitiveness programme over the marketing year :	

To be completed by the Member State

Application received on

A. Eligible expenditure for all measures, except those relating to cultural and/or varietal improvement of production

	Amount (in national currency)
1. Total expenditure declared :	
2. Total amount not eligible in the programme :	
3. (1 — 2) Expenditure to be taken into consideration :	
4. (3 × 0,65) Eligible expenditure :	
B. Eligible expenditure for measures relating to cultural and/or varietal improvement of production and maximum eligible amount	
1. Total expenditure declared :	
2. Total amount not eligible in the programme :	
3. (1 — 2) Expenditure to be taken into consideration :	
4. (3 × 0,65) Eligible expenditure :	
5. Exchange rate on 1 June 19... :	
6. Eligible expenditure in ecus :	
7. Total area concerned :	
8. (6 : 7) Eligible amount/ha, reduced where appropriate to ECU/1 100 ha :	
9. Total eligible amount : (8 × 5 × 7)	
C. Amount to be paid A4 + B9	
D. Amount payable by the EAGGF $\frac{(C \times 40)}{65}$	

COMMISSION REGULATION (EEC) No 2253/92**of 31 July 1992****laying down detailed rules for implementing the specific arrangements for
supplying the Canary Islands with products of the wine-growing sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, and in particular Articles 3 (4) and 7 (2) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Article 12 thereof,

Whereas, for the purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92, the quantities of table wines and similar wines from third countries eligible for the specific arrangements for supply to the Canary Islands introduced by that Regulation should be determined; whereas, for the sake of convenience, when the arrangements are first implemented quantities should be determined for the period from 1 July 1992 to 31 August 1993;

Whereas aid for supply should be determined with particular regard to the geographical location of the Canary Islands;

Whereas the common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands were laid down by Commission Regulation (EEC) No 1695/92 of 30 June 1992⁽⁴⁾; whereas supplementary implementing rules geared to current commercial practices in the wine-growing products sector, in particular regarding the duration of the validity of licences and certificates and the amount of the securities to ensure that operators comply with their obligations, should be laid down;

Whereas, for the purposes of sound management, time limits for submitting applications for licences and certificates and for their issue should be laid down;

Whereas, in order to respect the objective of the arrangements, to reduce the costs of products covered by a specific supply balance and to ensure that the advantage

is passed on to the final consumer in accordance with Article 7 of Regulation (EEC) No 1601/92, when the products in question covered by the supply balance are imported into the Canary Islands the customs duties which are suspended pursuant to Article 3 of that Regulation should be deducted from the free-at-frontier reference price;

Whereas the measures provided for by Regulation (EEC) No 1601/92 apply from 1 July 1992; whereas the measures under this Regulation should apply from the same date;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92, the quantities of the forecast supply balance for products of the wine-growing sector which qualify for exemption from customs duties on imports from third countries or which benefit from Community aid shall be as laid down in Annex I.

2. The quantities laid down for any one of the products under CN codes ex 2204 21 and ex 2204 29 may be exceeded by up to 20 % provided the total quantity laid down in the Annex is not exceeded.

Article 2

1. The aid provided for in Article 3 (2) of Regulation (EEC) No 1601/92 for products included in the forecast supply balance and coming from the Community market shall be as laid down in Annex II.

2. Products eligible for aid shall be those designated in accordance with Commission Regulation (EEC) No 3846/87⁽⁵⁾, and in particular Part 17 of the Annex thereto.

Article 3

Spain shall designate the competent authority for:

(a) the issue of import licences;

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 366, 24. 12. 1987, p. 1.

- (b) the issue of the aid certificate provided for in Article 4 (1) of Regulation (EEC) No 1695/92;
- (c) payment of the aid to the operators concerned.

Article 4

Regulation (EEC) No 1695/92 shall apply.

Article 5

1. Applications for licences and certificates shall be submitted to the competent authority during the first five working days of every month. An application shall be valid only if:

- (a) the quantity does not exceed the maximum available quantity for each group of products published by Spain;
- (b) evidence is provided, before the deadline for the submission of applications, that the party concerned has lodged a security of ECU 2 per hectolitre.

2. Licences and certificates shall be issued no later than the 10th working day of each month.

Article 6

1. If licences or certificates are issued for quantities smaller than those applied for under Article 5 of Regulation (EEC) No 1695/92, the operator concerned may withdraw his application in writing within three working days from the date of issue. In such a case the security relating to the licence or certificate shall be released.

2. Import licences and aid certificates shall expire on the last day of the third month following that of their issue.

Article 7

The aid referred to in Article 2 shall be paid in respect of quantities actually supplied.

Article 8

The amounts of aid referred to in Article 2 shall be adjusted when market conditions so require.

Article 9

The free-at-frontier reference price to be observed in the case of exemption from customs duties pursuant to Article 1 shall be the price in the 'Other countries' column of the Annex to Commission Regulation (EEC) No 3418/88⁽¹⁾, less the amount of the customs duty due in the case of non-exemption.

Article 10

The rate to be applied for converting the aid referred to in Article 2 into national currency shall be the agricultural conversion rate applicable in the wine-growing sector on the first day of the month in which the application for aid was made.

Article 11

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

It shall apply from 1 July 1992.

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

Done at Brussels, 31 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 301, 4. 11. 1988, p. 10.

ANNEX I

Quantities of the forecast supply balance for the Canary Islands of products of the wine-growing sector for the period 1 July 1992 to 31 August 1993

CN code	Description of goods	Volume (in hectolitres)
ex 2204 21 25	Wines :	
ex 2204 21 29	— — originating in third countries : wines bearing only the	
ex 2204 21 35	name of the country of origin with no other indication or geographical designation	
ex 2204 21 39	— — originating in the Community : table wine within the meaning of point 13 of Annex I to Regulation (EEC) No 822/87	117 000
ex 2204 29 25	Wines :	
ex 2204 29 29	— — originating in third countries : wines bearing only the	
ex 2204 29 35	name of the country of origin with no other indication or geographical designation	
ex 2204 29 39	— — originating in the Community : table wine within the meaning of point 13 of Annex I to Regulation (EEC) No 822/87	117 000
Total		234 000

ANNEX II

Amounts of aid payable in respect of the products referred to in Annex I and coming from the Community market

Product codes ⁽¹⁾	Note	Amounts of aid (in ecus)		
		applicable to products coming from the Community other than mainland Spain	applicable to products coming from mainland Spain	
			from 1 July to 31 August 1992	from 1 September 1992 to 31 August 1993
2204 21 25 110	(²)	5,50	—	5,50
2204 21 25 190	(²)	1,65	1,45	1,65
2204 21 25 910	(²)	5,50	—	5,50
2204 21 29 190	(²)	1,65	1,52	1,65
2204 21 35 110	(²)	5,50	—	5,50
2204 21 35 190	(²)	1,65	1,45	1,65
2204 21 39 190	(²)	1,65	1,52	1,65
2204 29 25 110	(²)	5,50	—	5,50
2204 29 25 190	(²)	1,65	1,45	1,65
2204 29 25 910	(²)	5,50	—	5,50
2204 29 29 190	(²)	1,65	1,52	1,65
2204 29 35 110	(²)	5,50	—	5,50
2204 29 35 190	(²)	1,65	1,45	1,65
2204 29 39 190	(²)	1,65	1,52	1,65

(¹) The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended by Regulation (EEC) No 3795/91 (OJ No L 358, 30. 12. 1991, p. 1).

(²) ECU per hectolitre of product.

(³) ECU per % volume and per hectolitre of product (total alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87).

COMMISSION REGULATION (EEC) No 2254/92

of 31 July 1992

laying down detailed rules for the implementing the specific measures for
supplying the Canary Islands with live bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 1601/92
of 15 June 1992 concerning specific measures for the
Canary Islands relating to certain agricultural products ⁽¹⁾,
and in particular Article 5 (2) thereof,Whereas, for the purposes of Article 5 of Regulation
(EEC) No 1601/92, the number of male animals eligible
for exemption from duties on direct imports from third
countries or for aid for deliveries originating in the rest of
the Community for the beef and veal sector and for the
1992/93 marketing year should be determined;Whereas the amount of the aid referred to above for the
supply to the Canary Islands of male animals should be
fixed so that the conditions of supply for deliveries within
the Community may be equivalent to those of deliveries
from the world market;Whereas the common detailed rules for implementation
of the specific arrangements for the supply of certain agri-
cultural products to the Canary Islands were laid down by
Commission Regulation (EEC) No 1695/92 ⁽²⁾; whereas
supplementary implementing rules geared to current
commercial practices in the beef and veal sector, in parti-
cular regarding the period of validity of import licences
and aid certificates and the amount of the securities to
ensure that operators comply with their obligations,
should be laid down;Whereas eligibility for these arrangements assumes that
the animals in question are fattened and consumed in the
Canary Islands; whereas appropriate securities and checks
should be instituted to ensure compliance with these
conditions;Whereas, for the purposes of the sound administrative
management of the supply arrangements, a time limit for
submitting applications for licences and certificates and a
period of reflection board they are issued should be laid
down;Whereas, pursuant to Regulation (EEC) No 1601/92, the
supply arrangements apply from 1 July 1992, whereas the
detailed implementing rules should apply from the same
date;Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Article 5 of Regulation (EEC)
No 1601/92, the number of live male bovine animals
intended for fattening and consumption in the Canary
Islands eligible for exemption from customs duties and
import levies or for Community aid shall be as laid down
in Annex I.

Article 2

1. Eligibility for exemption from import duties shall be
subject to:

- (a) a written declaration by the importer at the time of
importation that the bovine animals are intended for
fattening in the Canary Islands for a period of 60 days
from the day on which they are entered for free circu-
lation and for subsequent consumption there;
- (b) provision by the importer of a security for an amount
equivalent to the total of the customs duty and levy
applicable on the day of importation;
- (c) a written undertaking by the importer provided at the
time of importation to inform the competent Spanish
authorities within one month of the date of importa-
tion of the holding or holdings where the bovine
animals are to be fattened.

2. The applicant shall have the choice of providing the
security in cash or in the form of a guarantee by an insti-
tution meeting the criteria laid down by Spain.3. Except in cases of *force majeure*, the security shall
not be released unless, within a period of 12 months,
proof is provided to the Spanish authorities that the
bovine animal:

- (a) has been fattened on the holding or holdings notified
in accordance with paragraph 1 (c);
- (b) has not been slaughtered before the end of the period
laid down in paragraph 1 (a); or
- (c) has been slaughtered before the end of that period for
veterinary reasons or died as the result of sickness or
accident.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.⁽²⁾ OJ No L 179, 1. 7. 1992, p. 1.

The security shall be released immediately proof is supplied.

However,

- where the 12-month period is not respected, the security released shall be reduced by 15 %,
- where the 12-month period is exceeded by more than six months, the whole of the security shall be forfeit.

Amounts not released shall be applied to the payment of customs duties and levy respectively.

4. For the purposes of this Regulation, the time or day of importation shall be the day the entry for free circulation was accepted.

Article 3

1. Eligibility for Community aid shall be subject to :

- (a) a written declaration by the applicant at the time of their arrival in the Canary Islands that the bovine animals are intended for fattening there for a period of 60 days from the date of their arrival and for consumption there ;
- (b) a written undertaking by the applicant provided at the time of arrival of the bovine animals that he will inform the competent Spanish authorities within one month of their arrival of the holding or holdings where they are to be fattened.

2. Except in cases of *force majeure*, the aid shall be paid only if the application referred to in Article 4 (1) of Regulation (EEC) No 1695/92 is accompanied by proof that the bovine animal :

- (a) has been fattened on the holding or holdings notified in accordance with paragraph 1 (b) ;
- (b) has not been slaughtered before the end of the period laid down in paragraph 1 (a) ; or
- (c) has been slaughtered before the end of that period for veterinary reasons or died as the result of sickness or accident.

The second subparagraph of Article 4 (1) of Regulation (EEC) No 1695/92 shall apply *mutatis mutandis*.

3. For the purposes of this Regulation, the actual day of arrival in the Canary Islands shall be regarded as the time or day of arrival.

Article 4

1. Every animal imported or delivered under the arrangements referred to in Article 1 shall be identified by :

- an indelible tattoo, or
- an official or officially approved ear tag attached to at least one of the animal's ears.

2. The tattoo or tag shall be designed so as to permit, through registration when the animal is entered for free circulation or arrives, as appropriate, determination of the date of entry for free circulation or arrival and of the identity of the importer or applicant for aid.

Article 5

The amounts of Community aid are laid down in Annex II.

Article 6

1. Spain shall designate the competent authority for :

- (a) the issue of import licences ;
- (b) the issue of the aid certificate provided for in Article 4 (1) of Regulation (EEC) No 1695/92 ;
- (c) the payment of the aid to the operators concerned.

2. Spain shall take the measures required to ensure compliance with the obligations referred to in Articles 2 (1) and 3 (1).

Article 7

Regulation (EEC) No 1695/92 shall apply.

Article 8

1. Applications for licences and certificates shall be submitted to the competent authority during the first five working days of every month. An application shall be valid only if :

- (a) it does not exceed the maximum available quantity published by Spain ;
- (b) before the expiry of the period laid down for the submission of applications, proof has been provided that the party concerned has lodged a security of ECU 30 per head.

2. Licences and certificates shall be issued on the 10th working day of every month.

Article 9

1. Import licences shall expire on the last day of the month following that of their issue.

2. Aid certificates shall expire on the last day of the second month following that of their issue.

Article 10

The aid provided for in Article 5 shall be paid in respect of the quantities actually supplied.

Article 11

The amounts of the aid referred to in Article 5 shall be adjusted when market conditions so require.

Article 12

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 1992.

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

Done at Brussels, 31 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Supply balance for the Canary Islands for male bovine animals for fattening for the period from 1 July 1992 to 30 June 1993

CN code	Description	Number of animals
ex 01 02 90	Bovine animals for fattening	14 200

ANNEX II

Aid for the animals referred to in Annex I and coming from the Community market

(ECU per head)

Product code	Amount
ex 0102 90 10	150
0102 90 35	200
0102 90 37	200

COMMISSION REGULATION (EEC) No 2255/92

of 31 July 1992

laying down detailed rules for implementing the specific arrangements for supplying Madeira with live bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, and in particular Article 10 thereof,

Whereas, for the purposes of Article 5 of Regulation (EEC) No 1600/92, the number of male animals eligible for exemption from duties on direct imports from third countries or for aid for deliveries originating in the rest of the Community for the beef and veal sector and for the 1992/93 marketing year should be determined;

Whereas the amount of the aid referred to above for the supply to Madeira of male animals should be fixed so that the conditions of supply for deliveries within the Community may be equivalent to those for deliveries from the world market;

Whereas the common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira were laid down by Commission Regulation (EEC) No 1696/92⁽²⁾; whereas supplementary implementing rules geared to current commercial practices in the beef and veal sector, in particular regarding the period of validity of import licences and aid certificates and the amount of the securities to ensure that operators comply with their obligations, should be laid down;

Whereas eligibility for these arrangements assumes that the animals in question are fattened and consumed in Madeira; whereas appropriate securities and checks should be instituted to ensure compliance with these conditions;

Whereas, for the purposes of the sound administrative management of the supply arrangements, a time limit for submitting applications for licences and certificates and a period of reflection before they are issued should be laid down;

Whereas, pursuant to Regulation (EEC) No 1600/92, the supply arrangements apply from 1 July 1992; whereas the detailed implementing rules should apply from the same date;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Article 5 of Regulation (EEC) No 1600/92, the number of live male bovine animals intended for fattening and consumption in Madeira eligible for exemption from customs duties and import levies or for Community aid shall be as laid down in Annex I.

Article 2

1. Eligibility for exemption from import duties shall be subject to:

- (a) a written declaration by the importer at the time of importation that the bovine animals are intended for fattening in Madeira for a period of 60 days from the day on which they are entered for free circulation and for subsequent consumption there;
- (b) provision by the importer of a security for an amount equivalent to the total of the customs duty and levy applicable on the day of importation;
- (c) a written undertaking by the importer provided at the time of importation to inform the competent Portuguese authorities within one month of the date of importation of the holding or holdings where the bovine animals are to be fattened.

2. The applicant shall have the choice of providing the security in cash or in the form of a guarantee by an institution meeting the criteria laid down by Portugal.

3. Except in cases of *force majeure*, the security shall not be released unless, within a period of 12 months, proof is provided to the Portuguese authorities that the bovine animal:

- (a) has been fattened on the holding or holdings notified in accordance with paragraph 1 (c);
- (b) has not been slaughtered before the end of the period laid down in paragraph 1 (a); or
- (c) has been slaughtered before the end of that period for veterinary reasons or died as the result of sickness or accident.

The security shall be released immediately proof is supplied.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 6.

However,

- where the 12-month period is not respected, the security released shall be reduced by 15 %,
- where the 12-month period is exceeded by more than six months, the whole of the security shall be forfeit.

Amounts not released shall be applied to the payment of customs duties and levy respectively.

4. For the purposes of this Regulation, the time or day of importation shall be the day the entry for free circulation was accepted.

Article 3

1. Eligibility for Community aid shall be subject to :

- (a) a written declaration by the applicant at the time of their arrival in Madeira that the bovine animals are intended for fattening there for a period of 60 days from the date of their arrival and for consumption there ;
- (b) a written undertaking by the applicant provided at the time of arrival of the bovine animals that he will inform the competent Portuguese authorities within one month of their arrival of the holding or holdings where they are to be fattened.

2. Except in cases of *force majeure*, the aid shall be paid only if the application referred to in Article 4 (1) of Regulation (EEC) No 1696/92 is accompanied by proof that the bovine animal :

- (a) has been fattened on the holding or holdings notified in accordance with paragraph 1 (b) ;
- (b) has not been slaughtered before the end of the period laid down in paragraph 1 (a) ; or
- (c) has been slaughtered before the end of that period for veterinary reasons or died as the result of sickness or accident.

The second subparagraph of Article 4 (1) of Regulation (EEC) No 1696/92 shall apply *mutatis mutandis*.

3. For the purposes of this Regulation, the actual day of arrival in Madeira shall be regarded as the time or day of arrival.

Article 4

1. Every animal imported or delivered under the arrangements referred to in Article 1 shall be identified by :

- an indelible tattoo, or
- an official or officially approved ear tag attached to at least one of the animal's ears.

2. The tattoo or tag shall be designed so as to permit, through registration when the animal is entered for free circulation or arrives, as appropriate, determination of the date of entry for free circulation or arrival and of the identity of the importer or applicant for aid.

Article 5

The amounts of Community aid are laid down in Annex II.

Article 6

1. Portugal shall designate the competent authority for :

- (a) the issue of import licences ;
- (b) the issue of the aid certificate provided for in Article 4 (1) of Regulation (EEC) No 1696/92 ;
- (c) the payment of the aid to the operators concerned.

2. Portugal shall take the measures required to ensure compliance with the obligations referred to in Articles 2 (1) and 3 (1).

Article 7

Regulation (EEC) No 1696/92 shall apply.

Article 8

1. Applications for licences and certificates shall be submitted to the competent authority during the first five working days of every month. An application shall be valid only if :

- (a) it does not exceed the maximum available quantity published by Portugal ;
- (b) before the expiry of the period laid down for the submission of applications, proof has been provided that the party concerned has lodged a security of ECU 30 per head.

2. Licences and certificates shall be issued on the 10th working day of every month.

Article 9

1. Import licences shall expire on the last day of the month following that of their issue.

2. Aid certificates shall expire on the last day of the second month following that of their issue.

Article 10

The aid provided for in Article 5 shall be paid in respect of the quantities actually supplied.

Article 11

The amounts of the aid referred to in Article 5 shall be adjusted when market conditions so require.

Article 12

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 1992.

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

Done at Brussels, 31 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Supply balance for Madeira for male bovine animals for fattening for the period from 1 July 1992 to 30 June 1993

CN code	Description	Quantity (tonnes)
ex 01 02 90	Bovine animals for fattening	3 000

ANNEX II

Aid for the animals referred to in Annex I and coming from the Community market

(ECU per head)

Product code	Amount
ex 0102 90 10	150
0102 90 35	200
0102 90 37	200

COMMISSION REGULATION (EEC) No 2256/92

of 31 July 1992

on statistical thresholds for the statistics on trade between Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/91 of 7 November 1991 on the statistics relating to the trading of goods between Member States⁽¹⁾, and in particular Article 30 thereof,

Whereas the burden on intra-Community operators must be lightened as much as possible, either by exemption them from statistical obligations or by simplifying procedures;

Whereas this lightening of the burden must be limited only by the demands of statistics of a satisfactory quality, which must consequently be defined by common accord;

Whereas, once this quality has been defined, all the Member States must have their necessary instruments to ensure it, while taking account of their own economic and commercial structure; whereas it is for the Member States themselves to strike the most appropriate balance between lightening of the statistical burden and quality on the basis of the information available to them;

Whereas the information to be analysed by the Member States in order to fix their thresholds differs, particularly as regards coverage, depending on whether they are to be introduced in 1993 or to be adapted as from 1994; whereas a distinction should therefore be drawn between the rules to be followed on one single occasion, as in the first case, and those to be followed each year, as in the second case;

Whereas the obligations of the persons responsible for providing information should be defined in such a way as to take maximum account of their interests, particularly if their intra-Community transactions are expanding;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Statistics relating to the trading of goods between Member States,

HAS ADOPTED THIS REGULATION:

Article 1

The Member States shall set annually, in national currency, the assimilation and simplification thresholds

referred to in Article 28 of Regulation (EEC) No 3330/91, hereinafter 'the Basic Regulation'. They shall ensure when setting these thresholds that, first, they meet the quality requirements laid down in this Regulation and, secondly, they exploit to the full the ensuing opportunities to relieve the burden on intra-Community operators.

Article 2

For the purposes of this Regulation:

- (a) 'error' means the discrepancy between the results obtained with and without application of the thresholds referred to in Article 1; when a correction procedure is applied to the results obtained following application of the thresholds, the error is calculated in relation to the corrected results;
- (b) 'total value' means:
 - for the introduction of the thresholds in 1993, the value either of the outgoing goods or of the incoming goods, accounted for by intra-Community operators over a period of twelve months,
 - for the adjustment of the thresholds from 1994, the value of either of the outgoing goods or of the incoming goods accounted for by intra-Community operators over a twelve-month period, other than those who are exempt under Article 5 of the Basic Regulation;
- (c) 'coverage' means in relation to a given total value, the proportionate value of the outgoing goods or of the incoming goods, accounted for by the intra-Community operators who lie above the assimilation threshold.

Article 3

1. For the introduction of the assimilation thresholds in 1993, the Member States shall meet the following quality requirements:

(a) Results by goods category

Each Member State shall ensure that the error in annual values does not exceed 5 % for 90 % of the eight-digit sub-headings of the combined Nomenclature which represent 0,005 % or more of the total value of its outgoing or incoming goods.

⁽¹⁾ OJ No L 316, 16. 11. 1991, p. 1.

However, each Member State may raise this quality requirement up to the point that the error in annual values does not exceed 5 % for 90 % of the eight-digit sub-headings of the Combined Nomenclature which represent 0,001 % or more of the total value of its outgoing or incoming goods.

(b) Results by partner country

Each Member State shall ensure that the error in the annual values of its results by partner country, excluding countries which represent less than 3 % of the total value of its outgoing or incoming goods, does not exceed 1 %.

(c) Time series

Each Member State shall ensure that :

- for 90 % of the eight-digit sub-headings of the combined nomenclature which represent the percentage of the total value of its outgoing or incoming goods laid down in point (a), and
- for 90 % of its results by partner country,

The fluctuation over time of the error in annual values will not exceed the limits (L) laid down in the Annex.

If in any Member State applying the requirement leads to an increase in the number of parties responsible for providing information who are required to submit the periodic declaration laid down in Article 13 of the Basic Regulation that is excessive in proportion to the number involved under the more stringent of the other two requirements, the Member State concerned may take steps to reduce the imbalance accordingly. It shall inform the Commission of the action taken.

2. When a Member State's share of the total value of outgoing or incoming goods in the Community is less than 3 %, that Member State may depart from the quality requirements laid down in the first subparagraph of paragraph 1 (a) and the first indent of the first subparagraph of paragraph 1 (c). In such cases, the 90 % and 0,005 % shares shall be replaced by 70 % and 0,01 % respectively.

3. To meet the quality requirements set out in paragraphs 1 and 2, the Member States shall base the calculation of their thresholds on the results of trade with the other Member States for twelve-month periods prior to the introduction of the thresholds.

For Member States unable to make this calculation because figures are incomplete, the assimilation thresholds shall be fixed at a level not lower than the lowest, nor higher than the highest, thresholds set by the other Member States. However, this provision shall not be binding for Member States which are exempt under paragraph 2.

4. If, for certain groups of goods, the application of the thresholds calculated in accordance with the provisions of this Article yields results which, *mutatis mutandis*, fail to meet the quality requirements set out in paragraphs 1 and 2 above, and if the thresholds cannot be lowered without reducing the relief which Article 1 guarantees to intra-Community operators, appropriate measures may be taken, at the initiative of the Commission or the request of a Member State, in accordance with the procedure laid down in Article 30 of the Basic Regulation.

Article 4

For the introduction of the simplification thresholds in 1993, the Member States may set these :

- at levels above ECU 100 000 pursuant to the first subparagraph of Article 28 (9) of the Basic Regulation, provided that they ensure that at least 95 % of the total value of their outgoing or incoming goods is covered by periodic declarations containing all the information required under Article 23 of the Basic Regulation,
- where they are exempt under Article 3 (2), at levels below ECU 100 000 pursuant to the second subparagraph of Article 28 (9) of the Basic Regulation, to the extent necessary to ensure that at least 95 % of the total value of their outgoing or incoming goods is covered by periodic declarations containing all the information required under Article 23 of the Basic Regulation.

Article 5

The information relating to the information of the assimilation and simplification thresholds in 1993 shall be published not later than 31 August 1992.

Article 6

1. For the adjustment of the assimilation thresholds from 1994, the quality requirements specified in Article 3 shall be regarded as met if the coverage is maintained at the level which obtained when the thresholds were introduced.

2. The condition laid down in paragraph 1 shall be met if Member States :

- (a) calculate their thresholds for the year following the current year on the basis of the latest available results for their trade with the other Member States over a twelve-month period, and
- (b) set their thresholds at a level which allows the same coverage for the period thus defined as for the period used as a basis for calculating their thresholds for the current year.

Member States shall notify the Commission if they use a different method to meet this condition.

3. Member States may lower their coverage provided that the quality requirements laid down in Article 3 continue to be met.

4. Member States shall calculate adjustments to their assimilation thresholds each year. The thresholds shall be adjusted if the adjustment involves a change of at least 10 % in the threshold values for the current year.

Article 7

1. For the adjustment of the simplification thresholds from 1994, the Member States which set these thresholds

- at levels higher than the values laid down in by Article 28 (8) of the Basic Regulation, shall ensure that the condition laid down in the first indent of Article 4 of this Regulation is met,
- at levels below these values, since they are exempt pursuant to Article 3 (2) above, shall ensure that they comply with the limit laid down in the second indent of Article 4 of this Regulation.

2. To ensure that the condition referred to in the first indent of Article 4 is met or that the limit referred to in the second indent of Article 4 is complied with, it shall be sufficient for Member States to calculate the adjustment of the simplification thresholds using the method laid down in Article 6 (2) for adjusting the assimilation thresholds. Member States shall notify the Commission if they use a different method.

Article 8

The information relating to the adjustment of assimilation and simplification thresholds from 1994 shall be

published not later than 31 October of the preceding year.

Article 9

1. Parties responsible for providing information shall be freed from their obligations to the extent allowed by application of the assimilation and simplification thresholds set for a given year, provided they have not exceeded these thresholds during the previous year.

2. For each statistical threshold, the provisions adopted shall apply for the whole year.

However, if the value of the intra-Community transactions carried out by a party responsible for providing information at some time during the year exceeds the threshold applicable to him, he shall provide information on his intra-Community transactions from the month in which this threshold was exceeded in accordance with the provisions applying to the threshold which becomes applicable. If this provision involves the transmission of the periodic declarations referred to in Article 13 of the Basic Regulation, the Member States shall lay down the time limit for transmitting these declarations in accordance with their particular administrative arrangements.

Article 10

The Member States shall communicate to the Commission the information regarding the thresholds they have calculated at least two weeks before publication. At the Commission's request, they shall also communicate the information required for assessing these thresholds, both for the period on which their calculation is based and for a given calendar year.

Article 11

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

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

Done at Brussels, 31 July 1992.

For the Commission

Henning CHRISTOPHERSEN

Vice-President

ANNEX

The limits (L) of the error fluctuation referred to in Article 3 (1) (c) are laid down as follows:

$$|e_{i,t+1} - e_{i,t}| \leq L_{i,t+1,t}$$

with

$$e_{i,t} = [(V_{i,t}^d - V_{i,t}^c) / V_{i,t}^c] \cdot 100$$

$$L_{i,t+1,t} = l_{i,t+1,t} \text{ if } l_{i,t+1,t} < 5$$

$$L_{i,t+1,t} = 5 \quad \text{if } l_{i,t+1,t} \geq 5$$

$$l_{i,t+1,t} = 5 \cdot \sqrt{q_{i,t+1,t}} + 0,5$$

$$q_{i,t+1,t} = |(V_{i,t+1}^c / V_{i,t}^c) - 1|$$

$$t \leq 1990$$

$e_{i,t}$ = error in % of CN subheading i or partner country i in year t

$V_{i,t}^c$ = annual value of CN subheading i or partner country i in year t without use of a threshold

$V_{i,t}^d$ = annual value of CN subheading i or partner country i in year t using of a threshold

COMMISSION REGULATION (EEC) No 2257/92

of 31 July 1992

laying down detailed rules for implementing the specific arrangements for supplying Madeira with certain vegetable oils and establishing the provisional supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for Madeira with regard to certain agricultural products⁽¹⁾, and in particular Article 10 thereof,

Whereas, for the purposes of Article 2 of Regulation (EEC) No 1600/92, the specific supply balance should be drawn up for the 1992/93 marketing year for certain vegetable oils benefiting from the exemption scheme for duties on direct imports from third countries or from aid on consignments from the rest of the Community;

Whereas the amount of the abovementioned aid for supply should be determined; whereas such aid must be determined with particular regard to the cost of supply from the world market and the geographical location of Madeira;

Whereas the common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to Madeira were laid down by Commission Regulation (EEC) No 1696/92⁽²⁾; whereas supplementary implementing rules, regarding in particular the duration of the validity of import licences and aid certificates and the amount of the securities to ensure that operators comply with their obligations, should be laid down;

Whereas provision should be made for Portugal to designate the competent authority responsible for administering the supply balance, for issuing import licences and aid certificates and for handling aid applications and payments;

Whereas provision should be made for a timetable for submitting licence and certificate applications and for establishing admissibility requirements for these applications, in particular regarding the lodging of securities; whereas, to ensure the sound administration of the supply arrangements, conditions should be laid down for the release of the security;

Whereas provision should be made for the aid to be adjusted where conditions on the Community or world market so warrant;

Whereas the supply arrangements provided for by Regulation (EEC) No 1600/92 apply from 1 July 1992; whereas the detailed implementing rules should apply from the same date;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities of the forecast supply balance for Madeira for the period from 1 July 1992 to 30 June 1993 which qualify for exemption from customs duties on imports from third countries or which benefit from Community supply aid shall be as follows:

CN code	Description of goods	Quantity (tonnes)
1507 to 1516 (excluding 1509 and 1510)	Vegetable oils (excluding olive oils)	3 000

2. Community aid of ECU 25 per tonne shall be fixed for products covered by the provisional supply balance which are in free circulation on the Community market and consigned to the Madeira.

Article 2

Portugal shall designate the competent authority responsible for:

- administering and issuing import licences or exemption certificates as provided for in Articles 2 and 3 of Regulation (EEC) No 1696/92;
- administering and issuing aid certificates as provided for in Article 4 of that Regulation;
- payment of the aid to the operators concerned and administration of the securities.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 6.

Article 3

1. Applications for licences and certificates as referred to in Articles 2 (1), 3 (1) and 4 (1) of Regulation (EEC) No 1696/92 shall be submitted to the competent authority during the first five working days of every quarter. An application shall be valid only if:

- (a) the quantity does not exceed the maximum quantity available for the period concerned;
- (b) in the case of applications for aid or exemption certificates, evidence is provided, before the deadline for the submission of applications provided for in paragraph 1, that the party concerned has lodged a security of ECU 2,5 per 100 kilograms of the product.

2. Licences and certificates shall be issued on the 10th working day of each quarter.

3. Notwithstanding paragraphs 1 and 2 of this Article, for the first quarter, applications for licences and certificates shall be submitted during the first 10 days following the entry into force of this Regulation. Licences and certificates shall be issued on the 20th working day following that date.

4. Where licences or certificates are issued for quantities smaller than those applied for, the operator concerned may withdraw his application in writing within three working days from the date of issue.

Article 4

1. Import licences and exemption certificates shall expire on the last day of the month following the quarter in which they were issued.

2. Aid certificates shall expire on the last day on the second month following the quarter in which they were issued.

Article 5

Securities shall be released if and when:

- (a) the competent authority has not granted an application; in such cases, the security shall be released in respect of the quantities applied for and not granted;
- (b) the operator has withdrawn his application in accordance with Article 3 (4);
- (c) proof has been provided that the licence or certificate has been used in accordance with Regulation (EEC) No 1696/92 and this Regulation; in such cases the security shall be released for the quantities mentioned on the licence or certificate.

Article 6

The aid referred to in Article 1 shall be paid in respect of quantities actually supplied.

Article 7

The amounts of the aid referred to in Article 1 may be adjusted when market conditions so require.

Article 8

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

It shall apply from 1 July 1992.

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

Done at Brussels, 31 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2258/92

of 31 July 1992

laying down detailed rules for implementing the specific arrangements for supplying the Canary Islands with certain vegetable oils and establishing the provisional supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas, for the purposes of Article 2 of Regulation (EEC) No 1601/92, the specific supply balance should be drawn up for the 1992/93 marketing year for certain vegetable oils benefiting from the exemption scheme for duties on direct imports from third countries or from aid on consignments from the rest of the Community;

Whereas the amount of the abovementioned aid for supply should be determined; whereas such aid must be determined with particular regard to the cost of supply from the world market and the geographical location of the Canary Islands;

Whereas the common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands were laid down by Commission Regulation (EEC) No 1695/92 ⁽²⁾; whereas supplementary implementing rules regarding, in particular, the duration of the validity of import licences and aid certificates and the amount of the securities to ensure that operators comply with their obligations, should be laid down;

Whereas provision should be made for Spain to designate the competent authority responsible for administering the supply balance, for issuing import licences and aid certificates and for handling aid applications and payments;

Whereas provision should be made for a timetable for submitting licence and certificate applications and for establishing admissibility requirements for these applications, in particular regarding the lodging of securities; whereas, to ensure the sound administration of the supply

arrangements, conditions should be laid down for the release of the security;

Whereas the supply arrangements provided for by Regulation (EEC) No 1601/92 apply from 1 July 1992; whereas the detailed implementing rules should apply from the same date;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities of the forecast supply balance for the Canary Islands for the period from 1 July 1992 to 30 June 1993 which qualify for exemption from customs duties on imports from third countries or which benefit from Community supply aid shall be as follows:

CN code	Description of goods	Quantity (tonnes)
1507 to 1516 (excluding 1509 and 1510)	Vegetable oils (excluding olive oils)	35 000

2. Community aid of ECU 25 per tonne shall be fixed for products covered by the provisional supply balance which are in free circulation on the Community market and consigned to the Canary Islands.

Article 2

Spain shall designate the competent authority responsible for:

- administering and issuing import licences or exemption certificates as provided for in Articles 2 and 3 of Regulation (EEC) No 1695/92;
- administering and issuing aid certificates as provided for in Article 4 of that Regulation;
- payment of the aid to the operators concerned and administration of the securities.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 179, 1. 7. 1992, p. 1.

Article 3

1. Applications for licences and certificates as referred to in Articles 2 (1), 3 (1) and 4 (1) of Regulation (EEC) No 1695/92 shall be submitted to the competent authority during the first five working days of every quarter. An application shall be valid only if:

- (a) the quantity does not exceed the maximum quantity available for the period concerned;
- (b) in the case of applications for aid or exemption certificates, evidence is provided, before the deadline for the submission of applications provided for in paragraph 1, that the party concerned has lodged a security of ECU 2,5 per 100 kilograms of the product.

2. Licences and certificates shall be issued on the 10th working day of each quarter.

3. Notwithstanding paragraphs 1 and 2 of this Article, for the first quarter, applications for licences and certificates shall be submitted during the first 10 days following the entry into force of this Regulation. Licences and certificates shall be issued on the 20th working day following that date.

4. Where licences or certificates are issued for quantities smaller than those applied for, the operator concerned may withdraw his application in writing within three working days from the date of issue.

Article 4

1. Import licences and exemption certificates shall expire on the first day of the month following the quarter in which they were issued.

2. Aid certificates shall expire on the last day on the second month following the quarter in which they were issued.

Article 5

Securities shall be released if and when:

- (a) the competent authority has not granted an application; in such cases, the security shall be released in respect of the quantities applied for and not granted;
- (b) the operator has withdrawn his application in accordance with Article 3 (4);
- (c) proof has been provided that the licence or certificate has been used in accordance with Regulation (EEC) No 1695/92 and this Regulation; in such cases the security shall be released for the quantities mentioned on the licence or certificate.

Article 6

The aid referred to in Article 1 shall be paid in respect of quantities actually supplied.

Article 7

The amounts of the aid referred to in Article 1 may be adjusted when market conditions so require.

Article 8

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

It shall apply from 1 July 1992.

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

Done at Brussels, 31 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2259/92

of 3 August 1992

introducing a countervailing charge on certain varieties of plum originating in Hungary

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 916/89 of 4 June 1992 fixing for the 1992 marketing year the reference prices for plums⁽³⁾ fixed the reference price for class I, group I at 69,39 ECU per 100 kilograms net for the period 11 June to 31 July 1992;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available, less the duties, and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken

into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for plums of group I originating in Hungary the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these plums;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in Article 3 (1) last paragraph of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 23,24 per 100 kilograms net is applied to plums (CN codes 0809 40 11 and 0809 40 19), other than the following varieties: Altesse simple (common quetsche, Hauszwetschge), Reine-Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (Yellow Egg), Mirabelle and Bosnische originating in Hungary.

Article 2

This Regulation shall enter into force on 5 August 1992.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 153, 5. 6. 1992, p. 12.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 3 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2260/92

of 3 August 1992

introducing a countervailing charge on certain varieties of plum originating in Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1754/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1463/92 of 4 June 1992 fixing for the 1992 marketing year the reference prices for plums⁽³⁾ fixed the reference price for class I, group I at ECU 69,39 per 100 kilograms net for the period 11 June to 31 July 1992;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available, less the duties, and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken

into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for plums of group I originating in Romania the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these plums;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in Article 3 (1) last paragraph of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the 'C' series of the *Official Journal of the European Communities* over a period to be determined, multiplied by the factor referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 14,79 per 100 kilograms net is applied to plums (CN codes 0809 40 11 and 0809 40 19), of the following varieties: Altesse simple (common quetsche, Hauszwetschge), Reine-Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (Yellow Egg), Mirabelle and Bosniche, originating in Romania.

Article 2

This Regulation shall enter into force on 5 August 1992.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 153, 5. 6. 1992, p. 12.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 3 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2261/92**of 3 August 1992****abolishing the corrective amount on the import of table grapes into the
Community of Ten from Spain**

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

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

Having regard to Council Regulation (EEC) No 3709/89
of 4 December 1989 laying down general rules for imple-
menting the Act of Accession of Spain and Portugal as
regards the compensatory mechanism for imports of fruit
and vegetables from Spain ⁽¹⁾, and in particular Article 4
(2) thereof,

Whereas Article 152 of the Act of Accession introduces
from 1 January 1990 a compensatory mechanism for
imports into the Community as constituted on 31
December 1985, hereinafter called 'the Community of
Ten', of fruit and vegetables from Spain for which a
reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general
rules for applying the said compensatory mechanism and
Commission Regulation (EEC) No 3815/89 ⁽²⁾ lays down
detailed rules for applying the said compensatory
mechanism;

Whereas Commission Regulation (EEC) No 2153/92 ⁽³⁾
introduces a corrective amount on imports of table grapes
into the Community of Ten from Spain;

Whereas Article 3 (4) of Regulation (EEC) No 3709/89
lays down the conditions under which a corrective
amount introduced pursuant to Article 3 (1) of the said
Regulation is to be abolished; whereas the said conditions
require abolition of the corrective amount on imports of
table grapes into the Community of Ten from Spain,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2153/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 4 August 1992.

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

Done at Brussels, 3 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽³⁾ OJ No L 214, 30. 7. 1992, p. 31.

COMMISSION REGULATION (EEC) No 2262/92

of 3 August 1992

introducing a corrective amount on the import of peaches including nectarines
into the Community of Ten from Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain ⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 977/92 ⁽²⁾ fixed, for the 1992 marketing year, the Community offer price for peaches including nectarines applicable with regard to Spain;

Whereas Commission Regulation (EEC) No 3815/89 ⁽³⁾ lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain;

Whereas, in the case of peaches including nectarines, the offer price for the Spanish product as calculated in accordance with the provisions of Council Regulation (EEC)

No 3709/89 has remained for two consecutive market days at a level at least ECU 0,6 below the Community offer price; whereas a corrective amount equal to the difference between the Community offer price and the Spanish offer price must therefore be introduced for these products from Spain;

Whereas if the system is to operate normally the offer price of the Spanish product should be calculated on the following basis:

- in the case of currencies the spot market rates for which are maintained in relationship to each other within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

On import into the Community of Ten of peaches including nectarines (CN code 0809 30 00), from Spain a corrective amount of ECU 4,55 per 100 kilograms net shall be levied.

Article 2

This Regulation shall enter into force on 5 August 1992.

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

Done at Brussels, 3 August 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 104, 22. 4. 1992, p. 23.

⁽³⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/68/EEC

of 20 July 1992

amending Directive 90/684/EEC on aid to shipbuilding

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 92 (3) (d) and Article 113 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 shipbuilding industry is important for the structural development of the coastal region of the territories of the former German Democratic Republic;

Whereas the shipbuilding industry, as it existed in those territories at the time of their incorporation into the Community, requires urgent and comprehensive restructuring in order to become competitive; whereas the direct application of the common maximum ceiling for production aid does not allow for such measures and a special transitional arrangement should therefore be introduced to enable the shipbuilding industry in those territories to operate during the period of gradual restructuring which should enable it to comply with the State aid rules applicable throughout the Community;

Whereas, moreover, competition considerations dictate that the sector of the shipbuilding industry of the territories in question should contribute significantly to the reduction of the excess capacity which, worldwide, continues to impede the restoration of normal market conditions for the shipbuilding industry;

Whereas Directive 90/684/EEC ⁽⁴⁾ should therefore be amended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 90/684/EEC is amended as follows:

1. the title of chapter IV shall be replaced by the following:

'SPAIN, GREECE AND THE TERRITORY OF THE FORMER GERMAN DEMOCRATIC REPUBLIC';

2. the following Article shall be inserted:

'Article 10a

1. With the exception of Article 4 (6) and (7), Chapter II shall not apply to the shipbuilding and ship conversion activities of yards operating in the territories of the former German Democratic Republic on 1 July 1990.

2. Until 31 December 1993, operating aid for the shipbuilding and ship conversion activities of the yards referred to in paragraph 1 may be considered compatible with the common market provided that:

(a) aid to facilitate the continued operation of the yards during that period does not, for any of these yards, exceed a maximum ceiling of 36 % of a reference annual turnover calculated on the basis of three years of shipbuilding and ship conversion activities after restructuring; this aid must be paid by 31 December 1993;

⁽¹⁾ OJ No C 155, 20. 6. 1992, p. 20.

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

⁽³⁾ Opinion delivered on 1 July 1992 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 380, 31. 12. 1990, p. 27.

- (b) no further production aid is granted on contracts signed between 1 July 1990 and 31 December 1993;
 - (c) the German Government agrees to carry out, according to a timetable approved by the Commission and in any case before 31 December 1995, a genuine and irreversible reduction of capacity of 40 % net of the capacity of 545 000 cgt existing on 1 July 1990;
 - (d) the German Government provides evidence to the Commission, in the form of annual reports by an independent chartered accountant, that aid payments are strictly limited to the activities of yards situated in the former German Democratic Republic; the first such report must be submitted to the Commission at the latest by the end of February 1993.
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3. The Commission shall ensure that the aid referred to in this Article does not affect trading conditions to an extent contrary to the common interest.'

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 20 July 1992.

For the Council

The President

D. HURD

COUNCIL DECISION
of 20 July 1992
concerning the conclusion of the International Natural Rubber Agreement, 1987

(92/396/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 116 thereof,

Having regard to the proposal from the Commission,

Whereas the International Natural Rubber Agreement of 1987 negotiated in the context of the integrated Programme for Commodities [Resolution 93 (IV) adopted at the fourth United Nations Conference on Trade and Development] came into force provisionally on 29 December 1988;

Whereas the Community and most of its Member States notified their provisional application of the Agreement on 22 December 1988;

Whereas the aim of the International Natural Rubber Agreement, 1987, is, *inter alia*, to contribute to the stabilization of the price of natural rubber without distorting long-term market trends and to achieve a balanced growth between the supply of, and demand for, that product;

Whereas in order to enable members who have made provisional application to ratify, accept or approve the Agreement, the International Natural Rubber Council has extended the time for the deposit of such instruments to 31 December 1992;

Whereas all the Member States have indicated their intention of applying the Agreement;

Whereas the Agreement should be approved;

Whereas the Community and its Member States should simultaneously notify the Secretary-General of the United

Nations Organization of their acceptance of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The International Natural Rubber Agreement, 1987, is hereby approved on behalf of the European Economic Community.

The European Economic Community and its Member States shall deposit simultaneously, by 31 December 1992 at the latest, their instruments of ratification, acceptance or approval with the Secretary-General of the United Nations Organization.

The text of the Agreement is attached to Decision 88/107/EEC⁽¹⁾.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to deposit the instrument of approval on behalf of the Community.

Done at Brussels, 20 July 1992.

For the Council

The President

D. HURD

⁽¹⁾ OJ No L 58, 3. 3. 1988, p. 18.