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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 3813/92****of 28 December 1992****on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the internal market provided for in Article 8a of the Treaty will comprise, from 1 January 1993, an area without internal frontiers; whereas application of the agrimonetary arrangements on the basis of:

- 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 ⁽⁴⁾,
- Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽⁵⁾,
- Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽⁶⁾,
- Council Regulation (EEC) No 129/78 of 24 January 1978 on the exchange rates to be applied for the purposes of the common agricultural structures policy ⁽⁷⁾,

requires checks at the Community's internal frontiers; whereas, therefore, agrimonetary arrangements must be

established which are compatible with the internal market and the Regulations in question should be repealed;

Whereas the ecu was defined by Council Regulation (EEC) No 3180/78 of 18 September 1978 changing the value of the unit of account used by the European Monetary Cooperation Fund ⁽⁸⁾; whereas it should be possible to use this unit of account to fix and express the prices or amounts established under the common agricultural policy;

Whereas, prior to the achievement of economic and monetary union, prices and amounts fixed in ecus must be paid in national currency and the conversion rates applicable in the agricultural sector must therefore be determined; whereas such rates must be reasonably stable while closely reflecting actual economic and monetary circumstances; whereas, without prejudice to the rates provided for in Article 22 of Council Regulation (EEC) No 4253/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different structural funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽⁹⁾ specific rates may be necessary in certain special cases;

Whereas, in the event of a monetary realignment, the agricultural conversion rates should in principle be adjusted immediately whereas, however, it may be desirable to make the adjustment to a certain extent gradually in order to avoid market disturbance, as a result of minor adaptations, or it may be necessary to proceed in this manner in order to lessen the impact of major adjustments; whereas, in all cases, a permissible bilateral monetary gap must not be overstepped if significant market disturbance is to be avoided;

⁽¹⁾ OJ No C 188, 25. 7. 1992, p. 23.

⁽²⁾ OJ No C 337, 21. 12. 1992.

⁽³⁾ OJ No C 332, 16. 12. 1992, p. 26.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1. Regulation as last amended by Regulation (EEC) No 2205/90 (OJ No L 201, 31. 7. 1990, p. 9).

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 6. Regulation as last amended by Regulation (EEC) No 2205/90.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 11. Regulation as last amended by Regulation (EEC) No 3679/92 (OJ No L 370, 19. 12. 1992, p. 73).

⁽⁷⁾ OJ No L 20, 25. 1. 1978, p. 16.

⁽⁸⁾ OJ No L 379, 30. 12. 1978, p. 1. Regulation as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

⁽⁹⁾ OJ No L 374, 31. 12. 1988, p. 1.

Whereas the conversion rates between the ecu and the currencies of third countries used in agriculture should be indicated, particularly in order to determine the influence of the situation on the world market;

Whereas, if the agricultural conversion rate is changed during the period when an operation is being carried out, the rate applicable to the amounts concerned must be determined; whereas, as a general rule, the operative event for the agricultural conversion rate is the event whereby the economic objective of the operation is attained; whereas it may be necessary to specify or derogate from this operative event, while respecting certain criteria, and particularly the speed with which the new agricultural conversion rates are actually applied and whereas this, on principle, excludes the various possibilities for long-term advance fixing of the rate; whereas, as regards the amounts fixed by the Council in the context of the agricultural structures policy, a reduction in the aid granted before the new agricultural conversion rate takes effect should be avoided;

Whereas, in the event of major monetary re-evaluations, agricultural incomes concerned shrink more rapidly and to a greater extent than incomes in other sectors of the economy; whereas it is therefore justified to provide for the possibility of granting temporary and degressive re-evaluation compensatory aid to accompany the adjustment of agricultural prices without hindering the definitive adjustment of agriculture to the rules of the economy in general; whereas the principle of the cohesion provided for in Article 130A of the Treaty calls for the possibility of a Community contribution towards the compensatory aid to farmers; whereas the level of the Community contribution must vary according to the requirements and the financial resources available in the regions of the Community which are referred to by Objective 1 provided for in Article 1 of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Fund and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾;

Whereas it is appropriate, moreover, to extend, for a limited period, the mechanism relating to the transfer of the fixed positive monetary gaps referred to in Article 6 of Regulation (EEC) No 1677/85; whereas, however, the reduction, in the prices and amounts, referred to in paragraphs 3 and 4 of the said Article do not apply to the compensation decided upon in the context of the common agricultural policy and referred to in Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽²⁾, Council Regulation (EEC) No 1357/80 of 5 June 1980 introducing a system of premiums for maintaining

suckler cows⁽³⁾, in Article 4a of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽⁴⁾, in Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside⁽⁵⁾, in Council Regulation (EEC) No 2079/92 of 30 June 1992 instituting a Community aid scheme for early retirement from farming⁽⁶⁾ and in Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture⁽⁷⁾;

Whereas provisions must be made to enable aspects of the arrangements governing trade in agricultural products with third countries to be adapted rapidly in the event of changes in the central rates of the currencies of the Member States or the exchange rates of the currencies of certain third countries;

Whereas reason dictates that special rules be laid down for dealing with exceptional situations arising either within the Community or on the world market and requiring immediate action to ensure that the arrangements established under the common agricultural policy operate effectively;

Whereas, to facilitate implementation of this Regulation, provision should be made for a procedure instituting close cooperation between the Member States and the Commission;

Whereas provision should be made for the possibility of interim measures to facilitate the introduction of the new agrimonetary arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

(a) 'legal instruments relating to the common agricultural policy' shall mean:

- legal instruments based directly or indirectly on Article 43 of the EEC Treaty, with the exception of the Common Customs Tariff and other legal instruments of customs legislation applicable to both agricultural and industrial products,

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽²⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽³⁾ OJ No 140, 5. 6. 1980, p. 1. Regulation as last amended by Regulation (EEC) No 2066/92 (OJ No L 215, 30. 7. 1992, p. 49).

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EEC) No 2066/92 (OJ No L 215, 30. 7. 1992, p. 49).

⁽⁵⁾ OJ No L 215, 30. 7. 1992, p. 85.

⁽⁶⁾ OJ No L 215, 30. 7. 1992, p. 91.

⁽⁷⁾ OJ No L 215, 30. 7. 1992, p. 96.

- legal instruments applicable to goods processed from agricultural products and subject to specific trade arrangements ;
- (b) — *'fixed currencies'* shall mean currencies which are maintained within a maximum spread at any given time of 2,25 % or less within the European Monetary System ;
- *'floating currencies'* shall mean other currencies of Member States or of third countries ;
- (c) *'correcting factor'* shall mean a coefficient which :
 - from 1 January 1993 is equal to the coefficient referred to in Article 6 (1) of Regulation (EEC) No 1677/85 and as applied on 31 December 1992,
 - thereafter, is altered by the Commission, whenever parities are realigned within the European Monetary System, in line with the highest revaluation of the central rate of the fixed currencies against the ecu ;
- (d) *'representative market rate'* shall mean :
 - in the case of a fixed currency, the central rate for the ecu fixed within the framework of the European Monetary system, multiplied by the correcting factor,
 - in the case of a floating currency, the average exchange rate for the ecu with respect to that currency, recorded over a reference period determined in accordance with the procedure laid down in Article 12 and multiplied by the correcting factor ;
- (e) *'agricultural conversion rate'* shall mean the rate used in legal instruments relating to the common agricultural policy, to convert :
 - amounts expressed in ecus into the national currency of a Member State,
 - amounts expressed in the national currency of a Member State into ecus ;
- (f) *'monetary gap'* shall mean the percentage of the agricultural conversion rate representing the difference between that rate and the representative market rate.

Article 2

1. The unit of account used in legal instruments relating to the common agricultural policy shall be the ecu as defined in Regulation (EEC) No 3180/78.
2. It may be decided, in accordance with the procedure provided for in Article 12, that the price and amounts concerned shall be expressed in ecus and where appropriate, in national currency in the main administrative documents drawn up by the Community or by the Member States, for the purpose of applying the instruments referred to in paragraph 1.

Article 3

1. Without prejudice to the derogations provided for in paragraphs 2, 3 and 4 the agricultural conversion rate shall be fixed by the Commission on the basis of the representative market rate and in accordance with Article 4.

The agricultural conversion rate shall initially, for fixed currencies, be equal to the representative market rate as applied on 1 January 1993 ; for the floating currencies it shall be fixed taking account of the representative market rate for a reference period in the month preceding that date.

2. In the case of measures Community financing of which under the European Agricultural Guidance and Guarantee Fund (EAGGF) comes solely from the Guidance Section, the agricultural conversion rate shall be equal to the rate applying for the entry into the accounts of expenditure to the general budget of the European Communities.

3. Taking into account the correcting factor, a specific agricultural conversion rate closely reflecting the actual economic circumstances may be determined or, where required, detailed rules for determining such a rate may be adopted in accordance with the procedure laid down in Article 12 in order to forestall risks of market distortion of monetary origin, and in particular :

- to avoid exceeding the monetary gap characteristic of the trend in the representative market rate at the time the agricultural conversion rate is determined,
- to convert into ecus amounts relating to world market data and expressed in the national currency of a Member State.

4. Where a budgetary limit is set, the agricultural conversion rate may be fixed at the rate applying for entry into the accounts of expenditure to the general budget of the European Communities, in accordance with the procedure whereby the limit was determined.

Article 4

1. The agricultural conversion rate for a floating currency shall be adjusted where the monetary gap exceeds 2 points for the last referenced period of a month. In that case, the new agricultural conversion rate shall be fixed so as to reduce that monetary gap by half, without prejudice to paragraph 3 and shall take effect from the start of the following month.

2. In the event of a monetary realignment affecting the central rates determined for the Member States with fixed currencies, the agricultural conversion rates shall be adjusted immediately so as to :

- eliminate the monetary gaps of the fixed currencies,
- and
- reduce the monetary gaps of the floating currencies by half, where they exceed 2 points over an appropriate reference period, without prejudice to paragraph 3.

However, should a monetary realignment lead to a monetary gap for a fixed currency:

- less than, or equal to, 0,5 points, this gap shall be dismantled by the beginning of the next marketing year at the latest,
- greater than four points, this gap shall be immediately reduced to two points. The remaining gap shall be dismantled over a maximum period of 12 months from the date of realignment.

The adjustments of the agricultural conversion rates, provided for in the second subparagraph, shall be made by the Commission in accordance with the procedure laid down in Article 12.

3. If, over a reference period, the absolute value of the difference in the gaps between the currencies of any two Member States exceeds four points, any monetary gaps for the Member States concerned that exceed two points shall immediately be reduced to two points. This adjustment shall be made after any adjustment required pursuant to paragraphs 1 and 2.

Article 5

1. The representative market rate for the national currency of a third country shall be used in legal instruments relating to the common agricultural policy to convert:

- amounts expressed in ecus into the national currency of that third country,
- amounts expressed in the national currency of that third country into ecus.

2. Without account being taken of the correcting factor, in order to avoid risks of market distortion of monetary origin, the Commission, by virtue of the powers conferred on it by the legal instruments relating to the common agricultural policy in each individual case, may derogate from paragraph 1 to permit the use of conversion rates more closely reflecting the actual economic circumstances.

3. The detailed rules for determining a specific conversion rate closely reflecting the actual economic circumstances may be laid down in accordance with the procedure provided for in Article 12 with a view to the conversion of amounts expressed in the national currency of a third country into the national currency of a Member State.

Article 6

1. The operative event for the agricultural conversion rate shall be:

- the completion of customs import or export formalities in the case of amounts collected or granted in trade with the third countries,
- the event whereby the economic objective of the operation is attained in all other cases.

However, for the amounts fixed in advance in ecus and for the amounts established in ecus following an invitation to tender procedure, the agricultural conversion rate may be fixed in advance for a period which may last until the end of the third month following that in which it was fixed in advance. In this case, the agricultural conversion rate shall be the one which obtains, respectively, on the date on which it was fixed in advance or on the date on which the period for submitting tenders ended.

2. Where the operative event as referred to in paragraph 1 has to be specified or cannot be taken into account for reasons peculiar to the market organization or the amount in question, a specific operative event shall be determined in accordance with the procedure laid down in Article 12, taking account of the following criteria:

- (a) actual applicability as soon as possible of adjustments to the agricultural conversion rate;
- (b) similarity of the operative events for analogous operations carried out under those different market organizations;
- (c) coherence in the operative events for the various prices and amounts relating to a single market organization;
- (d) practicability and effectiveness of checks on the application of suitable agricultural conversion rates.

3. The amounts fixed by the Council in the context of aid for which Community financing is provided by the EAGGF Guidance Section shall be converted into national currency at the agricultural conversion rate applicable on 1 January of the year during which the decision to grant the aid is taken.

Where the Community rules stipulate that payment of the aid is to be spread over several years, the aid instalments shall be converted using the most devalued agricultural conversion rate of those applicable on 1 January of each of the years from that in which the decision to grant the aid is taken until that for which the instalment in question is to be paid.

Article 7

Where the agricultural conversion rate applicable to:

- flat-rate aid calculated per hectare or per livestock unit,
- or
- a compensatory premium per sheep or goat,
- or
- amounts of a structural or environmental nature

is lower than that previously applied, the aid or amounts concerned shall be increased in ecus in accordance with the procedure laid down in Article 12.

The increase in the amounts referred to in the first subparagraph shall be determined in such a way as to avoid their reduction, in terms of the national currency of the Member State whose agricultural conversion rate is reduced the most among those which request application of this Article.

Article 8

1. Member States with floating currencies may for three years grant farmers compensatory aid when the average agricultural conversion rate over the previous 12 months is lower than the average agricultural conversion rate over the 12 months preceding that period. The periods taken into account in order for aid to be granted may not be taken into account for the grant of further aid.

2. The amount of the first annual instalment of aid shall be determined on the basis of the fall in average agricultural income in the Member State concerned caused by the reduction in the agricultural conversion rate. The amount of each annual instalment shall be reduced at least by one by one third of the amount granted during the first year.

Compensatory aid may not be granted in the form of an amount per unit of quantity produced.

3. The Community contribution to the financing of the compensatory aid shall amount to :

- 75 % of the aid actually granted to farmers in regions covered by Objective No 1 as referred to in Article 1 of Regulation (EEC) No 2052/88,
- 50 % of the amounts actually granted in other cases.

For the purposes of the financing of the common agricultural policy, this contribution shall be deemed to be part of intervention intended to stabilize the agricultural markets.

4. The Council shall, acting by a qualified majority on a proposal from the Commission and subject to the attainment of minimum limits, establish the maximum amounts which can be granted for each instalment of aid.

Article 9

1. Where the correcting factor is increased, the prices fixed in ecus in the context of the common agricultural policy shall be reduced at the beginning of the following marketing year in accordance with the procedure provided for in Article 12 by 25 % of the percentage of the change in the correcting factor.

2. Member States in which the prices in national currencies are reduced as a result of paragraph 1 being applied shall be authorized, according to a procedure to be determined by the Council, acting by a qualified majority on a proposal from the Commission, to grant national compensation aid. Such aid must be directed towards the socio-structural field and may not be linked to production.

3. The amounts fixed in ecus under the common agricultural policy, except for those referred to in :

- Regulation (EEC) No 1765/92,
- Regulation (EEC) No 1357/80 and Article 4a of Regulation (EEC) No 805/68,
- Regulations (EEC) No 2078/92, (EEC) No 2079/92 and (EEC) No 2080/92,

shall be altered appropriately as the need arises.

Article 10

In the case of a monetary realignment within the framework of the European Monetary System or of an abrupt and significant change in the exchange rates between the ecu and certain national currencies of third countries, the following amounts, fixed in the legal instruments relating to the common agricultural policy, may, as required, be fixed anew by the Commission using the new agricultural conversion rates in accordance with the methods applicable in each case and, where appropriate, in the light of developments in the market situation :

- import duties,
- export duties,
- export refunds,
- sluice-gate prices,
- aid fixed on the basis of world market data,
- import subsidies.

Article 11

1. Where exceptional monetary practices are liable to jeopardize the application of the legal instruments relating to the common agricultural policy, the Commission shall decide upon suitable protective measures, which may, where necessary, derogate from the existing legal instruments relating to the common agricultural policy.

The Council and the Member States shall be notified forthwith of the measures referred to in the first subparagraph.

Any Member State may refer the Commission's decision to the Council during the three working days following that on which they are notified of protective measures.

The Council, acting by a qualified majority, may take a different decision within one month of notification of the measures in question.

2. Where exceptional monetary practices are liable to jeopardize the application of the legal instruments relating to the common agricultural policy, the Commission may, by virtue of the powers conferred on it by these instruments in each individual derogate from this Regulation, in particular in the following cases :

- where a country uses abnormal exchange techniques such as multiple exchange rates or operates barter agreements,

- where countries have currencies which are not quoted on official foreign exchange markets or where the trend in such currencies is likely to create distortion in trade.

Article 12

The detailed rules of application for this Regulation shall be laid down in accordance with the procedure provided for in :

- (a) Article 26 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾,
or
- (b) the corresponding articles of the other Regulations on the common organization of the markets in agricultural or fishery products,
or
- (c) the corresponding articles of other Community provisions introducing a similar procedure.

Article 13

1. Where transitional measures prove necessary to facilitate the initial application of this Regulation, such measures shall be adopted by the Commission in accordance with the procedure laid down in Article 12 and shall remain applicable for the period strictly necessary to facilitate the introduction of the new arrangements.
2. The correcting factor and the elements of this Regulation relating to it shall apply for a period not exceeding two years from the date of entry into force of this Regulation. Before the expiry of that period, the Commission will present a report to the Council on the arrangements contained in this Regulation, accompanied by appropriate proposals, in order to permit the Council, acting by qualified majority, to decide on future policy in this field.
3. Regulations (EEC) No 1676/85, (EEC) No 1677/85, (EEC) No 1678/85 and (EEC) No 129/78 are hereby repealed.

Article 14

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Council
The President
J. GUMMER

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1. Regulation as last amended by Regulation (EEC) No 1738/92 (OJ No L 180, 1. 7. 1992, p. 1).

COUNCIL REGULATION (EEC) No 3814/92

of 28 December 1992

amending Regulation (EEC) No 1785/81 and introducing application in Spain of the sugar sector prices provided for by that Regulation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 70 (3) (b) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the achievement of the single market on 1 January 1993 makes it desirable to remove all barriers to trade, not only between the Member States of the Community as constituted on 31 December 1985 but also, as far as possible, between those Member States and the new Member States;

Whereas accession compensatory amounts are due to be applied to trade in sugar sector products between Spain and the other Member States until the end of the 1994/95 marketing year, since Council Regulation (EEC) No 1716/91 of 13 June 1991 concerning the alignment of the sugar and beet prices applicable in Spain on the common prices⁽²⁾ specified that date for alignment of the Spanish prices on the common prices;

Whereas, without prejudice to the measures to be adopted when new sugar sector production arrangements are determined or to deal with the specific consequences for Spain of the Community's international commitments, prices can be aligned at the earlier date of 1 January 1993, and in consequence all accession compensatory amounts abolished, if Spanish beet producers are compensated by a temporary degressive aid of an initial amount based on the existing difference between beet prices; whereas should the fall in beet prices have an impact on the market for sugar cane grown in Spain corresponding aid would have to be granted to growers;

Whereas the Spanish market situation is such that the prices laid down by this Regulation can be applied in Spain;

Whereas early alignment of prices will require the adoption of measures to facilitate necessary structural changes in the Spanish sugar industry,

HAS ADOPTED THIS REGULATION:

Article 1

1. The alignment provided for in Article 70 of the Act of Accession shall, for sugar and beet prices applicable in Spain, be completed on 1 January 1993 as the levels set in paragraph 2.

2. The prices set in Article 5 (1) of Regulation (EEC) No 1749/92⁽³⁾ shall, for sugar and beet marketed during the period 1 January to 30 June 1993, be replaced by the following:

- (a) intervention price for white sugar: ECU 54,41 per 100 kilograms;
- (b) beet prices:
 - basic price: ECU 41,82 per tonne,
 - minimum price for 'A' beet: ECU 41,02 per tonne,
 - minimum price for 'B' beet: ECU 29,02 per tonne, subject to application of Article 28 (5) of Regulation (EEC) No 1785/81⁽⁴⁾.

Article 2

1. Aid shall be granted to beet growers in Spain for the 1993/94 and 1994/95 marketing years. It shall be ECU 2,84 per tonne for 1993/94 and half that amount for 1994/95.

The same producers shall be granted aid of ECU 4,26 per tonne on beet processed into sugar between 1 January

⁽¹⁾ Opinion delivered on 18 December 1992 (not yet published in the Official Journal).

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 18.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 14.

⁽⁴⁾ OJ No L 177, 1. 7. 1981, p. 4. Regulation as last amended by Regulation (EEC) No 61/92 (OJ No L 6, 11. 1. 1992, p. 19).

and 30 June 1993 under contracts concluded on the basis of the prices specified at Article 1 (2) (b).

2. Aid shall be granted to sugar cane producers in Spain for the 1993/94 and 1994/95 marketing years. It shall be ECU 2,27 per tonne for sugar cane for the first of these marketing years and shall be reduced by half for the second. Furthermore, aid amounting to ECU 3,41 per tonne shall be granted to the same producers for the quantities of cane processed into sugar between 1 January and 30 June 1993 in the context of contracts concluded on the basis of the prices provided for in Article 1 (2) (b).

3. Aid amounting to ECU 5,16 per 100 kilograms of sugar expressed as white sugar shall be granted for products forming part of quotas in stocks, with the exception of the minimum stock, at 12 p.m. on 31 December 1992 in the hands of those eligible for the reimbursement of storage charges for such stocks under Article 8 of Regulation (EEC) No 1785/81.

4. The aid provided for in paragraphs 1, 2 and 3 shall count as intervention for the purposes of Article 1 (2) of Regulation (EEC) No 729/70⁽¹⁾.

Article 3

The following paragraph 8 is added to Article 46 of Regulation (EEC) No 1785/81:

'8. Spain is authorized, on the terms set out below, to grant adjustment aid during the 1993/94 to 1995/96 marketing years to undertakings producing sugar.

Aid may be granted only on "A" and "B" sugar as defined in Article 24 (1) (a) and in connection with restructuring plans for rationalizing the Spanish sugar industry. These plans shall be notified to the Commission. Aid shall be restricted to a total of 37,8 million agricultural ecus for the period in first subparagraph.

Of the aid granted in each marketing year 50 % shall be financed by the Community as intervention expenditure.'

Article 4

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

The same procedure shall be used for adoption of transitional measures needed to ensure a smooth change-over from the arrangements specified by Regulation (EEC) No 1716/91 to those specified by this Regulation.

Article 5

Regulation (EEC) No 1716/91 is hereby repealed with effect from 1 January 1993.

Article 6

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Council

The President

J. GUMMER

⁽¹⁾ OJ No L 94, 24. 4.1970, p. 13. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

COUNCIL REGULATION (EEC) No 3815/92

of 28 December 1992

on application of the common intervention price for olive oil in Spain

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the achievement of the single market on 1 January 1993 makes it desirable to remove all barriers to trade, not only between the Member States of the Community as constituted on 31 December 1985 but also, as far as possible, between those Member States and the new Member States;

Whereas, under the Act of Accession, alignment on the common price of olive oil prices of the new Member States is to be gradually achieved in a period up to the beginning of the 1995/96 marketing year; whereas, until that date, accession compensatory amounts therefore are applicable to trade between those countries and the other Member States;

Whereas, however, while maintaining the production aid and consumption aid at the level laid down by the Act of Accession, early alignment may be envisaged, on

1 January 1993, of Spanish prices on the common price, in view of the rebalancing provided for in Council Regulation (EEC) No 2047/92 of 30 June 1992 fixing the prices, aids and percentages of aid to be retained in the olive-oil sector for the 1992/93 marketing year⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The common intervention price for olive oil shall be applicable in Spain from 1 January 1993.

Article 2

Transitional measures required to ensure a smooth change-over from the arrangements specified in Article 92 of the Act of Accession to those of this Regulation, in particular to prevent a deflection of normal trade flows between Spain and the other Member States, shall be adopted in accordance with the procedure laid down in Article 38 of Regulation (EEC) No 136/66/EEC⁽³⁾.

Article 3

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Council

The President

J. GUMMER

⁽¹⁾ Opinion delivered on 18 December 1992 (not yet published in the Official Journal).

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 3.

⁽³⁾ OJ No 172, 30. 9. 1966, p. 3025. Regulation as last amended by Regulation (EEC) No 2046/92 (OJ No L 215, 30. 7. 1992, p. 1).

COUNCIL REGULATION (EEC) No 3816/92

of 28 December 1992

providing for, in the fruit and vegetables sector, the abolition of the compensation mechanism in trade between Spain and the other Member States and allied measures

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the achievement of the internal market on 1 January 1993 makes it desirable to remove all barriers to trade, not only between the Member States of the Community as constituted on 31 December 1985 but also, as far as possible, between those Member States and the new Member States;

Whereas protection of the markets of the Member States of the Community as constituted on 31 December 1985 can be ensured by maintaining the supplementary trade mechanism for the most sensitive Spanish products; whereas adjustment of the most vulnerable structures of these Member States may be given a boost by the setting up of specific action programmes; whereas the compensation mechanisms for fruit and vegetables instituted by Articles 152 (1) of the Act of Accession, application and monitoring of which would, moreover, be very difficult once the Community no longer has internal frontiers, should therefore be discontinued;

Whereas experience shows that no effective use has been made of the measures to protect the Spanish market provided for by Article 152 (3) of the Act of Accession;

Whereas the applicability of the above measures should therefore be terminated and, for reasons of clarity, 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 compensation mechanism on imports of fruit and vegetables originating in Spain⁽²⁾ should therefore be repealed;

Whereas the large-scale integration of the Spanish market into the Community market which will thus be brought about makes it appropriate to apply to Spain the common level of institutional prices,

HAS ADOPTED THIS REGULATION:

Article 1

The mechanism instituted by Article 152 (1) of the Act of Accession of Spain and Portugal and the provisions of Articles 152 (3) shall no longer be applicable.

Article 2

1. The Community shall contribute to the financing of an action programme presented and accomplished respectively by the French, Italian and Greek authorities over a three-year period, the object of which is, for the fresh fruit and vegetables sector, the restructuring of the fruit and vegetables sectors most affected by the abolition of the transitional measures.

2. The programme provided for in paragraph 1 shall be presented to the Commission before 31 March 1993 and approved by the Commission before its realization.

3. As part of the intervention measures, the Community participation in the measures provided for in paragraph 1 shall be:

- 75 % of the expenditure borne as intervention by the Member States,
- for a period of three years from the date on which the programme is approved,
- within an overall limit of ECU 100 million,
- dependent upon the measures concerned not being eligible at the same time for other Community measures.

4. The means of applying this Regulation shall be adopted, as required, according to the procedure provided for in Article 33 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽³⁾.

Article 3

As from 1 January 1993, the common basic and buying-in prices shall be applicable in Spain.

Article 4

Regulation (EEC) No 3709/89 is hereby repealed.

Article 5

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ Opinion delivered on 18 December 1992 (not yet published in the Official Journal).

⁽²⁾ OJ No L 363, 31. 12. 1989, p. 3.

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

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

Done at Brussels, 28 December 1992.

For the Council

The President

J. GUMMER

COUNCIL REGULATION (EEC) No 3817/92

of 28 December 1992

laying down general rules for applying the supplementary trade mechanism to imports into Spain of products other than fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Regulation (EEC) No 569/86⁽²⁾ lays down general rules for the application of the supplementary mechanism applicable to trade;

Whereas, under that Regulation, trade is monitored at the border by means of a system of licences; whereas the realization of a single market without internal borders on 1 January 1993, of which Spain will form a major integral part, calls for the institution of a new system of monitoring carried out in the countries of destination;

Whereas the obligation to indicate the number of the supplementary trade mechanism (STM) licence used on commercial documents covering products from other Member States to Spain, together with application in that country of on-the-spot checks and of other measures that it may deem appropriate and also of deterrent penalties where the provisions laid down are not complied with, will permit the STM to function properly; whereas on-the-spot checks will in particular be facilitated by the information on origin or provenance that, in accordance with the Community provisions, must appear on products subject to the STM or on packaging thereof; whereas the cooperation of consigning Member States will also contribute to the effectiveness of the arrangements;

Whereas, to cover cases of serious disturbance of markets persisting despite the application of the measures provided for in Article 85 (2) and (3) of the Act of Accession, provision should be made for the application of additional measures that may, where appropriate for local or regional markets, derogate from the provisions on the common organization of the relevant market;

Whereas in view of the foregoing, amendments should be made with regard to Spain to the arrangements provided

for in Regulation (EEC) No 569/86 and the latter should be replaced by a new Regulation; whereas, for reasons of clarity, it is appropriate on this occasion to provide, for Spain, arrangements which are independent of those provided for by the abovementioned Regulation and which take into account also the changes made, since 1986, in the administration of the supplementary trade mechanism and the fact that, following the reduction in the list of products covered by the said mechanism and the application of specific rules in the fruit and vegetables sector, the said arrangements will henceforth be applicable for the protection of the Spanish market only,

HAS ADOPTED THIS REGULATION:

TITLE I

Management of the STM

Article 1

1. Products, other than those covered by Regulation (EEC) No 1035/72⁽³⁾, from another Member State that are subject, as regards importation into Spain, to the supplementary trade mechanism (hereinafter referred to as the 'STM'), may move within Spain and be released for consumption in that Member State only on presentation of an STM licence.

The provisions of the first subparagraph, as far as movement within Spain is concerned, shall not apply if the holder of the products can prove they are not intended for the Spanish market.

2. STM licences shall be issued on application to any party, irrespective of his place of establishment in the Community.

3. The issue of STM licences may be subject to the provision of a security guaranteeing compliance with the undertaking to enter the goods for consumption during the term of validity of the STM licence. The security shall be wholly or partly forfeit if the operation is not completed within that time or is only partly completed.

4. STM licences may only be issued by a Member State other than the Member State of entry for consumption.

⁽¹⁾ Opinion delivered on 18 December 1992 (not yet published in the Official Journal).

⁽²⁾ OJ No L 55, 1. 3. 1986, p. 106. Regulation as last amended by Regulation (EEC) No 3296/88 (OJ No L 293, 27. 10. 1988, p. 7).

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 1754/92 (OJ No L 180, 1. 7. 1992, p. 23).

Article 2

1. Where products from third countries are entered for free circulation in the Member State to which the STM applies, release for free circulation may be effected only on presentation of an STM import licence. STM import licences shall be valid only in the Member State to which the STM applies.

2. Paragraph 1 shall apply only to products falling within the tariff headings to which Article 1 applies.

3. Paragraph 1 shall not apply to products from third countries which are subject to quantitative restrictions in the Member State to which the STM applies.

4. STM import licences shall be issued on application to any party, irrespective of his place of establishment in the Community.

5. The issue of STM import licences may be subject to the provision of a security guaranteeing compliance with the undertaking to enter the goods for free circulation during the term of validity of the licence. The security shall be wholly or partly forfeit if the operation is not completed within that time or is only partly completed.

6. STM import licences may be issued by any Member State.

7. Save where special provisions are laid down, STM import licences shall replace import licences laid down for certain products by Community regulations.

Article 3

1. The issuing of STM licences and import licences may be:

- limited to certain products in a product group,
- spread out over the year.

2. A time limit may be set for the issuing of STM licences and import licences.

Article 4

Where the situation on the market calls for a limiting or suspending of imports into the Member State concerned, the issuing of STM licences may be limited or suspended.

Article 5

1. In assessing the market situation in a Member State to which the STM applies, account shall be taken in particular of:

- the trend in domestic prices in that Member State,
- the trend in domestic demand in that Member State,
- the quantities of products traded without further processing or after processing between that Member State and the other Member States and third countries.

2. The information referred to in paragraph 1 shall also serve as the basis for assessing the situation in the different regions or on the different markets of the Member State to which the STM applies.

3. Where serious disturbance of the markets appears and persists despite the application of the measures provided for in point b of the second subparagraph of Article 85 (3) of the Act of Accession, suitable measures other than those provided for in that Article may be adopted in addition to the latter in accordance with the procedure provided for therein.

Such measures may entail derogations from the provisions on the common organization of the markets, as far as local or regional markets are concerned.

TITLE II

Controls and penalties

Article 6

Invoices and other commercial documents to be determined, except for those made out at the stage of retail sale, relating to products covered by this Regulation that are imported into Spain from other Member States shall show the number of the STM licence used for entry for consumption in that country and any other necessary information.

Article 7

1. The Spanish authorities shall carry out on-the-spot checks on all operators, except retailers, who hold products for importation of which from the other Member States a licence as indicated in Article 1 is required. The purpose of these checks shall be to verify from the commercial documents indicated in Article 6 and the indications on the products and their packaging that products in stock brought from the other Member States were imported under cover of an STM licence.

2. To ensure that the STM arrangements are properly complied with the Spanish authorities may supplement the checks provided for in paragraph 1 by other measures. They may in particular stipulate that

- operators as indicated in paragraph 1 who buy and sell the products in question shall keep stock records showing the name and place of business of the suppliers of these products,
- other operators must be able to show at any time to whom the products in question belong.

3. The authorities of the other Member States shall, in line with the provisions of Regulation (EEC) No 1468/81 ⁽¹⁾, afford the Spanish authorities all necessary cooperation, in particular where the checks indicated in paragraphs 1 and 2 point to responsibilities on the part of undertakings located in their territory. They may to this end require undertakings in the relevant sectors to keep appropriate records.

4. None of the checks indicated in the previous paragraphs may be effected at the borders between Member States.

Article 8

Where the provisions laid down in this Regulation or the detailed rules adopted for its application are not complied with, the Spanish authorities and those of the other Member States shall apply penalties which shall be proportional to the seriousness of the infringements committed.

In the case of operators who have imported products subject to the STM from other Member States without an STM licence, these penalties shall amount to at least twice

the value of products placed on the market without a licence.

TITLE III

General and final provisions

Article 9

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽²⁾ or, as the case may be, the corresponding Articles of the other regulations on common organization of agricultural markets.

Article 10

Regulation (EEC) No 569/86 shall no longer apply to deliveries in Spain of products subject to the STM.

Article 11

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Council

The President

J. GUMMER

⁽¹⁾ OJ No L 144, 2. 6. 1981, p. 1. Regulation as last amended by Regulation (EEC) No 945/87 (OJ No L 90, 2. 4. 1987, p. 3).

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EEC) No 2068/92 (OJ No L 215, 30. 7. 1992, p. 58).

COUNCIL REGULATION (EEC) No 3818/92

of 28 December 1992

amending Regulation (EEC) No 3210/89 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Council Regulation (EEC) No 3210/89⁽²⁾ provides that during sensitive and very sensitive periods the supplementary trade mechanism is to be operated using exit documents issued by the Spanish authorities for all fruit and vegetables consigned from Spain to the Member States of the Community as contributed on 31 December 1985;

Whereas monitoring of observance of these arrangements has so far been carried out at the frontier; whereas the realization on 1 January 1993 of a single market without internal frontiers necessitates establishment of new monitoring arrangements, to be implemented largely in the country of destination;

Whereas an obligation to show the number of the exit document on commercial documents covering products consigned from Spain to the Member States of the Community as constituted on 31 December 1985 together with monitoring on the spot in these countries and other measures which such countries might, where appropriate, deem appropriate, plus imposition of severe penalties for failure to respect the provisions laid down, should suffice to allow the supplementary trade mechanism to function properly; whereas monitoring on the spot will be facilitated by the indications of origin and provenance that under Community rules must appear on packages of products subject to the supplementary trade mechanism;

Whereas in cases of persistent serious disturbance of markets despite application of the measures specified in Article 6 of Regulation (EEC) No 3210/89, it should be possible for additional measures to be applied, if necessary derogating for local or regional markets from those laid

down in the provisions on common organization of markets;

Whereas the preceding factors taken together lead to the conclusion that Regulation (EEC) No 3210/90 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3210/89 is hereby amended as follows:

1. in Article 7:

- the present text shall become paragraph 1,
- the following paragraph shall be added:

'2. During period III, if serious disturbance of the market persists despite application of the measures specified in Article 6, suitable measures complementary to those specified in that Article may be adopted in accordance with the procedures laid down in Article 85 of the Act of Accession. These measures may include derogations from the provisions on common organization of markets.';

2. the following Articles shall be added:

Article 8a

1. Sales invoices and other commercial documents, apart from retail sale documents, relating to products consigned from Spain to the other Member States during periods II and III shall show the number of the exit document presented on consignment and any other necessary information. Each holder of the goods in question in a Member State other than Spain must be in a position to present these documents at any moment.

2. The authorities of the Member States of the Community as constituted on 31 December 1985 shall, using the commercial documents indicated in paragraph 1 and the information shown on packages, make checks, in wholesale markets in particular, on whether during periods II and III products from Spain have been consigned following submission of the document specified in Article 5. Such authorities may supplement the said checks by applying other measures. To this end, they may, in particular, stipulate that:

(¹) Opinion delivered on 18 December 1992 (not yet published in the Official Journal).

(²) OJ No L 312, 27. 10. 1989, p. 6.

- operators who buy and sell the products in question, apart from in retail trade, shall keep stock records showing in particular the name and place of business of the suppliers of these products,
- other operators must be able to show at any time to whom the products in question belong.

3. The Spanish authorities shall afford the Member States of the Community as constituted on 31 December 1985 the cooperation required for detection and pursuit of irregularities.

4. None of the checks indicated in paragraphs 1 to 3 may be effected at the borders between Member States.

Article 8b

In cases of failure to observe the provisions laid down by this Regulation or rules adopted pursuant thereto, the Spanish and Portuguese authorities and those of the Member States of the Community as constituted on 31 December 1985 shall apply penalties commensurate with the seriousness of the offence. In the case of operators who have consigned products subject to the STM from Spain during periods II and III without having obtained the document specified in Article 5 the penalty may not be less than twice the value of the products consigned without exit documents.'

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Council

The President

J. GUMMER

COMMISSION REGULATION (EEC) No 3819/92

of 28 December 1992

on detailed rules for determining and applying the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, and in particular Articles 1 (c), 3 (3) 5 (3) and 10 thereof,

Whereas the representative market rates defined in Article 1 of Regulation (EEC) No 3813/92 are used to convert amounts expressed in the national currencies of third countries and form the basis for fixing the agricultural conversion rates for Member States' currencies; whereas it is necessary to define the rules for their calculation in respect of floating currencies and in particular in respect of third countries' currencies whose value in ecus is not published in the *Official Journal of the European Communities*;

Whereas it is appropriate for the representative market rates to be adjusted systematically after each 10-day period; whereas, in order to facilitate information to operators and to avoid the risks of market distortion, the representative market rates should be adjusted on fixed dates immediately following the end of each reference period; whereas, however, in the event of major currency fluctuations the representative market rates need to be established quickly on the basis of a brief reference period;

Whereas, in order to guarantee a uniform approach throughout the Community and to simplify administration of trade arrangements, the rates fixed by Commission Regulation (EEC) No 1766/85 of 27 June 1985 on the rates of exchange to be used in the determination of customs value⁽²⁾, as last amended by Regulation (EEC) No 593/91⁽³⁾, should be used by Member States to convert amounts expressed in third countries' currencies directly into their own national currency;

Whereas the agricultural conversion rate should be applicable as quickly as possible after the reference period on the basis of which it is calculated in order to avoid risks

of market distortion or economically unjustified profits whereas as the agricultural conversion rate applicable at the beginning of a month should be adjusted in order to take account of the development of the representative market rate in the event of major currency fluctuations;

Whereas data on the world market must be established in ecus at frequent intervals and with a high degree of accuracy; whereas in respect of those data expressed in the national currencies of Member States a specific agricultural conversion rate equal to the representative market rate should be used;

Whereas pursuant to the second subparagraph of Article 6 (1) of Regulation (EEC) No 3813/92, a strict relationship needs to be established between an application for advance fixing of the agricultural conversion rate and the amount in question expressed in ecus; whereas, to avoid speculation, the validity of certificates including advance fixing of the agricultural conversion rate must be restricted to the Member State designated by the applicant;

Whereas, for composite products and in particular the goods covered by Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules or granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁴⁾, as last amended by Regulation (EEC) No 3381/90⁽⁵⁾, advance fixing of the amounts concerned in ecus must involve a significant proportion of the basic agricultural products so that the agricultural conversion rate can be fixed in advance;

Whereas it is necessary to indicate in the different languages of the Community the entries to be included on the appropriate documents in order to indicate that the agricultural conversion rate has been fixed in advance;

Whereas determining the agricultural conversion rate of floating currencies is done on the basis of very precise rules which allow the outcome to be predicted to some extent before each advance fixing in question; whereas, to avoid speculation, an adjustment is required in the value of the agricultural conversion rate fixed in advance during the reference period and which brings about the adjustment in the said rate;

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 168, 26. 6. 1985, p. 21.

⁽³⁾ OJ No L 66, 13. 3. 1991, p. 14.

⁽⁴⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁵⁾ OJ No L 327, 27. 11. 1990, p. 4.

Whereas Regulation (EEC) No 3813/92 provides for the necessity of not overstepping a permissible monetary gap in order to avoid significant market disturbance; whereas, as a consequence, it is necessary to adjust the advance fixing of an agricultural conversion rate which imply an important monetary gap with the rates in force;

Whereas fixing the agricultural conversion rate can result impossible speculation in cases where exchange rates fluctuate significantly; whereas it is therefore necessary to provide for a rapid procedure for the possible suspension of advance fixing where appropriate;

Whereas, in order to simplify the rules, the provisions of the first paragraph of Article 1 of Commission Regulation (EEC) No 653/92 on the unit of account and the conversion rate to be applied to tenders submitted in response to invitations to tender⁽¹⁾ should be incorporated into the present Regulation and that Regulation should be repealed;

Whereas it is necessary to indicate the rules for rounding off the values which are calculated of the conversion rates;

Whereas, in order to clarify the Community rules, the provisions on operation of the agri-monetary system applicable up to 31 December 1992 laid down by Regulation (EEC) No 3152/85⁽²⁾, as last amended by Regulation (EEC) No 3237/90⁽³⁾, Regulation (EEC) No 3153/85⁽⁴⁾, as last amended by Regulation (EEC) No 3672/89⁽⁵⁾, Regulation (EEC) No 3154/85⁽⁶⁾, as last amended by Regulation (EEC) No 1546/89⁽⁷⁾, Regulation (EEC) No 3155/85⁽⁸⁾, as last amended by Regulation (EEC) No 3247/89⁽⁹⁾, Regulation (EEC) No 3156/85⁽¹⁰⁾, as last amended by Regulation (EEC) No 3521/88⁽¹¹⁾, Regulation (EEC) No 3578/88⁽¹²⁾, as last amended by Regulation (EEC) No 3137/91⁽¹³⁾, as well as Regulation (EEC) No 1641/91⁽¹⁴⁾, as last amended by Regulation (EEC) No 3756/92⁽¹⁵⁾, and Regulation (EEC) No 3757/92⁽¹⁶⁾ should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

⁽¹⁾ OJ No L 70, 17. 3. 1992, p. 6.

⁽²⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽³⁾ OJ No L 310, 9. 11. 1990, p. 18.

⁽⁴⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁵⁾ OJ No L 358, 8. 12. 1989, p. 28.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 9.

⁽⁷⁾ OJ No L 151, 3. 6. 1989, p. 24.

⁽⁸⁾ OJ No L 310, 21. 11. 1985, p. 22.

⁽⁹⁾ OJ No L 314, 28. 10. 1989, p. 51.

⁽¹⁰⁾ OJ No L 310, 21. 11. 1985, p. 27.

⁽¹¹⁾ OJ No L 307, 12. 11. 1988, p. 28.

⁽¹²⁾ OJ No L 312, 17. 11. 1988, p. 16.

⁽¹³⁾ OJ No L 297, 29. 10. 1991, p. 17.

⁽¹⁴⁾ OJ No L 153, 17. 6. 1991, p. 1.

⁽¹⁵⁾ OJ No L 382, 28. 12. 1992, p. 1.

⁽¹⁶⁾ OJ No L 382, 28. 12. 1992, p. 45.

HAS ADOPTED THIS REGULATION:

TITLE I

Representative market rates

Article 1

1. The exchange rates from which representative market rates for floating currencies are established shall be the daily ecu rates published in the *Official Journal of the European Communities*, 'C' series.

2. Where the ecu rate for a third country's currency is not published in the *Official Journal of the European Communities* the representative market rate for that currency shall be established taking account of exchange rates reflecting as effectively as possible the current value of the currency in question in commercial transaction.

Article 2

1. The representative market rate for a floating currency shall be calculated on the basis of basic reference periods. Basic reference periods shall be understood to mean periods running from the first to the 10th, the 11th to the 20th and the 21st to the last day of each month, reduced where applicable in accordance with paragraph 2.

However, the last basic reference period in each year shall be 21 to 30 December.

2. Notwithstanding paragraph 1, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average on the ecu rates for three consecutive working days, exceeds six points:

- the representative market rates for the currencies in question shall be adjusted on the basis of the three working days in question, and
- the basic reference period concerned begins the day following these three working days; the end of the period is not affected.

Article 3

The representative market rate shall be used from the day following the period on the basis of which it was calculated until the end of the following period for which a new representative market rate may be calculated.

However, the representative market rate based on the last reference period of the year shall apply as from the first day of the following year.

Article 4

By derogation from use of the representative market rate, in applying trade arrangements, conversion into the national currency of a Member State of an amount expressed in the national currency of a third country shall be effected by the Member State concerned using the conversion rate to be used in the determination of the customs value.

TITLE II

Agricultural conversion rates*Article 5*

1. The agricultural conversion rates for floating currencies shall be determined in accordance with Article 4 (1) of Regulation (EEC) No 3813/92 at the end of each month, on the basis of the final reference period of the month as indicated in Article 2 of this Regulation.

2. The agricultural conversion rates calculated in accordance with paragraph 1 shall be adjusted according to the provisions of Article 4 (3) of Regulation (EEC) No 3813/92 in line with the monetary gaps with the representative market rates based on the reference periods as indicated in Article 2 of this Regulation.

Article 6

The agricultural conversion rate for a floating currency shall apply from the first day following the reference period on the basis of which it was determined.

However, the agricultural conversion rate based on the last reference period of a year is applicable from the first day of the next year.

Article 7

Amounts relating to world market data expressed in the national currency of a Member State shall be converted into ecus using a specific agricultural conversion rate equal to the representative market rate.

TITLE III

Advance fixing of agricultural conversion rates*Article 8*

1. Agricultural conversion rates shall be fixed in advance on the terms referred to in Article 6 (1) of Regulation (EEC) No 3813/92, on application by the party concerned where such application is lodged at the same time as:

- the application for a certificate, or an equivalent document, fixing in advance the amount concerned, expressed in ecus, or
where appropriate,
- the submission of a tender as part of a tendering procedure, with the exception of tenders submitted to the intervention agency.

In the case of a tendering procedure, applications for advance fixing of the agricultural conversion rate shall be subject to the acceptance of all or part of the tender.

2. The duration of validity of an advance fixing of the agricultural conversion rate is that of the advance fixing of the amount concerned in ecu, or of the award of the tender. However, such duration of validity is limited to the end of the third month following that of the advance fixing of the conversion rate.

After the end of the duration of validity of an advance fixing of the agricultural conversion rate applicable to the amount in question shall be that set out in the first subparagraph of Article 6 (1) of Regulation (EEC) No 3813/92.

3. Where the agricultural conversion rate is fixed in advance, the certificate, or the equivalent document, shall be valid only in a single Member State to be designated by the applicant when applying to have the agricultural conversion rate fixed in advance.

Article 9

1. As regards the products falling within CN codes 0402 10 91, 0402 10 99, 0402 29, 0402 99, 0403 10 12, 0403 10 14, 0403 10 16, 0403 10 32, 0403 10 34, 0403 10 36, 0403 90 31, 0403 90 33, 0403 90 39, 0403 90 61, 0403 90 63, 0403 90 69, 0404 90 51, 0404 90 53, 0404 90 59, 0404 90 91, 0404 90 93 and 0404 90 99, the agricultural conversion rate may only be fixed in advance where the export refund has been fixed for all components of the product in question.

2. As regards goods covered by Regulation (EEC) No 3035/80, the agricultural conversion rate may only be fixed in advance if, in the case of at least one of the basic products, the total quantity eligible for an export refund is covered by one or more certificates for export refunds fixed in advance.

For the purposes of the preceding subparagraph, only basic products whose weight represents 10 % or more of the weight of the goods shall be taken into account.

Where one or more certificates as referred to in the first subparagraph are presented for the export of goods and where, because the conditions referred to in the said subparagraph are not met, these goods do not qualify for an advance fixing of the agricultural conversion rate, then the certificate or certificates shall not be accepted by the competent authorities.

Where several certificates as referred to in the first subparagraph are presented when the goods are cleared through customs, only the date on the first certificate issued shall count for the purposes of determining the agricultural conversion rate. In such case, only certificates covering the total quantity of the basic product or products shall be taken into account.

Article 10

1. If an application is made for advance fixing of the agricultural conversion rate, the application for a certificate or an equivalent document, or the tender submission, shall include one of the following entries :

- Fijación anticipada del tipo de conversión agrario
- Forudfastsættelse af landbrugsomregningskursen
- Vorausfestsetzung des landwirtschaftlichen Umrechnungskurses
- Προκαθορισμός της γεωργικής ισοτιμίας
- Advance fixing of the agricultural conversion rate
- Fixation à l'avance du taux de conversion agricole
- Fissazione anticipata del tasso di conversione agricolo
- Vaststelling vooraf van de landbouwmrekeningskoers
- Fixação antecipada da taxa de conversão agrícola

The application shall also include a mention of the Member State in which the certificate will be used.

2. The certificate itself, or the equivalent document, or the tender award declaration shall include one of the following entries :

- Tipo de conversión agrario fijado por anticipado el ... (fecha de la fijación previa), el cual se ajustará eventualmente.
Certificado válido en ... (estado miembro designado por el solicitante)
- Landbrugsomregningskurs forudfastsat den ... (dato for forudfastsættelsen) justeres i påkommende tilfælde.
Licens gyldig i ... (medlemsstat, der er angivet af ansøgeren)
- Am ... (Vorausfestsetzungsdatum) im voraus festgesetzter landwirtschaftlicher Umrechnungskurs; muß gegebenenfalls angepaßt werden.
Lizenz gilt in ... (vom Antragssteller angegebener Mitgliedstaat)
- Γεωργική ισοτιμία προκαθοριζόμενη στις ... (ημερομηνία προκαθορισμού), που ενδέχεται να αναπροσαρμοστεί.
Πιστοποιητικό που ισχύει στο ... (κράτος μέλος υποδεικνυόμενο από τον αιτούντα)
- Agricultural conversion rate fixed in advance on ... (date of advance fixing), to be adjusted as appropriate.
Certificate valid in ... (Member State designated by the applicant)
- Taux de conversion agricole fixé à l'avance le ... (date de préfixation), à ajuster éventuellement.
Certificat valable en ... (État membre désigné par le demandeur)
- Tasso di conversione agricolo fissato in anticipo il ... (data della fissazione anticipata), da modificarsi se del caso.
Titolo valido in ... (Stato membro designato dal richiedente)
- Landbouwmrekeningskoers vooraf vastgesteld op ... (datum van de vaststelling vooraf), eventueel aan te passen.

Certificaat geldig in ... (door de aanvrager aangegeven Lid-Staat)

— Taxa de conversão agrícola fixada antecipadamente em ... (data de prefixação) a ajustar eventualmente.

Certificado válido em ... (Estado-membro designado pelo requerente)

Article 11

1. In the event of a change in the agricultural conversion rate of a floating currency being adjusted, the rate fixed in advance for that currency in the reference period serving as the basis for determining the new agricultural conversion rate shall be adjusted so as to be replaced by the latter rate.

2. If the absolute value of the gap between the agricultural conversion rate fixed in advance and the agricultural conversion rate in force at the time of the operative event provided for in Article 6 (1) first subparagraph of Regulation (EEC) No 3813/92, exceeds four points, the agricultural conversion rate fixed in advance shall be adjusted to bring it more closely in line with the rate in force, up to the level of a gap of four points with that rate.

Article 12

1. Where a review of the monetary or market situation reveals difficulties arising from the application of the rules concerning the advance fixing of the agricultural conversion rate or where such difficulties are liable to arise, a decision may be taken to suspend the application of these rules for the relevant products, in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 3813/92.

2. In extremely urgent cases, the Commission may, after a review of the situation on the basis of all the available information, decide to suspend the advance fixing of the agricultural conversion rate for a maximum of three working days.

3. During the period when the advance fixing of the agricultural conversion rate is suspended, applications for the advance fixing of the agricultural conversion rate shall not be accepted.

An application for advance fixing of the agricultural conversion rate made before the advance fixing is suspended shall not be affected by the suspension decision.

4. In a Member State subject to the suspension referred to in paragraph 3, an application for advance fixing of the agricultural conversion rate may be lodged during a period of seven days following the end of the suspension period for amounts fixed in advance in ecus during the said period.

5. Applications for certificates or equivalent documents, or submission for tenders, including advance fixing of the concerned amounts in ecus shall not be affected by the provisions of this Article.

TITLE IV

General provisions

Article 13

For the purposes of this Regulation, a working day means any day where an ecu rate is determined by the Commission.

Article 14

Amounts quoted in tenders submitted in response to invitations to tender organized under an instrument forming part of the common agricultural policy shall, with the exception of amounts the Community contribution to which is financed from the European Agricultural Guidance and Guarantee Fund, Guidance Section, be expressed in ecus.

Article 15

1. The monetary gaps shall be established to three places of decimals, rounding off the third place.

The representative market rates and the agricultural conversion rates shall be established to six significant figures, rounding off the sixth figure.

2. For the purposes of this Article 'significant figures' means:

- all figures, in the case of a number whose absolute value is greater than or equal to 1, or
- all decimal places starting from the first one which is not zero, in other cases.

The roundings-off referred to in this Article shall be effected by increasing by one unit the figure concerned in cases where the following figure is greater than or equal to five and by leaving unchanged in other cases.

Article 16

Regulations (EEC) No 3152/85, (EEC) No 3153/85, (EEC) No 3154/85, (EEC) No 3155/85, (EEC) No 3156/85, (EEC) No 3578/88, (EEC) No 653/92, (EEC) No 1641/91 and 3757/92 are hereby repealed.

Article 17

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3820/92

of 28 December 1992

on transitional measures for the application of the agrimonetary arrangements
laid down in Regulation (EEC) No 3813/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, and in particular Article 11 (2) thereof,

Whereas Regulation (EEC) No 3813/92 repeals Council Regulation (EEC) No 1676/85⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, with effect from 1 January 1993; whereas, in order to facilitate the transition from the agrimonetary arrangements in force up to 31 December 1992 to those in force after that date, these arrangements should be brought into line with each other temporarily, particularly as far as operative events of the agricultural conversion rates are concerned;

Whereas Article 26a of Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽⁴⁾, as last amended by Regulation (EEC) No 1734/92⁽⁵⁾, lays down that until 30 June 1993 the gross aid expressed in ecus, as well as the forward amount of the aid expressed in ecus, are to be differential by the monetary differential amount and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State;

Whereas as a result of the method for fixing the agricultural conversion rate as from 1 January 1993 and the neutral margin of five points applying to the monetary differential amount, the value of the latter is always zero; whereas, as a result, the gross aid fixed in ecus is to be converted directly into national currency using the agricultural conversion rate of the Member State in which the products are processed;

Whereas aid fixed in advance in 1992 and applicable to products identified in 1993 must be adapted taking account of the agricultural conversion rate applicable at the moment of identification; whereas, in these cases, the monetary differential amounts must be eliminated in order to prevent market distortion; whereas, as a result, the gross aid fixed in advance in ecus should be converted directly into national currency using the agricultural

conversion rate of the Member State in which the products are processed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Up to the end of the 1992/93 marketing year and the end of the 1993/94 marketing year, as regards products in the sheepmeat and goatmeat, fishery product, tomato, cucumber, courgette and aubergine sectors, the provisions referring to Regulation (EEC) No 1676/85 shall apply *mutatis mutandis* to Regulation (EEC) No 3813/92.

Article 2

1. The monetary differential amount for peas, field beans and sweet lupins identified on or after 1 January 1993 shall be zero.
2. Notwithstanding Article 26a of Regulation (EEC) No 3540/85:
 - (a) the Commission shall publish in the *Official Journal of the European Communities*, 'L' series, as soon as it has been fixed, only the amount of the gross aid expressed in ecus, to be granted for 100 kilograms of products;
 - (b) the final aid to be granted shall be the amount of gross aid expressed in ecus, or where applicable the forward amount of the aid expressed in ecus, converted into the national currency of the Member State in which the products are processed, using the agricultural conversion rate applicable to that Member State on the day of identification.
3. Where the aid has been fixed in advance in 1992 and is applicable to products identified in 1993, the amount of final aid to be granted shall be the amount of gross aid fixed in advance in ecus and converted into the national currency of the Member State in which the products are processed using the agricultural conversion rate applicable to that Member State on the day of identification.

Article 3

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁵⁾ OJ No L 179, 30. 6. 1992, p. 120.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3821/92

of 28 December 1992

repealing Regulation (EEC) No 3294/86 and amending Regulations (EEC) No 1393/76, (EEC) No 1780/89, (EEC) No 2053/89, (EEC) No 2054/89, (EEC) No 209/88 and No 163/67/EEC so as to abolish the derogation from the use of the agricultural conversion rate for the amounts in question

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, and in particular Article 10 thereof,

Whereas Regulation (EEC) No 3813/92 repeals with effect from 1 January 1993 Council Regulation (EEC) No 1676/85⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾; whereas Article 2 (4) of Regulation (EEC) No 1676/85 provides for derogations existing on 31 December 1992 from the use of the agricultural conversion rate for certain amounts so as to permit the use of rates corresponding more closely to actual economic circumstances and avoid the risk of monetary distortion; whereas the derogations do not appear justified under the agri-monetary system in force with effect from 1 January 1993 and following the introduction of agricultural conversion rates close to actual economic circumstances; whereas, therefore, the provisions in question should be repealed;

Whereas Commission Regulation (EEC) No 3294/86 of 29 October 1986 fixing the conversion rate to be applied in respect of levies and refunds in the rice sector⁽⁴⁾, as last amended by Regulation (EEC) No 3119/89⁽⁵⁾, provides for the application of a specific conversion rate for certain conversions into national currency in the rice sector;

Whereas Article 1a of Commission Regulation (EEC) No 1393/76 of 17 June 1976 laying down detailed rules for the importation of products in the wine-growing sector originating in certain third countries⁽⁶⁾, as last amended by Regulation (EEC) No 3671/89⁽⁷⁾, provides for the representative market rate to be used to convert the free-at-frontier reference prices into national currency;

Whereas Article 34 of Commission Regulation (EEC) No 1780/89 of 21 June 1989 laying down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies⁽⁸⁾, as last amended by Regulation (EEC) No 2864/92⁽⁹⁾, provides for the representative market rate to be used to convert the payments, guarantees and securities concerned;

Whereas Article 3 of Commission Regulation (EEC) No 2053/89⁽¹⁰⁾ and (EEC) No 2054/89⁽¹¹⁾ laying down detailed rules for the application of the minimum import price system for certain processed cherries and for dried grapes respectively, as last amended by Regulation (EEC) No 3390/89⁽¹²⁾, provides for the use of the representative market rate to convert the minimum import price into national currency;

Whereas the second paragraph of Article 1 of Commission Regulation (EEC) No 209/88 of 26 January 1988 on the fixing of additional amounts for imports of pigmeat products from third countries⁽¹³⁾, as last amended by Regulation (EEC) No 3117/89⁽¹⁴⁾, provides that the offer price is expressed in ecus after conversion of the prices recorded in national currency into ecus using the representative market rate;

Whereas Article 1 (3) of Commission Regulation (EEC) No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽¹⁵⁾, as last amended by Regulation (EEC) No 3116/89⁽¹⁶⁾, provides that the offer price is expressed in ecus after conversion of the prices recorded in national currency into ecus using the representative market rate;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 304, 30. 10. 1986, p. 25.

⁽⁵⁾ OJ No L 300, 18. 10. 1989, p. 14.

⁽⁶⁾ OJ No L 157, 18. 6. 1976, p. 20.

⁽⁷⁾ OJ No L 358, 8. 12. 1989, p. 26.

⁽⁸⁾ OJ No L 178, 24. 6. 1989, p. 1.

⁽⁹⁾ OJ No L 268, 1. 10. 1992, p. 48.

⁽¹⁰⁾ OJ No L 195, 11. 7. 1989, p. 11.

⁽¹¹⁾ OJ No L 195, 11. 7. 1989, p. 14.

⁽¹²⁾ OJ No L 326, 11. 11. 1989, p. 27.

⁽¹³⁾ OJ No L 21, 27. 1. 1988, p. 5.

⁽¹⁴⁾ OJ No L 300, 18. 10. 1989, p. 11.

⁽¹⁵⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽¹⁶⁾ OJ No L 300, 18. 10. 1989, p. 10.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3294/86 is hereby repealed.

Article 2

Article 1a of Regulation (EEC) No 1393/76 is hereby replaced by the following:

'Article 1a

For the purposes of comparing the offer prices with the free-at-frontier reference prices, the latter shall be converted into national currency using the agricultural conversion rate valid on the date of export indicated in the certificate referred to in Article 3 (1) of this Regulation.

However, in cases other than those referred to in Article 3 (1), the agricultural conversion rate to be used for the comparison referred to in the preceding paragraph shall be the rate valid on the date on which the customs formalities for release for free circulation are completed.'

Article 3

Article 34 of Regulation (EEC) No 1780/89 is hereby replaced by the following:

'Article 34

The agricultural conversion rate in force on the day before the publication of the notice of invitation to tender shall be used to convert the following into national currency:

- payments made prior to the issue of the removal orders referred to in Articles 9 (2), 17 (3) and 28 (1), expressed in ecus at the time when the tender is submitted,
- tendering securities as referred to in Articles 6 (2), 14 (2) and 22 (2), expressed in ecus per hectolitre of alcohol at 100 % vol,
- performance guarantees as referred to in the second indent of Article 8 (2), the second indent of Article 16 (2), the second indent of Article 24 (2)

and Article 26 (2), expressed in ecus per hectolitre of alcohol at 100 % vol,

- payments made for samples in accordance with Article 31 (1), expressed in ecus.'

Article 4

Article 3 of Regulations (EEC) No 2053/89 and (EEC) No 2054/89 is hereby replaced by the following:

'Article 3

The minimum import price shall be converted into the national currency of the Member State in which release for free circulation takes place using the agricultural conversion rate in force on the date on which the declaration of release for free circulation is accepted.'

Article 5

The second paragraph of Article 1 of Regulation (EEC) No 209/88 is hereby replaced by the following:

'The offer price shall be expressed in ecus on the basis of the prices referred to in the first paragraph, recorded in the national currency of the Member State concerned and converted into ecus using the agricultural conversion rate applicable on the day the prices in question are recorded.'

Article 6

The first subparagraph of Article 1 (3) of Regulation No 163/67/EEC is hereby replaced by the following:

'3. The offer price shall be expressed in ecus on the basis of the prices referred to in paragraph 2, recorded in the national currency of the Member State concerned and converted into ecus using the agricultural conversion rate applicable on the day the prices in question are recorded.'

Article 7

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3822/92
of 28 December 1992
fixing the agricultural conversion rates

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

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽¹⁾, and in particular Articles 1 (c) and 3 (1) thereof,

Whereas Regulation (EEC) No 3813/92 provides for the agricultural conversion rates to be fixed initially at the representative market rate for the fixed currencies and, taking account of that rate for the floating currencies, for a reference period during the month of December 1992 ;

Whereas for each floating currency a representative market rate should be adopted equal to the average of ecu rates published in the *Official Journal of the European Communities*, 'C' series, for the period 21 to 30 December 1992, and the agricultural conversion rates concerned fixed at the level of a maximum gap of - 2 points with those representative market rates ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION :

Article 1

The agricultural conversion rates are fixed at :

ECU 1 = Bfrs/Lfrs	48,5563
Dkr	8,97989
DM	2,35418
Dr	310,351
Pta	166,075
FF	7,89563
£ IRL	0,878776
Lit	2 087,00
Fl	2,65256
Esc	209,523
£	0,939052

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ See page 1 of this Official Journal.

COMMISSION REGULATION (EEC) No 3823/92

of 28 December 1992

amending Regulation (EEC) No 3016/78 laying down certain rules for applying conversion rates in the sugar and isoglucose sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3484/92⁽²⁾,

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⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 12 thereof,

Whereas Council Regulation (EEC) No 3814/92 of 28 December 1992 amending Regulation (EEC) No 1785/81 and applying the sugar sector prices provided for by that Regulation to Spain⁽⁵⁾ provided for the gran-

ting of certain aids the amount of which is determined in ecus; whereas it is accordingly necessary to determine the agricultural rate to be used for conversion into Spanish pesetas, which should depend on the operative event in question, i.e. that by which the economic purpose for which the aid is granted is achieved; whereas Commission Regulation (EEC) No 3016/78 of 20 December 1978 laying down certain rules for applying conversion rates in the sugar and isoglucose sectors⁽⁶⁾, as last amended by Regulation (EEC) No 1680/89⁽⁷⁾, should therefore be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following point XX is hereby added to the Annex to Regulation (EEC) No 3016/78:

Amount concerned	Conversion rate to be applied
'XX. Aids provided for by Regulation (EEC) No 3814/92:	
(a) Aids to beet and cane growers indicated in Article 2 (1) and (2)	Agricultural conversion rate in force on day of processing of beet/cane into sugar
(b) Aid on stocks at 31. 12. 1992 indicated in Article 2 (3)	Agricultural conversion rate in force on day of disposal of sugar as defined in Article 12 of Regulation (EEC) No 1998/78 ¹ .

Article 2

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 3. 12. 1992, p. 8.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ See page 7 of this Official Journal.

⁽⁶⁾ OJ No L 359, 22. 12. 1978, p. 11.

⁽⁷⁾ OJ No L 164, 15. 6. 1989, p. 15.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3824/92

of 28 December 1992

amending the prices and amounts fixed in ecus as a result of the monetary
realignment of September and November 1992

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾, and in particular Article 6 (3) thereof,

Whereas Article 6 of Regulation (EEC) No 1677/85 provides for the gradual and automatic dismantlement of negative monetary gaps created between two realignments within the European Monetary System; whereas such dismantlement involves, in particular, the adjustment of the agricultural conversion rates in such a way as to eliminate, 25 % of any newly created transferred monetary gaps;

Whereas the adjustment in question of the agricultural conversion rate takes effect on 1 January 1993 as far as the gaps created by the realignments of September and November 1992 are concerned;

Whereas, in accordance with paragraphs 3 and 4 of the said Article, the prices fixed in ecus and, as far as the need arises, the amounts fixed in ecus under the common agricultural policy are reduced during the dismantling stage in question so as to neutralize the increase in prices in national currency which arises as a result of the adjustment of the agricultural conversion rates;

Whereas, however, that reduction should be realized at the beginning of the marketing year 1993/94 to take account of the measures provided for in the agrimonetary arrangements starting as from 1993;

Whereas the prices fixed in ecus are to be divided by the coefficient reducing agricultural prices referred to in Article 5 of Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts ⁽³⁾, as last amended by Regulation (EEC) No 3137/91 ⁽⁴⁾; whereas this coefficient is fixed by Commission Regulation (EEC) No 3387/92 ⁽⁵⁾; whereas a similar adjustment is necessary for certain amounts fixed in ecus pursuant to Article 6 (4) (b) of Regulation (EEC) No 1677/85; whereas, however, to avoid distortion of the market,

account should be taken of the provisions of Community regulations regarding the calculation of the prices and the amounts in question;

Whereas prices and amounts fixed in ecus which depend directly on other prices fixed in ecus are directly or indirectly affected by the fall in the latter; whereas the relationships established between those prices or amounts should be respected in the framework of the market organizations;

Whereas the prices and amounts in ecus which are fixed with reference to the prices recorded on the market are either indirectly affected by the repercussions of the drop in other prices fixed in ecus, or directly linked to the world market situation; whereas in order to avoid undue reductions and to maintain the representativeness of these prices or amounts in relation to the market, they should not be considered as prices fixed in ecus within the meaning of Article 6 (3) of Regulation (EEC) No 1677/85, and the coefficient reducing agricultural prices should not be applied to those prices and amounts;

Whereas it is opportune not to apply the reducing coefficient for agricultural prices to the compensations granted in the framework of the reform of the common agricultural policy;

Whereas the measures provided for in Article 6 (3) of Regulation (EEC) No 1677/85 are motivated by the need to control the equilibrium of the agricultural markets; whereas in order to simplify the administrative implementation of the automatic dismantlement arrangements, the coefficient reducing agricultural prices should not be applied to amounts fixed in ecus which, by their nature or value, have no significant or direct effect on production, such as amounts fixed within the framework of the agricultural structural policy, amounts relating to storage costs and technical or administrative amounts;

Whereas to facilitate administration the list of prices and amounts in question should be adopted in good time;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

For the sectors referred to in the Annex, the prices and amounts mentioned shall be divided by the reducing coefficient referred to in Article 2 of Regulation (EEC)

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽⁴⁾ OJ No L 297, 29. 10. 1991, p. 17.

⁽⁵⁾ OJ No L 344, 26. 11. 1992, p. 27.

No 3387/92 and, where appropriate, adjusted in such a way as to comply with the Community regulations on detailed rules for their calculation.

Article 2

The prices and amounts resulting from the adjustments referred to in Article 1 shall be specified with effect from the date of application of that Article in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1677/85.

Article 3

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

However, Article 1 shall apply from the beginning of the marketing year 1993/94 for the concerned sector. For products with no marketing year, it shall apply from the beginning of that of the milk and milk products.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

1. CEREALS

Cereals

- 1.1. Intervention price target price and threshold price for cereals of Council Regulation (EEC) No 1766/92 of 1 July 1992 on the common organization of the market in cereals ⁽¹⁾.
- 1.2. Threshold price for cereal flours, groats and meal referred to in Article 5 of Regulation (EEC) No 1766/92.
- 1.3. Specific Aid applicable in Portugal for cereals, provided for in Regulation (EEC) No 3653/90 ⁽²⁾.

Starch products

- 1.4. Minimum price for potatoes, by starch content, referred to in Article 8 of Council Regulation (EEC) No 1766/92.
- 1.5. Premium to potato starch manufacturers referred to in Article 8 (4) of Regulation (EEC) No 1766/92.

Rice

- 1.6. Intervention price for paddy rice and target price for husked rice referred to in Article 3 (1) of 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⁾.
- 1.7. Prices referred to in point 1.6 applicable in Portugal.
- 1.8. Threshold price for round grain and long grain husked and wholly milled rice referred to in Article 14 of Regulation (EEC) No 1418/76.
- 1.9. Threshold price for broken rice referred to in Article 15 of Regulation (EEC) No 1418/76.

2. SUGAR

- 2.1. Target price for white sugar referred to in Article 2 (2) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector ⁽⁵⁾, as last amended by Regulation (EEC) No 3484/92 ⁽⁶⁾.
- 2.2. Intervention price for white sugar for the non-deficit areas referred to in Article 3 (1) (a) of Regulation (EEC) No 1785/81.
- 2.3. Intervention price for white sugar for the deficit areas referred to in Article 3 (1) (b) of Regulation (EEC) No 1785/81.
- 2.4. Intervention price for raw sugar referred to in Article 3 (2) of Regulation (EEC) No 1785/81.
- 2.5. Basic price for beet referred to in Article 4 (1) of Regulation (EEC) No 1785/81.
- 2.6. Minimum price for A beet and B beet referred to in Article 5 of Regulation (EEC) No 1785/81.
- 2.7. Prices referred to in points 2.2, 2.5, and 2.6 applicable in Spain.
- 2.8. Reimbursement referred to in Article 8 of Regulation (EEC) No 1785/81.
- 2.9. Threshold price for molasses referred to in Article 14 (4) of Regulation (EEC) No 1785/81.
- 2.10. Threshold price for white sugar referred to in Article 14 (2) of Regulation (EEC) No 1785/81.
- 2.11. Threshold price for raw sugar referred to in Article 14 (3) of Regulation (EEC) No 1785/81.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 28.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁶⁾ OJ No L 353, 3. 12. 1992, p. 8.

3. VEGETABLE OILS AND FATS

Olive oil

- 3.1. Target price for olive oil referred to in Article 4 (1) (a) of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2046/92 ⁽²⁾.
- 3.2. Intervention price for olive oil referred to in Article 4 (1) (a) of Regulation No 136/66/EEC.
- 3.3. Price referred to in point 3.2 applicable in Spain and Portugal.
- 3.4. Price increases and reductions of the intervention price referred to in Article 12 (1) of Regulation No 136/66/EEC.
- 3.5. Representative market price for olive oil referred to in Article 4 (1) (b) of Regulation No 136/66/EEC.
- 3.6. Threshold price for olive oil referred to in Article 4 (1) (b) of Regulation No 136/66/EEC.
- 3.7. Production aid for olive oil and aid for small producers referred to in Articles 5 and 5 a of Regulation No 136/66/EEC.
- 3.8. Aid referred to in point 3.7 applicable in Spain and Portugal.
- 3.9. Consumption Aids provided for in Article 1 of Regulation (EEC) No 3416/90 ⁽³⁾ and applicable in Spain and Portugal.

Flax seed

- 3.10. Guide price for flax seed referred to in Article 1 (1) of Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for flax seed ⁽⁴⁾, as last amended by Regulation (EEC) No 2048/92 ⁽⁵⁾.
- 3.11. Prices referred to in point 3.10 applicable in Spain.

4. FRUIT AND VEGETABLES

Fresh fruit and vegetables

- 4.1. Basic price and buying-in price for each type of fresh fruit and vegetable and for each period, referred to in Article 16 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽⁶⁾, as last amended by Regulation (EEC) No 1119/89 ⁽⁷⁾.
- 4.2. Minimum price per variety paid to orange producers, referred to in Article 2 of Council Regulation (EEC) No 2601/69 of 18 December 1969 laying down special measures to encourage the processing of certain varieties of oranges ⁽⁸⁾, as last amended by Regulation (EEC) No 3848/89 ⁽⁹⁾.
- 4.3. Financial compensation per variety paid to processors of oranges, referred to in Article 3 of Regulation (EEC) No 2601/69.
- 4.4. Minimum price paid to lemon producers referred to in Article 1 of Council Regulation (EEC) No 1035/77 of 17 May 1977 laying down special measures to encourage the marketing of products processed from lemons ⁽¹⁰⁾, as last amended by Regulation (EEC) No 1124/89 ⁽¹¹⁾.

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 330, 29. 11. 1990, p. 6.

⁽⁴⁾ OJ No L 67, 15. 3. 1976, p. 29.

⁽⁵⁾ OJ No L 215, 30. 7. 1992, p. 5.

⁽⁶⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁷⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁸⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽⁹⁾ OJ No L 374, 22. 12. 1989, p. 6.

⁽¹⁰⁾ OJ No L 125, 19. 5. 1977, p. 23.

⁽¹¹⁾ OJ No L 118, 29. 4. 1989, p. 28.

- 4.5. Financial compensation paid to lemon processors referred to in Article 2 of Regulation (EEC) No 1035/77.
- 4.6. Maximum withdrawal prices of certain products, decided pursuant to the last subparagraph of Article 18 (1) of Regulation (EEC) No 1035/72.
- 4.7. Reference price for each type of fresh fruit and vegetable and for each period, referred to in Article 23 of Regulation (EEC) No 1035/72.
- 4.8. Community offer price referred to in Article 318 of the Act of Accession.

Processed fruit and vegetables

- 4.9. Production aid for fruit and vegetables for processing into dried grapes, tomato concentrate, whole peeled, conserved tomatoes, tomato juice, dried figs, prunes, peaches in syrup or Williams and Rocha pears in syrup and fruit juice, referred to in Article 2 of Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾.
- 4.10. Production aid for tinned pineapple referred to in Article 1 of Council Regulation (EEC) No 525/77 of 14 March 1977, establishing a system of production aid for tinned pineapple⁽³⁾, as last amended by Regulation (EEC) No 1699/85⁽⁴⁾.
- 4.11. Minimum price paid to producers of dried grapes, tomatoes, figs, 'd'Ente' plums, peaches and Williams and Rocha pears for processing, referred to in Article 3 of Regulation (EEC) No 426/86.
- 4.12. Minimum price paid to producers of pineapples for processing referred to in Article 3 of Regulation (EEC) No 525/77.
- 4.13. Minimum import price referred to in Article 9 (1) of Regulation (EEC) No 426/86.

5. WINE

- 5.1. Guide price for each type of table wine, referred to in Article 27 (2) of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽⁵⁾, as last amended by Regulation (EEC) No 1756/92⁽⁶⁾.
- 5.2. Aid to distillers for each type of product obtained, aid to fortifiers of wine for distillation, buying-in price for each type of neutral alcohol delivered into intervention and reduction for raw alcohol, EAGGF Guarantee Section contribution to intervention expenditure, for the distillation of by-products referred to in Article 35 of Regulation (EEC) No 822/87.
- 5.3. Aid to distillers for each type of product obtained, aid to fortifiers of wine for distillation, buying-in price for neutral alcohol delivered into intervention and reduction of raw alcohol, EAGGF Guarantee Section contribution to intervention expenditure, for the distillation of wine other than table wine, referred to in Article 36 of Regulation (EEC) No 822/87.
- 5.4. Aid to distillers for each type of wine distilled and for each type of product obtained, aid to fortifiers of wine for distillation for each type of wine processed, for the preventive distillation of table wines referred to in Article 38 of Regulation (EEC) No 822/87.
- 5.5. Aid to distillers for each type of wine distilled and for each type of product obtained, aid to fortifiers of wine for distillation for each type of wine processed, for the support distillation of table wines referred to in Article 41 of Regulation (EEC) No 822/87.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 48.

⁽⁴⁾ OJ No L 163, 22. 6. 1985, p. 12.

⁽⁵⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁶⁾ OJ No L 180, 1. 7. 1992, p. 27.

- 5.6. Aid to distillers for each type of wine distilled and for each type of product obtained, aid to fortifiers of wine for distillation for each type of wine processed, for the distillation of table wines under the special price-support guarantee measures, referred to in Article 42 of Regulation (EEC) No 822/87.
- 5.7. Aid for grape must for use in winemaking and feedingstuffs, referred to in Article 45 of Regulation (EEC) No 822/87.
- 5.8. Aid for grape musts for use in the manufacturing of certain products in the United Kingdom and in Ireland, aid for grapes and grape must for use in the manufacturing of grape juice, referred to in Article 46 of Regulation (EEC) No 822/87.
- 5.9. Reductions in the buying-in price for wine delivered for distillation, referred to in Article 44 of Regulation (EEC) No 822/87.
- 5.10. Reference price for each type of wine, grape juice or grape must, referred to in Article 53 (1) of Regulation (EEC) No 822/87.
- 5.11. Free-at-frontier reference price for each type of wine, grape juice or grape must, and for each third country concerned, resulting from the prices mentioned in point 5.10.

6. FIBRE PLANTS

Flax and hemp

- 6.1. Aid for flax grown for fibre and for hemp referred to in Article 4 of Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp⁽¹⁾, as last amended by Regulation (EEC) No 2057/92⁽²⁾.
- 6.2. Amounts of aid to be withheld with a view to promoting the sale of flax products, referred to in Article 2 of Regulation (EEC) No 1308/70.

Silkworms

- 6.3. Aid for silkworms referred to in Article 2 (1) of Council Regulation (EEC) No 845/72 of 24 April 1972 laying down special measures to encourage silkworm rearing⁽³⁾, as last amended by Regulation (EEC) No 2059/92⁽⁴⁾.

Cotton

- 6.4. Guide price for unginned cotton referred to in Article 2 of Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽⁵⁾, as last amended by Regulation (EEC) No 2053/92⁽⁶⁾.
- 6.5. Minimum price for unginned cotton referred to in Article 9 of Regulation (EEC) No 2169/81.
- 6.6. Aid in favour of small producers provided for in Article 1 of Council Regulation (EEC) No 1152/90⁽⁷⁾, as last amended by Regulation (EEC) No 2054/92⁽⁸⁾.

7. OTHER PLANT PRODUCTS

Seeds

- 7.1. Production aid for each species or group of varieties fixed for the marketing year in question, referred to in Article 3 of Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽⁹⁾, as last amended by Regulation (EEC) No 1740/91⁽¹⁰⁾.
- 7.2. Aid referred to in point 7.1 applicable in Spain and Portugal.
- 7.3. Reference price for hybrid maize and hybrid grain sorghum for sowing, referred to in Article 6 of Regulation (EEC) No 2358/71.

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 16.

⁽³⁾ OJ No L 100, 27. 4. 1972, p. 1.

⁽⁴⁾ OJ No L 215, 30. 7. 1992, p. 19.

⁽⁵⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽⁶⁾ OJ No L 215, 30. 7. 1992, p. 12.

⁽⁷⁾ OJ No L 116, 8. 5. 1990, p. 1.

⁽⁸⁾ OJ No L 215, 30. 7. 1992, p. 13.

⁽⁹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽¹⁰⁾ OJ No L 163, 26. 6. 1991, p. 39.

Tobacco

- 7.4. Norm price for each variety, referred to in Article 2 of Council Regulation (EEC) No 727/70 on 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 860/92 ⁽²⁾.
- 7.5. Intervention price and derived intervention price for baled tobacco of each variety, referred to in Article 6 of Regulation (EEC) No 727/70.
- 7.6. Premium for each variety, referred to in Article 3 of Regulation (EEC) No 727/70.

Hemp seed

- 7.7. Aid for hemp seed referred to in Article 1 of Council Regulation (EEC) No 3698/88 of 24 November 1988 laying down special measures for hemp seed ⁽³⁾, as last amended by Regulation (EEC) No 2050/92 ⁽⁴⁾.

Floriculture

- 7.8. Minimum export prices referred to in Article 7 of Council Regulation (EEC) No 234/68 of 27 February 1968 on the common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage ⁽⁵⁾, as last amended by Regulation (EEC) No 3991/87 ⁽⁶⁾.

Hops

- 7.9. Aid to hops producers for the groups of aromatic, bitter and other varieties referred to in Article 12 of Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽⁷⁾, as last amended by Regulation (EEC) No 3124/92 ⁽⁸⁾.

Dried fodder

- 7.10. Guide price for dried fodder referred to in Article 4 (1) of Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder ⁽⁹⁾, as last amended by Regulation (EEC) No 2275/89 ⁽¹⁰⁾.
- 7.11. Difference between the aid for dehydrated fodder and the aid for fodder otherwise dried, referred to in the second subparagraph of Article 5 (2) of Regulation (EEC) No 1117/78.

Peas, field beans and sweet lupins

- 7.12. Guide price for peas and field beans referred to in Article 1 (1) (b) of Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹¹⁾, as last amended by Regulation (EEC) No 1104/88 ⁽¹²⁾.
- 7.13. Activating threshold price for aid for peas and field beans, and for sweet lupins, referred to in Article 1 (1) (a) of Regulation (EEC) No 1431/82.
- 7.14. Aid for lentils, chick-peas and vetches referred to in Article 1 of Council Regulation (EEC) No 762/89 of 20 March 1989 introducing a specific measure for certain grain legumes ⁽¹³⁾.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 91, 7. 4. 1992, p. 1.

⁽³⁾ OJ No L 325, 29. 11. 1988, p. 2.

⁽⁴⁾ OJ No L 215, 30. 7. 1992, p. 8.

⁽⁵⁾ OJ No L 55, 2. 3. 1968, p. 1.

⁽⁶⁾ OJ No L 377, 31. 12. 1987, p. 19.

⁽⁷⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽⁸⁾ OJ No L 313, 30. 10. 1992, p. 1.

⁽⁹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽¹⁰⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽¹¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽¹²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽¹³⁾ OJ No L 80, 23. 3. 1989, p. 76.

8. MILK AND MILK PRODUCTS

- 8.1. Target price for milk referred to in Article 3 (4) of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾.
- 8.2. Intervention price for butter, skimmed-milk powder, Grana padano and Parmigiano reggiano cheeses referred to in Article 5 (1) of Regulation (EEC) No 804/68.
- 8.3. Intervention price for skimmed-milk powder mentioned in point 8.2 and applicable in Portugal.
- 8.4. Threshold price for certain milk products referred to in Article 4 of Regulation (EEC) No 804/68.
- 8.5. Amounts adjusting the threshold prices for products in Group II and referred to in Article 8 of Council Regulation (EEC) No 2915/79 ⁽³⁾, as last amended by Regulation (EEC) No 3798/91 ⁽⁴⁾.
- 8.6. Free-at-frontier values for certain cheeses referred to in Annex I to Commission Regulation (EEC) No 1767/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 1502/90 ⁽⁶⁾.
- 8.7. Special levy applicable to New Zealand butter referred to in Article 3 of Council Regulation (EEC) No 2967/89 ⁽⁷⁾, as last amended by Regulation (EEC) No 3841/92 ⁽⁸⁾.
- 8.8. Aid to skimmed milk processed into casein and caseinates referred to in Article 11 of Regulation (EEC) No 804/68.
- 8.9. Range of aid for skimmed-milk powder intended for animal feed referred to in Article 2a (3) of Council Regulation (EEC) No 986/68 ⁽⁹⁾, as last amended by Regulation (EEC) No 1115/89 ⁽¹⁰⁾.
- 8.10. Aids to skimmed milk and skimmed-milk powder intended for animal feed referred to in Article 10 of Regulation (EEC) No 804/68.
- 8.11. Aid for the purchase of butter by non-profitmaking institutions and organizations, referred to in Article 1 of Commission Regulation (EEC) No 2191/81 ⁽¹¹⁾, as last amended by Regulation (EEC) No 1497/91 ⁽¹²⁾.
- 8.12. Aid for the purchase of butter by persons receiving social assistance, referred to in Article 1 of Commission Regulation (EEC) No 2990/82 ⁽¹³⁾, as last amended by Regulation (EEC) No 3917/90 ⁽¹⁴⁾.

9. OTHER ANIMAL PRODUCTS**Beef and veal**

- 9.1. Guide price referred to in Article 3 (1) of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁵⁾, as last amended by Regulation (EEC) No 2066/92 ⁽¹⁶⁾.
- 9.2. Intervention price referred to in Article 6 of Regulation (EEC) No 805/68.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 357, 28. 12. 1991, p. 3.

⁽⁵⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 141, 2. 6. 1990, p. 5.

⁽⁷⁾ OJ No L 281, 30. 9. 1989, p. 114.

⁽⁸⁾ OJ No L 390, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 169, 18. 7. 1968, p. 4.

⁽¹⁰⁾ OJ No L 118, 29. 4. 1989, p. 7.

⁽¹¹⁾ OJ No L 213, 1. 8. 1981, p. 20.

⁽¹²⁾ OJ No L 140, 4. 6. 1991, p. 19.

⁽¹³⁾ OJ No L 314, 10. 11. 1982, p. 26.

⁽¹⁴⁾ OJ No L 375, 31. 12. 1990, p. 12.

⁽¹⁵⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽¹⁶⁾ OJ No L 215, 30. 7. 1992, p. 49.

Sheepmeat and goatmeat

- 9.3. Basic price for fresh or chilled sheep carcasses, and seasonally adjusted basic price for fresh or chilled sheep carcasses, referred to in Article 3 of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) no 2069/92 ⁽²⁾.

Pigmeat

- 9.4. Basic price for pig carcasses referred to in Article 4 (1) of Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽³⁾, as last amended by Regulation (EEC) No 1249/89 ⁽⁴⁾.

10. FISHERY PRODUCTS

- 10.1. Guide price for each product and each period, referred to in Article 9 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery products ⁽⁵⁾
- 10.2. Community withdrawal price and Community selling price referred to in Articles 11 and 13 of Regulation (EEC) No 3759/92.
- 10.3. Standard value to be deducted from the financial compensation referred to in Article 12 (5) of Regulation (EEC) No 3759/92.
- 10.4. Community producer price for tuna referred to in Article 17 of Regulation (EEC) No 3759/92.
- 10.5. Guaranteed minimum price referred to in Article 2 of Council Regulation (EEC) No 3117/85 of 4 November 1985 laying down general rules on the granting of compensatory indemnities in respect of sardines ⁽⁶⁾, as last amended by Regulation (EEC) No 3940/87 ⁽⁷⁾.
- 10.6. Compensatory indemnity for Mediterranean sardines referred to in Article 3 of Regulation (EEC) No 3117/85.
- 10.7. Reference price referred to in Articles 22 and 23 of Regulation (EEC) No 3759/92.
11. Specific measures provided for in Council Regulation (EEC) No 3763/91 ⁽⁸⁾, (EEC) No 1600/92 ⁽⁹⁾ and (EEC) No 1601/92 ⁽¹⁰⁾.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.
⁽²⁾ OJ No L 215, 30. 7. 1992, p. 59.
⁽³⁾ OJ No L 282, 1. 11. 1975, p. 19.
⁽⁴⁾ OJ No L 129, 11. 5. 1989, p. 12.
⁽⁵⁾ OJ No L 388, 31. 12. 1992, p. 1.
⁽⁶⁾ OJ No L 297, 9. 11. 1985, p. 1.
⁽⁷⁾ OJ No L 373, 31. 12. 1987, p. 6.
⁽⁸⁾ OJ No L 356, 24. 12. 1991, p. 1.
⁽⁹⁾ OJ No L 173, 27. 6. 1992, p. 1.
⁽¹⁰⁾ OJ No L 173, 27. 6. 1992, p. 13.

COMMISSION REGULATION (EEC) No 3825/92

of 28 December 1992

fixing the quotas applying to imports into Spain of beef and veal products from third countries

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 491/86 of 25 February 1986 laying down rules for the application of quantitative restrictions on imports into Spain of certain agricultural products from third countries⁽¹⁾, as amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Articles 1 (3) and 3 thereof,

Whereas, pursuant to Article 77 of the Act of Accession, Spain may, until 31 December 1985, apply quantitative restrictions on imports from third countries; whereas the said restrictions concern products which are subject to the supplementary trade mechanism in the case of beef and veal; whereas the initial quotas in volume were fixed in respect of each product or group of products by Commission Regulation (EEC) No 1870/86⁽³⁾;

Whereas Commission Regulation (EEC) No 3831/92 of 28 December 1992 amending Regulation (EEC) No 816/89 establishing the list of products subject to the supplementary trade mechanism in the fruit and vegetables sector and determining the products which, in the

case of deliveries to Spain, remain subject to that mechanism, restricts to live bovine animals the application of the STM in the beef and veal sector⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The quotas for 1993 applying to imports into Spain of beef and veal products from third countries, referred to in Annex III to Regulation (EEC) No 491/86 under the supplementary trade mechanism, are fixed in the Annex to this Regulation.

2. Articles 1 (3), 2 and 3 of Regulation (EEC) No 1870/86 shall remain applicable.

Article 2

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

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 25.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 162, 18. 6. 1986, p. 16.

⁽⁴⁾ See page 47 of this Official Journal.

ANNEX

Group	CN code	Description	Quotas 1993
1	0102 90	Live animals of the bovine species other than pure-bred breeding animals and animals for bullfights (head)	1 250

COMMISSION REGULATION (EEC) No 3826/92**of 28 December 1992****amending the indicative ceilings fixed by Regulation (EEC) No 3810/91 in the framework of the supplementary trade mechanism for trade with Spain and Portugal in the beef and veal sector**

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

Having regard to the Act of Accession of Spain and Portugal, and in particular for Spain Article 83 and for Portugal Article 251 thereof,

Whereas Commission Regulation (EEC) No 3810/91⁽¹⁾, as amended by Regulation (EEC) No 2934/92⁽²⁾ lays down the detailed rules for the application of the supplementary trade mechanism to trade in the beef and veal sector, and in particular the indicative ceilings relating to certain groups of products which can be imported into Spain and Portugal from the Community as constituted on 31 December 1985; whereas Commission Regulation (EEC) No 3831/92 of 28 December 1992 amending Regulation (EEC) No 816/89 establishing the list of products subject to the supplementary trade mechanism in the fruit and vegetables sector and determining the products which, in the case of deliveries to Spain, remain subject to that mechanism, restricts to live bovine animals the application of the STM in the beef and veal sector⁽³⁾;

Whereas a significant increase in these ceilings for 1993, with full account taken of trends in the Spanish and Portuguese markets, is necessary to facilitate the integration of these two countries into the Community market;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EEC) No 3810/91 are hereby replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 357, 28. 12. 1991, p. 53.

⁽²⁾ OJ No L 293, 9. 10. 1992, p. 10.

⁽³⁾ See page 47 of this Official Journal.

ANNEX I

Group I	CN code	Description	Indicative ceiling 1993
1	0102 90	Live animals of the bovine species other than pure-bred breeding animals and animals for bullfights (head)	275 000 head of which : January/February : 60 000 March/April : 60 000 May/June : 35 000 July/August : 35 000 September/October : 40 000 November/December : 45 000

ANNEX II

Group I	CN code	Description	Indicative ceiling 1993
1	ex 0102 90	Live animals of the domestic bovine species other than pure-bred breeding animals for bullfights (head)	22 000 head of which : January/February : 5 000 March/April : 5 000 May/June : 2 000 July/August : 2 000 September/October : 4 000 November/December : 4 000
2	0201 10 0201 20	— Meat of animals of the bovine species, fresh or chilled, bone-in	40 000 tonnes of which : January/February : 7 500 March/April : 7 500 May/June : 5 000 July/August : 5 000 September/October : 7 500 November/December : 7 500
3	0201 30	— Meat of animals of the bovine species, fresh or chilled, boneless (tonnes equivalent carcase weight)	
4	0202 10 0202 20	— Meat of animals of the bovine species, fresh or chilled, bone-in	5 000 tonnes of which : January/February : 900 March/April : 900 May/June : 800 July/August : 800 September/October : 800 November/December : 800
5	0202 30	— Meat of animals of the bovine species, frozen, boneless (tonnes equivalent carcase weight)	

COMMISSION REGULATION (EEC) No 3827/92

of 28 December 1992

amending Regulation (EEC) No 606/86 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten and Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 83 (1) thereof,

Having regard to Council Regulation (EEC) No 3817/92 of 28 December 1992 laying down general rules for applying the supplementary trade mechanism⁽¹⁾, applicable to deliveries to Spain of products other than fruit and vegetables, and in particular Article 9 thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽²⁾, as last amended by Regulation (EEC) No 3296/88⁽³⁾, and in particular the first subparagraph of Article 5 (1) thereof,

Whereas, pursuant to the Act of Accession of Spain and Portugal, indicative ceilings should be set for 1993 for imports into Spain from the Community of Ten and from Portugal; whereas, given the potential for exports from the Community of Ten and from Portugal and in order to continue to open up the Spanish market gradually, the said ceilings should be increased by 30 %; whereas to this end the Annex to Commission Regulation (EEC) No 606/86⁽⁴⁾, as last amended by Regulation (EEC) No 705/92⁽⁵⁾, should be replaced by the Annex hereto;

Whereas following the adoption of Commission Regulation (EEC) No 3831/92⁽⁶⁾ removing certain milk products from the list of products covered by the supplementary

trade mechanism certain provisions of Regulation (EEC) No 606/86 should be adjusted;

Whereas the measures provided for in this Regulation are in accordance within the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 606/86 is hereby amended as follows:

1. in Article 1 (1) '1992' is replaced by '1993';
2. Article 2 (2) and (3) is deleted;
3. Article 2a is deleted;
4. the second subparagraph of Article 3 (1) is deleted;
5. Article 4 is replaced by the following:

'Article 4

The security indicated in Article 1 (3) of Regulation (EEC) No 569/86 shall for the products appearing in the Annex hereto be

— ECU 4 per 100 kilograms for products not concentrated nor containing added sugar or other sweetening matter, in immediate packings of a net content not exceeding two litres, of CN codes 0401, 0403 and 0404⁷;

6. the Annex is replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ See page 12 of this Official Journal.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽³⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽⁴⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁵⁾ OJ No L 75, 21. 3. 1992, p. 29.

⁽⁶⁾ See page 47 of this Official Journal.

ANNEX

Indicative ceilings

(tonnes)		
CN code	Description	Quantity Community of Ten and Portugal
ex 0401	Milk and cream not concentrated nor containing added sugar or other sweetening matter, other than in immediate packings of a net content not exceeding two litres	147 706
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated or containing added sugar or other sweetening matter, nor flavoured, nor containing added fruit or cocoa other than in immediate packings of a net content not exceeding two litres	
ex 0404	Whey, not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, other than in immediate packings of a net content not exceeding two litres	

COMMISSION REGULATION (EEC) No 3828/92
of 28 December 1992

repealing Regulation (EEC) No 581/86 laying down detailed rules for the application of the system of accession compensatory amounts and fixing accession compensatory amounts in the sugar sector

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 469/86 of 25 February 1986 laying down rules for the system of accession compensatory amounts in the sugar sector⁽¹⁾, and in particular Article 7 (1) thereof,

Whereas Article 1 of Council Regulation (EEC) No 3814/92 of 28 December 1992 amending Regulation (EEC) No 1785/81 and applying in Spain the sugar sector prices provided for by that Regulation⁽²⁾, provides that the alignment specified in Article 70 of the sugar and beet prices applicable in Spain is to be effected on 1 January 1993 at the levels that it sets; whereas in the case of Portugal official prices for beet and sugar have been aligned on the common prices since 1 July 1992;

Whereas Articles 72 and 240 of the Act of Accession provided for price differences between Spain and Portugal and the other parts of the Community to be offset by

compensatory amounts; whereas there are no longer any such differences for either Spain or Portugal; whereas for the sake of legal clarity Commission Regulation (EEC) No 581/86 of 28 February 1986 laying down detailed rules for the application of the system of accession compensatory amounts and fixing accession compensatory amounts in the sugar sector⁽³⁾, as last amended by Regulation (EEC) No 1800/92⁽⁴⁾, should therefore be repealed with effect from 1 January 1993;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 581/86 is hereby repealed.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 32.

⁽²⁾ See page 7 of this Official Journal.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 27.

⁽⁴⁾ OJ No L 182, 2. 7. 1992, p. 81.

COMMISSION REGULATION (EEC) No 3829/92
of 28 December 1992

**laying down detailed rules for applying the supplementary mechanism
applicable from 1993 to imports into Spain of products other than fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 3817/92 of 28 December 1992⁽¹⁾, laying down the general rules for applying the supplementary mechanism applicable to imports into Spain of products other than fruit and vegetables, and in particular Article 9 thereof,

Whereas detailed rules must be adopted for Regulation (EEC) No 3817/92 to function;

Whereas Commission Regulation (EEC) No 574/86⁽²⁾, as last amended by Regulation (EEC) No 3296/88⁽³⁾, lays down the detailed rules for the application to the supplementary trade mechanism provided for in Regulation (EEC) No 569/86⁽⁴⁾; whereas these rules cover various situations, including those concerned by Regulation (EEC) No 3817/92; whereas Regulation (EEC) No 574/86 may accordingly be used to apply Regulation (EEC) No 3817/92, subject to certain amendments;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The provisions of Regulation (EEC) No 574/86 shall apply, in so far as is necessary, for the supplementary trade mechanism provided for in Regulation (EEC) No 3817/92, save as otherwise provided in paragraph 2.

2. For the purpose of applying Regulation (EEC) No 3817/92 and Article 7 of Regulation (EEC) No 574/86, copy No 4 of the internal Community transit document stamped by the office of destination, for use in accordance with the provisions of Article 3 (3) (b) of Council of Regulation (EEC) No 2726/90⁽⁵⁾, shall be considered a declaration of entry for consumption in Spain.

The provisions of the previous subparagraph shall not preclude the use of simplified Community transit procedures. They may not, however, be treated as a ground for checks at the frontier.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ See page 12 of this Official Journal.

⁽²⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽³⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽⁴⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽⁵⁾ OJ No L 262, 26. 9. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3830/92

of 28 December 1992

relative to the suppression of customs duties and fixed components to trade between the Community of Ten and Spain and to the application by Spain of the duties from the Common Customs Tariff to trade with non-member countries from 1 January 1993

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 75 (4) thereof,

Whereas the Act of Accession provides for the possibility of suppressing the customs duties and other components applicable to trade of agricultural products between Spain and the Community of Ten; that the same dispositions allow for an accelerated alignment of customs duties from Spain to the Common Customs Tariff; that the same rule is applicable under Article 78 of the Act for the reduction in Spain of the fixed components designed to ensure the protection of the processing industry;

Whereas Spain has put a request in this direction;

Whereas the completion of the single market without internal frontiers as from 1 January 1993 makes necessary the suppression of customs duties and other components to trade between the Community of Ten and Spain and the application of the same import customs duties to trade with non-member countries;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1993:

- Spain suppresses trade with the Community of Ten of products subject to common organization of the market, customs duties and fixed components intended to ensure protection of the processing industry,
- customs duties and fixed components intended to ensure protection of the processing industry applicable by the Community of Ten on imports from Spain are suppressed.

2. From 1 January 1993 Spain applies the customs duties applicable by the Community of Ten to trade with non-member countries.

Article 2

This Regulation shall enter into force from 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3831/92
of 28 December 1992

amending Regulation (EEC) No 816/89 establishing the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector and determining the products which, in the case of deliveries to Spain, remain subject to that mechanism

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal and in particular Article 81 (3) thereof,

Whereas the completion of the single market on 1 January 1993 implies the abolition of trade barriers not only between the Member States of the Community as constituted at 31 December 1985 but also, insofar as possible, between those States and the new Member States; whereas application of the supplementary trade mechanisms (STM), as regards trade with Spain, should accordingly cease in all cases where it is not strictly necessary;

Whereas experience has shown that continued application of the mechanism in the case of trade with Spain is not necessary to ensure:

- equilibrium on the Community market as constituted at 31 December 1985 except in the case of certain of the products covered by Commission Regulation (EEC) No 816/89⁽¹⁾
- equilibrium on the Spanish market except in the case of live bovine animals and milk in small packings;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the *ad hoc* committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Annex to Regulation (EEC) No 816/89 is replaced by the Annex to this Regulation.

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

Done at Brussels, 28 December 1992.

2. In the case of deliveries to Spain, the following products only shall continue to be subject to the supplementary trade mechanism provided for in Article 81 of the Act of Accession of Spain and Portugal:

CN code	Description
ex 0401	Milk and cream, not concentrated or containing added sugar or other sweetening matter, in packings of a net content not exceeding two litres
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa, in packings of a net content not exceeding two litres
ex 0404	Whey, not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, in packings of a net content not exceeding two litres
0102 90	Live bovine animals, other than pure-bred breeding animals and animals for bullfights

Article 2

This Regulation shall enter into force on 1 January 1993.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 86, 31. 3. 1989, p. 35.

ANNEX

List of products in the fruit and vegetable sector subject to the STM on import from Spain into the Community as constituted at 31 December 1985

CN code	Product
0702 00	Tomatoes
0709 10 00	Artichokes
0807 10 90	Melons (excluding watermelons)
0809 10 00	Apricots
ex 0809 30 00	Peaches (excluding nectarines)
0810 10	Strawberries

COMMISSION REGULATION (EEC) No 3832/92

of 28 December 1992

abolishing security for STM licences applicable from 1 January 1993 to deliveries
into Spain of products other than fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 3817/92
of 28 December 1992⁽¹⁾ laying down general rules for
applying the supplementary trade mechanism to imports
into Spain of products other than fruit and vegetables, and
in particular Article 9 thereof,

Whereas Article 1 paragraph 3 of the abovementioned
Regulation provides that the issuing of STM licences is
not compulsorily subject to the provision of a security;
that this possibility has been created with a view to facili-
tate trade for the concerned products; it is necessary to
use this possibility stipulating that there is no need to
constitute a security at the time of lodging and applica-
tion for the STM licences concerned;

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

Article 1

STM licences for which applications are lodged from
1 January 1993 for deliveries to Spain are not subject to
the following provisions:

- Article 8 of Commission Regulation (EEC)
No 3810/91⁽²⁾ (beef),
- Article 4 of Commission Regulation (EEC)
No 606/86⁽³⁾ (milk products).

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ See page 12 of this Official Journal.

⁽²⁾ OJ No L 357, 28. 12. 1991, p. 53.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

COMMISSION REGULATION (EEC) No 3833/92

of 28 December 1992

determining the rate at which the components intended to ensure protection of cereals and rice processing in Portugal are to be dismantled and fixing the amount thereof for 1993

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⁾,

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 1806/89 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 3653/90 of 11 December 1990 laying down transitional measures governing the common organization of the market in cereals and rice in Portugal ⁽⁵⁾, and in particular Article 10 (1) thereof,

Whereas Regulation (EEC) No 3653/90 provided for dismantling over a period of 10 years from 1 January 1991 of the charges on imports from the other Member States into Portugal constituting the fixed components intended to protect Portuguese cereal and rice processing; whereas, however, in the case of rice the dismantling process provided for in Article 286 (3) of the Act of Accession should continue to be applicable;

Whereas the base amounts to be adopted for dismantling or approximation are those set by Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁶⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁷⁾, and those listed in Annex XXIV to the Act of Accession;

Whereas pursuant to Article 287 of the Act of Accession the gap between the fixed components applied in Portugal during the first stage of accession and those forming part of the charge on imports from third countries are to be reduced on 1 January 1993 to 49,9 % of the previous amount; whereas it is this new gap that should be used in determining the fixed components applicable in Portugal;

Whereas the fixed components are an import charge forming part of the imports levy; whereas from 1 January 1991 the levy applicable in the Community also applies in Portugal; whereas the provisions of Article 287 of the Act of Accession require that the residual gap between the fixed components applicable in Portugal and these applicable in the Community be fixed, this new gap being added to the levy applicable in Portugal to imports from third countries;

Whereas, however, both Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽⁸⁾, as last amended by Regulation (EEC) No 523/91 ⁽⁹⁾ and Council Regulation (EEC) No 3877/86 of 16 December 1986 on imports of rice of the long-grain aromatic Basmati variety of CN codes 1006 10, 1006 20 and 1006 30 ⁽¹⁰⁾, as amended by Regulation (EEC) No 3130/91 ⁽¹¹⁾, apply to Portuguese imports of the products to which they relate;

Whereas a full table of the components intended to protect processing of cereals and rice should be published;

Whereas this Regulation entails the repeal of Commission Regulation (EEC) No 3778/91 of 18 December 1991 determining for 1992 the components intended to ensure protection of cereals and rice processing in Portugal ⁽¹²⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Dismantling of the fixed components mentioned in Article 273 of the Act of Accession intended to protect processing of cereals and rice shall, where intra-Community trade is concerned, be effected:

⁽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 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 362, 27. 12. 1990, p. 28.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁷⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽¹⁰⁾ OJ No L 361, 20. 12. 1986, p. 1.

⁽¹¹⁾ OJ No L 297, 29. 10. 1991, p. 1.

⁽¹²⁾ OJ No L 356, 27. 12. 1991, p. 46.

- for products made from cereals, in 10 equal stages of 10 %, or more if necessary, to prevent the protection applicable in trade between Portugal and the other Member States from exceeding that applicable in trade between Portugal and third countries,
- for products made from rice, as provided for in Article 286 (3) of the Act of Accession.

Article 2

1. On importation into Portugal from other Member States of products covered by Regulations (EEC) No 2727/75 and (EEC) No 1418/76 a component intended to protect processing in Portugal shall be charged the amount indicated in column 3 of the Annex to this Regulation.

2. The levy applied on importation into Portugal of products listed in Annex XXIV to the Act of Accession from third countries shall, without prejudice to Articles 12 and 14 of Regulation (EEC) No 715/90 or to Regulation (EEC) No 3877/86 be increased by the amount shown in column 4 of the Annex to this Regulation.

3. The amounts indicated in the Annex shall be valid from 1 January to 31 December 1993.

Article 3

Regulation (EEC) No 3778/91 is hereby repealed.

Article 4

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

FIXED COMPONENTS APPLICABLE IN PORTUGAL IN 1993

(ECU/tonne)

CN code	Description	Fixed components applicable in Portugal	Amount to be added to levy in Portugal
(1)	(2)	(3)	(4)
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh or dried, whether or not sliced or in the form of pellets; sago pith:		
0714 10	— manioc (cassava):	2,11	—
0714 10 10	— — Pellets of flour and meal		
	— — Other:		
0714 10 91	— — — Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	—	—
0714 10 99	— — — Other:	2,11	—
0714 90	— Other:		
	— — Arrowroot, salep and similar roots and tubers with high starch content:		
0714 90 11	— — — Of a kind used for humans consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	—	—
0714 90 19	— — — Other:	2,11	—
1006 30	— Semi-milled or wholly milled rice, whether or not polished or glazed:		
	— — Semi-milled rice:		
	— — — Parboiled:		
1006 30 21	— — — — Round grain	13,97	7,46
1006 30 23	— — — — Medium grain	13,97	7,50
	— — — — Long grain:		
1006 30 25	— — — — — Of a length/width ratio greater than 2 but not less than 3	13,97	7,50
1006 30 27	— — — — — Of a length/width ratio equal to or greater than 3	13,97	7,50
	— — — Other:		
1006 30 42	— — — — Round grain	13,97	7,46
1006 30 44	— — — — Medium grain	13,97	7,50
	— — — — Long grain:		
1006 30 46	— — — — — Of a length/width ratio greater than 2 but less than 3	13,97	7,50
1006 30 48	— — — — — Of a length/width ratio greater than 2 but less than 3	13,97	7,50
	— — Wholly milled rice:		
	— — — Parboiled:		
1006 30 61	— — — — Round grain	14,97	8,03
1006 30 63	— — — — Medium grain	14,97	8,03
	— — — — Long grain:		
1006 30 65	— — — — — Of a length/width ratio greater than 2 but not less than 3	14,97	8,03
1006 30 67	— — — — — Of a length/width ratio equal to or greater than 3	14,97	8,03
	— — — Other:		
1006 30 92	— — — — Round grain	14,97	8,03
1006 30 94	— — — — Medium grain	14,97	8,03
	— — — — Long grain:		
1006 30 96	— — — — — Of a length/width ratio greater than 2 but less than 3	14,97	8,03
1006 30 98	— — — — — Of a length/width ratio equal to or greater than 3	14,97	8,03

(ECU/tonne)			
(1)	(2)	(3)	(4)
1101 00 00	Wheat or meslin flour (1)	21,00	3,66
1102	Cereals flours other than of wheat or meslin (1):		
1102 10 00	— Rye flour	21,00	3,66
1102 20	— Maize (corn) flour:		
1102 20 10	— — Of a fat content not exceeding 1,5 by weight	4,23	—
1102 20 90	— — Other:	2,11	—
1102 30 00	— Rice flour	1,51	—
1102 90	— Other:		
1102 90 10	— — Oat flour	4,23	—
1102 90 30	— — Oat flour	4,23	—
1102 90 90	— — Other	2,11	—
1103	Cereals groats, meal and pellets (1):		
	— Groats and meal:		
1103 11	— — Of wheat:		
	— — — Durum wheat:		
1103 11 30	— — — — Groats	21,00	3,66
1103 11 50	— — — — Meal	21,00	3,66
1103 11 90	— — — Common wheat and spelt	22,40	4,66
1103 12 00	— — Of oats	4,23	—
1103 13	— — Of maize (corn):		
	— — — Of a fat content not exceeding 1,5 % by weight:		
1103 13 11	— — — — For the brewing industry	4,23	—
1103 13 19	— — — — Other	4,23	—
1103 13 90	— — — Other	2,11	—
1103 14 00	— — Of rice	1,51	—
1103 19	— — Of other cereals:		
1103 19 10	— — — Of rye	4,23	—
1103 19 30	— — — Of barley	4,23	—
1103 19 90	— — — Other	2,11	—
	— Pellets:		
1103 21 00	— — Of wheat	4,23	—
1103 29	— — Of other cereals:		
1103 29 10	— — — Of rye	4,23	—
1103 29 20	— — — Of barley	4,23	—
1103 29 30	— — — Of oats	4,23	—
1103 29 40	— — — Of maize	4,23	—
1103 29 50	— — — Of rice	1,51	—
1103 29 90	— — — Other:	2,11	—
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006; germs of cereals, whole, rolled, flaked or ground (1):		
	— Rolled or flaked grains:		
1104 11	— — Of barley:		
1104 11 10	— — — Rolled	2,11	—
1104 11 90	— — — Flaked	4,23	—
1104 12	— — Of oats:		
1104 12 10	— — — Rolled	2,11	—
1104 12 90	— — — Flaked	4,23	—
1104 19	— — Of other cereals:		
1104 19 10	— — — Of wheat	4,23	—

(ECU/tonne)

(1)	(2)	(3)	(4)
1104 19 30	— — — Of rye	4,23	—
1104 19 50	— — — Of maize	4,23	—
	— — — Other :		
1104 19 91	— — — — Flaked rice	3,01	—
1104 19 99	— — — — Other :	4,23	—
	— Other worked grains (for example, hulled, pearled, sliced or kibbled):		
1104 21	— — Of barley :		
1104 21 10	— — — Hulled (shelled or husked)	2,11	—
1104 21 30	— — — Hulled and sliced or kibbled ('Grütze' or 'grutten')	2,11	—
1104 21 50	— — — Pearled	4,23	—
1104 21 90	— — — Not otherwise worked than kibbled	2,11	—
1104 22	— — Of oats :		
1104 22 10	— — — Hulled (shelled or husked)	2,11	—
1104 22 30	— — — Hulled and sliced or kibbled ('Grütze' or 'grutten')	2,11	—
1104 22 50	— — — Pearled	2,11	—
1104 22 90	— — — Not otherwise worked than kibbled	2,11	—
1104 23	— — Of maize :		
1104 23 10	— — — Hulled (shelled or husked) whether or not sliced or kibbled	2,11	—
1104 23 30	— — — Pearled	2,11	—
1104 23 90	— — — Not otherwise worked than kibbled	2,11	—
1104 29	— — Of other cereals :		
	— — — Hulled (shelled or husked), whether or not sliced or kibbled :		
1104 29 11	— — — — Of wheat	2,11	—
1104 29 15	— — — — Of rye	2,11	—
1104 29 19	— — — — Other	2,11	—
	— — — Pearled :		
1104 29 31	— — — — Of wheat	2,11	—
1104 29 35	— — — — Of rye	2,11	—
1104 29 39	— — — — Other	2,11	—
	— — — Not otherwise worked than kibbled :		
1104 29 91	— — — — Of wheat	2,11	—
1104 29 95	— — — — Of rye	2,11	—
1104 29 99	— — — — Other	2,11	—
1104 30	— Germ of cereals, whole, rolled, flaked or ground :		
1104 30 10	— — Of wheat	4,23	—
1104 30 90	— — Of other cereals	4,23	—
1106	Flour and meal of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714 ; flour, meal and powder of the products of Chapter 8 :		
1106 20	— Flour and meal of sago, roots or tubers of heading No 0714 :		
1106 20 10	— — Denatured	2,11	—
	— — Other :		
1106 20 91	— — — For the manufacture of starches	14,39	—
1106 20 99	— — — Other	14,39	—
1107	Malt, whether or not roasted :		
1107 10	— Not roasted :		
	— — Of wheat :		
1107 10 11	— — — In the form of flour	15,40	5,55
1107 10 19	— — — Other	15,40	5,55
	— — Other :		
1107 10 91	— — — In the form of flour	15,40	5,55
1107 10 99	— — — Other	15,40	5,55
1107 20 00	— Roasted	14,00	4,55

(ECU/tonne)			
(1)	(2)	(3)	(4)
1108	Starches ; inulin :		
	— Starches :		
1108 11 00	— — Wheat starch	14,39	—
1108 12 00	— — Maize (corn) starch	14,39	—
1108 13 00	— — Potato starch (cassava) starch	14,39	—
1108 14 00	— — Manioc	14,39	—
1108 19	— — Other starches :		
1108 19 10	— — — Rice starch	15,39	—
1108 19 90	— — — Other	14,39	—
1109 00 00	Wheat gluten, whether or not dried	126,94	—
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form ; sugar syrups not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
1702 30	— Glucose and glucose syrup, not containing in the dry state less than 20 % by weight of fructose :		
	— — Other :		
	— — — Other :		
1702 30 91	— — — — White crystalline powder, whether or not agglomerated	72,10	3,13
1702 30 99	— — — — Other	63,00	11,73
1702 40	— Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose :		
1702 40 90	— — Other	63,00	11,73
1702 90	— Other, including invert sugar :		
1702 90 50	— — Maltodextrine and maltodextrine syrup	63,00	11,73
	— — Sugars and molasses, caramelized :		
	— — — Other :		
1702 90 75	— — — — In the form of powder, whether or not agglomerated	72,10	3,13
1702 90 79	— — — — Other	63,00	11,73
2106	Food preparations not elsewhere specified or included :		
2106 90	— Other :		
	— — Syrups of sugar, flavoured or with added colourings :		
	— — — Other :		
2106 90 55	— — — — Glucose syrup and maltodextrine	58,10	8,24
2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants :		
2302 10	— Of maize (corn) :		
2302 10 10	— — With a starch content not exceeding 35 % by weight	4,20	—
2302 10 90	— — Other	4,20	—
2302 20	— Of rice :		
2302 20 10	— — With a starch content not exceeding 35 % by weight	4,20	—
2302 20 90	— — Other	4,20	—
2302 30	— Of wheat :		
2302 30 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	4,20	—

(ECU/tonne)

(1)	(2)	(3)	(4)
2302 30 90	— — Other	4,20	—
2302 40	— Of other cereals :	4,20	—
2302 40 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through the sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 %	4,20	—
2302 40 90	— — Other	4,20	—
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets :		
2303 10	— Residues of starch manufacture and similar residues :		
	— — Residues from the manufacture of starch maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product		
2303 10 11	— — — Exceeding 40 % by weight	126,94	—
2309	Preparations of a kind used in animal feeding :		
2303 10	— Dog or cat food, put up for retail sale :		
	— — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products :		
	— — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup :		
	— — — — Containing no starch or containing 10 % or less by weight of starch	7,62	—
2309 10 11	— — — — Containing no milk products or containing less than 10 % by weight of such products	7,62	—
2309 10 13	— — — — Containing not less than 10 % but less than 50 % by weight of milk products	7,62	—
	— — — — Containing more than 10 % but not more than 30 % by weight of starch :		
2309 10 31	— — — — Containing no milk products or containing less than 10 % by weight of such products	7,62	—
2309 10 33	— — — — Containing not less than 10 % but less than 50 % by weight of milk products	7,62	—
	— — — — Containing more than 30 % by weight of starch :		
2309 10 51	— — — — Containing no milk products or containing less than 10 % by weight of such products	7,62	—
2309 10 53	— — — — Containing not less than 10 % but less than 50 % by weight of milk products	7,62	—
2309 90	— Other :		
	— — Other :		
	— — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products :		
	— — — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup :		
	— — — — — Containing no starch or containing 10 % or less by weight of starch :		
2309 90 31	— — — — — Containing no milk products or containing less than 10 % by weight of such products	7,62	—
2309 90 33	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	7,62	—
	— — — — — Containing more than 10 % but not more than 30 % by weight of starch :		

(ECU/tonne)			
(1)	(2)	(3)	(4)
2309 90 41	— — — — — Containing no milk products or containing less than 10 % by weight of such products	7,62	—
2309 90 43	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	7,62	—
	— — — — — Containing more than 30 % by weight of starch :		
2309 90 51	— — — — — Containing no milk products or containing less than 10 % by weight of such products	7,62	—
2309 90 53	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	7,62	—

(¹) In order to distinguish between products falling within subheading 1101 00 00 and heading Nos 1102, 1103 and 1104 of the combined nomenclature on the one hand, and within subheadings 2302 10 to 2302 40 on the other, those products shall be considered as falling within subheadings 1101 00 00 and heading Nos 1102, 1103 and 1104 which simultaneously have :

- a starch content (determined by the modified Ewers polarimetric method) of more than 45 % (by weight) calculated on the dry product,
- an ash content (by weight) calculated on dry products (after deduction of any added minerals) or 1,6 % or less for rice, 2,5 % less for wheat or rye, 3 % or less for barley, 4 % or less for buckwheat, 5 % or less for oats and 2 % or less for the other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within subheading 1101 00 00 and heading No 1102.

COMMISSION REGULATION (EEC) No 3834/92
of 28 December 1992

amending Regulation (EEC) No 3816/90 laying down detailed rules for the application of the supplementary trade mechanism for certain products in the pigmeat sector destined for Portugal

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

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the agreements applying to trade in agricultural products between Spain and Portugal ⁽³⁾, as last amended by Regulation (EEC) No 3296/88, and in particular Article 13 thereof,

Whereas Commission Regulation (EEC) No 3816/90 of 19 December 1990 laying down detailed rules for the application of the supplementary trade mechanism for certain products in the pigmeat sector destined for Portugal ⁽⁴⁾, as last amended by Regulation (EEC)

No 3772/91 ⁽⁵⁾, sets indicative ceilings on imports into Portugal of certain products in the pigmeat sector for 1992;

Whereas indicative ceilings should be set for 1993;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3816/90 shall be replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 366, 29. 12. 1990, p. 33.

⁽⁵⁾ OJ No L 356, 24. 12. 1991, p. 32.

ANNEX

(tonnes)

Groups	CN code	Description	Indicative ceiling for 1993
1	0103 ex 0103 91 0103 91 10 ex 0103 92 0103 92 11 0103 92 19	Live swine : — — Weighing less than 50 kg : — — — Domestic species — — Weighing 50 kg or more : — — — Domestic species : — — — — Sows having farrowed at least once, of a weight of not less than 160 kg — — — — Other	Total = 2 500 (live weight) of which 625 for each quarter ⁽¹⁾
2	0203 ex 0203 11 0203 11 10 ex 0203 12 0203 12 11 0203 12 19 ex 0203 19 0203 19 11 0203 19 13 0203 19 15 0203 19 55 0203 19 59 ex 0203 21 0203 21 10 ex 0203 22 0203 22 11 0203 22 19 ex 0203 29 0203 29 11 0203 29 13 0203 29 15 0203 29 55 0203 29 59	Meat of swine, fresh, chilled or frozen : — Fresh or chilled : — — Carcases and half-carcases — — — Of domestic swine — — Hams, shoulders and cuts thereof, with bone-in : — — — Of domestic swine : — — — — Hams and cuts thereof — — — — Shoulders and cuts thereof — — Other : — — — Of domestic swine : — — — — Fore-ends and cuts thereof — — — — Loins and cuts thereof, with bone-in — — — — Bellies (streaky) and cuts thereof — — — — Other : — — — — Boneless — — — — other — Frozen : — — Carcases and half-carcases : — — — Of domestic swine — — Hams, shoulders and cuts thereof with bone-in : — — — Of domestic swine : — — — — Hams and cuts thereof — — — — Shoulders and cuts thereof — — Other : — — — Of domestic swine : — — — — Fore-ends and cuts thereof — — — — Loins and cuts thereof, with bone in — — — — Bellies (streaky) and cuts thereof — — — — Other : — — — — Boneless — — — — Other	Total = 41 500 from which 10 375 for each quarter ⁽¹⁾

⁽¹⁾ If the overall quantity for which applications have been submitted in one quarter is less than the quantity available in that quarter, the quantity remaining shall be added to the quantity available in respect of the following quarter.

COMMISSION REGULATION (EEC) No 3835/92
of 28 December 1992

amending Regulation (EEC) No 3817/90 laying down detailed rules for the application of the supplementary trade mechanism for certain products in the eggs and poultrymeat sectors destined for Portugal

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

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the agreements applying to trade in agricultural products between Spain and Portugal ⁽³⁾, as last amended by Regulation (EEC) No 3296/88, and in particular Article 13 thereof,

Whereas Commission Regulation (EEC) No 3817/90 of 19 December 1990 laying down detailed rules for the application of the supplementary trade mechanism for certain products in the eggs and poultrymeat sectors destined for Portugal ⁽⁴⁾, as last amended by Regulation (EEC) No 3773/91 ⁽⁵⁾, sets indicative ceilings on imports into Portugal of certain products in the eggs and poultrymeat sectors for 1992; whereas indicative ceilings should be set for 1993;

Whereas in order to facilitate the exchange of table eggs with Portugal, the maximum quantities which may be applied for by a given operator in one week should be increased;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3817/90 is amended as follows:

1. in Article 5 first indent the quantity '20 tonnes' is replaced by '60 tonnes';
2. the Annex shall be replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 366, 29. 12. 1990, p. 36.

⁽⁵⁾ OJ No L 356, 24. 12. 1991, p. 34.

ANNEX

Group Subgroup	CN code	Description	Indicative ceiling 1993 ⁽¹⁾
1	0407 00 30	Eggs other than hatching eggs	7 000 tonnes from which 1 750 tonnes for each quarter
2	2 (a) 0105 11	Live fowls of the species <i>Gallus domesticus</i> weighing not more than 185 g	7 million pieces ⁽²⁾ from which 1,75 million each quarter
	2 (b) ex 0407 00 19	Hatching eggs of hens of the species <i>Gallus domesticus</i>	
3	3 (a) 0105 19 10	Live geese and turkeys of domestic species weighing not more than 185 g	3 million pieces ⁽³⁾ from which 750 000 for each quarter
	3 (b) 0407 00 11	Hatching eggs of turkeys or geese	
4	4 (a) 0105 91 00	Live fowls of the species <i>Gallus domesticus</i> weighing more than 185 g	13 000 tonnes ⁽⁴⁾ from which 3 250 tonnes for each quarter
	4 (b) 0207 10 15 0207 10 19 0207 21 10 0207 21 90 0207 39 13 0207 41 11	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces fresh, chilled or frozen, known as '70 % chickens' or '65 % chickens' or 'chickens otherwise presented' Halves and quarters of fowls of the species <i>Gallus domesticus</i> , fresh, chilled or frozen	
5	5 (a) 0105 99 30	Live turkeys of domestic species weighing more than 185 g	2 100 tonnes ⁽⁵⁾ from which 525 tonnes for each quarter
	5 (b) 0207 10 31 0207 10 39 0207 22 10 0207 22 90 0207 39 33 0207 42 11	Turkeys not cut in pieces, fresh, chilled, or frozen, known as '80 % turkeys', '73 % turkeys' or 'turkeys otherwise presented' Halves and quarters of turkeys, fresh, chilled or frozen	

⁽¹⁾ If the overall quantity for which applications have been submitted in one quarter is less than the quantity available in that quarter, the quantity remaining shall be added to the quantity available in respect of the following quarter.

⁽²⁾ Hatching egg equivalent: 1 chick = 1,25 hatching eggs.

⁽³⁾ Hatching egg equivalent: 1 poult = 1,4 hatching eggs.

⁽⁴⁾ Carcase weight equivalent: 100 kg live fowl = 70 kg carcase weight.

⁽⁵⁾ Carcase weight equivalent: 100 kg live turkeys = 75 kg carcase weight.

COMMISSION REGULATION (EEC) No 3836/92

of 28 December 1992

amending Regulation (EEC) No 641/86 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 251 (1) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable trade⁽¹⁾, as amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽³⁾, as last amended by Regulation (EEC) No 3296/88, and in particular Article 5 (1) thereof,

Whereas Commission Regulation (EEC) No 574/86⁽⁴⁾, as last amended by Regulation (EEC) No 3296/88, lays down the detailed rules for the application of the supplementary trade mechanism;

Whereas Commission Regulation (EEC) No 641/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession⁽⁵⁾, as last amended by Regulation (EEC) No 3428/92⁽⁶⁾, fixed, *inter alia*, in respect of certain products processed from fruit and vegetables, the indicative ceilings provided for in Article 251 (1) of the Act of Accession for the period 1 January to 31 December 1992;

Whereas the forward estimates relating to the products in question have been drawn up in accordance with the

procedure provided for in Article 22 of Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽⁷⁾, as last amended by Regulation (EEC) No 1569/92⁽⁸⁾;

Whereas these estimates enable the indicative ceilings for the products in question to be fixed for 1993; whereas such ceilings must, pursuant to Article 251 (2) of the Act of Accession, reflect a certain progress in relation to traditional trade flows, so as to ensure a harmonious and gradual opening up of the market; whereas, to this end, the indicative ceilings should be raised by 40 % for 1993;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 641/86 is amended as follows:

1. Article 1 (1) is replaced by the following:

'1. The indicative ceilings provided for in Article 251 (1) of the Act of Accession are set out in the Annex for the period 1 January to 31 December 1993.'

2. the Annex is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁵⁾ OJ No L 60, 1. 3. 1986, p. 34.

⁽⁶⁾ OJ No L 347, 28. 11. 1992, p. 42.

⁽⁷⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽⁸⁾ OJ No L 166, 20. 6. 1992, p. 5.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

(in tonnes)		
CN code	Description	Indicative ceiling
(1)	(2)	(3)
0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in another preservative solutions), but unsuitable in that state for immediate consumption :	2 031
0812 10 00	— Cherries	
0812 20 00	— Strawberries	
0812 90 50	— — Blackcurrants	
0812 90 60	— — Raspberries	
0812 90 90	— — Other	150
0812 90 10	— — Apricots	
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	2 169
2008	Fruit, nut and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included :	
2008 20 91	— — — — Of 4,5 kg or more	
2008 20 99	— — — — Of less than 4,5 kg	
2008 30 51	— — — — Grapefruit segments	
2008 30 55	— — — — Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	
2008 30 59	— — — — Other	
2008 30 71	— — — — Grapefruit segments	
2008 30 75	— — — — Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	
2008 30 79	— — — — Other	
2008 30 91	— — — — Of 4,5 kg or more	
2008 30 99	— — — — Of less than 4,5 kg	
2008 40 59	— — — — Other	
2008 40 91	— — — — Of 4,5 kg or more	
2008 40 99	— — — — Of less than 4,5 kg	
2008 50 61	— — — — With a sugar content exceeding 13 % by weight	
2008 50 69	— — — — Other	
2008 50 71	— — — — With a sugar content exceeding 15 % by weight	
2008 50 79	— — — — Other	
2008 50 91	— — — — Of 4,5 kg or more	
2008 50 99	— — — — Of less than 4,5 kg	
2008 60 71	— — — — Sour cherries (<i>Prunus cerasus</i>)	
2008 60 79	— — — — Other	
2008 60 91	— — — — Sour cherries (<i>Prunus cerasus</i>)	
2008 60 99	— — — — Other	
2008 70 69	— — — — Other	
2008 70 91	— — — — Of 4,5 kg or more	
2008 70 99	— — — — Of less than 4,5 kg	
2008 80 50	— — — — Containing added sugar, in immediate packings of a net content exceeding 1 kg	

(in tonnes)		
CN code	Description	Indicative ceiling
(1)	(2)	(3)
2008 80 70	— — — Containing added sugar, in immediate packings of a net content not exceeding 1 kg	6 049
2008 80 91	— — — — Of 4,5 kg or more	
2008 80 99	— — — — Of less than 4,5 kg	
2008 92 50	— — — — — In immediate packings of a net content exceeding 1 kg	
2008 92 71	— — — — — Mixtures of fruit in which no single fruit exceeds 50 % of the total weight of the fruits	
2008 92 79	— — — — — Other	
2008 92 91	— — — — — Of 4,5 kg or more	
2008 92 99	— — — — — Of less than 4,5 kg	
2008 99 41	— — — — — Ginger	
2008 99 43	— — — — — Grapes	
2008 99 45	— — — — — Plums	
2008 99 48	— — — — — Other	
2008 99 51	— — — — — Ginger	
2008 99 53	— — — — — Grapes	
2008 99 55	— — — — — Plums	
2008 99 61	— — — — — Other	
2008 99 71	— — — — — Of 4,5 kg or more	
2008 99 79	— — — — — Of less than 4,5 kg	
2008 99 99	— — — — — Other	
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter :	6 049
2009 20 11	— — — Of a value not exceeding ECU 30 per 100 kg net weight	
2009 20 19	— — — Other	
2009 20 91	— — — Of a value not exceeding ECU 30 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	
2009 20 99	— — — Other	
2009 30 11	— — — Of a value not exceeding ECU 30 per 100 kg net weight	
2009 30 19	— — — Other	
2009 30 31	— — — — Containing added sugar	
2009 30 39	— — — — Other	
2009 30 91	— — — — — With an added sugar content exceeding 30 % by weight	
2009 30 95	— — — — — With an added sugar content not exceeding 30 % by weight	
2009 30 99	— — — — — Not containing added sugar	
2009 40 11	— — — Of a value not exceeding ECU 30 per 100 kg net weight	
2009 40 19	— — — Other	
2009 40 30	— — — Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar	
2009 40 91	— — — — With an added sugar content exceeding 30 % by weight	
2009 40 93	— — — — With an added sugar content not exceeding 30 % by weight	
2009 40 99	— — — — Not containing added sugar	
2009 70 11	— — — Of a value not exceeding ECU 22 per 100 kg net weight	
2009 70 19	— — — Other	

(in tonnes)		
CN code	Description	Indicative ceiling
(1)	(2)	(3)
2009 70 30	— — — Of a value exceeding ECU 18 per 100 kg net weight, containing added sugar	6 629
2009 70 91	— — — — With an added sugar content exceeding 30 % weight	
2009 70 93	— — — — With an added sugar content not exceeding 30 % weight	
2009 70 99	— — — — Not containing added sugar	
2009 80 11	— — — — Of a value not exceeding ECU 22 per 100 kg net weight	
2009 80 19	— — — — Other	
2009 80 32	— — — — Of a value not exceeding ECU 30 per 100 kg net weight	
2009 80 39	— — — — Other	
2009 80 50	— — — — Of a value exceeding ECU 18 per 100 kg net weight, containing added sugar	
2009 80 61	— — — — — With an added sugar content exceeding 30 % by weight	
2009 80 63	— — — — — With an added sugar content not exceeding 30 % by weight	
2009 80 69	— — — — — Not containing added sugar	
2009 80 80	— — — — Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar	
2009 80 83	— — — — — With an added sugar content exceeding 30 % by weight	
2009 80 93	— — — — — With an added sugar content not exceeding 30 % by weight	
2009 80 95	— — — — — Juice of fruit of the species <i>vaccinium macrocarpon</i>	
2009 80 99	— — — — — Other	
2009 90 11	— — — — Of a value not exceeding ECU 22 per 100 kg net weight	
2009 90 19	— — — — Other	
2009 90 21	— — — — Of a value not exceeding ECU 30 per 100 kg net weight	
2009 90 29	— — — — Other	
2009 90 31	— — — — Of a value not exceeding ECU 18 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	
2009 90 39	— — — — Other	
2009 90 41	— — — — — Containing added sugar	
2009 90 49	— — — — — Other	
2009 90 51	— — — — — Containing added sugar	
2009 90 59	— — — — — Other	
2009 90 71	— — — — — With an added sugar content exceeding 30 % by weight	
2009 90 73	— — — — — With an added sugar content not exceeding 30 % by weight	
2009 90 79	— — — — — Not containing added sugar	
2009 90 91	— — — — — With an added sugar content exceeding 30 % by weight	
2009 90 93	— — — — — With an added sugar content not exceeding 30 % by weight	
2009 90 99	— — — — — Not containing added sugar	

COMMISSION REGULATION (EEC) No 3837/92

of 28 December 1992

amending Regulation (EEC) No 3812/90 laying down detailed rules for the application of the supplementary trade mechanism to milk products imported into Portugal from the Community of Ten and 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 and in particular Article 251,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 3812/90⁽³⁾, as last amended by Regulation (EEC) No 3375/91⁽⁴⁾, sets an indicative ceiling for exports of certain milk products to Portugal for 1992; whereas, in the light of export possibilities from the Community of Ten and Spain and with a view to the continued gradual opening up of the Portuguese market, indicative ceilings should be fixed for 1993 at a level 30 % up on those applying previously; whereas to that end the Annex to Regulation (EEC) No 3812/90 should be replaced;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3812/90 is hereby amended as follows:

1. in Article 1 (1), '1992' is replaced by '1993';
2. the Annex is replaced by the following:

'ANNEX

INDICATIVE CEILINGS

(tonnes)		
CN code	Description	Quantities Community of Ten and Spain
0406 90 21	Cheddar	221
0406 90 23	Edam	749
0406 90 77	Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø	749
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	476'

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.
⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 15.
⁽⁴⁾ OJ No L 356, 24. 12. 1991, p. 41.

COMMISSION REGULATION (EEC) No 3838/92

of 28 December 1992

amending Regulation (EEC) No 643/86 laying down detailed rules for the application of the supplementary trade mechanism to the live plants and floriculture products listed in Annex XXII to the Act of Accession and imported into Portugal concerning the target ceilings for the year 1993

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 251 (1) and (2) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Council Regulation (EEC) No 3792/85⁽³⁾, as last amended by Regulation (EEC) No 3296/88, lays down the arrangements applying to trade in agricultural products between Spain and Portugal; whereas in view of Article 5 (2), the abovementioned arrangements also apply to the products concerned originating from Spain, as of 1 January 1991;

Whereas Commission Regulation (EEC) No 574/86⁽⁴⁾, as last amended by Regulation (EEC) No 3296/88, lays down detailed rules for the application of the supplementary trade mechanism;

Whereas Commission Regulation (EEC) No 643/86⁽⁵⁾, as last amended by Regulation (EEC) No 3635/91⁽⁶⁾, fixes in particular the target ceilings provided for in Article 251 (1) of the Act of Accession for certain floricultural products falling within CN codes 0602, 0603 and 0604 for the year 1992;

Whereas, in accordance with Article 251 (2) of the Act of Accession, the target ceilings must reflect a certain

progress in relation to traditional trade flows so as to ensure a harmonious and gradual opening-up of the market; whereas, to that end, the target ceilings for ornamental plants, roses, carnations and *Asparagus plumosus* and those for rose bushes should be increased for 1993;

Whereas, in view of experience gained during the seven years of application of those arrangements, provision should be made, in order to ensure stability on the Portuguese market, for a seasonal break-down of the ceilings for certain of those products and for their adjustment to seasonal variations in Portuguese production;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 643/86 is hereby amended as follows:

1. Article 1 (1) is replaced by the following:

'1. The target ceilings provided for in Article 251 (1) of the Act of Accession for the period 1 January to 31 December 1993 shall be as set out in the Annex hereto.'

2. the Annex is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁵⁾ OJ No L 60, 1. 3. 1986, p. 39.

⁽⁶⁾ OJ No L 344, 14. 12. 1991, p. 47.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Target ceilings for the period 1 January to 31 December 1993 as provided for in Article 251 of the Act of Accession

CN code	Description	Target ceiling	
		units	tonnes
	Other live plants (including their roots), cuttings and slips; mushroom spawn:		
	<i>Target ceiling:</i>		
0602 40 90	— Roses, grafted	1 250 000	} 2 938
	— Indoor plants:		
	— Other:		
0602 99 91	— Flowering plants with buds or flowers, excluding cacti		
0602 99 99	— Other		
	<i>Of which:</i>		
	— From 1 January to 30 June		1 250
	— From 1 July to 31 December		1 688
	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared		
	<i>Target ceiling:</i>		
0603 10 11 and 0603 10 51	Roses, fresh	1 375 000	
0603 10 13 and 0603 10 53	Carnations, fresh	13 937 500	
	<i>Of which: from 1 June to 31 October:</i>		
0603 10 11	Roses	462 500	
0603 10 53	Carnations	4 650 000	
	Foliage, branches and other parts of plants, without flower or flower buds, and grasses, mosses and lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared		
ex 0604 91 90	<i>Asparagus plumosus</i>		4,25

COMMISSION REGULATION (EEC) No 3839/92
of 28 December 1992
amending Regulation (EEC) No 3094/92 fixing the accession compensatory
amounts for olive oil for 1992/93

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 473/86 of
25 February 1986 laying down the general rules for the
system of accession compensatory amounts for olive
oil ⁽¹⁾, and in particular Article 7 (3) thereof,

Whereas the detailed rules for the application of accession
compensatory amounts are laid down in Commission
Regulation (EEC) No 583/86 ⁽²⁾ laying down the detailed
rules for the application of accession compensatory
amounts for olive oil, as last amended by Regulation
(EEC) No 3379/88 ⁽³⁾, amends Commission Regulation
(EEC) No 3094/92 fixing the accession compensatory
amounts for olive oil for 1992/93 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 3815/92 of
28 December 1992 ⁽⁵⁾, on the application of the common

intervention price for olive oil in Spain, lays down that
the common intervention price shall apply in Spain from
1 January 1993,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EEC) No 3094/92 are
replaced by Annexes I and II to this Regulation.

Article 2

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

It shall apply with effect from 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 43.

⁽²⁾ OJ No L 57, 1. 3. 1986, p. 31.

⁽³⁾ OJ No L 296, 29. 10. 1988, p. 72.

⁽⁴⁾ OJ No L 311, 28. 10. 1992, p. 20.

⁽⁵⁾ See page 9 of this Official Journal.

ANNEX I

Olive oil

(ECU/100 kg)

CN code	Table	Additional code	Notes	Accession compensatory amount to be charged (–) or granted (+) in trade as follows		
				from third countries to Portugal	from the Community to Portugal	from Portugal to third countries or to other countries of the Community
1509 10 10	1	7298		—	+ 3,88	– 3,88
	1	7299		—	+ 3,88	– 3,88
	1	7314		+ 6,29	—	—
1509 10 90	2	7709		—	+ 3,88	– 3,88
	2	7713		—	+ 6,29	– 6,29
	2	7714		+ 6,29	—	—
1509 90 00	3	7717		—	+ 4,04	– 4,04
	3	7718		—	+ 6,45	– 6,45
	3	7719		+ 6,45	—	—
1510 00 10	4	7724		—	+ 1,82	– 1,82
	4	7729		—	+ 1,82	– 1,82
	4	7733		+ 4,23	—	—
1510 00 90	5	7734		—	+ 2,18	– 2,18
	5	7737		—	+ 4,59	– 4,59
	5	7738		+ 4,59	—	—

ANNEX II

Products containing olive oil

(ECU/100 kg)

CN code	Accession compensatory amount deducted (–) or granted (+) in the following exchanges
	from third countries or from Community to Portugal
0709 90 39	+ 0,85
0711 20 90	+ 0,85
1522 00 31	+ 1,94
1522 00 39	+ 3,10
2306 90 19	+ 0,15

Note: For trade in the opposite direction, the signs are reversed.

COMMISSION REGULATION (EEC) No 3840/92
of 28 December 1992

laying down certain additional detailed rules for the application of the supplementary trade mechanism (STM) to trade in fruit and vegetables between Spain and the Community as constituted on 31 December 1985 as regards tomatoes, artichokes and melons

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables⁽¹⁾, as amended by Regulation (EEC) No 3818/92⁽²⁾ and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89⁽³⁾, as amended by Regulation (EEC) No 3831/92⁽⁴⁾, establishes the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas tomatoes, artichokes and melons are included in the list;

Whereas Commission Regulation (EEC) No 3944/89⁽⁵⁾, as amended by Regulation (EEC) No 3308/91⁽⁶⁾, lays down detailed rules for applying the supplementary trade mechanism, hereinafter called 'STM', to fresh fruit and vegetables;

Whereas Commission Regulation (EEC) No 3134/92⁽⁷⁾ lays down that the periods referred to in Article 2 of Regulation (EEC) No 3210/89 shall be up to 31 December 1992 for the above products; whereas in view of expected exports from Spain to the rest of the Community, with the exception of Portugal, and of the Community market situation, a period I should be fixed for the products in question with the exception of artichokes; whereas, on the basis of the abovementioned criteria a period II should be determined for artichokes; whereas indicative ceilings should be determined pursuant to Article 3 of Regulation (EEC) No 3210/89 for very short periods, given the sensitivity of this product;

Whereas it should be stipulated that the provisions of Regulation (EEC) No 3944/89 relating to statistical monitoring, to the use of exit documents for Spanish consign-

ments and to the various communications from the Member States apply in order to ensure that the STM operates;

Whereas the need for accurate information justifies communications on the statistical monitoring of trade at more frequent intervals;

Whereas, on application of Article 2 of Council Regulation (EEC) No 1911/91 of 26 June 1991 on the application of the provisions of Community law to the Canary Islands⁽⁸⁾ the rules in force for mainland Spain shall apply to products originating in the Canary Islands and sent to other parts of the Community from 1 July 1991; consequently the information concerning produce from the Canary Islands should be taken into account for the application of the supplementary trade mechanisms;

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

1. For tomatoes and melons covered by the CN codes set out in the Annex, the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex hereto.
2. For artichokes covered by CN code 0709 10 00 :
 - the indicative ceilings provided for in Article 83 (1) of the Act of Accession, and
 - the periods provided for in Article 2 of Regulation (EEC) No 3210/89

shall be as set out in the Annex hereto.

Article 2

1. For consignments of the products referred to in Article 1 from Spain to the rest of the Community market, with the exception of Portugal, Regulation (EEC) No 3944/89, with the exception of Articles 5 and 7 thereof, shall apply.

⁽⁸⁾ OJ No L 171, 29. 6. 1991, p. 1.

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ See page 15 of this Official Journal.

⁽³⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽⁴⁾ See page 47 of this Official Journal.

⁽⁵⁾ OJ No L 379, 28. 12. 1989, p. 20.

⁽⁶⁾ OJ No L 313, 14. 11. 1991, p. 13.

⁽⁷⁾ OJ No L 313, 30. 10. 1992, p. 21.

However, the notification provided for in Article 2 (2) of that Regulation shall be made each Tuesday at the latest in respect of quantities consigned during the preceding week.

2. The notification provided for in the first paragraph of Article 9 of Regulation (EEC) No 3944/89 for products mentioned in Article 1 (2) subject to a period II or to a period III shall be forwarded to the Commission on Tuesday each week at the latest in respect of the preceding week.

During the application of a period I, those notifications shall be made once a month, on the fifth day of each month at the latest in respect of data from the preceding month; where appropriate, that notification shall bear the word 'nil'.

Article 3

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Determination of the periods provided for in Article 2 of Regulation (EEC) No 3210/89 and the ceilings provided for in Article 83 of the Act of Accession

Period from 1 January to 31 January 1993

Description of product	CN code	Period
Tomatoes	0702 00 10	I
Melons	0807 10 90	I

Description of product	CN code	Indicative ceiling (tonnes)	Period
Artichokes	0709 10 00	6 000	II