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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3875/92
of 28 December 1992
amending Regulation (EEC) No 1799/87 on special arrangements for imports of
maize and sorghum into Spain from 1987 to 1991

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas, by its Decision 91/30/EEC⁽²⁾, the Council approved an Exchange of Letters complementing the Agreement between the European Economic Community and the United States of America concluded on 30 January 1987 under GATT Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT) and providing in particular for its extension to 1991; whereas the measures referred to in the aforementioned exchange of letters have been extended until 31 December 1992 by Regulation (EEC) No 3919/91⁽³⁾; whereas Regulation (EEC) No 1799/87⁽⁴⁾ should consequently also be extended;

Whereas Regulation (EEC) No 1799/87 should be amended as a result,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1799/87 is hereby amended as follows:

1. in the title, 'from 1987 to 1991' shall be replaced by 'from 1987 to 1992';

2. the first recital shall be replaced by the following:
 'Whereas under agreements between the European Economic Community and the United States of America concerning the conclusion of the negotiations under Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT), approved by Decisions 87/224/EEC⁽¹⁾ and 91/30/EEC⁽²⁾ and Regulation (EEC) No 3919/91⁽³⁾, the Community undertook, in respect of the years 1987 to 1992, to open annual quotas for imports into Spain of 2 million tonnes of maize and 300 000 tonnes of sorghum, minus the quantities of certain grain substitutes imported into that country during the same year, either directly or indirectly; whereas the quantities of maize and sorghum imported must be used or processed in Spain;

⁽¹⁾ OJ No L 98, 10. 4. 1987, p. 1.

⁽²⁾ OJ No L 17, 23. 1. 1991, p. 17.

⁽³⁾ OJ No L 372, 31. 12. 1991, p. 35;.

3. in Article 1, the words 'For a period of five years' shall be replaced by 'For a period of six years'.

Article 2

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

It shall apply from 1 January 1992.

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 17, 23. 1. 1991, p. 17.

⁽³⁾ OJ No L 372, 31. 12. 1991, p. 35.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 1. Regulation as amended by Regulation (EEC) No 3391/91 (OJ No L 320, 22. 11. 1991, p. 1).

COUNCIL REGULATION (EEC) No 3876/92
of 28 December 1992
amending Regulation (EEC) No 4007/87 extending the period referred to in
Article 90 (1) and Article 257 (1) of the Act of Accession of Spain and Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 90 (2) and 257 (2) thereof,

Having regard to the proposal from the Commission,

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

Whereas Articles 90 (1) and 257 (1) of the Act of Accession provide for a period during which transitional measures may be adopted to facilitate the passage from the arrangements existing in Spain and Portugal before accession to those resulting from the application of the common organization of the markets under the conditions laid down in the Act of Accession, and in particular to cope with appreciable difficulties in implementing the new arrangements at the date laid down; whereas the date of expiry of that period, set at 31 December 1987 in the Act of Accession, was extended by Regulation (EEC) No 4007/87⁽²⁾, to 31 December 1992 for Spain and Portugal;

Whereas, despite progress made in recent years, difficulties specific to certain sectors in both Member States cannot be overcome by 31 December 1992; whereas the period in question should therefore be extended by one year for Spain and for Portugal,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 4007/87 is hereby amended as follows:

1. in the first subparagraph, '31 December 1992' with regard to Spain shall be replaced by '31 December 1993';
2. in the second subparagraph, '31 December 1992' with regard to Portugal shall be replaced by '31 December 1993'.

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

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

⁽²⁾ OJ No L 378, 31. 12. 1987, p. 1. Regulation as last amended by Regulation (EEC) No 477/92 (OJ No L 55, 29. 2. 1992, p. 1).

COMMISSION REGULATION (EEC) No 3877/92

of 30 December 1992

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 2727/75 and Article 17 (1) of Regulation (EEC) No 1418/76 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for 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⁽⁵⁾, as last amended by Regulation (EEC) No 3381/90⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

(a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;

(b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;

(c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas in the absence of evidence that no production refund was granted pursuant to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sector⁽⁷⁾, as last amended by Regulation (EEC) No 1309/92⁽⁸⁾, the export refund should be reduced by the amount of the production refund applicable on the day of acceptance of the export declaration; whereas this system is the only one which avoids the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁹⁾, as amended by Regulation (EEC) No 2026/83⁽¹⁰⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽¹¹⁾, as last amended by Regulation (EEC) No 1525/92⁽¹²⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

Whereas, now that a settlement has been reached between the European Economic Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽¹³⁾, it is necessary to differentiate the refund on goods falling within CN codes

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁷⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁸⁾ OJ No L 139, 22. 5. 1992, p. 47.

⁽⁹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽¹⁰⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽¹¹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹²⁾ OJ No L 160, 13. 6. 1992, p. 7.

⁽¹³⁾ OJ No L 275, 29. 9. 1987, p. 36.

1902 11 00 and 1902 19 according to their destination ;

Whereas, for the application of Article 4 (2) (b) of Regulation (EEC) No 3035/80, it is necessary to differentiate the refunds ;

Whereas Council Regulation (EEC) No 1432/92 ⁽¹⁾, as amended by Regulation (EEC) No 3534/92 ⁽²⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro ; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3 ; whereas this should be taken into account when refunds are fixed ;

Whereas in particular the export refund for unprocessed starches falling within CN code 1108 is granted only if the dry matter content is at least 77 % in the case of potato starch and at least 84 % in the case of cereal starches ;

Whereas with regard to potatoes, only potato starches are subject to common organization of the market, consequently steps should be taken to specify the terms that these potato starches should meet in order to qualify for refunds ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Without prejudice to paragraphs 2 and 3 the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 2727/75 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. For the products listed in the Annex to Regulation (EEC) No 1009/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽²⁾ OJ No L 358, 8. 12. 1992, p. 16.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1009/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund :

(a) applicable on the date of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, where the rate is not fixed in advance ;

(b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable pursuant to Regulation (EEC) No 1009/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

Article 2

1. The refund for starches and potato starch falling within CN code 1108 or products falling within Annex A to Regulation (EEC) No 2727/75 resulting from the processing of these starches and potato starch is granted only on production of a declaration from the suppliers of those products attesting that they have been directly produced from cereals, potatoes or rice excluding all use of subproducts obtained in the production of other agricultural products or goods.

The above declaration can be considered valid, until revocation, for all supplies from the same producer ; it shall be verified in accordance with the provisions of Article 8 (1) and the first indent of paragraph 2 of Regulation (EEC) No 3035/80.

2. Where the dry-extract content of potato starch assimilated to maize starch pursuant to Article 1 (2) (a) of Regulation (EEC) No 3035/80 is 80 % or higher, the rate of the export refund shall be as laid down in the Annex ; where the dry-extract content is less than 80 % the rate of the refund shall be the amount laid down in the Annex multiplied by 1/80th of the actual dry-extract percentage.

For all other starches with a dry-extract content of 87 % or more, the rate of the export refund shall be as laid down in the Annex ; where the dry-extract content is less than 87 % the amount of the refund shall be the rate laid down in the Annex multiplied by 1/87th of the actual dry-extract percentage.

3. For the purposes of paragraph 1 above, the dryextract content of starches shall be determined using the method applied to flour in Annex II to Commission Regulation (EEC) No 1908/84⁽¹⁾.

4. At the time of application for the export refund for the goods the applicant must declare the dry-extract content of the starches concerned, unless this information has been recorded by the competent authorities referred

to in Article 3 (2) of Regulation (EEC) No 3035/80, in accordance with the provisions of that paragraph.

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, 30 December 1992.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 178, 5. 7. 1984, p. 22.

ANNEX

to the Commission Regulation of 30 December 1992 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (2)
1001 10 90	Durum wheat : — used unprocessed : — — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — — in all other cases — used in the form of : — — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — — hulled grains of CN code 1104 and starch of CN code 1108 — — germ of CN code 1104 — — gluten of CN code 1109 — — other (except flours of CN code 1101 and groats and meal of CN code 1103)	 6,251 11,388 4,733 7,099 2,761 — 7,888
1001 90 99	Common wheat and meslin : — used unprocessed : — — on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America — — in all other cases — used in the form of : — — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — — hulled grains of CN code 1104 and starch of CN code 1108 — — germ of CN code 1104 — — gluten of CN code 1109 — — other (except flours of CN code 1101, and groats and meal of CN code 1103)	 4,338 7,888 4,733 7,099 2,761 — 7,888
1002 00 00	Rye : — used unprocessed — used in the form of : — — pellets of CN code 1103, or pearled grains of CN code 1104 — — rolled or flaked grains and hulled grains of CN code 1104 — — germ of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other (except flours of CN code 1102)	 10,137 6,082 9,124 3,036 8,674 — 10,137
1003 00 90	Barley : — used unprocessed — used in the form of : — — flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 — — pellets of CN code 1103 — — germs of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other	 8,035 5,625 4,821 3,038 8,674 — 8,035

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1004 00 90	Oats : — used unprocessed — used in the form of : — — pellets of CN code 1103, and pearled grains of CN code 1104 — — rolled or flaked grains and hulled grains of CN code 1104 — — germs of CN code 1104 — — starch of CN code 1108 19 90 — — gluten of CN code 2303 10 90 — — other	10,619 8,371 9,557 3,036 8,674 — 10,619
1005 90 00	Maize (Corn) : — used unprocessed — used in the form of : — — flours of CN codes 1102 20 10 and 1102 20 90 — — groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 — — pellets of CN code 1103 — — hulled or perled grains of CN code 1104 — — germs of CN code 1104 — — starch of CN code 1108 12 00 — — gluten of CN code 2303 10 11 — — other	8,674 6,072 6,940 5,205 7,807 3,036 8,674 3,470 8,674
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	19,309 17,971 17,971
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	25,137 31,432 31,432
1006 40 00	Broken rice : — used unprocessed — used in the form of : — — flour of CN code 1102 30, groats and meal or pellets of CN code 1103 — — flaked grains of CN 1104 19 91 — — starch of CN code 1108 19 10 — — other	5,909 5,909 3,545 5,909 —
1007 00 90	Sorghum	5,879
1101 00 00	Wheat or meslin flour : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	 5,145 9,354
1102 10 00	Rye flour	19,904
1103 11 10	Durum wheat groats and meal : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	 9,689 17,617
1103 11 90	Common wheat groats and meal : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	 5,145 9,354

(¹) The quantities of semi-processed products used must be multiplied, as the case may be by the coefficients shown in Annex I to Regulation (EEC) No 2744/75.

(²) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

COMMISSION REGULATION (EEC) No 3878/92**of 30 December 1992****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

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 3814/92 ⁽²⁾, and in particular Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁵⁾, as last amended by Regulation (EEC) No 1684/92 ⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation

(EEC) No 1400/78 of 20 June 1978 laying down general rules for the production refund on sugar used in the chemical industry ⁽⁷⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75 ⁽⁸⁾, as amended by Regulation (EEC) No 1714/88 ⁽⁹⁾;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

⁽⁹⁾ OJ No L 152, 18. 6. 1988, p. 23.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽²⁾;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 1432/92⁽³⁾, as amended by Regulation (EEC) No 3534/92⁽⁴⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative

enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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 export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

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, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992.

⁽³⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁴⁾ OJ No L 358, 8. 12. 1992, p. 16.

ANNEX

to the Commission Regulation of 30 December 1992 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg —
1702 40 10 100	40,68 ⁽²⁾ ⁽³⁾
1702 60 10 000	40,68 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 000	0,4068 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg —
1702 90 30 000	40,68 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,4068 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,4068 ⁽¹⁾ ⁽³⁾
1702 90 90 900	0,4068 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 000	40,68 ⁽²⁾ ⁽³⁾
	— écus/1 % de sucrose × 100 kg —
2106 90 59 000	0,4068 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

⁽³⁾ Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 3879/92**of 30 December 1992****fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries**

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 3814/92⁽²⁾, and in particular Article 16 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 a (1) of Regulation (EEC) No 1785/81 provides for a reduced rate levy to apply during the period 1 January to 30 June 1993 to Portuguese imports of certain quantities of raw sugar originating in specified third countries and for use by Portuguese refineries;

Whereas Article 16 a (2) of Regulation (EEC) No 1785/81 stipulates that this reduced levy is to equal the intervention price for raw sugar as indicated in Article 3 (2) of that Regulation applicable when the sugar is imported, less an amount equal to the average of the spot prices, adjusted where necessary to the cif stage, quoted on the London market during the first 20 days of the month preceding that for which the reduced levy amount is set;

Whereas pursuant to Article 16 a (5) the reduced levy is to be set each month for the following month;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽³⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽⁴⁾;

Whereas application of the abovementioned provisions gives a reduced rate import levy for the raw sugar concerned of the amount indicated in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of the quantities of raw sugar for refining (CN codes 1701 11 10 and 1701 12 10) indicated in Article 16 a of Regulation (EEC) No 1785/81 shall, for standard quality, be ECU 29,53 per 100 kg.

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, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 387, 31. 12. 1992.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽⁴⁾ OJ No L 387, 31. 12. 1992.

COMMISSION REGULATION (EEC) No 3880/92
of 30 December 1992
fixing the import levies on white sugar and raw sugar

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⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1813/92⁽³⁾, as last amended by Regulation (EEC) No 3811/92⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1813/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 29 December 1992,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 December 1992.

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

Done at Brussels, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 3. 12. 1992, p. 8.

⁽³⁾ OJ No L 183, 3. 7. 1992, p. 18.

⁽⁴⁾ OJ No L 378, 23. 12. 1992, p. 30.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 30 December 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	39,97 ⁽¹⁾
1701 11 90	39,97 ⁽¹⁾
1701 12 10	39,97 ⁽¹⁾
1701 12 90	39,97 ⁽¹⁾
1701 91 00	46,40
1701 99 10	46,40
1701 99 90	46,40 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 3881/92

of 30 December 1992

fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 3484/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1887/92 ⁽³⁾, as last amended by Regulation (EEC) No 3754/92 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1887/92 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1)

of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 29 December 1992,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00 to ECU 1,00 per 100 kilograms.

Article 2

This Regulation shall enter into force on 31 December 1992.

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

Done at Brussels, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 3. 12. 1992, p. 8.

⁽³⁾ OJ No L 189, 9. 7. 1992, p. 34.

⁽⁴⁾ OJ No L 380, 24. 12. 1992, p. 48.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 3882/92
of 30 December 1992
temporarily suspending the advance fixing of export refunds for certain milk
products

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

Having regard to 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 3641/90⁽²⁾,

Having regard to Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 1344/86⁽⁴⁾, and in particular the second subparagraph of Article 5 (4) thereof,

Whereas the market for certain milk products is characterized by uncertainty; whereas the current refunds applicable could lead to speculative advance fixing of the refund; whereas it is necessary to suspend temporarily the advance fixing of refunds for the products in question;

whereas this suspension must not affect applications pending, submitted before 29 December 1992,

HAS ADOPTED THIS REGULATION:

Article 1

1. The advance fixing of export refunds for products falling within CN code 0402 10 is hereby suspended during the period 31 December 1992 to 5 January 1993.

2. However, the suspension provided for in the preceding paragraph shall not apply to applications for certificates submitted before 29 December 1992, which are to be issued as from that date.

Article 2

This Regulation shall enter into force on 31 December 1992.

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

Done at Brussels, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 362, 11. 12. 1990, p. 5.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

COMMISSION REGULATION (EEC) No 3883/92**of 30 December 1992****repealing Regulation (EEC) No 3651/92 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus**

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus ⁽¹⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 3651/92 ⁽²⁾ applied the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1252/73, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive

market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas Regulation (EEC) No 3651/92 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3651/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 31 December 1992.

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

Done at Brussels, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 369, 18. 12. 1992, p. 30.

COMMISSION REGULATION (EEC) No 3884/92

of 30 December 1992

abolishing the corrective amount on the import of artichokes into the
Community of Ten from Spain

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

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

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

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

Whereas Regulation (EEC) No 3709/89 lays down general
rules for applying the said compensatory mechanism and
Commission Regulation (EEC) No 3820/90⁽²⁾ lays down
detailed rules for applying the said compensatory
mechanism;

Whereas Commission Regulation (EEC) No 3531/92⁽³⁾,
as last amended by Regulation (EEC) No 3716/92⁽⁴⁾,
introduces a corrective amount on imports of artichokes
into the Community of Ten from Spain;

Whereas Article 3 of Regulation (EEC) No 3709/89 on
the introduction of corrective amounts applies to a given
product only during the period in respect of which a
Community offer price has been fixed for that product
whereas Council Regulation (EEC) No 3816/92⁽⁵⁾ brings
to an end the offer price system; whereas Regulation
(EEC) No 3531/92 should therefore be repealed with
effect from 1 January 1993,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3531/92 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, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.
⁽²⁾ OJ No L 366, 29. 12. 1990, p. 43.

⁽³⁾ OJ No L 358, 8. 12. 1992, p. 11.
⁽⁴⁾ OJ No L 378, 23. 12. 1992, p. 26.
⁽⁵⁾ OJ No L 387, 31. 12. 1992.

COMMISSION REGULATION (EEC) No 3885/92
of 22 December 1992

**on detailed rules for implementing the special arrangements for imports of
butter from New Zealand into the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the 1972 Act of Accession, and in particular Article 5 (2) of Protocol 18 thereto,

Having regard to Council Regulation (EEC) No 3841/92 of 17 December 1992 relating to the continued import of New Zealand butter into the United Kingdom on special terms⁽¹⁾, and in particular Article 6 thereof,

Whereas detailed rules of application should be laid down in particular as regards verification of the origin and destination of the butter and the notifications to be provided by the United Kingdom; whereas Commission Regulation (EEC) No 3038/89⁽²⁾ must be repealed;

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

1. The certificate referred to in Article 4 of Regulation (EEC) No 3841/92:

- (a) shall be a numbered certificate issued by the competent authorities in New Zealand;
- (b) shall comply with the further conditions laid down by the United Kingdom in order to ensure identification of the butter concerned and the accuracy of the data given in the certificate; and
- (c) shall be presented to the United Kingdom authorities at the time of the acceptance of the import declaration.

2. In order to ensure compliance with the condition prescribing the minimum age of the butter at the time of the acceptance of the import declaration, the certificate shall state the date of manufacture of the butter in question.

3. The United Kingdom shall inform the Commission of the measures taken pursuant to paragraph 1 (b).

Article 2

1. For the purposes of monitoring the maximum quantities referred to in Article 2 (1) of Regulation (EEC)

No 3841/92, account shall be taken of all the quantities in respect of which import declarations have been accepted during the period in question.

2. If the amount of the special levy, expressed in ecus or in national currency, is changed, the rate to be used shall be that applicable on the day the import declaration is accepted.

Article 3

1. New Zealand butter imported into the United Kingdom pursuant to Regulation (EEC) No 3841/92 shall, at all stages of marketing, bear a statement of its New Zealand origin.

2. However, where New Zealand butter is blended with Community butter which is intended for direct consumption, paragraph 1 shall apply only up to the stage of packing in small packages.

The United Kingdom shall inform the Commission of the steps taken to that end.

Article 4

The United Kingdom shall inform the Commission, not later than the end of each week, in respect of butter which is to qualify or has qualified under the special import arrangements provided for in Regulation (EEC) No 3841/92 of the following:

- (a) quantities arriving in the United Kingdom during the previous week:
 - in respect of which import declarations have been accepted,
 - in respect of which those import declarations have not yet been accepted;
- (b) quantities in storage in the United Kingdom, as at the most recent date:
 - in respect of which import declarations have been accepted,
 - in respect of which those import declarations have not yet been accepted;
- (c) quantities sold on the United Kingdom market during the previous week and:
 - intended for direct consumption,
 - blended with Community butter and intended for direct consumption,
 - intended for other uses;

⁽¹⁾ OJ No L 390, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 291, 10. 10. 1989, p. 45.

(d) cumulative quantities since 1 January each year, as at the most recent date :

- in respect of which import declarations have been accepted,
- in respect of which those import declarations have not been accepted,
- sold on the United Kingdom market and subdivided as under (c) ;

(e) quantities in course of consignment between New Zealand and the United Kingdom, with a statement of their probable dates of arrival ;

(f) sale prices at the first marketing stage.

Article 5

Regulation (EEC) No 3038/89 is hereby repealed.

Article 6

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

It shall apply with effect from 1 January 1993.

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

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3886/92**of 23 December 1992****laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No 805/68 on the common organization of the market in beef and repealing Regulations (EEC) No 1244/82 and (EEC) No 714/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 2066/92⁽²⁾, and in particular Articles 4b (8), 4c (4), 4d (6) and (8), 4e (1) and (5), 4f (4), 4g (5) 4h (2), 4i (4) and 4k (2) thereof,

Whereas the premium schemes referred to in Articles 4a to 4h of Regulation (EEC) No 805/68 fall within the field of application of Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽³⁾ (hereinafter referred to as 'integrated system'); whereas, as a result, this Regulation should be restricted to the horizontal regulation of outstanding matters within the framework of the said integrated system;

Whereas provision should be made for the administrative document provided for in Article 4b (7) of Regulation (EEC) No 805/68 for the administration of the special premium to be drawn up and issued, in principle, at national level; whereas, in order to take account of particular administration and control conditions in the Member States, different forms of administrative document should be allowed; whereas in cases where animals are exported from one Member State to another, however, a single administrative trade document uniform for the entire Community must be issued in order to ensure reliable monitoring;

Whereas the grant of the special premium should be subject to compliance with the provisions on administrative documents and animal identification; whereas the objectives of the regional ceiling and the density factor dictate that the special premium may no longer be applied for in respect of the same age bracket for those animals affected by application of these instruments; whereas, for the purposes in particular of the deseasonalization premium, these animals should be deemed to have received the premium;

Whereas, in view of the experience gained, the periods for granting the special premium at the time of slaughter should be defined as the same as those under the previous system; whereas, in order to take account of the new element of the two age brackets, it is, however, necessary to make provision for two distinct grant options; whereas the choice of option A presupposes a stable production structure, in particular as regards the presence of the animals on the holding; whereas the special characteristics of these two options make it necessary and advisable to provide for derogations from some of the provisions applicable under the general scheme;

Whereas the special control problems linked to the lodging of application after expiry of the retention period make special precautions necessary such as, in particular, a prior statement of participation, additional requirements as to the contents of applications and the proof to be submitted therewith, as well as special animal registration requirements;

Whereas the conditions for granting the deseasonalization premium must be laid down so as to make it possible for this premium to be fully operational from 1993 onwards in accordance with Article 4c (1) of Regulation (EEC) No 805/68;

Whereas the concept of suckler cow must be defined in accordance with the second indent of Article 4d (8); whereas, in this respect, the same breeds as those under the previous scheme should be taken, with the exception of two breeds which up to now have not been considered to be suckler-cow breeds; whereas, furthermore, essentially the same administration rules which already applied to suckler cows under the old scheme should continue to be applied, in particular as regards the average milk yield and the additional national premium;

Whereas, with a view to implementing the system of individual ceilings as introduced by the new Articles of Regulation (EEC) No 805/68, the rules governing the determination of those ceilings and their communication to the producers should be specified; whereas, also, certain terms should be defined so as to give effect to the said Articles;

Whereas, bearing in mind the regulating effect which the system of individual ceilings will have on the market, provision should be made for premium rights not used by their holder during a specific period to revert to the national reserve; whereas appropriate measures should

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 355, 5. 12. 1992, p. 1.

also be taken to ensure that rights granted free of charge from the national reserve are used by the beneficiaries solely for the intended purposes;

Whereas the uniform implementation of the provisions relating to the transfer and temporary leasing of rights entails the laying down of certain administrative rules; whereas, in order to avoid excessive administrative work, the minimum number of rights which may be transferred or temporarily leased should be set at a sufficiently high level, taking into account the special situation of small producers;

Whereas such rules must also prevent infringement of the undertaking provided for in Article 4e (1) of Regulation (EEC) No 805/68 to surrender, each time that rights are transferred without transfer of the holding, a certain percentage of such transferred rights to the national reserve; whereas, moreover, provision should be made for this temporary surrender to be limited in time so as to avoid abuse of the transfer rules;

Whereas the special case where a producer only uses publicly or collectively owned land for grazing and transfers all his rights to another farmer, thus ceasing production, should be deemed equivalent to the transfer of a holding;

Whereas application of an administrative system of transfers in which all transfers of rights without transfer of the holding are conducted solely via the national reserve necessitates the establishment of a legal framework designed to preserve economic consistency with the system of direct transfers between producers; whereas objective criteria should be established for the determination of the sum to be paid by the national reserve to the producer who has transferred his rights and the sum to be paid by the producer who receives equivalent rights from the national reserve;

Whereas the possibility of choosing 1990 or 1991 as the reference year will cause transitional problems which need to be regulated; whereas, while ensuring that the total number of existing rights is not increased above the number of acquired or potential rights corresponding to the reference year chosen, provision should be made for an initial allocation of rights to farmers in well-defined situations; whereas, in order to take account of the exceptional circumstances which prevented producers from applying for a premium for the year or years following the reference year, while having obtained a premium for the reference year, provision should be made for such producers to receive rights from the national reserve; whereas, moreover, in conformity with the principle of

legitimate expectations, compensation in the form of the allocation of additional rights should be provided for in the case of producers whose individual ceiling does not reach its normal level because of their participation in a Community extensification programme;

Whereas the Canary Islands have only been subject to the provisions of the common agricultural policy, including the suckler cow premium arrangements, since 1 July 1992; whereas, therefore, the individual ceilings for producers located in that territory may not be established by reference to premiums granted for the reference year; whereas, in order to stay as close as possible to the economic situation in the reference year, the individual ceilings should be established on the basis and within the limits of the herds counted in that territory in the reference year while taking into account the premiums granted to producers for 1992;

Whereas the transition from the system existing when Regulation (EEC) No 2066/92 entered into force to the system of individual ceilings may cause special problems in certain Member States linked to the transfer of premium, rights by producers who do not own the land on which their holdings are situated; whereas, in order to ensure the smooth operation of the market, provision should be made for those Member States to take appropriate measures to resolve the problems while respecting the link between producer and premium rights under the system established by Articles 4d to 4f of Regulation (EEC) No 805/68;

Whereas the method for calculating the density factor should be determined; whereas, in order to simplify practical application of this factor, a time limit should be laid down for taking the reference milk quantity into consideration;

Whereas the special premium and suckler cow premium schemes are based on the calendar year as the period of reference; whereas, therefore, it is necessary to fix the date determining the elements to be taken into consideration for application of the said schemes; whereas, in order to ensure sound and coherent administration, the date of the submission of applications should be chosen;

Whereas, for the purposes of applying the processing premium, certain terms as well as detailed rules for the lodging of applications must be defined; whereas, in order to achieve both simple and effective control of processing operations, provision should be made for the Member States to be able to designate authorized establishments and specify the days on which processing is to take place;

Whereas abuse of the processing premium scheme must be prevented; whereas, to this end, the conditions for granting the premium must be defined and, in particular, imported animals and those presenting anomalies should be excluded from entitlement thereto; whereas the Member States' control obligations should also be specified;

Whereas, for the purposes of monitoring the measures taken under the reform of the premium schemes in the beef and veal sector, the Commission needs to be fully informed of the implementation measures taken by the Member States and the quantitative results of the application of the said schemes; whereas, therefore, provision should be made for the Member States to be subject to certain notification obligations;

Whereas the transition from the existing schemes to the new premium schemes will entail numerous administrative and practical difficulties for the Member States; whereas, in order to make this transition easier for them, certain transitional provisions should be laid down; whereas, in particular, male bovines which already received the special premium under the former scheme should not be fully excluded from entitlement to the premium pursuant to Article 4b of Regulation (EEC) No 805/68;

Whereas, furthermore, a certain degree of flexibility should be allowed with regard to the identification and registration of animals, given that the corresponding mechanisms provided for in the integrated system will not be operational until the entry into force of this Regulation;

Whereas, for the purposes of applying the regional ceiling to the Canary Islands, provisions should be laid down similar to those adopted for the individual ceiling for the suckler cow premium;

Whereas the new definition of suckler cow excludes certain breeds from entitlement to the premium which were previously allowed; whereas, in order to avoid the producers concerned suffering unfair losses and facilitate the conversion of their herds, these breeds should continue to be entitled to the premium for a transitional period for 1993 and 1994, the conditions for this exemption being strictly defined;

Whereas Commission Regulations (EEC) No 1244/82⁽¹⁾ and (EEC) No 714/89⁽²⁾ should be repealed;

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

This Regulation lays down detailed rules for the application of the premium schemes referred to in Articles 4a, 4b, 4c, 4d, 4e, 4f, 4g, 4h, 4i, 4j and 4k of Regulation (EEC) No 805/68, without prejudice to the provisions adopted under the integrated administration and control system (hereinafter referred to as 'integrated system') provided for in Regulation (EEC) No 3508/92.

CHAPTER I

SPECIAL PREMIUM

(Article 4b of Regulation (EEC) No 805/68)

Section 1

General scheme

Article 2

Applications⁽³⁾

1. In addition to the requirements introduced as part of the integrated system, each 'livestock' aid application (hereinafter called 'application') shall contain:

- (a) a breakdown of the number of animals by age bracket;
- (b) the reference to the administrative documents accompanying the animals which are the subject of the application.

2. Applications may be submitted in respect only of animals which on the date of commencement of the retention period are:

- not less than eight months and not more than 20 months old in the case of the first age bracket,
- not less than 21 months old in the case of the second age bracket.

Article 3

Administrative documents

1. Member States shall adopt the measures necessary to ensure that each animal is accompanied, at the latest from the date on which the first premium application is made, by a national administrative document. Such document shall in particular enable steps to be taken to ensure that one premium only is granted per animal and per age bracket.

⁽³⁾ See Article 6 (1) of the draft Council Regulation of the integrated system. The other components of the application will be specified in the detailed rules for the application of the integrated system.

⁽¹⁾ OJ No L 143, 20. 5. 1982, p. 20.

⁽²⁾ OJ No L 78, 21. 3. 1989, p. 38.

2. Member States may provide that the national administrative document shall take the form of:

- a document accompanying each individual animal,
- a comprehensive list, held by the producer, of all the information required for the administrative document, on condition that the animals concerned remain, from the date on which the first application is made, with the same producer until they are placed on the market for the purpose of being slaughtered,
- a comprehensive list, held by the central authorities, of all the information required for the administrative document, on condition that the Member State availing itself of this possibility carries out on-the-spot checks on all the animals covered by an application, checks the movements of those animals and makes a distinctive mark (ear punching) on each animal checked which the producers shall be required to permit.

Member States which decide to avail themselves of one of these possibilities shall notify the Commission thereof in due time and forward to it the relevant implementing provisions. For the purposes of this paragraph, Great Britain and Northern Ireland alone shall be considered to be regions of a Member State.

3. For each animal likely to qualify for a premium and which is the subject of intra-Community trade, the Member State from which the animal comes shall issue, on request to be submitted prior to the transaction, an administrative trade document, a model of which is set out in Annex I.

On the basis of the administrative trade document, the Member State of arrival shall issue, on request, a national administrative document.

However, where the national administrative document of a Member State corresponds in all ways with the above-mentioned model, it may be used directly as an administrative trade document provided that it bears a heading to that effect.

4. Member States shall assist one another in ensuring that the authenticity of administrative trade documents submitted is effectively checked.

Article 4

Retention period

The duration of the retention period shall be two months starting on the date following the date of submission of the application.

However, Member States may provide that other starting dates may be set by the producer provided that they do not occur more than two months after the date of submission of the application.

Article 5

Regional ceiling

1. Where the application of the proportional reduction gives a number of eligible animals which is less than a whole number, there shall be granted in respect of the decimal part a corresponding fraction of the unit amount of the premium. For this purpose account shall be taken of the first decimal place only.

2. Member States shall inform the Commission

(a) by 30 June 1993 at the latest:

- of the regions specified
- of the number of male bovine animals in each region constituting the regional ceiling;

(b) by 30 June at the latest of each calendar year, of the number of animals broken down by age bracket for which the special premium has not been granted in respect of the previous calendar year on account of the application of the regional ceiling.

Article 6

Individual ceiling

Before deciding to allocate individual ceilings, Member States shall notify the Commission thereof and shall inform them of the criteria adopted in this connection.

Article 7

Grant of premium

1. For the grant of the premium, account shall be taken:

- only of animals which are accompanied by their national administrative document, and
- which are duly identified in accordance with the relevant national and Community provisions.

2. Animals which have not qualified for the premium either on account of the application of the proportional reduction referred to in Article 4b (3) of Regulation (EEC) No 805/68 or of the application of the density factor may no longer be the subject of an application for the same age bracket and shall be considered to have received the premium.

Section 2

Grant of premium at the time of slaughter (Article 4b (5) of Regulation (EEC) No 805/68)

Article 8

Grant options

1. Member States may decide to grant the special premium at the time of slaughter or when the animals are first placed on the market with a view to being slaughtered, on the basis of one of the following options:

- grant of premium for the first age bracket and combined grant for the two age brackets together provided that their production structure so allows (option A), or
- grant of premium for the second age bracket only (option B).

2. Member States which have availed themselves of one of the options provided for in paragraph 1 shall provide that the premium is to be granted also when eligible animals are being dispatched to another Member State or are being exported to a third country.

3. Notwithstanding the provisions of Articles 2, 3 and 4, where one of the two options referred to in paragraph 1 is applied, the grant of the premium shall be subject to compliance with the following provisions.

Article 9

Statement of participation

In order to qualify for the premium for a given calendar year, each producer shall, before making the first application for that calendar year, submit a statement of participation.

The statement shall contain:

- the name and address of the producer,
- an approximate indication of the number of animals for which it is planned to apply for the premium for the calendar year concerned.

Article 10

Applications

1. Applications for 'livestock' aid shall be submitted not later than 30 days following slaughter or the date on which the animal is first placed on the market. Where the animal is dispatched to another Member State or exported to a third country, the application shall be submitted before the animal leaves the territory of the Member State concerned.

Member States may permit applications to be submitted through a person other than the producer. In such case the application shall bear the name and address of the producer who is liable to qualify for the premium.

2. In addition to the requirements introduced as part of the integrated system, each application shall contain:

(a) in cases where the grant is made at the time of slaughter, a certificate from the slaughterhouse showing:

- the name and address of the slaughterhouse;
- the date of slaughter and the identity and slaughter numbers of the animal;
- that the weight of the carcase is not less than 200 kg.

Member States shall make regular, unannounced checks to verify the accuracy of the certificates issued;

(b) in cases where an animal is being placed on the market for the first time:

- the name and address of the buyer,
- the identity number of the animal,
- a statement that the live weight of the animal is not less than 370 kg;

(c) in cases where the animal is dispatched to another Member State or exported to a third country:

- the name and address of the consignor or exporter,
- the identity number of the animal,
- a statement that the animal is not less than 10 months old.

Without prejudice to Article 15 (a), applications shall be accompanied by the national administrative document.

3. Where the animal is dispatched to another Member State or exported to a third country, the proof of dispatch or exportation of the animal referred to in Article 13 shall be submitted within 30 days following the date on which the animal leaves the territory of the Member State concerned.

Article 11

Slaughter

Where the premium is granted at the time the animals are first placed on the market, they shall be slaughtered within 15 days of the date on which they are first placed on the market.

Member States shall ensure that this requirement is met.

Article 12

Weight and presentation of carcase

1. The carcase weight shall be established on the basis of a carcase which meets the requirements set out in Annex III to Commission Regulation (EEC) No 859/89⁽¹⁾.

Where the carcase presentation differs from that definition, the corrective factors shown in the Annex to Commission Regulation (EEC) No 563/82⁽²⁾ shall apply.

⁽¹⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽²⁾ OJ No L 67, 11. 3. 1982, p. 23.

2. Where slaughter takes place in a slaughterhouse which is not subject to the application of the Community grading scale for carcasses of adult bovine animals, Member States may permit the weight to be established on the basis of the live weight of the slaughtered animal. In such case the carcass weight shall be considered to be more than 200 kg if the live weight of the slaughtered animal was greater than 370 kg.

Article 13

Dispatch or exportation

1. Where an animal is dispatched to another Member State, proof of the transaction shall be shown by means of a statement by the consignor indicating in particular the destination of the animal.

2. Where an animal is exported, proof that it has left the customs territory of the Community shall be shown in the same manner as for an export refund.

Article 14

Register

Without prejudice to the requirements introduced under the integrated system, the identity number of each male bovine animal on a holding shall be entered in the producer's special register not later than the third day following its arrival at the holding.

Article 15

Option A

Where option A is applied:

- (a) Member States may suspend the application of the national administrative document. In such case they shall take the measures necessary to prevent the premium being granted twice in respect of the same age bracket for animals which have been the subject of intra-Community trade;
- (b) Member States shall provide for the grant of the premium in respect of the second age bracket for animals which, after reaching the age of 196 months, have been the subject of intra-Community trade;
- (c) the retention period shall be
 - two months before slaughter or from the date on which animals for which an application has been made in respect of the first age bracket are first placed on the market,
 - four months from the first day of the 20th month in the life of animals for which a combined application has been made in respect of the two age brackets;
- (d) in the context of the calculation of the density factor each animal which is the subject of a combined appli-

cation for the two age brackets shall be taken into consideration twice.

Article 16

Option B

Where option B is applied, the retention period shall be two months at the earliest from the first day of the 22nd month in the life of the animals concerned.

Article 17

Grant and payment of premium

The premium shall be granted and paid to the producer who submitted the application or whose name is shown thereon.

Article 18

Notification

Member States shall notify the Commission before the start of the calendar year concerned of the option selected and the relevant procedures.

CHAPTER II

DESEASONALIZATION PREMIUM

(Article 4c of Regulation (EEC) No 805/68)

Article 19

Application of the premium

The Commission shall decide, by 1 July at the latest of each calendar year, in which Member States the deseasonalization premium may be granted for the following calendar year. For the 1993 calendar year the Commission shall take its decision not later than 31 December 1992.

Article 20

Entitlement to the premium

1. The premium may be granted in respect only of bovine animals which have already received the special premium in a Member State applying the deseasonalization premium either pursuant to the former Article 4a of Regulation (EEC) No 805/68 or pursuant to Article 4b of that Regulation, and which are slaughtered in a Member State applying the deseasonalization premium.
2. The premium may be granted only to the producer who last held the animal prior to slaughter.

Article 21

Premium application

1. The producer shall submit an application to the competent authority of the Member State in whose territory the holding is situated.

2. Each application shall contain a certificate from the slaughterhouse showing:

- (a) the name and address of the slaughterhouse in which the animals declared have been slaughtered;
- (b) the identity and slaughter numbers of the animals and their date of slaughter.

The application shall be accompanied by the national administrative documents, save in the case of animals which have received the special premium exclusively pursuant to former Article 4a of Regulation (EEC) No 805/68.

Member States shall take the measures necessary to verify that the special premium has been granted and shall carry out regular, unannounced checks on the accuracy of the abovementioned certificates.

CHAPTER III

SUCKLER COW PREMIUM

(Article 4d of Regulation (EEC) No 805/68)

Section 1

General scheme

Article 22

Cows belonging to a meat breed

Cows belonging to the bovine breeds set out in Annex II to this Regulation shall not be considered to be cows belonging to a meat breed within the meaning of the third indent of Article 4a of Regulation (EEC) No 805/68.

Article 23

Retention period

The six-month retention period referred to in Article 4d (5) of Regulation (EEC) No 805/68 shall start on the day following that on which the application is submitted.

Article 24

Applications

1. In addition to the requirements introduced as part of the integrated system, where an application is made for the premium pursuant to Article 4d (6) of Regulation (EEC) No 805/68, the 'livestock' aid application (hereinafter referred to as 'application') shall contain:

- (a) a statement setting out the individual reference quantity of milk allocated to the producer at the beginning of the 12-month period of application of the additional levy scheme starting in the calendar year

concerned. Where this quantity is unknown on the date of submission of the application it shall be notified to the competent authority at the earliest opportunity;

- (b) an undertaking by the producer not to increase his individual reference quantity above the legal ceiling during the 12-month period starting on the date of submission of the application.

2. Without prejudice to Article 41 (2) (a), applications may be submitted within an overall period of six months during a calendar year to be determined by the Member State.

Article 25

Average milk yield

The average milk yield shall be calculated on the basis of the average yields set out in Annex III to this Regulation. However, for this calculation Member States may use a document recognized by the Member States certifying the producer's dairy herd's average yield.

Article 26

Additional national premium

1. An additional national premium may be granted only:

- to a producer who, in respect of the same calendar year, receives the Community suckler cow premium, and
- within the limit of the number of animals qualifying for this premium.

2. Member States may lay down additional conditions for the grant of the additional premium. They shall inform the Commission thereof in good time before these conditions are brought into effect.

Section 2

Individual ceiling, reserves, transfers
(Articles 4d, 4e and 4f of Regulation (EEC) No 805/68)

Article 27

Individual ceiling

1. Member States shall determine an individual ceiling per producer under the conditions laid down in Article 4d (2) and (3) of Regulation (EEC) No 805/68.

2. To this end, the number of suckler cows qualifying for the premium in respect of the period for lodging applications as referred to in Article 1 (1) of Regulation (EEC) No 1244/82 which began in the selected reference year shall be taken as the basis.

3. Each producer shall be informed of the amount of his individual ceiling as soon as possible and at the latest by 31 October 1993. Where the number of premiums to be paid in respect of the reference year has not been definitively established as a result of a dispute between the producer and the competent authority, the notification may refer to a provisional individual ceiling.

4. Producers who, as a result of their loss of entitlement to the premium pursuant to Article 4a (8) of Regulation (EEC) No 1244/82, did not apply for the premium :

- for the reference year, shall be deemed to have received the premium for the number of eligible animals established during the check which gave rise to application of the abovementioned provision,
- for one of the years following the reference year up to and including 1992, shall be deemed to have lodged an application for the number of eligible animals established during the check which gave rise to application of the abovementioned provision.

Article 28

Definitions

For the purposes of Article 4d (3) of Regulation (EEC) No 805/68 :

- (a) 'the nearest reference year' means the reference year nearest to both the reference year selected and to 1993 in which the circumstances invoked did not obtain ;
- (b) 'natural circumstances' means circumstances which have resulted in application of Article 4a (2) of Regulation (EEC) No 1244/82 and the following occurrences, provided these took place prior to submission of the application, or before the final date for submission of premium applications in respect of the reference year, and are recognized by the competent authority :
 - a serious natural disaster having a major effect on the producer's holding,
 - accidental destruction of the producer's forage resources or buildings intended for rearing his suckler cow herd,
 - an epizootic which led to the slaughter of at least half of the producer's suckler cow herd.

Article 29

Notification

Member States shall notify the Commission by 31 August 1993 at the latest of :

- the total sum of the individual ceilings, broken down by type of region (less-favoured or not) ; the Commission shall compare this sum with the result of the

premiums granted in response to applications deemed to be acceptable in respect of the reference year,

- the number of additional premium rights granted to producers pursuant to Article 4d (3) of Regulation (EEC) No 805/68, specifying the type of natural circumstances invoked.

Article 30

National reserves

1. Member States shall notify the Commission by 31 December 1992 at the latest of the percentage reduction decided pursuant to Article 4f (1) of Regulation (EEC) No 805/68.
2. As from the 1994 calendar year, Member States shall notify the Commission :
 - by 30 April at the latest of each calendar year, of the number of premium rights paid to the national reserve following transfers of rights without transfers of holdings during the preceding calendar year,
 - by 30 April at the latest of each calendar year, of the number of premium rights granted pursuant to Article 4f (2) of Regulation (EEC) No 805/68 during the preceding calendar year,
 - by 30 April at the latest of each calendar year, of the total number of premium rights granted to producers in less-favoured areas from the additional reserve during the preceding calendar year.

Article 31

Less-favoured areas

For the purposes of Article 4f (3) of Regulation (EEC) No 805/68 and of this Regulation, 'producer in a less-favoured area' means any producer of beef and/or veal :

- whose holding is in the areas defined pursuant to Article 3 of Council Directive 75/268/EEC⁽¹⁾, or
- at least 50 % of whose utilized agricultural area on the holding within the meaning of Article 5 (b) of Council Regulation (EEC) No 571/88⁽²⁾ is in the said areas and is used for bovine production.

Article 32

Rights obtained free of charge

Where a producer has obtained premium rights free of charge from the national reserve :

- (a) he shall not be authorized to transfer the said rights or to lease them temporarily during the three following calendar years ;

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 56, 2. 3. 1988, p. 1.

- (b) where the producer does not avail himself of all his rights during the three following calendar years, the Member States shall withdraw and repay to the national reserve the average of the rights not used in the course of those three years.

Article 33

Use of rights

Without prejudice to the preceding Article and except in duly justified exceptional cases, where producers have not made use of at least 50 % of their rights during two consecutive calendar years, the part not used during the last calendar year shall be paid to the national reserve.

Article 34

Transfer of rights and temporary leasing

1. The minimum number of premium rights which may be the subject of a partial transfer not involving the transfer of a holding shall be :

- five in the case of producers holding more than 25 premium rights,
- three in the case of producers holding at least 10 and a maximum of 25 premium rights.

In the case of producers holding less than 10 rights, Member States may lay down, on the basis of their production structures, a minimum number of rights not exceeding three premium rights.

2. Transfers of premium rights and temporary leasing of such rights shall be effective only after they have been notified jointly to the competent authorities of the Member State by the producer transferring and/or leasing the rights and by the producer receiving the rights.

The deadline for notification shall be set by the Member State and shall expire not less than two months before the first day of the period for submitting applications laid down by each Member State. However, for 1993, notification shall be made before a date to be fixed by the Member State.

3. Temporary leasing shall be for whole calendar years only and shall involve at least the minimum number of animals provided for in paragraph 1. Over a period of five years from the first leasing a producer, except in the event of a transfer, must use all his rights for himself in the course of at least two consecutive calendar years. Where one of these conditions is not fulfilled the leasing shall lapse. However, for producers participating in extensification programmes recognized by the Commission, the Member States may provide for an extension of the total duration of the temporary leasing on the basis of these programmes.

Article 35

Change of individual ceiling

In the case of transfers or temporary leasing of premium rights, the Member States shall set the new individual ceiling and shall notify the producers concerned, before the beginning of the first period laid down by the Member State for the submission of premium applications, of the number of premium rights to which they are entitled.

Article 36

Producers who do not own the land they farm

Producers farming publicly or collectively owned land only who decide to stop farming this land and to transfer all their rights to another producer shall be treated in the same way as producers selling or transferring their holdings. In all other cases such producers shall be treated in the same way as producers transferring their premium rights only.

Article 37

Transfer through national reserve

Where Member States provide that the transfer of rights without transfer of the holding is to take place through the national reserve, they shall apply national provisions along the lines of those in Articles 33 to 37 of this Regulation. In addition, in this case :

- the Member States may provide that temporary leasing is to take place through the national reserve,
- when premium rights are transferred, or temporarily leased in cases where the first indent is applied, transfers to the reserve shall be effective only after they have been notified by the competent authorities of the Member State to the producer transferring and/or leasing the rights, and transfers from the reserve to another producer shall be effective only after they have been notified to that producer by these authorities.

In addition, such provisions must ensure that a payment must be made by the Member State for that part of the rights other than that referred to in the second subparagraph of Article 4e (1) of Regulation (EEC) No 805/68 corresponding to that which would have resulted from a direct transfer between producers, account being taken in particular of the trend of production in the Member State concerned. This payment shall be equal to the payment which will be claimed from producers receiving equivalent rights from the national reserve.

Article 38

Special provisions

1. Where producers have applied for the premium for the first time in respect of 1991 or 1992 :

- (a) these producers shall obtain, where they have inherited or taken over the holding of another producer who, after receiving the premium in respect of the reference year, ceased cattle production the rights to the premium which the latter would have enjoyed if he had continued to produce until 1992. For the purposes of this point (a), only applications submitted in respect of inherited or taken-over holdings shall be entertained;
- (b) where this year followed directly the reference year chosen by the Member State, the Member State may grant, in addition to use of the reserves provided for in Article 4f (1) and (3) of Regulation (EEC) No 805/68, premium rights to these producers, on condition that they do not receive any under point (a).

However, the total number of rights thus granted in each Member State may in no circumstances exceed the total number of potential rights corresponding to the producers who, having obtained the premium in respect of the reference year, ceased production without having passed on their holdings to a successor or other person in the calendar year following, and to the producers referred to in paragraph 2. Where the number of rights thus granted is less than the number of the said potential rights, the difference may be paid to the national reserve.

2. Producers who obtained premiums in respect of the reference year but who, owing to exceptional circumstances, did not apply for them in respect of the 1991 and/or 1992 calendar years, but who have nevertheless continued to produce may, where applicable, receive premium rights from the national reserve.

3. At his request, a producer who during the reference year chosen by the Member State participated in a production extensification programme pursuant to Regulation (EEC) No 797/85⁽¹⁾ shall be allocated, at the end of this participation, an additional number of premium rights equal to the difference between the number of premiums paid in respect of the reference year and the number of premiums paid in respect of the year preceding the year during which the producer began participating in the said programme. In this case:

- (a) the producer shall not be authorized to transfer his rights or to lease them temporarily during the three following calendar years;
- (b) where the producer does not avail himself of all his rights during the three following calendar years the Member State shall withdraw and repay to the national reserve the average of the rights not used in the course of those three years.

4. Producers in the Canary Islands who applied for the premium for the first time in respect of the 1992 calendar

year shall be granted premium rights under the following conditions:

- (a) a regional ceiling shall be set in line with the statistics concerning the number of suckler cows present in the reference year chosen by Spain in this territory; however, this ceiling shall not exceed a total of 8 000 head;
- (b) within this regional ceiling, an individual ceiling per producer shall be set taking account of the number of animals for which the premiums was granted in respect of the 1992 calendar year and the corrective factors referred to in Article 4d (2) of Regulation (EEC) No 805/68.

5. The Member States shall inform the Commission by 30 April 1993 at the latest of their national implementing provisions and of the number of premium rights granted pursuant to paragraphs 1 to 4.

6. Any application submitted in respect of 1993 for a number of animals in excess of the individual ceilings determined in accordance with Article 27 (1) of this Regulation shall be reduced to the number corresponding to the said ceiling.

Article 39

Special problems

Where necessary, Member States shall adopt the appropriate transitional measures in order to find fair solutions to any problems which may arise on entry into force of this Regulation in the existing contractual relations between producers who are not owners of all the land which they farm and the owners of this land in the event of the transfer of premium rights or other actions having equivalent effect. Such measures may be taken only to resolve difficulties involved in the introduction of a producer-linked premium rights scheme, and in any event must comply with the principles governing such link.

- 3. Where with the principles governing such link.

Article 40

Partial rights

1. Where calculations to be made pursuant to the provisions of this Section produce numbers which are not whole, only the first decimal place shall be taken into account.

2. Where application of the provisions of this Section results in partial premium rights, either for producers or the national reserve, these partial rights shall be added up.

3. Where a producer holds a partial right, this partial right shall entitle only to the grant of the corresponding fraction of the unit amount of the premium.

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

CHAPTER IV

COMMON PROVISIONS ON THE SPECIAL PREMIUM
AND THE SUCKLER COW PREMIUM*Article 41*

Applications

1. Member States may, for administrative reasons, provide that applications must be for a minimum number of animals, providing this number is not greater than 3.
2. Member States may determine :
 - (a) the periods and dates for submission of premium applications ;
 - (b) the number of applications that producers may submit per premium scheme and calendar year.

Article 42

Density factor

1. For each producer who, in respect of the same calendar year, submits
 - the 'area' aid application referred to in Article 6 (1) of Regulation (EEC) No 3508/92, and
 - at least one special premium or suckler cow premium application

the competent authorities shall establish the number of LU corresponding to the number of for which a premium may be granted, taking account of the forage area of his holding.

2. The number of animals to be considered in applying the limit of 15 LU shall be calculated in accordance with the first indent of Article 4 g (3) of Regulation (EEC) No 805/68.

3. In establishing the density factor :

- (a) account shall be taken of the individual reference quantity of milk allocated to the producer at the beginning of the period of 12 months of application of the additional levy scheme beginning in the calendar year concerned ;
- (b) the number of dairy cows needed to produce this reference quantity shall be calculated in accordance with Article 25 of this Regulation.

4. In determining the number of animals eligible for a premium :

- (a) the number of hectares determined in accordance with the rules laid down in the integrated system shall be multiplied by the density factor applicable in the calendar year in question ;
- (b) the number of LU corresponding to the number of dairy cows needed to produce the reference quantity of milk allocated to the producer shall be deducted from the figure thus obtained ;
- (c) the number of LU corresponding to the number of sheep and/or goats for which a premium application

is lodged shall be deducted from the figure thus obtained.

For the purposes of the conversion table in Annex I to Council Regulation (EEC) No 2328/91 ⁽¹⁾, dairy cows shall count as 1,0 LU. The final figure thus obtained shall correspond to the maximum number of LU for which the special premium and the suckler cow premium may be granted.

5. The Member States shall inform each producer concerned of the density factor established for him and of the resultant number of LU for which a premium may be granted.

Article 43

Additional amount

1. The competent authorities shall identify those producers who, in respect of a given calendar year, are to receive the special premium and the suckler cow premium and in whose case the density factor established for their holdings in respect of the same calendar year is less than 1,4 LU per hectare.

2. Without prejudice to paragraph 1, producers who, as a result of the limit of 15 LU, are exempt from application of the density factor may receive the additional amount provided they have submitted an 'area' aid application in accordance with Article 6 (1) of Regulation (EEC) No 3508/92.

3. The additional amounts shall be paid to eligible producers together with the amounts for definitive payment of the premium.

Article 44

Payment of advances

1. On the basis of the results of administrative checks and on-the-spot checks, the competent authority shall pay to the producer, for the number of animals deemed to be eligible, an advance equal to 60 % of the special premium and to the suckler cow premium.

The advance may not be paid before 1 November of the calendar year in respect of which the premium is applied for.

2. The definitive payment of the premium shall be an amount equal to the difference between the advance payment and the premium amount to which the producer is entitled.

Article 45

Allocation year

The date of submission of applications constitutes the operative event for determining the year to which animals covered by premium schemes are allocated and the number of LU to be used for calculating the density factor.

⁽¹⁾ OJ No L 218, 6. 8. 1991, p. 1.

CHAPTER V

PROCESSING PREMIUM

(Article 4i of Regulation (EEC) No 805/68)

Article 46

Definitions

For the purposes of this Chapter :

- 'operator' means any producer or other physical or legal person exercising commercial activities in the live cattle sector listed in a public register of the Member State concerned by the measure in whose territory he has his registered place of business,
- 'processing' means the slaughter of an animal with a view to the use of the products thus obtained in accordance with point V of Article 5 (1) (a) of Council Directive 64/433/EEC⁽¹⁾,
- 'dairy breed' means one of the breeds listed in Annex II to this Regulation.

Article 47

Premium applications

1. Operators shall submit premium applications to the competent authority at the latest three days before the animal is processed.
2. All applications shall specify :
 - (a) the number of animals intended for processing ;
 - (b) the processing centre and the date planned for processing of the animals declared ;
 - (c) that the animals were born in the Community.

Article 48

Processing conditions

1. Processing of an animal with a view to the grant of the premium may take place only in a processing centre approved by the Member State in whose territory it is located.
2. Member States may determine the days on which those animals covered by applications may be presented and processed in the aforementioned centres.

Article 49

Grant of the premium, controls

1. The premium shall be granted on condition that each animal covered by an application :

- satisfies the conditions laid down in Article 4i of Regulation (EEC) No 805/68,
- was born in the Community,
- is presented in a general condition not indicating, in particular, health anomalies or malformations, and
- is presented and processed in the processing centre specified in the application on the date indicated therein. However, in cases of *force majeure*, the premium shall be granted on condition that, within a time limit of 10 days following the event in question, the operator proves to the satisfaction of the competent authority that the animal was processed in an approved processing centre before passing the age of 10 days.

2. Each Member State shall ensure that permanent physical checks are made in the processing centres on the days laid down for presentation and processing of animals. These checks shall be on all the conditions for granting the premium.

The checks made shall be listed in a report on each animal checked.

3. Where it is established that the number of animals indicated in the application is greater than the number of animals presented for processing, the premium shall be granted for the number of animals presented less the difference established.

Article 50

Payment of the premium

Premiums for animals processed over one month shall be paid in a single amount at the latest two months after the end of the month in question.

Article 51

Undue payment

In the case of undue payment of the premium, the provisions on the recovery of undue amounts laid down in the integrated system⁽²⁾ shall apply.

Article 52

Notification

1. Member States shall notify the Commission of the measures taken to implement the processing premium.
2. Member States which decide not to apply the premium shall inform the Commission thereof at the latest one month in advance.

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽²⁾ See the Commission Regulation laying down detailed rules for the application of the integrated system to be adopted later.

3. Member States shall notify the Commission :

- of the processing centres they have approved, and any withdrawals of approval,
- each Wednesday, of the number of animals for which the premium was applied for during the preceding week.

Chapter VI

TRANSITIONAL AND FINAL PROVISIONS

Article 53

(Conversion into national currency)

Conversion of premium amounts into national currency shall be made :

- (a) for deseasonalization and processing premiums, at the agricultural conversion rate applicable on 1 January of the calendar year during which the animal was slaughtered ;
- (b) for the other premiums and the additional amount, at the agricultural conversion rate applicable on 1 January of the calendar year in respect of which the premium and/or amount is granted.

Article 54

New German *Länder*

When Article 4k of Regulation (EEC) No 805/68 is applied Germany shall take account of agricultural structures in the new *Länder* and of the foreseeable trend as regards their agricultural production structures.

Article 55

National implementing measures

Member States shall adopt all other suitable measures necessary to ensure that this Regulation is applied properly. They shall inform the Commission thereof.

Article 56

Notification

1. From 1994 onwards, the Member States shall notify the Commission annually by 30 June at the latest of each year and for the preceding calendar year of :
 - the number of male bovines for which the special premium was actually granted, broken down by age bracket, and indicating the grant, where applicable, of the additional amount provided for holdings with a density factor of less than 1,4 LU per hectare,
 - the number of suckler cows for which the suckler cow premium was actually granted, broken down according to the schemes referred to in Article 4d (5) and

(6) of Regulation (EEC) No 805/68, and indicating the grant, where applicable, of the additional amount available for holdings with a density factor of less than 1,4 LU per hectare.

2. From 1993 onwards, the Member States concerned shall notify the Commission annually at the latest on 1 August of each year of the number of animals for which the deseasonalization premium was actually granted.

Article 57

Transition to the new special premium scheme

1. Animals for which the special premium was granted pursuant to the former Article 4a of Regulation (EEC) No 805/68 shall not be eligible for the grant of the special premium referred to in Article 4b of Regulation (EEC) No 805/68 in respect of the first age bracket.
2. Member States which, with a view to implementing the provisions of Article 4b of Regulation (EEC) No 805/68, decide to change from the general scheme for granting the special premium to the scheme for granting it on slaughter or on the animals' first being placed on the market with a view to their slaughter, or *vice versa*, may, for applications submitted until 31 March 1993 at the latest, apply the two schemes side by side under the conditions laid down in Articles 4b and 4g of Regulation (EEC) No 805/68 and in this Regulation. In this case the Member States may lay down that withdrawal provisions similar to those existing under the scheme provided for in Council Regulation (EEC) No 468/87⁽¹⁾ shall apply.

They shall take the measures necessary to avoid application of this Article leading to the premium being granted twice for the same age bracket.

3. Until application of the alphanumeric identification and registration system for bovine animals referred to in Article 5 of Regulation (EEC) No 3508/92, producers shall indicate in the application for the special premium for the second age bracket whether the application relates to non-castrated animals.

4. Notwithstanding Article 4 :

- (a) the Member States may reduce the retention period to one month per age bracket for applications submitted from 1 January to 28 February 1993 ;
- (b) for applications submitted in January 1993, the Member States may lay down that the retention period began in December 1992. In this case, the application must be accompanied by a declaration by the producer that he actually fattened the animal for at least one month and that his holding has the means of production allowing such fattening during the said period.

⁽¹⁾ OJ No L 48, 17. 2. 1987, p. 4.

5. Producers in the Canary Islands who applied for the special premium for the first time in respect of the 1992 calendar year may qualify for the premium rights under the following conditions:

- (a) a regional ceiling shall be set in line with the statistics concerning the number of eligible animals present in the preference year chosen by Spain in that territory; however, this ceiling shall not exceed a total of 25 000 head;
- (b) if the total number of animals covered by an application and satisfying the conditions for the grant of the special premium exceeds the regional ceiling mentioned above, the number of animals eligible per producer during the year concerned shall be reduced in proportion.

Article 58

Transition to the new suckler cow premium scheme

Notwithstanding Article 22, and for applications to be submitted in respect of 1993 and 1994, cows belonging to the breeds listed in Annex II or which are the result of cross-breeding between these breeds shall be considered to belong to a meat breed on condition that:

- they have been covered or inseminated by bulls of a meat breed, and
- the producer in question received the suckler cow premium in respect of 1990 or 1991.

The number of cows eligible under the above provisions may not exceed the number of suckler cows for which the producer received the premium in respect of 1990 or 1991.

Article 59

Identification of animals

Until application of the alphanumeric identification and registration system for bovine animals referred to in Article 5 of Regulation (EEC) No 3508/92:

- (a) without prejudice to the identification and registration obligations laid down in Article 4g (4) of Regulation

(EEC) No 805/68, Member States shall ensure proper identification and registration of the animals covered by applications for the special premium and suckler cow premium, where necessary by analogous application of Article 7 of Regulation (EEC) No 714/89 and Article 1 (5) of Regulation (EEC) No 1244/82 respectively;

- (b) where the age of the animal cannot be established on the basis of documents, the competent authorities may use the age declared by the producer whilst still being obliged, in cases of doubt, to use other sources of information, in particular in the case of applications for the special premium for the second age bracket for non-castrated bovine animals.

Article 60

Repeal of Regulations

Regulations (EEC) No 1244/82 and (EEC) No 714/89 are hereby repealed with effect from 1 January 1993. They shall remain applicable to applications submitted by 31 December 1992 at the latest. However, Article 7 of Regulation (EEC) No 714/89 and Article 1 (5) of Regulation (EEC) No 1244/82 shall continue to apply until implementation of the alphanumeric identification and registration system for animals referred to in Article 2 (a) of Regulation (EEC) No 3508/92.

Article 61

Entry into force

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

It shall apply from 1 January 1993, except Articles 18 and 30 (1), which shall apply on entry into force of this Regulation.

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

Done at Brussels, 23 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

ADMINISTRATIVE TRADE DOCUMENT REFERRED TO IN ARTICLE 3 (3)

Document No : (a)

1. Male bovine born on (b) :

2. Identification

Earmark :

Previous mark (c) :

3. Premium situation (d)

Application/grant first age bracket

Yes/No

Application/grant second age bracket

Yes/No

4. Person applying for document :

(address) :

5. Issue authority

stamp

date

-
- (a) Alphanumeric number the first two characters of which indicate the issuing Member State (e.g. 01 = Belgium, 02 = Denmark, 03 = Germany, 04 = Greece, 05 = Spain, 06 = France, 07 = Ireland, 08 = Italy, 09 = Luxembourg, 10 = Netherlands, 11 = Portugal and 12 = United Kingdom).
- (b) Pending the implementation of a harmonized identification system, it is sufficient to indicate the month (year) of birth.
- (c) Where applicable.
- (d) Animals for which no premium was granted as a result of the application of the proportional reduction are deemed to have received it (Article 7 (2) of this Regulation).

*ANNEX II***LIST OF BOVINE BREEDS REFERRED TO IN ARTICLE 22**

- Angler Rotvieh (Angeln) — Rød dansk mælkerace (RMD),
 - Ayreshire,
 - Armoricaïne,
 - Bretonne Pie-noire,
 - Fries-Hollands (FH), Française frisonne pie noire (FFPN), Friesian-Holstein, Holstein, Black and White Friesian, Red and White Friesian, Frisona española, Frisona Italiana, Zwartbonten van België/Pie noire de Belgique, Sortbroget dansk mælkerace (SDM), Deutsche Schwarzbunte, Schwarzbunte Milchrasse (SMR).
 - Groninger Blaarkop,
 - Guernsey,
 - Jersey,
 - Kerry,
 - Malkeborsthorn,
 - Reggiana,
 - Valdostana Nera.
-

*ANNEX III***AVERAGE MILK YIELD REFERRED TO IN ARTICLE 25**

Belgium	4 350 kg
Denmark	6 150 kg
Germany	4 850 kg
Greece	3 000 kg
Spain	3 600 kg
France	4 950 kg
Ireland	3 950 kg
Italy	4 150 kg
Luxembourg	4 800 kg
Netherlands	6 000 kg
Portugal	3 550 kg
United Kingdom	5 200 kg

COMMISSION REGULATION (EEC) No 3887/92
of 23 December 1992

laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽¹⁾ (hereinafter called 'integrated system'), and in particular Article 12 thereof,

Whereas the purpose of the integrated system is, first and foremost, to enable the reform of the common agricultural policy to be implemented efficiently and in particular to solve the administrative problems caused by the reform having introduced several area-linked aid schemes; whereas certain clarifications necessary for applying the concepts of agricultural parcel and forage area should be made;

Whereas the agricultural holding is the reference unit for administering the abovementioned aid schemes; whereas to prevent the stabilizing effects of the reform on agricultural production from being evaded by the artificial splitting up of existing holdings or creation of holdings, Member States should be obliged to take the necessary measures to this effect, taking into account in particular the jurisprudence of the Court of Justice relating to the notion of a holding as well as the general principle of forbidding the abuse of rights;

Whereas, having regard to the existing identification system, the Member States should be authorized to set up their systems for identifying areas with the aid of units other than agricultural parcels; whereas, however, this possibility should be accompanied by certain obligations in order to ensure that the identification is reliable;

Whereas the compulsory content of the 'area' aid application should be specified, along with the conditions on which it may be amended after the deadline for its submission; whereas provision should also be made for the set-aside declaration and the declaration concerning

non-food products to be submitted with the 'area' aid application; whereas farmers applying only for aid which is not linked to area should be exempted from the requirement to submit such an application and the administrative treatment of producer groups in the sheep and goat sector should be clarified; whereas, moreover, if there is to be effective monitoring each Member State should determine the minimum size of agricultural parcel which may be declared in the application;

Whereas, so as to simplify the work as much as possible for farmers, in certain cases it should be possible to submit the 'area' aid application together with a 'livestock' aid application provided that this does not reduce the possibility of control;

Whereas there should also be an across-the-board definition of the particulars to be included in 'livestock' aid applications, having regard to the requirements of administering the premium schemes concerned;

Whereas compliance with the provisions on Community aid must be effectively monitored; whereas to this end it is necessary to set out in detail the criteria and technical procedures for carrying out administrative and on-the-spot checks in respect of both 'livestock' and 'area' aid; whereas, in the light of experience with on-the-spot checks, risk analysis should be applied when determining minimum checking rates and the factors to be taken into consideration should be specified; whereas, for monitoring purposes, there should be provision for a retention period in the case of the compensatory allowance also;

Whereas the conditions for the use of remote sensing for on-the-spot checks should be laid down and provision should be made for physical checks to be required in doubtful cases; whereas, in order to encourage Member States in their efforts to develop remote sensing and its practical application for monitoring purposes, there should be provision for the Community to make a financial contribution to the cost of photo interpretation and the conditions for such contribution should be laid down; whereas this financial contribution does not affect the part-financing provided for in Article 10 of Regulation (EEC) No 3508/92;

⁽¹⁾ OJ No L 355, 5. 12. 1992, p. 1.

Whereas, in the light of experience and having regard to the principle of proportionality and the special problems linked to cases of *force majeure* and natural circumstances, provisions should be adopted to prevent and penalize irregularities and fraud effectively; whereas, to this end, having regard to the specific features of the 'area' schemes on the one hand and the 'livestock' schemes on the other, there should be sanctions graded according to the gravity of the irregularity committed, going as far as total exclusion from a scheme for the year in question and the year thereafter;

Whereas provision should be made for the beneficiary to repay with interest any amount wrongly paid; whereas the amounts recovered and the interest collected must be credited to the EAGGF in accordance with the principles set out in Article 8 (2) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2048/88⁽²⁾;

Whereas the management of small amounts is by nature a burdensome task for the competent services of Member States the possibility not to pay amounts of aid which are smaller than a certain minimum limit and not to request reimbursement of wrongly paid amounts when the sums involved are minimal;

Whereas it is necessary to create an administrative framework for the part-financing provided for in Article 10 of Regulation (EEC) No 3508/92 and to lay down the procedural rules for the payment of advances, the definitive acceptance of the expenditure declared by Member States and the redistribution of amounts which are not used by the Member States and to which they are entitled;

Whereas the integrated system will not be applicable in its entirety until 1 January 1996 at the latest; whereas, without prejudice to the obligations arising from Article 8 (1) of Regulation (EEC) No 729/70, it is therefore indispensable to oblige the Member States to avoid any lack of administration or control meanwhile by adopting the necessary measures at national level; whereas Member States must inform the Commission regularly of the measures taken to implement the integrated system and the results obtained;

Whereas, taking into account the date of entry into force of this Regulation it would be appropriate to exclude the premium for ewes and for goats and the compensatory allowance from the application of the integrated system during 1993;

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

HAS ADOPTED THIS REGULATION:

TITLE 1

GENERAL

Article 1

This Regulation lays down detailed rules for applying the integrated administration and control system introduced by Regulation (EEC) No 3508/92. It shall be without prejudice to specific provisions adopted in the Regulations covering the individual aid schemes.

Article 2

1. For the purposes of this Regulation:
 - (a) a parcel that both contains trees and is used for crop production covered by Article 1 of Regulation (EEC) No 3508/92 shall be considered an agricultural parcel provided that the production envisaged can be carried out in a similar way as on parcels without trees in the same area;
 - (b) where a forage area is used in common, the competent authorities shall assign it between the individual farmers in proportion to their use or right of use of it;
 - (c) each forage area must be available for rearing animals for a minimum period of seven months, starting on a date to be determined by the Member State, which must be between 1 January and 31 March.
2. Member States shall take the measures necessary to avoid that the conversion of existing holdings or the creation of holdings after 30 June 1992 leads to the patently improper avoidance of the provisions relating to the individual limits on eligibility for premiums or land set-aside requirements imposed under the schemes indicated in Article 1 of Regulation (EEC) No 3058/92.
3. For the purposes of the integrated system, it a forage area is situated in a Member State other than that in which the principal place of business of the farmer using it is situated, that area shall be deemed at the request of the applicant to be part of the holding of that farmer provided:
 - it is situated in the immediate vicinity of the holding, and
 - a major part of all the agricultural land used by that farmer is situated in the Member State in which he has his principal place of business.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

4. An aid shall not be granted if the amount per aid application does not exceed 50 ECU.

TITLE II

IDENTIFICATION

Article 3

The identification system indicated in Article 4 of Regulation (EEC) No 3508/92 shall operate at agricultural parcel level. Member States may provide that another unit, such as the cadastral parcel or production block, be used instead of the agricultural parcel. In such cases Member States shall take the action required to ensure that agricultural parcels are reliably identified and in particular shall require that 'area' aid applications be furnished with particulars or accompanied by documents specified by the competent authority that will enable each agricultural parcel to be located and measured.

TITLE III

AID APPLICATIONS

Article 4

1. Without prejudice to the requirements set out in regulations on individual aid schemes, 'area' aid application shall contain all necessary information, in particular:

- the identity of the farmer,
- particulars permitting identification of all the agricultural parcels on the holding, with their area, location, use and, where relevant, whether the parcels are irrigated, and the aid scheme concerned,
- a statement by the producer that he is aware of the requirements pertaining to the aids in question.

By 'use' is meant the type of crop or ground cover or the absence of a crop.

Member States may require that uses not falling within the scope of the integrated system be declared under an 'other uses' heading.

2. (a) After the time limit for its submission the 'area' aid application may be amended only:

- in cases of obvious error recognized by the competent authority,
- where agricultural parcels are concerned, in particular cases that are properly documented (e.g. death, marriage, purchase or sale, conclusion of a tenancy contract). Member States shall determine the conditions applying thereto. However, a parcel any not be added to parcels declared as set aside or forage area, except in cases which are duly justified according to the provisions concerned and on a condition that the parcels have been accounted for as set aside or forage area in the aid application of another farmer, and that this aid application is corrected as a consequence,
- in other cases foreseen in sectorial regulations.

(b) Changes of use or aid scheme shall be permitted in all cases except that a parcel may not be added to those declared as set aside.

(c) In the case of a parcel used for a crop not falling within the scope of the integrated system, which the farmer decides to replace with a crop which falls within the scope of the system during the period within which changes may be introduced, an 'area' aid application may still be introduced within that period.

3. If an 'area' aid application relates only to permanent pasture the Member State may provide that it may be submitted at the same time as the first 'livestock' aid application by the farmer in question lodged after the date laid down for the submission of the other 'area' aid applications in the Member State concerned, and not later than 1 July.

4. Set-aside declarations and crop declarations under the non-food product crop scheme shall be made along with the 'area' application or comprise part of it. However, for 1993 the Member States may set an earlier date for the submission of applications.

5. An 'area' aid application need not be submitted by farmers applying for only:

- the special premium for male bovine animals and/or the suckler cow premium who are exempted from the stocking rate requirement and do not apply for the supplement to these premiums,
- the deseasonalization premium,
- the ewe or she-goat premium.

6. The 'area' aid application of a producer who is a member of a producer group as defined at point 2 in Article 1 of Council Regulation (EEC) No 3493/90 ⁽¹⁾, and who for the same calendar year applies for both the ewe or she-goat premium and for aid under another Community scheme shall include all the agricultural parcels used by the group. In such cases the forage area shall be assigned to the producers concerned in proportion to their individual limits as specified in Article 5a of Council Regulation (EEC) No 3013/89 ⁽²⁾, valid on 1 January of the year concerned.

7. For the sake of effective control each Member State shall determine the minimum size of agricultural parcel in respect of which an application may be made. However, the minimum size may not exceed 0,3 ha.

Article 5

1. Without prejudice to the requirements pertaining to application for aid under individual schemes the 'livestock' aid application shall contain all necessary information, in particular:

- the identity of the farmer,
- a reference to the 'area' aid application if this has already been submitted, except in cases covered by Article 4 (5),
- the number of animals of each species in respect of which any aid is applied for,
- where applicable, an undertaking by the applicant to keep these animals on his holding during the retention period and information on the location or locations where the animals will be held including, where applicable, the period or periods concerned and, for cattle, the identity numbers of the animals; when the location changes during that period the farmer is obliged to inform the competent authority in writing in advance,
- where applicable, the individual limit or individual ceiling for the animals concerned,
- where applicable, the individual milk reference quantity assigned to the farmer at the beginning of the 12-month period of application of the additional levy scheme which commences in the calendar year concerned; when the reference quantity is not known on the date on which the application is lodged, it shall be notified to the competent authority as soon as possible,
- a statement by the farmer that he is aware of the requirements pertaining to the aids in question.

The Member State may decide that some of this information need not be included in the aid application, where

that information has already been communicated to the competent authority.

2. Applications for the compensatory allowance as specified in Article 19 (1) (a) of Council Regulation (EEC) No 2328/91 ⁽³⁾ shall be lodged by a date or during a period to be set out by the Member State.

TITLE IV

CONTROL

Article 6

1. Administrative and on-the-spot checks shall be made in such a way as to ensure effective verification of compliance with the terms under which aids and premiums are granted.

2. The administrative checks referred to in Article 8 (1) of Regulation (EEC) No 3508/92 shall include cross-checks on parcels and animals declared in order to ensure that aid is not granted twice in respect of the same calendar year without justification.

3. On-the-spot checks shall cover at least a significant percentage of applications. The significant percentage shall represent at least:

- 10 % of 'livestock' aid applications or participation declarations,
- 5 % of 'area' aid applications. However, this percentage shall be reduced to 3 % for area aid applications numbering more than 700 000 per Member State in the calendar.

Should on-the-spot checks reveal significant irregularities in a region or part of a region the competent authority shall make additional checks during the current year in that area and shall increase the percentage of applications to be checked in the following year.

4. Applications subjected to on-the-spot checking shall be selected by the competent authority on the basis of a risk analysis and an element of representativeness of the aid applications submitted. The risk analysis shall take account of:

- the amount of aid involved,
- the number of parcels and the area or number of animals for which aid is requested,
- changes from the previous year,

⁽¹⁾ OJ No L 337, 4. 12. 1990, p. 7.

⁽²⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽³⁾ OJ No L 218, 6. 8. 1991, p. 1.

- the findings of checks made in past years,
- other factors to be defined by the Member State.

5. On-the-spot checks shall be unannounced and cover all the agricultural parcels and animals covered by one or more applications. Advance warning limited to the strict minimum necessary may however be given, although as a general rule, this should not exceed 48 hours.

At least 50 % of the minimal checks on animals shall be made during the retention period. Checks may be effected outside that period only if the register provided for in Article 4 of Council Directive 92/102/EEC⁽¹⁾ is available.

6. Notwithstanding the second subparagraph of the preceding paragraph, where a special premium on slaughter or on the first placing on the market of animals with a view to their slaughter is granted in accordance with the provisions foreseen in the Commission Regulation establishing detailed rules relating to the premium regime foreseen in Articles 4a to 4k of Council Regulation (EEC) No 805/68⁽²⁾ each on-the-spot check shall comprise.

- verification on the basis of the private register kept by the producer that all the animals for which aid applications were submitted prior to the on-the-spot check have been kept throughout the retention period, and
- verification that all the male bovine animals more than 30 days old present on the holding are properly identified and entered in the private register.

7. Agricultural parcel areas shall be determined by any appropriate means defined by the competent authority which ensure measurement of a precision at least equivalent to that required for official measurements under the national rules. The competent authority shall set a tolerance margin taking account of the measuring method used, the accuracy of the official documents available, local factors (such as slope, shape of parcel) and the provisions of the following subparagraph.

The total area of an agricultural parcel may be taken into account provided that it is fully utilized according to the customary standards of the Member State or region concerned. In other cases the area actually utilized shall be taken into account.

8. The eligibility of agricultural parcels shall be verified by any appropriate means. To this end additional proof shall be requested where necessary.

9. Every animal covered by an application for a compensatory allowance provided for under Regulation (EEC) No 2328/91 must be held by the applicant for a minimum period of two months from the day following submission of the application.

Article 7

1. Should a Member State decide to use remote sensing on all or part of the sample referred to in Article 6 (3) it shall:

- perform photo interpretation of satellite images or aerial photographs of all parcels to be checked with a view to recognizing the ground cover and measuring the area,
- check on the spot all applications for which photo interpretation does not verify the accuracy of the declaration to the satisfaction of the competent authority.

2. Without prejudice to the part-financing provided for in Article 10 of Regulation (EEC) No 3508/92, the Community may, within the limit of the appropriations allocated for that purpose, contribute to the cost of the operations provided for in the first indent of paragraph 1, provided that they are planned jointly with the Commission. The funds available will be assigned in the proportions specified in the Annex.

Article 8

1. Except in cases of *force majeure*, late lodgement of an aid application shall lead to a 1 % reduction per working day in the amounts affected by the application, to which the farmer would have been entitled if the application had been lodged within the deadline. If the delay amounts to more than 20 days the application shall be considered inadmissible and no aid shall be granted.

For the purposes of this Article, 'application' means an 'area' aid application, a 'livestock' aid application, an amendment to an 'area' aid application as referred to in Article 4 (2) and confirmation of sowing as referred to in Article 2 (2) of Commission Regulation (EEC) No 2294/92⁽³⁾.

2. Late submission of, or failure to submit, an application other than the 'livestock' aid application concerned shall not entail reductions or exclusion from the aid schemes referred to in Article 4 (5).

⁽¹⁾ OJ No L 355, 5. 12. 1992, p. 32.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 221, 6. 8. 1992, p. 22.

Article 9

1. If the area actually determined is found to be greater than that declared in the 'area' aid application, the area declared shall be used for calculation of the aid.

2. If the area actually determined is found to be less than that declared in an 'area' aid application, the area actually determined on inspection shall be used for calculation of the aid. However, except in cases of *force majeure*, the area actually determined on inspection shall be reduced:

- by twice the difference found if this is more than 2 % or two hectares but not more than 10 % of the determined area.
- by 30 % if the difference found is more than 10 % but not more than 20 % of the determined area,

If the difference is more than 20 % of the determined area no area-linked aid shall be granted.

However, in the case of a false declaration made intentionally or as a result of serious negligence:

- the farmer in question shall be excluded from the aid scheme concerned for the calendar year in question, and
- in the case of a false declaration intentionally made, from any aid scheme referred to in Article 1 (1) of Regulation (EEC) No 3508/92 for the following calendar year, in respect of an area equal to that for which his aid application was rejected.

These reductions shall not be applied if the farmer can show that his determination of the area was accurately based on information recognized by the competent authority.

Where a farmer has not met all the obligations incumbent on him in regard to parcels fallowed for non-food production purposes these shall, on the occasion of inspection for the purposes of application of this Article, be considered not to have been found.

For the purposes of this Article, 'determined area' means the area for which all of the conditions laid down in the rules have been met.

3. Forage areas, set-aside areas and each arable crop area for which a different aid rate is applicable shall be treated exclusively and separately for the purposes of applying paragraphs 1 and 2.

4. The areas determined in accordance with the provisions of paragraphs 1 and 3 of this Article for aid calculation purposes shall be used:

- where set aside provisions are involved, for the calculation of the maximum area eligible for compensatory payments to arable crop producers,
- for calculation of the limit on the premiums referred to in Articles 4g and 4h of Regulation (EEC) No 805/68, as well as for the compensatory allowance.

However, in the cases mentioned in paragraph 2, first subparagraph, first and second indents, the calculation of the maximum area eligible for the payment of compensatory allowances to arable producers shall be made on the basis of the area of set aside actually determined.

5. If it is found that rape seed sown does not meet the requirements of Article 3 of Regulation (EEC) No 2294/92 no aid shall be granted for the agricultural parcel(s) in question.

Article 10

1. Where an individual limit or individual ceiling is applicable the number of animals shown in aid applications shall be reduced to the limit or ceiling set for the farmer concerned.

2. If the number of animals declared in an aid application exceeds that found during checks the aid shall be calculated on the number of animals found. However, except in cases of *force majeure* and after paragraph 5 has been applied, the unit amount of the aid shall be reduced:

(a) in cases where an application concerns a maximum of 20 animals:

- by the percentage corresponding to the difference found if this is not more than two animals,
- by twice the percentage corresponding to the difference found if this is more than two but not more than four animals.

If the difference is greater than four animals, no aid shall be granted;

(b) in other cases:

- by the percentage corresponding to the difference found if this is not more than 5 %,
- by 20 % if the difference found is more than 5 % but not more than 10 %,
- by 40 % if the difference found is more than 10 % but not more than 20 %.

If the difference found is more than 20 % no aid shall be granted.

The percentages mentioned under (a) are calculated on the basis of the number declared, and those mentioned under (b) on the basis of the number found.

However, where it is found that a false declaration was made intentionally or as a result of serious negligence :

- the farmer in question shall be excluded from the aid scheme concerned for the calendar year in question, and
- in the case of a false declaration made intentionally, from the same aid scheme for the following calendar year.

If a farmer has been unable to comply with his retention undertaking as a result of *force majeure* he shall retain his right to a premium in respect of the number of animals actually eligible at the time when the case of *force majeure* occurred.

In no case may premiums be granted on a greater number of animals than that shown in the aid application.

For the purposes of this paragraph animals eligible for different premiums shall be treated separately.

3. Without prejudice to the preceding paragraph, where an on-the-spot check effected by virtue of Article 6 (6) reveals that the number of animals present on the holding and for which an application is likely to be submitted does not correspond to the number of animals entered in the private register the total amount of the special premiums to be granted to the applicant during the calendar year concerned shall, except in cases of *force majeure*, be reduced proportionately.

However :

- if the difference found during an on-the-spot check is greater than or equal to 20 % of the number of animals present or if a difference of at least 3 % or at least two animals is found during two checks in the same year, no premium shall be granted for that calendar year,
- if inaccurate entries in the register are found to be intentional or the result of serious negligence by the applicant in question, he shall be excluded from the special premium scheme for the current calendar year and the following calendar year.

4. Male bovine animals present on the holding shall not be counted unless identified in the aid application, or,

in the case where paragraph 3 is applied, those identified in the register.

However, a suckler cow declared for the premium or a bovine declared for the compensatory allowance provided for in Regulation (EEC) No 2328/91 may be replaced by another suckler cow or bovine respectively provided that replacement occurs within 20 days of the animal's departure from the holding and that the replacement is entered in the private register not later than three days after the day of replacement.

5. In cases where owing to the impact of natural circumstances the farmer cannot meet his commitment to keep the animals notified for a premium throughout the compulsory retention period he shall be entitled to the premium for the number of eligible animals actually kept throughout the period, provided that he has informed the competent authority in writing within 10 working days of finding any reduction in the number of animals.

Article 11

1. The penalties laid down in this Regulation shall be without prejudice to additional penalties laid down at national level.

2. A case of *force majeure* with relevant evidence to the satisfaction of the competent authority must be lodged in writing with the authority within 10 working days of the date on which the farmer is in a position to do so.

3. Without prejudice to the actual circumstances to be taken into account in individual cases, the competent authorities may recognize, in particular, the following cases of *force majeure* :

- (a) the death of the farmer ;
- (b) long-term professional incapacity of the farmer ;
- (c) expropriation of a major part of the agricultural land managed by the farmer if such expropriation could not be anticipated on the day the application was lodged ;
- (d) a severe natural disaster gravely affecting the holding's agricultural land ;
- (e) the accidental destruction of livestock buildings on the holding ;
- (f) an epizootic affecting part or all of the farmer's livestock.

The Member States shall notify the Commission of the cases which they recognize as *force majeure*.

Article 12

Every inspection visit must be the subject of a report setting out, in particular, the reasons for the visit, the persons present, the number of parcels visited, those measured, the measuring methods used, the number of animals of each species found and, where applicable, their identity numbers.

It will be open to the farmer or his representative to sign the report. He may either merely attest his presence at the inspection or also add his observations.

Article 13

Except in cases of *force majeure*, if an on-the-spot check cannot be made through the fault of the farmer the application shall be rejected.

Article 14

1. In cases of wrong payment the farmer will be required to reimburse the amount in question plus interest for the period between payment and the reimbursement by the beneficiary.

The rate of interest applicable is calculated according to the provisions of national law and shall, however, in no case be lower than the interest rate applicable in case of recovery of national amounts.

No interest shall be levied, or at the most on amount to be determined by the Member State corresponding to the undue profit, if the wrong payment was an error of the competent authority.

In the case of aids or premiums financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, paying agencies shall deduct amounts recovered and interest paid from the expenditure of that Section, without prejudice to Article 7 of Council Regulation (EEC) No 595/91 ⁽¹⁾.

2. However, Member States may decide that the amount owed should not be paid over but deducted from the first advance or first payment due to the farmer concerned after the date on which the repayment decision was taken. No interest shall run after the beneficiary has been informed of the wrong payment.

3. Member States may decide not to claim repayment of amounts of ECU 20 or less per holding per calendar year provided that their national law includes corresponding non-recovery rules for similar circumstances.

Article 15

Member States shall take all further measures required for application of this Regulation and shall give the mutual assistance needed for the purposes of checks required pursuant to this Regulation.

TITLE V

PART-FINANCING

Article 16

1. Each year before 31 January Member States shall inform the Commission whether or not they wish to take up the part-financing option provided by Article 11 of Regulation (EEC) No 3508/92 and before 31 March shall notify a detailed expenditure forecast for the year and an application for an advance payment. For 1993, the Member States shall make the latter notification by 31 May.

2. Within three months of receiving the forecast mentioned in paragraph 1 the Commission shall examine its content and on that basis make an advance payment to the Member State to be deducted from the final amount of the Community contribution.

The Commission shall indicate to Member States any of their expenditure that cannot be part-financed by the Community.

3. By 15 May each year at the latest each Member State shall transmit to the Commission a breakdown of expenditure incurred in the previous year.

4. Within six months of receiving the breakdown of expenditure the Commission shall take a decision on the expenditure to be financed by the Community. The relevant amount shall be paid to the Member State minus the advance payment indicated in paragraph 2.

5. If the advance payment made under paragraph 2 is greater than the total payment to be made by the Community the balance shall be repaid by the Member State either as a deduction from the advance payment for the following year or by reimbursement.

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 11.

6. If a Member State has specifically informed the Commission under paragraph 1 that it does not want to take up the Community part-financing option the unused amount shall be allocated by the Commission in accordance with Article 10 of Regulation (EEC) No 3508/92 between those Member States that had stated their intention of taking up the option.

7. Member States shall retain for at least three years following the year to which they relate all payment files and supporting documents relating to expenditure incurred pursuant to Article 10 of Regulation (EEC) No 3508/92.

TITLE VI

TRANSITIONAL MEASURES

Article 17

1. In cases where by virtue of Article 13 of Regulation (EEC) No 3508/92 certain features of the integrated system are not yet in application each Member State shall take whatever administrative and control measures are necessary to ensure compliance with the terms on which the aids concerned are granted.

2. Until the integrated system has been put into full and definitive application each Member State shall inform the Commission each year before 31 January of:

- the measures taken under paragraph 1,
- its plans for bringing the integrated system into application for the calendar year concerned,
- the progress achieved in the previous calendar year.

For 1993, Member States shall make that communication by 31 March.

At the Commission's request Member States shall make any adjustments it deems necessary to the abovementioned measures or plans.

TITLE VII

NOTIFICATION

Article 18

1. Member States shall inform the Commission of national measures taken in application of this Regulation.
2. The computerized data base established as a part of the integrated system shall be used to support the information specified in the framework of sectorial regulations which Member States are obliged to send to the Commission.

TITLE VIII

FINAL PROVISIONS

Article 19

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

It shall apply from 1 February 1993.

However, as regards the ewe and she-goat premiums and the compensatory allowance provided for in Article 19 (1) (a) of Regulation (EEC) No 2328/91, the integrated system shall only apply with effect from applications submitted in respect of the marketing year and calendar year of 1994 respectively.

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

Done at Brussels, 23 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANNEX***The proportions (percentages) referred to in Article 7 (2)**

Belgium	2,3
Denmark	2,4
Germany	10,1
Greece	8,7
Spain	18,1
France	14,6
Ireland	4,5
Italy	20,1
Luxembourg	0,6
Netherlands	3,0
Portugal	5,7
United Kingdom	9,9

COMMISSION REGULATION (EEC) No 3888/92

of 23 December 1992

establishing certain transitional provisions in the beef and veal sector pending the entry into force of the integrated administration and control system for certain Community aid schemes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 2066/92 ⁽²⁾, and in particular Articles 4b (8), 4c (4), 4d (8), 4e (5), 4g (5), 4h (2) and 4k (2) thereof,

Whereas the provisions relating to aid applications, the identification and recording of bovine animals and the controls provided for in Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽³⁾, (hereinafter referred to as 'integrated system') will not enter into force until 1 February 1993; whereas there should be certain transitional provisions in order to ensure that the premium arrangements established in the beef and veal sector by the reform of the common agricultural policy are fully operational with effect from 1 January 1993; whereas they should take into account wherever possible the solutions used for the integrated system;

Whereas applications submitted under the arrangements provided for by this transitional Regulation will also be affected by certain provisions of the integrated system, in particular in respect of forage area, controls, penalties and recovery of incorrect payments; whereas the attention of the producers concerned should be drawn to this point;

Whereas it is necessary to clarify the concept of forage area in order to help producers organize their production;

Whereas the agricultural holding is the reference unit for administering the above-mentioned aid scheme; whereas, to prevent the stabilizing effects of the reform on agricultural production from being evaded by the artificial subdivision of existing holdings, Member States should be

allowed to refuse to recognize such subdivisions in certain circumstances;

Whereas the compulsory content of the livestock aid application should be specified bearing in mind the need to administer and monitor the premium arrangements concerned;

Whereas compliance with the provisions on Community aid must be effectively monitored; whereas, in view of the restricted period of application of this Regulation, the basic provisions relating to livestock controls should be restricted; whereas, however, in view of the fact that grant of the special premium on slaughter or on the first placing on the market will be fully operational from 1 January 1993, the control criteria in that regard should be specified;

Whereas, in the light of experience and having regard to the principle of proportionality and the special problems linked to cases of *force majeure* and natural circumstances, provisions should be adopted to prevent and penalize irregularities and fraud effectively; whereas, to this end, having regard to the specific features of the livestock aid scheme, there should be sanctions graded according to the gravity of the irregularity concerned, up to and including total exclusion from a scheme for the year in question and the year thereafter;

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

1. This Regulation shall apply to livestock aid applications submitted prior to the date of implementation of the detailed rules for applying the integrated administration and control system for certain Community aid schemes under the following arrangements:

- special premiums,
- deseasonalization premiums,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 355, 5. 12. 1992, p. 1.

- suckler cow premiums, and
- compensatory amounts

referred to in Articles 4a to 4h and 4k of Regulation (EEC) No 805/68.

2. However, without prejudice to Article 4, the provisions relating to areabased aid applications, administrative and on-the-spot controls, penalties relating to forage areas and recovery of incorrect payments which are applicable to the applications referred to in paragraph 1 shall be adopted at a later date under the integrated system arrangements.

Article 2

1. For the purposes of this Regulation :

- (a) A parcel of land that both contains trees and is used for crop production covered by Article 1 of Regulation (EEC) No 3508/92 shall be considered agricultural land provided that production can be carried out in a similar way as on parcels without trees in the same area.
- (b) Where a forage area is used in common, the competent authorities shall assign it between the individual farmers in proportion to their use of it.
- (c) Each forage area must be available for raising livestock for a minimum period of seven months, starting on a date to be determined by the Member State, which must be between 1 January and 31 March.

2. The competent authority shall consider several holdings as a single holding if separation has been carried out after 30 June 1992 where, taking account of all the economic and legal aspects of the case in question, this has been done principally to evade individual limits on eligibility for premiums referred to in Articles 4a to 4k of Regulation (EEC) No 805/68.

The preceding subparagraph shall not apply where the interested parties are able to prove a substantial change in the physical or financial structure of the holding which could, in itself, justify the transformation of the holding in its previous form.

3. For the purposes of the integrated system, if a forage area is situated in a Member State other than that in which the principal place of business of the producer using it is situated, that area shall be deemed at the request of the applicant to be part of the holding of that producer provided :

- it is situated in the immediate vicinity of the holding, and

- the relative majority of all the agricultural land used by that producer is situated in the Member State in which he/she has his/her principal place of business.

Article 3

1. In order to qualify for one of the schemes referred to in Article 1 each producer shall submit one or more livestock aid applications (hereinafter referred to as 'applications') at the latest by the dates specified for the schemes concerned.

2. Without prejudice to the requirements pertaining to applications for premiums established by Regulation (EEC) No 3886/92⁽¹⁾, an application shall contain all necessary information, in particular :

- the identity of the applicant,
- the number of bovine animals in respect of which a premium is applied for,
- where applicable, an undertaking by the producer to keep these animals on his/her holding during the retention period and information on the location or locations where the animals will be held including, where applicable, the period or periods concerned and the identity numbers of the animals ; when the location changes during that period the producer is obliged to inform the competent authority in writing in advance,
- where applicable, the individual ceiling for the animals concerned,
- where applicable, the individual milk reference quantity assigned to the applicant at the beginning of the 12-month period of application of the additional levy scheme which commences in the calendar year concerned ; when the reference quantity is not known on the date on which the application is lodged, it shall be notified to the competent authority as soon as possible,
- a statement by the producer that he/she is aware of the requirements pertaining to the grant of the aids in question.

The Member State may decide that some of this information need not be included in the aid application, where that information has already been communicated to the competent authority.

3. Where an application has to be accompanied by additional documents, the documents shall be deemed to form an integral part of it.

4. While respecting the dates or periods provided in the Community rules for the submission of applications, Member States may decide that a single application may cover several livestock aid applications.

⁽¹⁾ See page 20 of this Official Journal.

Article 4

1. Member States shall carry out an administrative check on applications.
2. These administrative checks shall be supplemented by on-the-spot checks.
3. The administrative and on-the-spot checks shall be made in such a way as to ensure effective verification of compliance with the terms on which the premiums are granted.
4. On-the-spot checks shall be unannounced and cover all the animals covered by one or more applications. Advance warning limited to the strict minimum necessary may however be given. This should not generally exceed 48 hours.
5. Notwithstanding the preceding paragraph, where a special premium is granted on slaughter or on the first placing on the market of animals with a view to their slaughter in accordance with Article 8 of Regulation (EEC) No 3886/92, each on-the-spot check shall comprise:
 - verification on the basis of the private register kept by the producer that all the animals for which applications were submitted prior to the on-the-spot check have been kept throughout the retention period, and
 - verification that all the male bovine animals more than 30 days old present on the holding are properly identified and entered in the private register.

Article 5

Except in cases of *force majeure*, late lodgement of an application shall lead to a 1 % reduction per working day in the premium amounts affected by the application to which the farmer would have been entitled if the application had been lodged within the deadline. If the delay amounts to more than 20 days the application shall be considered inadmissible and no premium shall be granted.

Article 6

1. Where an individual ceiling is applicable the number of animals shown in premium applications shall be reduced to the ceiling set for the applicant concerned.
2. If the number of actually eligible bovine animals found on inspection is lower than the number declared in a premium application the premium shall be calculated on the basis of the number of animals found. However, except in cases of *force majeure* and after paragraph 5 has

been applied, the unit amount of the premium shall be reduced:

- (a) in the case of an application relating to a maximum of 20 animals: the unit amount of the premium shall be reduced:
 - by the percentage corresponding to the difference found if this is not more than two animals,
 - by twice the percentage corresponding to the difference found if this is more than two animals but not more than four animals.

If the difference is greater than four animals no premium shall be granted;

- (b) in other cases,

- by the percentage corresponding to the difference found if this is not more than 5 %,
- by 20 % if the difference found is more than 5 % but not more than 10 %,
- by 40 % if the difference found is more than 10 % but not more than 20 %.

If the difference found is more than 20 % no premium shall be granted.

The percentages referred to under (a) shall be calculated on the basis of the number declared, and those mentioned under (b) on the basis of the number found.

However, where it is found that a false declaration was made intentionally or as a result of serious negligence:

- the producer in question shall be excluded from the aid scheme concerned in respect of the calendar year in question, and
- from the same aid scheme for the following calendar year.

If a producer has been unable to comply with his retention undertaking as a result of *force majeure* he shall retain his right to a premium in respect of the number of animals actually eligible at the time when the case of *force majeure* occurred.

In no case may premiums be granted on a greater number of animals than that shown in the aid application.

For the purposes of this paragraph animals eligible for different premiums shall be treated separately.

3. Without prejudice to the preceding paragraph, where it is found, during implementation of the arrangements for granting the special premium on slaughter or on the first placing on the market, that the number of animals present on the holding and for which an application is likely to be submitted does not correspond to the number of animals entered in the private register the total amount of the special premiums to be granted to the producer in respect of the calendar year concerned shall, except in cases of *force majeure*, be reduced proportionately.

However :

- if the difference found during on-the-spot check is greater than or equal to 20 % of the number of animals present or if a difference greater than or equal to 3 % or two animals is found during each of two checks in the same year, no premium shall be granted for that calendar year, and
- if inaccurate entries in the register are found to be intentional or the result of serious negligence by the producer in question, he shall be excluded from the special premium scheme in respect of the current calendar year and the following calendar year.

4. Bovine animals shall not be counted unless identified in the aid application or, in the case when paragraph 3 is applied, entered in the register.

However, a suckler cow declared for the premium may be replaced by another suckler cow provided that replacement occurs within 20 days of the animal's departure from the holding and that the replacement is entered in the register not later than three days after the day of replacement.

5. In cases where owing to the impact of natural circumstances in the life of his herd the producer cannot meet his commitment to keep the animals notified for a premium throughout the compulsory retention period he shall be entitled to the premium for the number of eligible animals actually kept throughout the period, provided that he has informed the competent authority in writing within 10 working days of finding any reduction in the number of animals.

Article 7

1. The penalties laid down in this Regulation shall be without prejudice to additional penalties laid down at national level.

2. A case of *force majeure* with relevant proof to the satisfaction of the competent authority must be notified in writing to that authority within 10 working days of the date on which the applicant is in a position to do so.

3. Without prejudice to the actual circumstances to be taken into account in individual cases, the competent authorities may recognize the following cases of *force majeure*:

- (a) the death of the producer;
- (b) long-term professional incapacity of the producer;
- (c) expropriation of a large area of the agricultural land of the holding managed by the producer if such expropriation could not be anticipated on the day the application was submitted;
- (d) a severe natural disaster gravely affecting the holding's agricultural land;
- (e) the accidental destruction of the producer's cattle housing;
- (f) an epizootic affecting part or all of the producer's cattle herd.

The Member States shall notify the Commission of the cases which they will recognize as *force majeure*.

Article 8

Except in cases of *force majeure*, if an on-the-spot check cannot be made through the fault of the application shall be rejected.

Article 9

Member States shall take all further measures required for application of this Regulation and shall give the mutual assistance needed for the purposes of checks required under this Regulation.

Article 10

For the period of application of this Regulation, references to the provisions applicable under the integrated system in Regulation (EEC) No 3886/92 shall be construed as references to this Regulation.

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, 23 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3889/92

of 28 December 1992

amending Commission Regulation (EEC) No 3233/92 laying down detailed rules
for implementing the specific wine sector aid arrangements for the Azores and
Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 1600/92
of 15 June 1992 concerning specific measures for the
Azores and Madeira relating to certain agricultural
products⁽¹⁾ and in particular Article 23 thereof,

Whereas the ageing of liqueur wines is as quantitative
measure which should be applied to wines which have
not already undergone ageing and, therefore, on a priority
basis, to wines obtained from the most recent harvest;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 (2) of Commission Regulation (EEC)
No 3233/92⁽²⁾ is hereby amended as follows:

'2. Aid for the ageing of Madeira liqueur wines
shall be granted to producers in the region who make
application to the competent agency in the first two
months of each year.

Such aid shall be paid on a priority basis in respect of
wines of the most recent harvest. Applications concer-

ning wines produced in previous harvest years shall be
accepted where the quantity in question is less than
20 000 hl, priority consideration being given to the
youngest wines.

If the total quantity for which applications are
submitted is greater than 20 000 hl, a reduction
percentage shall be applied.

The total amount of product in respect of which a
producer submits an aid application may not be
greater than that which is the subject of the produc-
tion declaration operated in accordance with Commis-
sion Regulation (EEC) No 3929/87^(*) for the wine
year in question.

The Portuguese authorities shall notify to the
Commission:

- the total quantities for which contracts have been
concluded each year,
- the rules for implementation of the provisions set
out in this paragraph.

^(*) OJ No L 369, 29. 12. 1987, p. 59.'

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 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 321, 6. 12. 1992, p. 11.

COMMISSION REGULATION (EEC) No 3890/92

of 28 December 1992

amending measures in respect of the application of the common organization of the market in sheepmeat and goatmeat as a result of the amendment of certain CN codes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products⁽¹⁾, as amended by Regulation (EEC) No 3208/89⁽²⁾, and in particular Article 2 (2) thereof,

Whereas Commission Regulation (EEC) No 2505/92 of 14 July 1992, amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾ has made certain amendments to the nomenclature for the market in beef and veal, whereas as a result it is necessary to adjust Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽⁴⁾, as last amended by Regulation (EEC) No 2069/92⁽⁵⁾ and a number of measures affecting the sector,

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Council Regulation (EEC) No 2641/80 of 14 October 1980 derogating from certain import rules laid down in Regulation (EEC) No 1837/80 on the common organization of the market in sheepmeat and goatmeat⁽⁶⁾, as last amended by Regulation (EEC) No 3937/87⁽⁷⁾, the first indent is hereby replaced by the following:

— 'The use of import certificates for products falling within subheadings 0104 10 30, 0104 10 80 and

0104 20 90 and heading No 0204 of the combine nomenclature originating in a third country which has undertaken to restrict its exports to the Community shall not exceed for each calendar year the overall quantity resulting from the voluntary restraint agreement signed with the Community';

Article 2

Commission Regulation (EEC) No 2668/80 of 17 October 1980 laying down detailed rules for applying the levies on sheepmeat and goatmeat⁽⁸⁾, as last amended by Regulation (EEC) No 3937/87, is hereby amended as follows:

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

'1. The free-at-Community-frontier offer price referred to in Article 11 (2) of Regulation (EEC) No 3013/89 shall be calculated on the basis of the free-at-Community-frontier offer prices for products specified in section (a) of Annex I to the said Regulation and for live animals falling within subheadings 0104 10 30, 0104 10 80 and 0104 20 90 of the combined nomenclature.'

2. Annexes I and II are replaced by the Annex I to this Regulation.

Article 3

Commission Regulation (EEC) No 20/82 of 6 January 1982 on special detailed rules for applying the system of import and export licences for sheepmeat and goatmeat⁽⁹⁾, as last amended by Regulation (EEC) No 3937/87 is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

This Regulation lays down special detailed rules for applying the system of import and export licences set up by Article 15 (1) of Regulation (EEC) No 3013/89.

⁽¹⁾ OJ No L 34, 9. 2. 1979, p. 2.

⁽²⁾ OJ No L 312, 27. 10. 1989, p. 5.

⁽³⁾ OJ No L 267, 14. 9. 1992, p. 1.

⁽⁴⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽⁵⁾ OJ No L 215, 30. 7. 1992, p. 59.

⁽⁶⁾ OJ No L 275, 18. 10. 1980, p. 2.

⁽⁷⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 276, 20. 10. 1980, p. 39.

⁽⁹⁾ OJ No L 3, 7. 1. 1982, p. 26.

However:

- (a) for products falling within heading No 0204 of the combined nomenclature and originating in Argentina, Australia, New Zealand and Uruguay;

and

- (b) for products falling within subheadings 0104 10 30, 0104 10 80 and 0104 20 90 and heading No 0204 of the combined nomenclature and originating in Austria, Bulgaria, Hungary, Iceland, Poland, Romania, Czechoslovakia and Yugoslavia,

import licences may be issued only subject to the conditions laid down in Regulation (EEC) No 19/82.'

2. Article 2 is replaced by the following:

'Article 2

The provisions of the third indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply to imports of products with subheadings 0104 10 30, 0104 10 80 and 0104 20 90 and heading No 0204 of the combined nomenclature.'

Article 4

Article 1 (1) of Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import arrangements applicable to certain third countries in the sheepmeat and goatmeat sector as from 1986 ⁽¹⁾, as last amended by Regulation (EEC) No 1568/92 ⁽²⁾ is hereby replaced by the following:

'1. The imports levy applicable to the following products shall be limited to a maximum of 10 % *ad valorem*, subject to annual quantitative limits expressed in tonnes of carcase equivalent for each third country concerned and by category.

CN code	Description	Third country concerned and quantity	
		Chile	Other third countries (a)
0104	Live sheep and goats:		
0104 10 30	— — — Lambs (up to a year old) (b)		
0104 10 80	— — — Other sheep other than pure bred breeding animals (b)		
and			
0104 20 90	— Live goats and other than pure bred breeding animals (b)	0	50
0204	Meat of sheep or goats:		
	— — Fresh or chilled	0	100
	— — Frozen	1 490	100 (c)

(a) Excluding Argentina, Australia, Austria, Bulgaria, Czechoslovakia, Hungary, Iceland, New Zealand, Poland, Romania, Uruguay and Yugoslavia.

(b) The coefficient to be employed for converting net mass (live weight) into carcase weight (carcase weight equivalent) shall be 0,47 for products falling within subheadings 0104 10 30, 0104 10 80 and 0104 20 90 of the combined nomenclature.

(c) Of which 100 tonnes shall be reserved for Greenland.'

Article 5

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

1. Article 1 is replaced by the following:

'Article 1

The common organization of the market in sheepmeat and goatmeat shall comprise a price system and trading system and cover the following products:

⁽¹⁾ OJ No L 348, 24. 12. 1985, p. 2.

⁽²⁾ OJ No L 166, 20. 6. 1992, p. 3.

CN code	Description
(a) 0104 10 30	Live lambs up to a year old
0104 10 80	Live other sheep other than purebred breeding animals
0104 20 90	Live goats other than purebred breeding animals
0204	Meat of sheep or goats, fresh, chilled or frozen
0210 90 11	Meat of sheep and goats, with bone in, salted, in brine, dried or smoked
0210 90 19	Meat of sheep and goats, boneless, salted, in brine, or smoked
(b) 0104 10 10	Live sheep — purebred breeding animals
0104 20 10	Live goats — purebred breeding animals
0206 80 99	Edible offal of sheep and goats, fresh or chilled, other than for the manufacture of pharmaceutical products
0206 90 99	Edible offal of sheep and goats, frozen, other than for the manufacture of pharmaceutical products
0210 90 60	Edible offal of sheep and goats, salted, in brine, dried or smoked
1502 00 99	Fats of sheep or goats, raw or rendered, whether or not pressed or solvent-extracted
(c) 1602 90 71	Other prepared or preserved meat or offal of sheep or goats, uncooked; mixtures of cooked and uncooked meat or offal
(d) 1602 90 79	Other prepared or preserved offal of sheep or goats

2. Article 11 (3) is replaced by the following:

'3. The levy on live-animals of CN codes 0104 10 30, 0104 10 80 and 0104 20 90 and on meat as indicated in Annex II under codes 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 50 13, 0204 50 15, 0204 50 19, 0204 50 31, 0204 50 39, 0210 90 11 and 0210 90 19 shall be equal to the levy on the product referred to in paragraph 1 multiplied by a standard coefficient fixed for each of the products in question.'

3. Article 12 (3) is replaced by the following:

'3. For the frozen meat as indicated in Annex II under CN codes 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 10, 0204 43 90, 0204 50 53, 0204 50 55, 0204 50 59, 0204 50 71 and 0204 50 79 the levy shall be equal to the levy fixed for the product referred to in paragraph 1, multiplied by a standard coefficient fixed for each of the products in question.'

4. Article 14 is replaced by the following:

'Article 14

By way of derogation from Articles 11, 12 and 13:

- (a) levies on products of CN codes 0104 10 30, 0104 10 80 and 0104 20 90 shall be limited to the amount resulting from voluntary restraint agreements;
- (b) levies on products of CN code 0204 for which the rate of duty has been bound under the General

Agreement on Tariffs and Trade (GATT) shall be limited to the amount resulting from such binding or to that resulting from voluntary trade agreements.'

5. Annex II is replaced by Annex II to this Regulation.

Article 6

Article 1 (1) of Regulation (EEC) No 3882/90 laying down detailed rules for the monitoring of import lamb prices⁽¹⁾ is replaced by the following:

'Article 1

1. Member States shall, on the 15th day of each month, notify the Commission, for each non-member country of origin, of the "free at frontier offer price" or the "cost, insurance freight (cif) value" and the quantity imported of live animals and sheepmeat recorded during the calendar month preceding the date of such notification and falling within CN codes 0104 10 30, 0104 10 80, 0204 10 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 30 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 10.'

Article 7

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ OJ No L 367, 29. 12. 1990, p. 127.

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 I

ANNEX I

Coefficients for calculating the levies referred to in Article 11 (3) of Regulation (EEC) No 3013/89

CN code	Description	Coefficient for the calculation of levy
0104	Live sheep and goats :	
0104 10	- Sheep	
0104 10 30	- - - Lambs (up to a year old) :	0,47
0104 10 80	- - - Other	0,47
0104 20	- Goats	
0104 20 90	- - Other	0,47
	Meat of sheep or goats, fresh or chilled :	
0204 10 00	- Carcases and half-carcases of lamb, fresh or chilled	1,00
	- Other meat of sheep, fresh or chilled	
0204 21 00	- - Carcases and half-carcases	1,00
0204 22	- - Other cuts with bone in	
0204 22 10	- - - Short forequarters	0,70
0204 22 30	- - - Chines and/or best ends	1,10
0204 22 50	- - - Legs	1,30
0204 22 90	- - - Other	1,30
0204 23 00	- - Boneless	1,82
0204 50	- Meat of goats :	
	- - Fresh or chilled :	
0204 50 11	- - - Carcases and half-carcases	1,00
0204 50 13	- - - Short forequarters	0,70
0204 50 15	- - - Chines and/or best ends	1,10
0204 50 19	- - - Legs	1,30
	- - - Other	
0204 50 31	- - - - Cuts with bone in	1,30
0204 50 39	- - - - Boneless cuts	1,82
	Meat of sheep and goats salted, in brine, dried or smoked :	
0210 90 11	- - - - With bone in	1,30
0210 90 19	- - - - Boneless	1,82

ANNEXE II

Coefficients for calculating the levies referred to in Article 12 (3) of Regulation (EEC) No 3013/89

CN code	Description	Coefficient for the calculation of levy
0204	Meat of sheep and goats, frozen	
0204 30 00	- Carcases and half-carcases of lamb, frozen	1,00
	- Other meat of sheep, frozen	
0204 41 00	- - Carcases and half-carcases	1,00
0204 42	- - Other cuts with bone in	
0204 42 10	- - - Short forequarters	0,70
0204 42 30	- - - Chines and/or best ends	1,10
0204 42 50	- - - Legs	1,30
0204 42 90	- - - Other	1,30
0204 43 10	- - - Boneless cuts of lamb	1,82
0204 43 90	- - - Boneless cuts of other sheep	1,82
	- - Frozen meat of goats	
0204 50 51	- - - Carcases and half-carcases	1,00
0204 50 53	- - - Short forequarters	0,70
0204 50 55	- - - Chines and/or best ends	1,10
0204 50 59	- - - Legs	1,30
	- - - Other	
0204 50 71	- - - - Cuts with bone in	1,30
0204 50 79	- - - - Boneless	1,82

ANNEX II

ANNEX II

CN code	Description
Section (a)	Meat of sheep and goats, fresh or chilled :
0204 10 00	— Carcases and half-carcases of lamb
0204 21 00	— Carcases and half-carcases of sheep other than those of lamb
0204 22 10	— Short forequarters of sheep
0204 22 30	— Chines and/or best ends of sheep
0204 22 50	— Legs of sheep
0204 22 90	— Other cuts with bone in of sheep
0204 23 00	— Boneless cuts of sheep
0204 50 10	— Carcases and half-carcases of goats
0204 50 13	— Short forequarters of goats
0204 50 15	— Chines and/or best ends of goats
0204 50 19	— Legs of goats
0204 50 31	— Other cuts with bone in of goats
0204 50 39	— Boneless cuts of goats
Section (b)	Meat of sheep and goats, salted in brine, dried or smoked :
0210 90 11	— With bone in
0210 90 19	— Boneless
Section (c)	Meat of sheep and goats, frozen :
0204 30 00	— Carcases and half-carcases of lamb
0204 41 00	— Carcases and half-carcases of sheep other than those of lamb
0204 42 10	— Short forequarters of sheep
0204 42 30	— Chines and/or best ends of sheep
0204 42 50	— Legs of sheep
0204 42 90	— Other cuts with bone in of sheep
0204 43 10	— Boneless cuts of lamb
0204 43 90	— Boneless cuts of sheep
0204 50 51	— Carcases and half-carcases of goats
0204 50 53	— Short forequarters of goats
0204 50 55	— Chines and/or best ends of goats
0204 50 59	— Legs of goats
0204 50 71	— Other cuts with bone in of goats
0204 50 79	— Boneless cuts of goats

COMMISSION REGULATION (EEC) No 3891/92**of 29 December 1992****amending Commission Regulation (EEC) No 859/89 laying down detailed rules
for the application of intervention measures 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 Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 2066/92⁽²⁾, and in particular Articles 6 (7) and 6a (4) thereof,

Whereas the reform of the common agricultural policy has led to substantial changes in the intervention arrangements in the beef and veal sector; whereas the amendments provided for in Article 1 (4) of Regulation (EEC) No 2066/92 concern the traditional intervention measures for adult bovine animals as well as introducing a new optional intervention scheme for light carcasses of male bovine animals; whereas Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 695/92⁽⁴⁾, should therefore be amended to take account of the new situation;

Whereas, in the interests of simplicity, intervention measures for light carcasses must in principle be managed in accordance with the same rules and within the same administrative framework as the traditional system; whereas, in order to take account of the special features of the new arrangements, and particularly the fact that carcasses weighing between 150 and 200 kilograms fall to a large extent outside the scope of Council Regulation (EEC) No 1208/81 of 28 April 1981 determining the Community scale for the classification of carcasses of adult bovine animals⁽⁵⁾, as last amended by Regulation (EEC) No 1026/91⁽⁶⁾, certain specific provisions should be adopted in this respect;

Whereas, in view of the nature of light carcasses, it is not as a general rule appropriate to allow them to be boned by the intervention agencies; whereas, for health reasons, an exception should be made in the case of the United Kingdom;

Whereas, in accordance with the objectives of the reform, it has been necessary to re-examine the list of qualities eligible for intervention; whereas products of category A belonging to conformation class 0 have consequently

been eliminated; whereas, in order to take account of specific problems in Member States where that quality predominates, provision should be made for it to be phased out gradually;

Whereas the reduction to 60 % of the intervention price of the threshold triggering the 'safety net' mechanism as referred to in Article 6 (4) of Regulation (EEC) No 805/68 creates the danger of a speculative fall in market prices in certain Member States; whereas, in order to discourage such speculation and prevent a downward spiral of this type, the prices awarded should be modulated on the basis of the market price trends subsequently recorded in cases where the tendered price is higher than the applicable market price; whereas, in the interests of simplification, the amounts of the increase referred to in Article 6 (5) should be adopted as fixed amounts, which should continue to differ on the basis of which intervention arrangements apply;

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

Regulation (EEC) No 859/89 is hereby amended as follows:

1. The title is replaced by the following:

'Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of general and special intervention measures in the beef and veal sector'.

2. In Article 2:

- (a) the existing text becomes paragraph 1;
- (b) the following paragraph is added:

'2. For the purposes of Article 6a (1) of Regulation (EEC) No 805/68, the opening, suspension or reopening of intervention buying-in shall be decided in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.'

3. In Article 4:

- (a) paragraph 1 is replaced by the following:

'1. The products (...) shall be eligible for buying-in within the meaning of Article 6 of Regulation (EEC) No 805/68.'

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 49.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 74, 20. 3. 1992, p. 42.

⁽⁵⁾ OJ No L 123, 7. 5. 1981, p. 3.

⁽⁶⁾ OJ No L 106, 26. 4. 1991, p. 2.

Notwithstanding the preceding subparagraph, from the first invitation to tender in 1993, products of Category A, classed as 02 and 03 in accordance with the Community classification grid shall no longer be accepted into intervention. However, in Member States where these qualities account for more than 60 % of all slaughterings of male bovine animals in 1992, this exclusion shall be phased in over five calendar years in accordance with the table in Annex VII.

(b) the following paragraph is added:

'4. Notwithstanding the preceding paragraph, in the context of intervention buying-in within the meaning of Article 6a (1) of Regulation (EEC) No 805/68:

- (c), (d) and (e) of paragraph 3 shall not apply, except for the provisions relating to category;
- only carcasses or half carcasses which are not malformed and present no anomalies in weight in relation to the age of the slaughtered animals may be bought in;

4. Article 5 (1) is replaced by the following:

'Where under the measures provided for in Articles 6 and 6a of Regulation (EEC) No 805/68 the intervention agencies in Member States are offered meat in quantities greater than they are able to take over forthwith, such intervention agencies may limit buying-in to the quantities they can take over in their territory or in one of their intervention regions.'

5. The following paragraph is inserted in Article 6:

'1a. Intervention agencies shall store separately in easily identifiable lots products bought in pursuant to Articles 6 and 6a of Regulation (EEC) No 805/68. Separate accounts shall be kept for the two types of product.'

6. In Article 7 (1), the words 'as referred to in Article 2' are deleted.

7. In Article 9:

(a) the following subparagraph is added to paragraph 2:

'Separate tenders shall be submitted for each type of invitation to tender.'

(b) the following subparagraph is added to paragraph 3 (c):

'However, in the context of intervention buying in within the meaning of Article 6a of Regulation (EEC) No 805/68, the proposed price shall be indicated without reference to a specific product quality.'

(c) paragraph 4 (a) is replaced by the following:

'(a) they relate to a quantity of at least 10 tonnes in the case of invitations to tender as referred to in Article 6 of Regulation (EEC) No 805/68 and at least five tonnes in the case of invitations to tender as referred to in Article 6a of that Regulation.'

8. Article 11 (1) is replaced by the following:

'1. In the light of the tenders received in response to each invitation to tender, a maximum buying-in price shall be fixed per category in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68; in the case of intervention buying-in within the meaning of Article 6 of Regulation (EEC) No 805/68, this maximum price shall refer to quality R 3; a different price may be set, for individual Member States or regions within a Member State, to reflect average market prices if special circumstances so require.'

9. Article 12 is replaced by the following:

Article 12

1. Except for tendering procedures under Article 6a of Regulation (EEC) No 805/68, tenders shall not be taken into consideration if the price proposed is higher than the average market price recorded in a Member State or region of a Member State by quality, converted into quality R 3 using the coefficients specified in Annex IV and increased by an amount of ECU 8 per 100 kilograms carcass weight. However, for Member States or regions of a Member State meeting the conditions of Article 6 (4) of Regulation (EEC) No 805/68, the amount of the increase shall be reduced to ECU 5.

2. In the case of tendering procedures under Articles 6 (2) and 6a of Regulation (EEC) No 805/68, and without prejudice to the previous paragraph, tenders shall be rejected if the proposed price is higher than the maximum price specified in Article 11 applicable for the tendering procedure in question.

3. If the purchase price awarded to a tenderer under Article 6 of Regulation (EEC) No 805/68 is higher than the average market price referred to in paragraph 1, the awarded price shall be adjusted by multiplying it by the coefficient obtained by applying formula A in Annex VIII to this Regulation. However, this coefficient may not:

- be greater than 1,
- result in a reduction in the price awarded greater than the difference between that price and the average market price.

In so far as the Member State possesses reliable data and has suitable means of surveillance, it may decide to calculate the correcting coefficient for each tenderer using formula B in the same Annex.

4. Rights and obligations arising from the invitation to tender shall not be transferable.'

10. Article 18 (1) is replaced by the following:

'1. Authorization to bone all or part of the beef bought in shall be granted:

— in the context of invitations to tender as referred to in Article 6 of Regulation (EEC) No 805/68: to all intervention agencies;

— in the context of invitations to tender as referred to in Article 6a of that Regulation: to the United Kingdom intervention agency only.'

11. The following paragraph is inserted in Article 27:

'4a. The communications referred to in this Article shall be made separately for intervention buying-in within the meaning of Articles 6 and 6a of Regulation (EEC) No 805/68.'

12. Annex II is replaced by Annex II found in Annex I to this Regulation.

13. Annex VII, in Annex II to this Regulation, is added.

14. Annex VIII, in Annex III to this Regulation, is added.

Article 2

This Regulation shall enter into force on 1 January 1993.

It shall apply from 12 January 1993.

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

Done at Brussels, 29 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

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

Productos elegibles para la intervención
Produkterne, der er kvalificeret til intervention
Interventionsfähige Erzeugnisse
Προϊόντα επιλέξιμα για την παρέμβαση
Products eligible for intervention
Produits éligibles à l'intervention
Prodotti ammissibili all'intervento
Produkten die in aanmerking komen voor interventie
Produtos elegíveis para a intervenção

BELGIQUE/BELGIË

- *Carcasses, demi-carcasses :*
- *Hele dieren, halve dieren :*
 - Catégorie A classe U2 / Categoria A klasse U2
 - Catégorie A classe U3 / Categoria A klasse U3
 - Catégorie A classe R2 / Categoria A klasse R2
 - Catégorie A classe R3 / Categoria A klasse R3

DANMARK

- Hele og halve kroppe :*
- Kategori A, klasse R2
 - Kategori A, klasse R3
 - Kategori A, klasse O2
 - Kategori A, klasse O3
 - Kategori C, klasse R3
 - Kategori C, klasse O3

DEUTSCHLAND

- Ganze oder halbe Tierkörper :*
- Kategorie A, Klasse U2
 - Kategorie A, Klasse U3
 - Kategorie A, Klasse R2
 - Kategorie A, Klasse R3
 - Kategorie C, Klasse R3
 - Kategorie C, Klasse R4
 - Kategorie C, Klasse O3

ΕΛΛΑΔΑ

- Ολόκληρα ή μισά σφάγια*
- Κατηγορία Α, κλάση R2
 - Κατηγορία Α, κλάση R3

ESPAÑA

- Canales o semicanales :*
- Categoría A, clase U2
 - Categoría A, clase U3
 - Categoría A, clase R2
 - Categoría A, clase R3

FRANCE

Carcasses, demi-carcasses :

- Catégorie A classe U2
- Catégorie A classe U3
- Catégorie A classe R2
- Catégorie A classe R3
- Catégorie C classe U2
- Catégorie C classe U3
- Catégorie C classe U4
- Catégorie C classe R3
- Catégorie C classe R4
- Catégorie C classe O3

IRELAND

Carcases, half-carcases :

- Category C class U3
- Category C class U4
- Category C class R3
- Category C class R4
- Category C class O3

ITALIA

Carcasse e mezzene :

- Categoria A classe U2
- Categoria A classe U3
- Categoria A classe R2
- Categoria A classe R3

LUXEMBOURG

Carcasses, demi-carcasses :

- Catégorie A classe R2
- Catégorie C classe R3
- Catégorie C classe O3

NEDERLAND

Hele dieren, halve dieren :

- Categoria A klasse R2
- Categoria A klasse R3

UNITED KINGDOM

A. Great Britain*Carcases, half-carcases :*

- Category C class U3
- Category C class U4
- Category C class R3
- Category C class R4

B. Northern Ireland*Carcases, half-carcases :*

- Category C class U3
- Category C class U4
- Category C class R3
- Category C class R4'

*ANNEX II**ANNEX VII*

**Maximum quantities of products of Category A, classes 02 and 03, eligible for intervention
in the Member States referred to in the second subparagraph of Article 4(1)**

(1 000 tonnes)

Year	Tonnes
1993	25,5
1994	20,0
1995	13,5
1996	6,0
1997	2,5

*ANNEX III**ANNEX VIII***Calculation of adjustment coefficients referred to in Article 12 (3)***Formula A*

$$\text{Coefficient } n = \frac{a}{b}$$

where

- a = the average of average market prices recorded in the Member States or region thereof in question for the two or three weeks following that of the award decision.
- b = the average market price recorded in the Member State or region thereof in question, as specified in Article 12 (1), applicable for that tendering procedure.

Formula B

$$\text{Coefficient } n' = \frac{a'}{b'}$$

where

- a' = the average of the purchase prices paid by the tenderer for animals of the same quality and category as those taken into account for calculation of the average market price during the two or three weeks following that of the award decision.
- b' = the average of the purchase prices paid by the tenderer for animals taken into account for calculation of the average market price during the two weeks used for determination of the average market price applicable for that tendering procedure.'
-