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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3930/92

of 30 December 1992

fixing the rates of the refunds applicable to certain milk 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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c) and (e) of that Regulation and 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 criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 3381/90 ⁽⁴⁾, 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 the Annex to Regulation (EEC) No 804/68;

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 Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽¹⁾, as last amended by Regulation (EEC) No 124/92 ⁽²⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

Whereas Council Regulation (EEC) No 1432/92 ⁽³⁾, as amended by Regulation (EEC) No 2015/92 ⁽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 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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No

3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

Where Article 8 (2) of Regulation (EEC) No 3035/80 is applied to exports of one of the goods referred to in Article 4 (1), (2) or (3) of Regulation (EEC) No 570/88, the rate of the refund on milk products shall be that applicable to the use of reduced price butter, unless the exporter provides proof that the product does not contain reduced-price butter.

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 55, 1. 3. 1988, p. 31.

⁽²⁾ OJ No L 14, 21. 1. 1992, p. 28.

⁽³⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁴⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

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

CN code	Description	(ECU/100 kg) Rate of refund (*)
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 65,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	56,34 115,00
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	26,00 177,00 171,00

(*) 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 3931/92

of 30 December 1992

fixing the rates of the refunds applicable to certain products from the sugar sector 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 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 19 (4) (a) and (7) thereof,

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provides that, for the products listed in Article 1 (1)(a), (c), (d), (f) and (g) of that Regulation, an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds for 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⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, 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 I to Regulation (EEC) No 1785/81;

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; and 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 on the Community market and the prices ruling on the world market;
- (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 Article 4(3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where appropriate, of refunds, aids or other measures having equivalent effect, applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question, to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Council Regulation (EEC) No 1010/86 of 26 March 1986 laying down general rules for production refunds on certain products of the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) 464/91⁽⁶⁾, provides for the granting of production refunds of white sugar, raw sugar, certain sucrose syrups falling within CN codes ex 1702 60 90 and ex 1702 90 90 having a certain purity, and unprocessed isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, which are used in the manufacture of the chemical products listed in the Annex thereto; whereas this production refunds' scheme has been established in particular to bring the conditions under which Community processors operate progressively into line with those of processors employing sugar at world market prices; whereas, therefore, in the absence of proof that the basic product has not benefited from the production refund, the amount of the export refund must be reduced by the amount of the production refund applicable to the basic product on the day of acceptance of the export declaration; whereas this system is the only one which discards 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⁽⁷⁾, as amended by Regulation (EEC) No 2026/83⁽⁸⁾, 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⁽⁹⁾, as last amended by Regulation (EEC) No 1525/92⁽¹⁰⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽¹⁰⁾ OJ No L 160, 13. 6. 1992, p. 7.

Whereas Council Regulation (EEC) No 1432/92⁽¹⁾, as amended by Regulation (EEC) No 2015/92⁽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 the Management Committee for Sugar 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 in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

2. For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, 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 chemical 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.

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 1010/86, 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 export of the goods, when the rate is not fixed in advance; or

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

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1010/86 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 3 (2) of Commission Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

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

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽²⁾ OJ No L 205, 22. 7. 1992, p. 2.

ANNEX

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

Rate of refund in ECU/100 kg^(*):

White sugar :	40,68
Raw sugar :	37,42
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$40,68 \times \frac{S^{(1)}}{100}$ or
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
Molasses :	—
Isoglucose ⁽²⁾ :	40,68 ⁽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.

(1) 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(2) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(3) Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 3932/92

of 21 December 1992

on the application of Article 85 (3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1534/91 of 31 May 1991 on the application of Article 85 (3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector⁽¹⁾,

Having published a draft of this Regulation⁽²⁾,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

- (1) Regulation (EEC) No 1534/91 empowers the Commission to apply Article 85 (3) of the Treaty by regulation to certain categories of agreements, decisions and concerted practices in the insurance sector which have as their object :
 - (a) cooperation with respect to the establishment of common risk premium tariffs based on collectively ascertained statistics or the number of claims ;
 - (b) the establishment of common standard policy conditions ;
 - (c) the common coverage of certain types of risks ;
 - (d) the settlement of claims ;
 - (e) the testing and acceptance of security devices ;
 - (f) registers of, and information on, aggravated risks.
- (2) The Commission by now has acquired sufficient experience in handling individual cases to make use of such power in respect of the categories of agreements specified in points (a), (b), (c) and (e) of the list.
- (3) In many cases, collaboration between insurance companies in the aforementioned fields goes beyond what the Commission has permitted in its notice concerning cooperation between enterpri-

ses⁽³⁾, and is caught by the prohibition in Article 85 (1). It is therefore appropriate to specify the obligations restrictive of competition which may be included in the four categories of agreements covered by it.

- (4) It is further necessary to specify for each of the four categories the conditions which must be satisfied before the exemption can apply. These conditions have to ensure that the collaboration between insurance undertakings is and remains compatible with Article 85 (3).
- (5) It is finally necessary to specify for each of these categories the situations in which the exemption does not apply. For this purpose it has to define the clauses which may not be included in the agreements covered by it because they impose undue restrictions on the parties, as well as other situations falling under Article 85 (1) for which there is no general presumption that they will yield the benefits required by Article 85 (3).
- (6) Collaboration between insurance undertakings or within associations of undertakings in the compilation of statistics on the number of claims, the number of individual risks insured, total amounts paid in respect of claims and the amount of capital insured makes it possible to improve the knowledge of risks and facilitates the rating of risks for individual companies. The same applies to their use to establish indicative pure premiums or, in the case of insurance involving capitalization, frequency tables. Joint studies on the probable impact of extraneous circumstances that may influence the frequency or scale of claims, or the yield of different types of investments, should also be included. It is, however, necessary to ensure that the restrictions are only exempted to the extent to which they are necessary to attain these objectives. It is therefore appropriate to stipulate that concerted practices on commercial premiums — that is to say, the premiums actually charged to policyholders, comprising a loading to cover administrative, commercial and other costs, plus a loading for contingencies or profit margins — are not exempted, and that even pure premiums can serve only for reference purposes.

⁽¹⁾ OJ No L 143, 7. 6. 1991, p. 1.

⁽²⁾ OJ No C 207, 14. 8. 1992, p. 2.

⁽³⁾ OJ No C 75, 29. 7. 1968, p. 3 ; corrigendum OJ No C 84, 28. 8. 1968, p. 14.

- (7) Standard policy conditions or standard individual clauses for direct insurance and standard models illustrating the profits of a life assurance policy have the advantage of improving the comparability of cover for the consumer and of allowing risks to be classified more uniformly. However, they must not lead either to the standardization of products or to the creation of too captive a customer base. Accordingly, the exemptions should apply on condition that they are not binding, but serve only as models.
- (8) Standard policy conditions may in particular not contain any systematic exclusion of specific types of risk without providing for the express possibility of including that cover by agreement and may not provide for the contractual relationship with the policyholder to be maintained for an excessive period or go beyond the initial object to the policy. This is without prejudice to obligations arising from Community or national law.
- (9) In addition, it is necessary to stipulate that the common standard policy conditions must be generally accessible to any interested person, and in particular to the policyholder, so as to ensure that there is real transparency and therefore benefit for consumers.
- (10) The establishment of co-insurance or co-reinsurance groups designed to cover an unspecified number of risks must be viewed favourably in so far as it allows a greater number of undertakings to enter the market and, as a result, increases the capacity for covering, in particular, risks that are difficult to cover because of their scale, rarity or novelty.
- (11) However, so as to ensure effective competition it is appropriate to exempt such groups subject to the condition that the participants shall not hold a share of the relevant market in excess of a given percentage. The percentage of 15 % appears appropriate in the case of co-reinsurance groups. The percentage should be reduced to 10 % in the case of co-insurance groups. This is because the mechanism of co-insurance requires uniform policy conditions and commercial premiums, with the result that residual competition between members of a co-insurance group is particularly reduced. As regards catastrophe risks or aggravated risks, those figures shall be calculated only with reference to the market share of the group itself.
- (12) In the case of co-reinsurance groups, it is necessary to cover the determination of the risk premium including the probable cost of covering the risks. It is further necessary to cover the determination of the operating cost of the co-reinsurance and the remuneration of the participants in their capacity as co-reinsurers.
- (13) It should be legitimate in both cases to declare group cover for the risks brought into the group to be subject to (a) the application of common or accepted conditions of cover, (b) the requirement that agreement be obtained prior to the settlement of all (or all large) claims, (c) to joint negotiation of retrocession, and (d) to a ban on retroceding individual shares. The requirement that all risks be brought into the group should however be excluded because that would be an excessive restriction of competition.
- (14) The establishment of groups constituted only by reinsurance companies need not be covered by this Regulation due to lack of sufficient experience in this field.
- (15) The new approach in the realm of technical harmonization and standardization, as defined in the Council resolution of 7 May 1985⁽¹⁾, and also the global approach to certification and testing, which was presented by the Commission in its communication to the Council of 15 June 1989⁽²⁾ and which was approved by the Council in its resolution of 21 December 1989⁽³⁾, are essential to the functioning of the internal market because they promote competition, being based on standard quality criteria throughout the Community.
- (16) It is in the hope of promoting those standard quality criteria that the Commission permits insurance undertakings to collaborate in order to establish technical specifications and rules concerning the evaluation and certification of the compliance of security devices, which as far as possible should be uniform at a European level, thereby ensuring their use in practice.
- (17) Cooperation in the evaluation of security devices and of the undertakings installing and maintaining them is useful in so far as it removes the need for repeated individual evaluation. Accordingly, the Regulation should define the conditions under which the formulation of technical specifications and procedures for certifying such security devices and the undertakings installing or maintaining them are authorized. The purpose of such conditions is to ensure that all manufacturers and installation and maintenance undertakings may apply for evaluation, and that the evaluation and certification are guided by objective and well-defined criteria.
- (18) Lastly, such agreements must not result in an exhaustive list; each undertaking must remain free to accept devices and installation and maintenance undertakings not approved jointly.
- ⁽¹⁾ OJ No C 136, 4. 6. 1985, p. 1.
⁽²⁾ OJ No C 267, 19. 10. 1989, p. 3.
⁽³⁾ OJ No C 10, 16. 1. 1990, p. 1.

(19) If individual agreements exempted by this Regulation nevertheless have effects which are incompatible with Article 85 (3), as interpreted by the administrative practice of the Commission and the case-law of the Court of Justice, the Commission must have the power to withdraw the benefit of the block exemption. This applies for example where studies on the impact of future developments are based on un-justifiable hypotheses; or where recommended standard policy conditions contain clauses which create, to the detriment of the policyholder, a significant imbalance between the rights and obligations arising from the contract; or where groups are used or managed in such a way as to give one or more participating undertakings the means of acquiring or reinforcing a preponderant influence on the relevant market, or if these groups result in market sharing, or if policyholders encounter unusual difficulties in finding cover for aggravated risks outside a group. This last consideration would normally not apply where a group covers less than 25 % of those risks.

(20) Agreements which are exempted pursuant to this Regulation need not be notified. Undertakings may nevertheless in cases of doubt notify their agreements pursuant to Council Regulation No 17⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal,

HAS ADOPTED THIS REGULATION:

TITLE I

General provisions

Article 1

Pursuant to Article 85 (3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to agreements, decisions by associations of undertakings and concerted practices in the insurance sector which seek cooperation with respect to:

- (a) the establishment of common risk-premium tariffs based on collectively ascertained statistics or on the number of claims;
- (b) the establishment of standard policy conditions;
- (c) the common coverage of certain types of risks;
- (d) the establishment of common rules on the testing and acceptance of security devices.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

TITLE II

Calculation of the premium

Article 2

The exemption provided for in Article 1 (a) hereof shall apply to agreements, decisions and concerted practices which relate to:

- (a) the calculation of the average cost of risk cover (pure premiums) or the establishment and distribution of mortality tables, and tables showing the frequency of illness, accident and invalidity, in connection with insurance involving an element of capitalization — such tables being based on the assembly of data, spread over a number of risk-years chosen as an observation period, which relate to identical or comparable risks in sufficient number to constitute a base which can be handled statistically and which will yield figures on (*inter alia*):
 - the number of claims during the said period,
 - the number of individual risks insured in each risk-year of the chosen observation period,
 - the total amounts paid or payable in respect of claims arisen during the said period,
 - the total amount of capital insured for each risk-year during the chosen observation period,
- (b) the carrying-out of studies on the probable impact of general circumstances external to the interested undertakings on the frequency or scale of claims, or the profitability of different types of investment, and the distribution of their results.

Article 3

The exemption shall apply on condition that:

- (a) the calculations, tables or study results referred to in Article 2, when compiled and distributed, include a statement that they are purely illustrative;
- (b) the calculations or tables referred to in Article 2 (a) do not include in any way loadings for contingencies, income deriving from reserves, administrative or commercial costs comprising commissions payable to intermediaries, fiscal or para-fiscal contributions or the anticipated profits of the participating undertakings;
- (c) the calculations, tables or study results referred to in Article 2 do not identify the insurance undertakings concerned.

Article 4

The exemption shall not benefit undertakings or associations of undertakings which enter into an undertaking or commitment among themselves, or which oblige other undertakings, not to use calculations or tables that differ from those established pursuant to Article 2 (a), or not to depart from the results of the studies referred to in Article 2 (b).

TITLE III

Standard policy conditions for direct insurance*Article 5*

1. The exemption provided for in Article 1 (b) shall apply to agreements, decisions and concerted practices which have as their object the establishment and distribution of standard policy conditions for direct insurance.

2. The exemption shall also apply to agreements, decisions and concerted practices which have as their object the establishment and distribution of common models illustrating the profits to be realized from an insurance policy involving an element of capitalization.

Article 6

1. The exemption shall apply on condition that the standard policy conditions referred to in Article 5 (1):

- (a) are established and distributed with an explicit statement that they are purely illustrative; and
- (b) expressly mention the possibility that different conditions may be agreed; and
- (c) are accessible to any interested person and provided simply upon request.

2. The exemption shall apply on condition that the illustrative models referred to in Article 5 (2) are established and distributed only by way of guidance.

Article 7

1. The exemption shall not apply where the standard policy conditions referred to in Article 5 (1) contain clauses which:

- (a) exclude from the cover losses normally relating to the class of insurance concerned, without indicating explicitly that each insurer remains free to extend the cover to such events;
- (b) make the cover of certain risks subject to specific conditions, without indicating explicitly that each insurer remains free to waive them;
- (c) impose comprehensive cover including risks to which a significant number of policyholders is not simultaneously exposed, without indicating explicitly that each insurer remains free to propose separate cover;
- (d) indicate the amount of the cover or the part which the policyholder must pay himself (the 'excess');

(e) allow the insurer to maintain the policy in the event that he cancels part of the cover, increases the premium without the risk or the scope of the cover being changed (without prejudice to indexation clauses), or otherwise alters the policy conditions without the express consent of the policyholder;

(f) allow the insurer to modify the term of the policy without the express consent of the policyholder;

(g) impose on the policyholder in the non-life assurance sector a contract period of more than three years;

(h) impose a renewal period of more than one year where the policy is automatically renewed unless notice is given upon the expiry of a given period;

(i) require the policyholder to agree to the reinstatement of a policy which has been suspended on account of the disappearance of the insured risk, if he is once again exposed to a risk of the same nature;

(j) require the policyholder to obtain cover from the same insurer for different risks;

(k) require the policyholder, in the event of disposal of the object of insurance, to make the acquirer take over the insurance policy.

2. The exemption shall not benefit undertakings or associations of undertakings which concert or undertake among themselves, or oblige other undertakings not to apply conditions other than those referred to in Article 5 (1).

Article 8

Without prejudice to the establishment of specific insurance conditions for particular social or occupational categories of the population, the exemption shall not apply to agreements decisions and concerted practices which exclude the coverage of certain risk categories because of the characteristics associated with the policyholder.

Article 9

1. The exemption shall not apply where, without prejudice to legally imposed obligations, the illustrative models referred to in Article 5 (2) include only specified interest rates or contain figures indicating administrative costs;

2. The exemption shall not benefit undertakings or associations of undertakings which concert or undertake among themselves, or oblige other undertakings not to apply models illustrating the benefits of an insurance policy other than those referred to in Article 5 (2).

TITLE IV

Article 11

Common coverage of certain types of risks

Article 10

1. The exemption under Article 1 (c) hereof shall apply to agreements which have as their object the setting-up and operation of groups of insurance undertakings or of insurance undertakings and reinsurance undertakings for the common coverage of a specific category of risks in the form of co-insurance or co-reinsurance.

2. For the purposes of this Regulation :

(a) 'co-insurance groups' means groups set up by insurance undertakings which :

- agree to underwrite in the name and for the account of all the participants the insurance of a specified risk category, or
- entrust the underwriting and management of the insurance of a specified risk category in their name and on their behalf to one of the insurance undertakings, to a common broker or to a common body set up for this purpose ;

(b) 'co-reinsurance groups' means groups set up by insurance undertakings, possibly with the assistance of one or more re-insurance undertakings :

- in order to reinsure mutually all or part of their liabilities in respect of a specified risk category,
- incidentally, to accept in the name and on behalf of all the participants the re-insurance of the same category of risks.

3. The agreements referred to in paragraph 1 may determine :

- (a) the nature and characteristics of the risks covered by the co-insurance or co-reinsurance ;
- (b) the conditions governing admission to the group ;
- (c) the individual own-account shares of the participants in the risks co-insured or co-reinsured ;
- (d) the conditions for individual withdrawal of the participants ;
- (e) the rules governing the operation and management of the group.

4. The agreements alluded to in paragraph 2 (b) may further determine :

- (a) the shares in the risks covered which the participants to not pass on for co-reinsurance (individual retentions) ;
- (b) the cost of co-reinsurance, which includes both the operating costs of the group and the remuneration of the participants in their capacity as co-reinsurers.

1. The exemption shall apply on condition that :

(a) the insurance products underwritten by the participating undertakings or on their behalf do not, in any of the markets concerned, represent :

- in the case of co-insurance groups, more than 10 % of all the insurance products that are identical or regarded as similar from the point of view of the risks covered and of the cover provided,
- in the case of co-reinsurance groups, more than 15 % of all the insurance products that are identical or regarded as similar from the point of view of the risks covered and of the cover provided ;

(b) each participating undertaking has the right to withdraw from the group, subject to a period of notice of not more than six months, without incurring any sanctions.

2. By way of derogation from paragraph 1, the respective percentages of 10 and 15 % apply only to the insurance products brought into the group, to the exclusion of identical or similar products underwritten by the participating companies or on their behalf and which are not brought into the group, where this group covers :

- catastrophe risks where the claims are both rare and large,
- aggravated risks which involve a higher probability of claims because of the characteristics of the risk insured.

This derogation is subject to the following conditions :

- that none of the concerned undertakings shall participate in another group that covers risks on the same market, and
- with respect to groups which cover aggravated risks, that the insurance products brought into the group shall not represent more than 15 % of all identical or similar products underwritten by the participating companies or on their behalf on the market concerned.

Article 12

Apart from the obligations referred to in Article 10, no restriction on competition shall be imposed on the undertakings participating in a co-insurance group other than :

(a) the obligation, in order to qualify for the co-insurance cover within the group, to

- take preventive measures into account,
- use the general or specific insurance conditions accepted by the group,
- use the commercial premiums set by the group ;

- (b) the obligation to submit to the group or approval any settlement of a claim relating to a co-insured risk;
- (c) the obligation to entrust to the group the negotiation of reinsurance agreements on behalf of all concerned;
- (d) a ban on reinsuring the individual share of the co-insured risk.

Article 13

Apart from the obligations referred to in Article 10, no restriction on competition shall be imposed on the undertakings participating in a co-reinsurance group other than:

- (a) the obligation, in order to qualify for the co-reinsurance cover, to
 - take preventive measures into account,
 - use the general or specific insurance conditions accepted by the group,
 - use a common risk-premium tariff for direct insurance calculated by the group, regard being had to the probable cost of risk cover or, where there is not sufficient experience to establish such a tariff, a risk premium accepted by the group,
 - participate in the cost of the co-reinsurance;
- (b) the obligation to submit to the group for approval the settlement of claims relating to the co-reinsured risks and exceeding a specified amount, or to pass such claims on to it for settlement;
- (c) the obligation to entrust to the group the negotiation of retrocession agreements on behalf of all concerned;
- (d) a ban on reinsuring the individual retention or retroceding the individual share.

TITLE V

Security devices

Article 14

The exemption provided for in Article 1 (d) shall apply to agreements, decisions and concerted practices which have as their object the establishment, recognition and distribution of:

- technical specifications, in particular technical specifications intended as future European norms, and also procedures for assessing and certifying the compliance with such specifications of security devices and their installation and maintenance,
- rules for the evaluation and approval of installation undertakings or maintenance undertakings.

Article 15

The exemption shall apply on condition that:

- (a) the technical specifications and compliancy assessment procedures are precise, technically justified and

in proportion to the performance to be attained by the security device concerned;

- (b) the rules for the evaluation of installation undertakings and maintenance undertakings are objective, relate to their technical competence and are applied in a non-discriminatory manner;
- (c) such specifications and rules are established and distributed with the statement that insurance undertakings are free to accept other security devices or approve other installation and maintenance undertakings which do not comply with these technical specifications or rules;
- (d) such specifications and rules are provided simply upon request to any interested person;
- (e) such specifications include a classification based on the level of performance obtained;
- (f) a request for an assessment may be submitted at any time by any applicant;
- (g) the evaluation of conformity does not impose on the applicant any expenses that are disproportionate to the costs of the approval procedure;
- (h) the devices and installation undertakings and maintenance undertakings that meet the assessment criteria are certified to this effect in a non-discriminatory manner within a period of six months of the date of application, except where technical considerations justify a reasonable additional period;
- (i) the fact of compliance or approval is certified in writing;
- (j) the grounds for a refusal to issue the certificate of compliance are given in writing by attaching a duplicate copy of the records of the tests and controls that have been carried out;
- (k) the grounds for a refusal to take into account a request for assessment are provided in writing;
- (l) the specifications and rules are applied by bodies observing the appropriate provisions of norms in the series EN 45 000.

TITLE VI

Miscellaneous provisions

Article 16

1. The provisions of this Regulation shall also apply where the participating undertakings lay down rights and obligations for the undertakings connected with them. The market shares, legal acts or conduct of the connected undertakings shall be considered to be those of the participating undertakings.

2. 'Connected undertakings' for the purposes of this Regulation means:

- (a) undertakings in which a participating undertaking, directly or indirectly:
 - owns more than half the capital or business assets, or
 - has the power to exercise more than half the voting rights, or
 - has the power to appoint more than half the members of the supervisory board, board of directors or bodies legally representing the undertaking, or
 - has right to manage the affairs of the undertaking;
- (b) undertakings which directly or indirectly have in or over a participating undertaking the rights or powers listed in (a);
- (c) undertakings in which an undertaking referred to in (b) directly or indirectly has the rights or powers listed in (a).

3. Undertakings in which the participating undertakings or undertakings connected with them have directly or indirectly the rights or powers set out in paragraph 2 (a) shall be considered to be connected with each of the participating undertakings.

Article 17

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of 1534/91, where it finds in a particular case that an agreement, decision or concerted practice exempted under this Regulation nevertheless has certain effects which are incompatible with the conditions laid down in Article 85 (3) of the EEC Treaty, and in particular where,

- in the cases referred to in Title II, the studies are based on unjustifiable hypotheses,
- in the cases referred to in Title III, the standard policy conditions contain clauses other than those listed in Article 7 (1) which create, to the detriment of the policyholder, a significant imbalance between the rights and obligations arising from the contract,
- in the cases referred to in Title IV:
 - (a) the undertakings participating in a group would not, having regard to the nature, characteristics and scale of the risks concerned, encounter any significant difficulties in operating individually on the relevant market without organizing themselves in a group;
 - (b) one or more participating undertakings exercise a determining influence on the commercial policy of more than one group on the same market;

- (c) the setting-up or operation of a group may, through the conditions governing admission, the definition of the risks to be covered, the agreements on retrocession or by any other means, result in the sharing of the markets for the insurance products concerned or form neighbouring products;
- (d) an insurance group which benefits from the provisions of Article 11 (2) has such a position with respect to aggravated risks that the policyholders encounter considerable difficulties in finding cover outside this group.

Article 18

1. As regards agreements existing on 13 March 1962 and notified before 1 February 1963 and agreements, whether notified or not, to which Article 4 (2) (1) of Regulation No 17 applies, the declaration of inapplicability of Article 85 (1) of the Treaty contained in this Regulation shall have retroactive effect from the time at which the conditions for application of this Regulation were fulfilled.

2. As regards all other agreements notified before this Regulation entered into force, the declaration of inapplicability of Article 85 (1) of the Treaty contained in this Regulation shall have retroactive effect from the time at which the conditions for application of this Regulation were fulfilled, or from the date of notification, whichever is later.

Article 19

If agreements existing on 13 March 1962 and notified before 1 February 1963, or agreements covered by Article 4 (2) (1) of Regulation No 17 and notified before 1 January 1967, are amended before 31 December 1993 so as to fulfil the conditions for application of this Regulation, and if the amendment is communicated to the Commission before 1 April 1994, the prohibition in Article 85 (1) of the Treaty shall not apply in respect of the period prior to the amendment. The communication shall take effect from the time of its receipt by the Commission. Where the communication is sent by registered post, it shall take effect from the date shown on the postmark of the place of posting.

Article 20

1. As regards agreements covered by Article 85 of the Treaty as a result of the accession of the United Kingdom, Ireland and Denmark, Articles 18 and 19 shall apply, on the understanding that the relevant dates shall be 1 January 1973 instead of 13 March 1962 and 1 July 1973 instead of 1 February 1963 and 1 January 1967.

2. As regards agreements covered by Article 85 of the Treaty as a result of the accession of Greece, Articles 18 and 19 shall apply, on the understanding that the relevant dates shall be 1 January 1981 instead of 13 March 1962 and 1 July 1981 instead of 1 February 1963 and 1 January 1967.

3. As regards agreements covered by Article 85 of the Treaty as a result of the accession of Spain and Portugal, Articles 18 and 19 shall apply, on the understanding that the relevant dates shall be 1 January 1986 instead of 13

March 1962 and 1 July 1986 instead of 1 February 1963 and 1 January 1967.

Article 21

This Regulation shall enter into force on 1 April 1993.

It shall apply until 31 March 2003.

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

Done at Brussels, 21 December 1992.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 3933/92

of 30 December 1992

amending Regulation (EEC) No 3858/89 laying down detailed implementing rules for the import arrangements applicable to products falling within CN codes 0704 10 91, 0714 10 99, 0714 90 11 and 0714 90 19, originating in third countries which are not contracting parties to GATT, other than the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 430/87 of 9 February concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 and originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3909/92⁽²⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3858/89⁽³⁾, which lays down detailed rules for the application of the quota provided for therein, provides that exporting countries are to issue certificates testifying to the origin of each consignment of products exported; whereas the model for such certificates has still not yet been determined; whereas, in the light of experience gained and for the sake of harmonization, the certificate of origin in the Annex to Commission Regulation (EEC) No 3850/89⁽⁴⁾, which is already in use in certain exporting countries and is to come into use in 1993 in all exporting countries which are Contracting Parties to the GATT, should apply;

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

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

Done at Brussels, 30 December 1992.

Article 1

Regulation (EEC) No 3858/89 is hereby amended as follows:

1. in Article 3:

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

'(a) must be accompanied by the original of a certificate of origin drawn up by the competent authorities of the exporting country in accordance with the model set out in the Annex; the authorities of the exporting country shall forward the signatures and stamps of authorities empowered to draw up such certificates to the Commission;'

— paragraph 2 is deleted;

— paragraph 3 is replaced by the following paragraph 2:

'2. Applications for certificates as referred to in paragraph 1 may not cover a quantity in excess of 7 500 tonnes per party concerned acting upon his own account.';

2. the Annex hereto is added as the Annex.

Article 2

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 394, 31. 12. 1992.

⁽³⁾ OJ No L 374, 22. 12. 1989, p. 37.

⁽⁴⁾ OJ No L 374, 22. 12. 1989, p. 8.

ANNEX

1 Consignor	CERTIFICATE OF ORIGIN for imports of agricultural products into the European Economic Community No ORIGINAL	
2 Consignee (optional)	3 ISSUING AUTHORITY	
	4 Country of origin	
NOTES A. The certificate must be completed in typescript or by means of a mechanical data-processing system, or similar procedure. B. The original of the certificate must be lodged together with the declaration of release for free circulation with the relevant customs office in the Community.	5 Remarks	
6 Item number — Markings and numbers — Number and kind of packages — DESCRIPTION OF GOODS		7 Gross and net mass (kg)
8 THIS IS TO CERTIFY THAT THE ABOVE PRODUCTS ORIGINATE IN THE COUNTRY INDICATED IN BOX 4 AND THAT THE INDICATIONS IN BOX 5 ARE CORRECT. Place and date of issue Signature Issuing authority's stamp		
9 RESERVED FOR THE CUSTOMS AUTHORITIES IN THE COMMUNITY		

COMMISSION REGULATION (EEC) No 3934/92

of 30 December 1992

amending Regulation (EEC) No 1759/88 laying down detailed rules for implementing the arrangements applicable to imports of sweet potatoes and manioc starch intended for certain uses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1471/88 of 16 May 1988 concerning the arrangements applicable to imports of sweet potatoes and manioc starch intended for certain uses and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 3910/92⁽²⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽³⁾, as last amended by Regulation (EEC) No 1738/92⁽⁴⁾, and in particular Article 12 (2) thereof,

Whereas Commission Regulation (EEC) No 1759/88⁽⁵⁾, as last amended by Regulation (EEC) No 3667/90⁽⁶⁾, lays down detailed rules for administering the quota for sweet potatoes which the People's Republic of China may export to the Community at zero duty; whereas that Regulation makes no provision for measures to be taken where the quantities actually unloaded are less than the quantities appearing in the import licence or licences covering the operation; whereas, in accordance with the outcome of the consultations between the Commission and the Chinese authorities, provision should be made to carry forward the quantities found to be short for the benefit of the People's Republic of China as is customary for certain other exporting third countries;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 8a is hereby inserted in Regulation (EEC) No 1759/88:

Article 8a

1. Where it is found during the release for free circulation that the quantities actually imported from and originating in the People's Republic of China are less than those stated in Sections 17 and 18 of import licences, the customs offices shall certify the quantities found to be short on the back of the import licences.
2. By the end of the first six months of the following year at the latest, the Member States issuing the licences shall forward to the Commission a full list of quantities not imported, quoting the numbers of the relevant import licences and the names of the vessels concerned.
3. The Commission shall determine the total quantities found to be short on importation under cover of valid import licences and, where appropriate, shall carry those quantities forward to the quota authorized for the year following that during which the imports in question took place.

Article 2

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

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

Done at Brussels, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 134, 31. 5. 1988, p. 1.

⁽²⁾ OJ No L 394, 31. 12. 1992.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 156, 23. 6. 1988, p. 20.

⁽⁶⁾ OJ No L 356, 19. 12. 1990, p. 17.

COMMISSION REGULATION (EEC) No 3935/92
of 30 December 1992

amending Regulation (EEC) No 3855/89 laying down rules for implementing the import arrangements applicable to products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 and originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 99, 0714 90 11 and 0714 90 19 and originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3909/92⁽²⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽³⁾, as last amended by Regulation (EEC) No 1738/92⁽⁴⁾, and in particular Article 12 (2) thereof,

Whereas Commission Regulation (EEC) No 3855/89⁽⁵⁾ lays down the detailed rules for administering the quota for manioc and similar products which the People's Republic of China may export to the Community at a levy subject to a ceiling of 6 % *ad valorem*; whereas that Regulation makes no provision for measures to be adopted where the quantities actually unloaded are less than the quantities appearing in the import licence or licences covering the operation; whereas, in accordance with the outcome of the consultations between the Commission and the Chinese authorities, provision should be made to carry forward the quantities found to be short for the benefit of the People's Republic of China as is customary for certain other exporting countries;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 10a is hereby inserted in Regulation (EEC) No 3855/89:

Article 10a

1. Where it is found during release for free circulation that the quantities actually imported from and originating in the People's Republic of China are less than those stated in Sections 17 and 18 of import licences, the customs offices shall certify the quantities found to be short on the back of import licences.
2. By the end of the first six months of the following year at the latest, the Member States issuing the licences shall forward to the Commission a full list of quantities not imported, quoting the numbers of the relevant import licences and the names of the vessels concerned.
3. The Commission shall determine the total quantities found to be short on importation under cover of valid import licences and, where appropriate, shall carry those quantities forward to the quota authorized for the year following that during which the imports in question took place.

Article 2

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

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

Done at Brussels, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 394, 31. 12. 1992.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 374, 22. 12. 1989, p. 22.

COMMISSION REGULATION (EEC) No 3936/92
of 30 December 1992

laying down detailed rules for implementing the import arrangements applicable to products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 originating in the present Contracting Parties to the GATT other than Thailand

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3909/92⁽²⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽³⁾, as last amended by Regulation (EEC) No 1738/92⁽⁴⁾, and in particular Article 12 (2) thereof,

Whereas Commission Regulation (EEC) No 3668/90⁽⁵⁾, as last amended by Regulation (EEC) No 3647/91⁽⁶⁾, lays down detailed rules for implementing the import arrangements applicable to manioc and similar products originating in the present Contracting Parties to the General Agreement on Tariffs and Trade (GATT) other than Thailand; whereas in the light of experience, the said rules should be amended in a new regulation and Regulation (EEC) No 3668/90 should be repealed;

Whereas, in particular, the origin of the products should be ensured by providing that the issue of import licences be subject to the presentation of certificates of origin issued by the countries concerned;

Whereas, for the sake of sound management of the import arrangements, an application for a licence may not concern a quantity in excess of the quantity entered on the document certifying loading and shipment to the Community;

Whereas, in agreement with the Indonesian authorities, the issue of import licences for products originating in Indonesia is subject to the presentation of a specific export document;

Whereas the usual additional procedures for the management of such quotas, relating in particular to the submission of applications, issue of licences and monitoring of imports should be applied; whereas the said procedures either supplement or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁷⁾, as last amended by Regulation (EEC) No 2101/92⁽⁸⁾, and Commission Regulation (EEC) No 891/89 of 5 April 1989 on special detailed rules for the application of the system of import and export licences for cereals and rice⁽⁹⁾, as last amended by Regulation (EEC) No 2804/92⁽¹⁰⁾;

Whereas, in order to deal with cases where the quantities actually unloaded are less than or slightly in excess of the quantities given in the import licences, measures should be adopted to ensure that either the missing quantities are carried forward or the excess quantities are put into free circulation if the country in which the products originated is able to guarantee that the formalities needed for this purpose can be executed; whereas Indonesia appears able to meet this condition;

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

HAS ADOPTED THIS REGULATION:

Article 1

The arrangements provided for in Article 1 (2) of Regulation (EEC) No 430/87 shall apply, subject to the provisions of this Regulation, to products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 originating in the present Contracting Parties to the GATT other than Thailand.

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 394, 31. 12. 1992.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 356, 19. 12. 1990, p. 18.

⁽⁶⁾ OJ No L 344, 14. 12. 1991, p. 84.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁸⁾ OJ No L 210, 25. 7. 1992, p. 18.

⁽⁹⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽¹⁰⁾ OJ No L 282, 26. 9. 1992, p. 40.

Article 2

1. Import licence applications shall be admissible if :

- (a) they are accompanied by the original of a certificate drawn up by the competent authorities of the country concerned certifying the origin of the goods, in accordance with the specimen in Annex I; such a certificate shall be compulsory for all imports originating in GATT countries other than Indonesia from 1 March 1993;
- (b) they are accompanied by proof, in the form of a copy of the bill of lading, that the goods have been loaded in the third country which issued the certificate referred to in point (a) and are being transported to the Community by the vessel mentioned in the application, and, where the third country does not have direct access to the sea, an international transport document certifying transport of the goods from the country of origin to the port of shipping is also provided;
- (c) for products originating in Indonesia, they are accompanied by an export licence issued by the Indonesian authorities, duly completed, in accordance with the specimen in Annex II. The original of the licence shall be kept by the authority issuing the import licence. However, where the import licence application concerns only part of the quantity indicated on the export licence, the issuing authority shall indicate on the original the quantity in respect of which the original was used and, after stamping it, shall return the original to the party concerned. Only the quantity indicated under 'shipped weight' in Section 7 of the export licence shall be taken into consideration for the purposes of issuing the import licence;
- (d) they relate to a quantity which does not exceed the quantity indicated in the documents referred to in points (a), (b) and (c).

Article 3

Licence applications and licences shall indicate :

- (a) in Section 8, the third country in which the product concerned originated.

Importation from that country shall be obligatory;

- (b) in Section 24, one of the following entries :

- Exacción reguladora a percibir : 6 % *ad valorem*
- Importafgiften : 6 % af værdien
- Zu erhebende Abschöpfung : 6 % des Zollwerts
- Εισφορά προς είσπραξη : 6 % κατ' αξία
- Amount to be levied : 6 % *ad valorem*

- Prélèvement à percevoir : 6 % *ad valorem*
- Prelievo da riscuotere : 6 % *ad valorem*
- Toe te passen heffing : 6 % *ad valorem*
- Direito nivelador a cobrar : 6 % *ad valorem*;

- (c) in Section 20, the name of the vessel in which the goods are being or have been shipped to the Community, the number of the certificate of origin submitted and, in the case of products originating in Indonesia, the Indonesian export licence number.

Article 4

1. Notwithstanding Article 12 of Regulation (EEC) No 891/89, the security against import licences shall be ECU 20 per tonne.

2. If, pursuant to Article 5 (4), the quantity in respect of which the licence is issued is less than the quantity in respect of which it was applied for, the security corresponding to the difference shall be released.

3. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

Article 5

1. Licence applications shall be lodged with the competent authorities of the Member States between Monday and Wednesday each week, up to 1 p.m. However, the first day each year for lodging applications shall be the first working day in January.

2. For products originating in Indonesia, licence applications may relate to imports to be carried out the following year if they are submitted during December on the basis of an export licence issued by the Indonesian authorities for the year in question.

3. Member States shall notify to the Commission by telex on the day following the day on which applications are lodged, and not later than 1 p.m. on the Thursday following the deadline for lodging applications, the following particulars in respect of each application :

- the country of origin of the product,
- the quantity in respect of which the import licence is applied for,
- the name of the applicant,
- the number of the certificate of origin submitted and the total quantity entered in the original document or an extract thereof,
- the name of the vessel entered in Section 20,
- for products originating in Indonesia, the number of the Indonesian export licence indicated in the uppermost section of the licence.

4. The Commission shall determine and notify to the Member States by telex not later than the fourth working day following the day on which applications are lodged the extent to which licence applications are to be accepted.

5. Member States may issue the import licences as soon as they receive notification from the Commission.

However, import licences for products originating in Indonesia in respect of which applications are lodged in December for the following year shall not be issued before the first working day in January of the year in question.

Article 6

Subject to Article 7 (2) and notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released into free circulation may not exceed the quantity indicated in Sections 17 and 18 of the import licence; to that end the figure 0 shall be entered in Section 19 of the licence.

Article 7

1. In the case of products originating in Indonesia, once it has been verified that the quantities actually unloaded for a given consignment are in excess of those covered by the import licence(s) issued for that consignment, the competent authorities which issued the licence(s) concerned shall, at the request of the importer, notify the Commission by telex as quickly as possible, on a case-by-case basis, of the Indonesian export licence number(s), the import licence number(s), the excess quantity and the name of the vessel.

The Commission shall contact the Indonesian authorities with a view to the issue of new export licences. Pending their preparation, the surplus quantities may not be released for free circulation under the terms of the agreement between the European Economic Community and Indonesia as long as the new import licences for the quantities in question cannot be presented. The new import licences shall be issued under the terms laid down in Article 5.

2. However, notwithstanding paragraph 1, where the quantities unloaded are not more than 2 % in excess of the quantities covered by the import licences issued corresponding to the export licences granted for the vessel concerned, the competent authorities in the Member State where release for free circulation is to take place shall, at the request of the importer, authorize the release for free circulation of the excess quantities provided that the importer pays a levy of 6 % *ad valorem* and lodges security for an amount equal to the difference between the full levy and that paid.

The Commission, on receipt of the information referred to in the first subparagraph of paragraph 1, shall contact the Indonesian authorities with a view to the issue of new export licences.

The security shall be released on presentation to the competent authorities of the Member State in which release for free circulation is to take place of a supplementary import licence for the excess quantity in question. Application for this licence shall not be subject to the lodging of a security against the licence as provided for in Article 14 (2) of Regulation (EEC) No 3719/88 and Article 4 of this Regulation. This licence shall be issued under the terms of Article 5 on presentation of one or more supplementary export licences issued by the Indonesian authorities for the excess quantity in question. The supplementary import licence shall contain one of the following entries in Section 20.

- Certificado complementario. Apartado 2 del artículo 7 del Reglamento (CEE) n° 3936/92
- Supplerede licens. Forordning (EØF) nr. 3936/92 artikel 7, stk. 2
- Zusätzliche Lizenz — Artikel 7 Absatz 2 der Verordnung (EWG) Nr. 3936/92
- Συμπληρωματικό πιστοποιητικό — Άρθρο 7 παράγραφος 2 του κανονισμού (ΕΟΚ) αριθ. 3936/92
- Licence for additional quantity, Article 7 (2) of Regulation (EEC) No 3936/92
- Certificat complémentaire. Règlement (CEE) n° 3936/92 article 7 paragraphe 2
- Titolo complementare. Regolamento (CEE) n. 3936/92 articolo 7, paragrafo 2
- Aanvullend certificaat — artikel 7, lid 2, van Verordening (EEG) nr. 3936/92
- Certificado complementar, n° 2 do artigo 7° do Regulamento (CEE) n° 3936/92.

The security shall be forfeit in respect of quantities for which a supplementary import licence is not presented within six months, except in cases of *force majeure*, from the date on which the declaration for release for free circulation referred to in the first subparagraph is accepted.

Once the supplementary import licence has been processed and stamped by the competent authority when the security is released, the licence shall be returned to the issuing authority as soon as possible.

3. Application of paragraphs 1 and 2 may not result in importation of quantities of goods exceeding the overall quota authorized for the year. If, when a supplementary import licence is issued, it is found that the overall quota has been exceeded, the quantity covered by the supplementary licence shall be deducted from the overall quota authorized for the following year.

4. If, during the formalities of release for free circulation, it is found that the quantities actually imported from and originating in Indonesia are less than those indicated in Sections 17 and 18 of the import licence, the customs offices shall certify the missing quantities on the backs of the import licences.

5. By the end of the first half of the following year at the latest, the Member States shall provide the Commission with a complete list of quantities not imported including the numbers of the relevant licences and names of the vessels concerned.

6. The Commission shall determine the total volume of the quantities found missing on importation effected under cover of valid import licences and, where necessary, shall carry such quantities forward to the quota for the year following that in which the imports in question took place.

Article 8

Licences issued pursuant to this Regulation shall be valid throughout the Community for 60 days from the date of actual issue.

However, such validity may not extend beyond 31 December of the year of issue.

Article 9

Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

Article 10

Regulation (EEC) No 3668/90 is repealed.

Article 11

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

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

Done at Brussels, 30 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

1 Consignor	CERTIFICATE OF ORIGIN for imports of agricultural products into the European Economic Community No ORIGINAL	
2 Consignee (optional)	3 ISSUING AUTHORITY	
	4 Country of origin	
NOTES A. The certificate must be completed in typescript or by means of a mechanical data-processing system, or similar procedure. B. The original of the certificate must be lodged together with the declaration of release for free circulation with the relevant customs office in the Community.	5 Remarks	
6 Item number — Markings and numbers — Number and kind of packages — DESCRIPTION OF GOODS		7 Gross and net mass (kg)
8 THIS IS TO CERTIFY THAT THE ABOVE PRODUCTS ORIGINATE IN THE COUNTRY INDICATED IN BOX 4 AND THAT THE INDICATIONS IN BOX 5 ARE CORRECT. Place and date of issue Signature Issuing authority's stamp		
9 RESERVED FOR THE CUSTOMS AUTHORITIES IN THE COMMUNITY		

ORIGINAL

SERIAL EC-A No

DEPARTMENT OF TRADE
OF THE REPUBLIC OF INDONESIA

EXPORT CERTIFICATE

EXPORT CERTIFICATE No	
EXPORT PERMIT No	

1. EXPORTER (NAME, ADDRESS AND COUNTRY)		2. FIRST CONSIGNEE (NAME, ADDRESS AND COUNTRY)	
NAME		NAME	
ADDRESS		ADDRESS	
COUNTRY		COUNTRY	
3. SHIPPED PER		5. COUNTRY/COUNTRIES OF DESTINATION IN EEC	
4. EXPECTED TIME OF ARRIVAL			
6. TYPE OF MANIOC PRODUCTS		7. WEIGHT (TONNES)	
CN-0714 10 91 ☐ CN-0714 10 99 ☐ CN-0714 90 11 ☐ CN-0714 90 19 ☐		SHIPPED WEIGHT	
		8. PACKING	
		☐ IN BULK ☐ BAGS ☐ OTHERS	

DEPARTMENT OF TRADE
OF THE REPUBLIC OF INDONESIA

DATE

NAME AND SIGNATURE OF AUTHORIZED OFFICIAL AND STAMP

THIS CERTIFICATE IS VALID FOR 120 DAYS FROM THE DATE OF ISSUE

FOR USE OF EEC AUTHORITIES:

COMMISSION REGULATION (EEC) No 3937/92

of 22 December 1992

laying down detailed rules for the application in the pigmeat sector of Council Regulation (EEC) No 3917/92 reducing for 1993 the levies on certain agricultural products originating in developing countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3917/92 of 21 December 1992 extending to 1993 the application of Regulation (EEC) No 3834/90 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽¹⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽²⁾, as last amended by Regulation (EEC) No 1249/89⁽³⁾, and in particular Article 22 thereof,

Whereas Regulation No 3917/92 introduces arrangements for reducing import levies on certain products in the pigmeat, eggs, poultry and cereals sectors; whereas detailed rules for the application of that Regulation should be adopted as regards products in the pigmeat sector with a view to administering the fixed amounts concerned; whereas those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import for export licences for advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EEC) No 2101/92⁽⁵⁾;

Whereas, in order to ensure proper administration of the fixed amounts, a security should be required for applications for import licences and certain conditions be laid down as regards applications for licences in particular restricting the number of operators who can request licences taking into account the limited amounts of products available within the context of this system; whereas the fixed amounts should be staggered over the year and the procedure for lodging licences as well as their duration of validity should be specified; whereas, however, licences must not be valid beyond 31 December 1993 in view of the period of application of Regulation (EEC) No 3917/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community in the framework of Regulation (EEC) No 3917/92 of products covered by order Nos 59.0010, 59.0040, 59.0060, 59.0070 and 59.0080 provided in the Annex to the said Regulation shall be subject to the presentation of an import licence.

Article 2

The fixed amounts corresponding to order numbers 59.0010, 59.0040, 59.0060, 59.0070 and 59.0080 shall be staggered over the year as follows:

- 25 % in the period 1 January to 31 March 1993,
- 25 % in the period 1 April to 30 June 1993,
- 25 % in the period 1 July to 30 September 1993,
- 25 % in the period 1 October to 31 December 1993.

Article 3

In order to qualify under the import arrangements provided import for in Regulation (EEC) No 3917/92 the following rules shall apply:

- (a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, must prove to the satisfaction of the competent authorities in the Member States that they have been active in the pigmeat sector for at least the preceding 12 months. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this regime;
- (b) the licence application may only comprise one order No 59.0010, 59.0040, 59.0060, 59.0070 or 59.0080 provided for in the Annex to Regulation (EEC) No 3917/92. The application may comprise different products covered by different CN codes and originating in one developing country. In such cases, all the CN codes are indicated in Section 16 and their designation in Section 15.

⁽¹⁾ OJ No L 396, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 210, 25. 7. 1992, p. 18.

However, every applicant may lodge not more than two applications for import licences for products covered by a single order number, if these products originate in two developing countries. The two applications, one each for a single country of origin, should be submitted to the competent authority of a Member State. They shall be considered, as regards the maximum envisaged in the third subparagraph as well as the application of the rule contained in Article 4 (2), as a single application.

A licence application must relate at least to one tonne and at most to 25 % of the quantity available for the order number concerned, with the exception of order Nos 59.0060 and 59.0080 for which the maximum shall be 50 %, for the period as specified in Article 2 in respect of which a licence application is lodged ;

- (c) Section 8 of licence applications and licences shall show the country of origin ; licences shall carry with them an obligation to import from the country indicated ;
- (d) Section 20 of licence applications and licences shall show one of the following :
- Producto SPG, Reglamento (CEE) n° 3937/92,
GPO-produkt, forordning (EØF) nr. 3937/92,
APS-Erzeugnis, Verordnung (EWG) Nr. 3937/92,
Προϊόν SPG, Κανονισμός (ΕΟΚ) αριθ. 3937/92,
SGP-Product, Regulation (EEC) No 3937/92,
Produit SPG, règlement (CEE) n° 3937/92,
Prodotto SPG, regolamento (CEE) n. 3937/92,
APS-produkt, Verordening (EEG) nr. 3937/92,
Produto SPG, regulamento (CEE) n° 3937/92 ;
- (e) Section 24 of licences shall show one of the following :
- Exacción reguladora reducida en un 50 %,
Nedsættelse af importafgiften med 50 %,
Ermäßigung der Abschöpfung um 50 %,
Μειωμένη εισφορά κατά 50 %,
Levy reduced by 50 %,
Prélèvement réduit de 50 %,
Prelievo ridotto del 50 %,
Met 50 % verlaagde heffing,
Direito nivelador reduzido de 50 %.

Article 4

1. Licence applications may only be lodged during the first 10 days of each period as specified in Article 2.
2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the current period, concerning products corresponding to the same order number in the Member State in which his application is lodged or in other Member States ; where the same interested party submits applications relating to products with the same serial number, all applications from that person shall be inadmissible.
3. The Member States shall notify the Commission on the third working day following the end of the applica-

tion submission period of applications lodged for each of the products covered by the order numbers in question. Such notification shall comprise a list of applicants and quantities applied for under each order number as well as of the countries of origin. All notifications, including notifications of nil applications, shall be made by telex or telecopy on the working day stipulated, drawn up on the model found at Annex I in the case where no request is made, and drawn up on the models found at Annexes I and II in the case where requests have been made.

4. The Commission shall decide as soon as possible to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in quantities applied for.

If the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the quantity remaining which shall be added to the quantity available in respect of the following period.

5. Licences are issued as soon as possible after the decision is taken by the Commission.

6. Licences issued shall be valid throughout the Community.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 90 days from the date of actual issue.

However, licences may not be valid after 31 December of the year of issue.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, notwithstanding Article 8 (4) of that Regulation, the quantity imported in the framework of Regulation (EEC) No 3917/92 may not exceed that indicated in Sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in Section 19 of licences.

Article 8

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, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

(Page /)

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/3 — PIGMEAT SECTOR

REQUESTS FOR IMPORT LICENCES AT REDUCED LEVIES

... PERIOD 1993

Member State :

Date :

Commission Regulation (EEC) No/93

Sender :

Contact :

Telephone No :

Telefax No :

Number of pages :

Order No of requests :

Total quantity requested (in tonnes) :

(Page /)

DG VI/D/3 — PIGMEAT SECTOR

... PERIOD 1993

Member State :

[illegible]

COMMISSION REGULATION (EEC) No 3938/92
of 22 December 1992

**laying down detailed rules for the application in the poultrymeat sector of
Council Regulation (EEC) No 3917/92 reducing for 1993 the levies on certain
agricultural products originating in developing countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3917/92 of 21 December 1992 extending to 1993 the levies on certain agricultural products originating in developing countries⁽¹⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽²⁾, as last amended by Regulation (EEC) No 1235/89⁽³⁾, and in particular Article 15 thereof,

Whereas Regulation (EEC) No 3917/92 introduces arrangements for reducing import levies on certain products in the pigmeat, eggs and poultry and cereals sectors; whereas detailed rules for the application of that Regulation should be adopted as regards products in the poultrymeat sector with a view to administering the fixed amounts concerned;

Whereas, for the products covered by order Nos 59.0020 and 59.0025 (various duck products), those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EEC) No 2101/92⁽⁵⁾;

Whereas, in order to ensure proper administration of the fixed amounts, for the products covered by order Nos 59.0020 and 59.0025, a security should be required for applications of import licences and certain conditions be laid down as regard applications for licences, in particular restricting the number of operators who can request licences taking into account the limited amounts of products available within the context of this system; whereas the fixed amounts should be staggered over the year and the procedure for lodging licences as well as their duration of validity should be specified; whereas, however, licences must not be valid beyond 31 December 1993 in view of the period of application of Regulation (EEC) No 3917/92;

Whereas it is possible for products covered by order No 59.0030 (various goose products) to replace the system of import licences with the application of Regulation (EEC) No 3834/90 reducing for 1991 a system for monitoring quantities actually imported, which is less restrictive for importers;

Whereas, for the products covered by order No 59.0030, equal and continuous access to the said fixed amount should be ensured for all Community importers and the rates laid down for the fixed amount should be applied consistently to all imports of the product in question into all the Member States until the fixed amount is exhausted; whereas the necessary measures should be taken to ensure efficient Community administration of this fixed amount by providing the opportunity to draw from the volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

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

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community in the framework of Council Regulation (EEC) No 3917/92 of products covered by order Nos 59.0020 or 59.0025 in the Annex to the said Regulation shall be subject to the presentation of an import licence.

Article 2

The fixed amounts shall be staggered over the year as follows:

for products coming under order No 59.0020:

- 15 % in the period 1 January to 31 March 1993,
- 15 % in the period 1 April to 30 June 1993,
- 35 % in the period 1 July to 30 September 1993,
- 35 % in the period 1 October to 31 December 1991,

⁽¹⁾ OJ No L 396, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽³⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 210, 25. 7. 1992, p. 18.

for products coming under order No 59.0025:

- 25 % in the period 1 January to 31 March 1993,
- 25 % in the period 1 April to 30 June 1993,
- 25 % in the period 1 July to 30 September 1993,
- 25 % in the period 1 October to 31 December 1993.

Article 3

In order to qualify under the import arrangements provided for in Regulation (EEC) No 3917/92:

- (a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have been active in the poultrymeat sector for at least the preceding 12 months. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this regime;
- (b) the licence application may only involve order No 59.0020 or 59.0025 referred to in the Annex to Regulation (EEC) No 3917/92. The application may involve several products covered by different CN codes and originating in one developing country. In such cases, all the CN codes shall be indicated in section 16 and their designation in section 15.

However, each applicant may lodge not more than two applications for import licences for products covered by a single order number, if these products originate in two developing countries. The two applications, one each for a single country of origin, must be submitted simultaneously to the competent authority of a Member State. They shall be considered, as regards the maximum envisaged in the third subparagraph as well as the application of the rule contained in Article 4 (2), as a single application.

A licence application must relate at least to one tonne and to a maximum of 50 % of the quantity available for the order number concerned and for the period as specified in Article 2 in respect of which a licence application is lodged;

- (c) section 8 of licence applications and licences shall show the country of origin; licences shall carry with them an obligation to import from the country indicated;
- (d) section 20 of licence applications and licences shall show one of the following:

Producto SPG (Reglamento (CEE) n° 3938/92),
GPO-varer (forordning (EØF) nr. 3938/92),
APS-Erzeugnis (Verordnung (EWG) Nr. 3938/92),
Προϊόν SPG (Κανονισμός (ΕΟΚ) αριθ. 3938/92),
SGP-product (Regulation (EEC) No 3938/92),
Produit SPG (règlement (CEE) n° 3938/92),
Prodotto SPG (regolamento (CEE) n. 3938/92),

APS-Produkt (Verordening (EEG) nr. 3938/92),
Produto SPG (Regulamento (CEE) n° 3938/92);

- (e) section 24 of licences shall show one of the following:

Exacción reguladora reducida en un 50 %,
Nedsættelse af importafgiften med 50 %,
Verminderung der Abschöpfung um 50 %,
Μειωμένη εισφορά κατά 50 %,
Levy reduced by 50%,
Prélèvement réduit de 50 %,
Prelievo ridotto del 50 %,
Heffing verminderd met 50 %,
Direito nivelador reduzido de 50 %.

Article 4

1. Licence applications may only be lodged during the first 10 days of each period as specified in Article 2.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the current period, concerning products corresponding to the same order number in the Member State in which his application is lodged or in other Member States; where the same interested party submits applications relating to products with the same order number, all applications from that person shall be inadmissible.

3. The Member States shall notify the Commission, on the third working day following the end of the application submission period, of applications lodged for each of the products covered by the order numbers in question. Such notification shall comprise a list of applicants and quantities applied for under each order number as well as of the countries of origin. All notifications, including notifications of nil applications, shall be made by telex or telecopy on the working day stipulated, drawn up on the model found in Annex I in the case where no request is made and in the case where requests have been made drawn up on the model found in Annex I and Annex II.

4. The Commission shall decide as soon as possible to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in quantities applied for.

If the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period.

5. Licences are issued as soon as possible after the decision is taken by the Commission.

6. Licences issued shall be valid throughout the Community.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 90 days from the date of actual issue.

However, licences may not be valid after 31 December of the year of issue.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8 (4) of that Regulation notwithstanding, the quantity imported in the framework of Regulation (EEC) No 3917/92 may not exceed that indicated in sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in section 19 of licences.

Article 8

The fixed amount for the products covered by order No 59.0030 in the Annex to Regulation (EEC) No 3917/92 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 9

1. In order to qualify under the import arrangements provided for in Regulation (EEC) No 3917/92 for products covered by order No 59.0030 in the Annex to the said Regulation, the importer must present the competent authorities of the importing Member State

with a declaration of entry into free circulation comprising an application to this effect for the products in question accompanied by a certificate of origin. If this declaration is accepted by the competent authorities of that Member State, those authorities shall communicate to the Commission the requests for drawing from the fixed amount involved.

2. The requests for drawing, bearing the date of acceptance of the declaration of entry into free circulation, shall be communicated to the Commission without delay.

3. The drawings are granted by the Commission on the basis of the date of acceptance of the declarations of entry into free circulation by the competent authorities of the importing Member State, to the extent that the available balance so permits.

Any drawing not used shall be returned as soon as possible to the fixed amount for the year for which it was allocated.

When the quantities requested are greater than the available balance of the fixed amount, allocation shall be made on a pro rata basis with respect to the requests. The Commission shall inform Member States of the drawings made as quickly as possible.

Article 10

Each Member State shall ensure that importers of the products covered by order No 59.0030 in the Annex to Regulation (EEC) No 3917/92 have equal and continuous access to the fixed amount for such time as the residual balance of the fixed amount volume so permits.

Article 11

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 12

It shall apply from 1 January 1993.

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

Done at Brussels, 22 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

(Page /)

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/3 — EGGS AND POULTRY SECTOR

REQUESTS FOR IMPORT LICENCES AT REDUCED LEVIES

... PERIOD 1993

Member State :

Date :

Commission Regulation (EEC) No /93

Sender :

Contact :

Telephone No :

Telefax No :

Number of pages :

Order No of requests :

Total quantity requested (in tonnes) :

(Page /)

DG VI/D/3 — EGGS AND POULTRY SECTOR

... PERIOD 1993

Member State :

[illegible]