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COMMISSION REGULATION (EEC) No 2168/92

of 30 July 1992

laying down detailed implementing rules for the specific measures for the Canary Islands with regard to potatoes

(OJ L 217, 31.7.1992, p. 44)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Regulation (EEC) No 714/93 of 26 March 1993	L 74	42	27.3.1993
►M2	Commission Regulation (EEC) No 1774/93 of 2 July 1993	L 162	21	3.7.1993
►M3	Commission Regulation (EC) No 802/94 of 11 April 1994	L 93	1	12.4.1994
►M4	Commission Regulation (EC) No 1760/94 of 18 July 1994	L 183	17	19.7.1994
►M5	Commission Regulation (EC) No 3099/94 of 19 December 1994	L 328	13	20.12.1994
►M6	Commission Regulation (EC) No 1481/95 of 28 June 1995	L 145	42	29.6.1995
►M7	Commission Regulation (EC) No 1967/95 of 9 August 1995	L 189	29	10.8.1995
►M8	Commission Regulation (EC) No 984/96 of 31 May 1996	L 131	51	1.6.1996
►M9	Commission Regulation (EC) No 1909/96 of 2 October 1996	L 251	17	3.10.1996
►M10	Commission Regulation (EC) No 1166/97 of 26 June 1997	L 169	11	27.6.1997
►M11	Commission Regulation (EC) No 1494/97 of 29 July 1997	L 202	33	30.7.1997

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1601/92 [1], of 15 June 1992, introducing specific measures for the Canary Islands concerning certain agricultural products, and in particular Articles 20 (3) and 21 thereof,

Whereas in application of Articles 2 and 3 of Regulation (EEC) No 1601/92 it is necessary to determine for seed potatoes quantities of the forecast supply balance which benefit from an exemption of the levy on direct imports from third countries or from aid for deliveries originating from the rest of the Community;

Whereas this aid must be fixed taking into account the costs of supply from the world market, and the conditions due to the geographical situation of the Canary Islands;

Whereas Article 20 of Regulation (EEC) No 1601/92 provides that aid per hectare is granted for the production of ware potatoes up to a ceiling of an area of 12 000 hectares per year, planted and harvested;

Whereas Article 21 of Regulation 1601/92 provides for a restriction on deliveries of ware potatoes to the Canary Islands from third countries, or from the rest of the Community, in order to avoid disturbance of the market during the periods which are crucial for the marketing of the Canary Islands' production; whereas it is appropriate to fix the sensitive period as well as the maximum quantities of potatoes to be delivered to the Canary Islands during the second semester of 1992;

Whereas the provisions provided for in Regulation (EEC) No 1601/92 are applicable as from 1 July 1992; it is appropriate to apply the terms of this Regulation as from the same date;

Whereas the measures provided for in the present regulation are in conformity with the opinion of the Management Committee for seeds,

HAS ADOPTED THIS REGULATION:

TITLE I

Specific supply arrangements

▼M10

Article 1

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92 the quantity in the forecast supply balance of seed potatoes covered by CN code 0701 10 00 qualifying for exemption from customs duty on imports into the Canary Islands or for Community aid for products coming from the rest of the Community shall be 12 000 tonnes for the period 1 July 1997 to 30 June 1998.

[1] OJ No L 173, 27. 6. 1992, p. 13.

▼M10

Article 2

For the purposes of applying Article 3 (2) of Regulation (EEC) No 1601/92 aid shall be granted for the supply of seed potatoes to the Canary Islands from the Community market. The aid shall be ECU 4,226 per 100 kilograms.

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TITLE II

Aid for the production of potatoes

Article 6

1. The aid for the production of ware potatoes falling under headings CN codes 0701 90 51, 0701 90 59 and 0701 90 90 as provided for by Article 20 of Regulation (EEC) No 1601/92 is only paid for areas:

(a) which have been fully sown and had normal cultivation work carried out upon them;

(b) for which an application has been submitted in accordance with Article 7, such application to be treated as equivalent to a declaration of the areas cultivated.

2. Where cultivation has not been proceeded until the ripening of the product, the competent national authorities may accept cases of *force majeure* and natural disasters having a major effect on the area farmed by the declarant as justifying maintenance of the entitlement to aid.

All cases of *force majeure* or natural disasters as referred to in the proceding subparagraph shall be notified within three days of the event to the competent Spanish authority. Evidence thereof shall be provided within one month from such notification.

Spain shall notify the Commission of cases which they recognize as cases of *force majeure* or as natural disasters.

Article 7

1. Any producer wishing to obtain aid shall submit an application to the competent agency before a date to be fixed by Spain. This date shall be fixed in a way that allows the necessary on-the-spot checks to be carried out.

2. The application for aid shall at least include the following particulars:

— the name, forenames and address of the applicant,

— the areas cultivated in hectares and in ares, the cadastral reference of such areas or an indication recognized as equivalent by the agency responsible for checking the areas.

3. Where the area for which the aid is requested exceeds the maximum area as referred to in Article 20 of Regulation (EEC) No 1601/92, the aid shall be granted to the applicants in proportion to the area as indicated in the request.

Article 8

Spain shall take the necessary control measures. These include the measurement of a minimum number of fields for which the aid is requested. Spain shall fix the minimum number of fields to be checked and the criteria for their selection, and inform the Commission thereof.

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Article 9

1. If the check indicates an excess of up to 10 % but of not more than one hectare in the area declared, aid shall be calculated on the area measured, less that excess.

2. If the excess exceeds the limits provided for in paragraph 1, the application for the marketing year in question shall be rejected. Morevoer, the areas forming part of the applicant's holding during the marketing year in question shall be ineligible for aid in the following marketing year.

3. If, for reasons attributable to the applicant, a check cannot be carried out Article 9 (2) shall apply, except in cases of *force majeure*. Grounds for *force majeure* shall be supplied by the interested party in writing, within ten days from the planned date of the check.

TITLE III

Restrictions on deliveries during sensitive periods

Article 10

▼M8

1. Deliveries of ware potatoes falling within CN codes 0701 90 51, 0701 90 59 and 0701 90 90from third countries and the rest of the Community to the Canary Islands during the sensitive periods of 1996, 1997 and 1998 shown in the Annex shall be limited to the quantities given therein.

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During this period the deliveries of the above-mentioned products must be accompanied by a 'potato delivery certificate', hereafter referred to as a 'certificate'.

▼M11

2. The certificate shall be drawn up on the basis of the import licence form in the Annex to Commission Regulation (EEC) No 3719/88.

Article 8 (3) and (5), and Article 10, Articles 13 to 16, 19 to 22, 24 to 31 and 33 to 37 of Regulation (EEC) No 3719/88 shall apply, *mutatis mutandis*, subject to the provisions of this Regulation.

The rights resulting from the certificate shall not be transferable during their period of validity.

The holders of certificates issued before 30 July 1997 which have not been fully used up before the end of their period of validity may, for the remaining quantities, request them to be replaced by certificates the rights under which may not be transferred, or request them to be cancelled and any security released.

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3. The words 'potato delivery certificate' shall be printed or stamped in the upper left-hand corner of the certificate.

4. The certificate shall be issued at the request of the parties concerned exclusively by the competent authorities designated by Spain, subject to the quantity provided for in Article 10 (1). Issue of the exemption certificate shall be subject to the lodging of a security, the amount of which shall be fixed for each of the products in question.

The authorities may lay down a time limit for the issue of the certificate.

5. The request for the certificate must not concern a quantity which exceeds the quantity available as regularly published by the competent authorities.

6. Where the quantity for which a certificate is requested exceeds the quantity referred to in Article 10 (1), the certificate shall be awarded to the applicants in proportion to the quantities available.

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7. Where certificates are issued for quantities which are less than those requested, the operator concerned can withdraw his request, in writing, within three working days following the issue of the certificate. The relative guarantee is also freed.

8. The application for the certificate and the certificate itself, shall be marked in box No 24 with the words 'certificate to be used for the Canary Islands'.

9. Proof of utilization of the certificate must be furnished within thirty days following expiry of the period of validity of the certificate, except in cases of *force majeure*.

10. The competent authorities administer the system of restrictions on deliveries in a way that allows for the delivery of the quantity referred to in Article 10 (1) to the Canary Islands.

TITLE IV

Final provisions

▼M2

Article 11

The rate to be applied for converting the aid per hectare as referred to in Article 6 into national currency shall be the agricultural conversion rate in force on the final date fixed for the submission of aid applications in accordance with Article 7 (1).

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Article 11a

The period of validity of certificates for delivery to the Canary Islands from third countries and the rest of the Community of potatoes for human consumption falling within CN codes 0701 90 51, 0701 90 59 and 0701 90 90 shall be limited to the last day of the month in which they are issued.

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Article 12

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

It shall apply from 1 July 1992.

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

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ANNEX

Allocation of the quantities referred to in Article 10

(in tonnes)

Sensitive periods (month)	1996	1997	1998
April	—	4 765	5 240
May	—	3 219	3 540
June	274	301	332
July	194	213	235
August	194	213	235
September	266	293	322
October	3 795	4 174	4 592
Total	4 723	13 178	14 496