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COMMISSION REGULATION (EEC) No 388/92

of 18 February 1992

laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the French overseas departments (FOD) and establishing the forecast supply balance

(OJ L 43, 19.2.1992, p. 16)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EEC) No 467/92 of 27 February 1992	L 53	14	28.2.1992
►**M2**	Commission Regulation (EEC) No 2027/92 of 22 July 1992	L 207	21	23.7.1992
►**M3**	Commission Regulation (EEC) No 3804/92 of 23 December 1992	L 384	18	30.12.1992
►**M4**	Commission Regulation (EEC) No 688/93 of 25 March 1993	L 73	13	26.3.1993
►**M5**	Commission Regulation (EEC) No 1727/93 of 30 June 1993	L 160	1	1.7.1993
►**M6**	Commission Regulation (EC) No 329/94 of 14 February 1994	L 42	3	15.2.1994
►**M7**	Commission Regulation (EC) No 3101/94 of 19 December 1994	L 328	16	20.12.1994
►**M8**	Commission Regulation (EC) No 1563/95 of 30 June 1995	L 150	18	1.7.1995
►**M9**	Commission Regulation (EC) No 2270/95 of 27 September 1995	L 231	21	28.9.1995
►**M10**	Commission Regulation (EC) No 2885/95 of 14 December 1995	L 302	3	15.12.1995
►**M11**	Commission Regulation (EC) No 1234/96 of 28 June 1996	L 161	101	29.6.1996
►**M12**	Commission Regulation (EC) No 2414/96 of 18 December 1996	L 329	23	19.12.1996
►**M13**	Commission Regulation (EC) No 2521/97 of 15 December 1997	L 346	42	17.12.1997
►**M14**	Commission Regulation (EC) No 1959/98 of 15 September 1998	L 254	11	16.9.1998

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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 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ([1]), and in particular Article 2 (6) thereof,

Whereas Commission Regulation (EEC) No 131/92 ([2]) lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the French overseas departments (FOD);

Whereas Commission Regulation (EEC) No 3719/88 ([3]), as last amended by Regulation (EEC) No 92/91 ([4]), lays down in particular detailed rules for import licences; whereas Commission Regulation (EEC) No 891/89 ([5]), as last amended by Regulation (EEC) No 3562/91 ([6]), lays down additional and exceptional detailed rules. specific to the cereals sector;

Whereas, in order to take account of the trade practices specific to the cereals sector, and of the special nature of trade in bran, provision should be made for detailed rules supplementing or derogating from the provisions of Regulation (EEC) No 131/92;

Whereas, pursuant to Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance for cereals products for the FOD should be drawn up; whereas this balance should make it possible to interchange the quantities planned for the products in question and, if the need arises, to increase the overall quantity fixed for feed grain during the course of the financial year;

Whereas provision should be made for the Member State to designate the competent authority for issuing import licences and aid certificates, and for handling aid applications and payments;

Whereas provision should be made for a timetable for submitting licence and certificate applications, and for establishing admissibility requirements for these applications, in particular as regards the lodging of securities; whereas, in addition, the period of validity of import licences and aid certificates should be fixed in accordance with supply needs and the requirements of sound administration by granting, given the local situation in the FOD, a longer period of validity for aid certificates;

Whereas provision should be made for the adjustment of the aid granted for the supply of cereal products originating in the Community on the basis of the difference in the threshold price of the product in question between the month of application for aid certificates and the month in which the certificates are used, in order to prevent, before the harvest, supply commitments which benefit from aid for the new marketing year, and to take account of the practices in the cereals sector;

([1]) OJ No L 356, 24. 12. 1991, p. 1.
([2]) OJ No L 15, 22. 1. 1992, p. 13.
([3]) OJ No L 331, 2. 12. 1988, p. 1.
([4]) OJ No L 11, 16. 1. 1991, p. 11.
([5]) OJ No L 94, 7. 4. 1989, p. 13.
([6]) OJ No L 336, 7. 12. 1991, p. 30.

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Whereas, to ensure the sound administration of the supply arrangements, additional requirements should be laid down for the release of the security;

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

1. Pursuant to Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance quantities eligible for exemption from duties on imports from third countries or for Community aid shall be as specified in the Annex.

▼M5

2. Without prejudice to any increase during the course of the financial year of the overall quantity fixed for cereals, the respective quantities fixed for one or other of the cereals in question may be exceed by a maximum of 20 %, provided that the overall quantity is adhered to. Sorghum shall be treated as maize for the purposes of this Regulation.

▼M1

3. For the purposes of applying Articles 2 and 3 (1) of Council Regulation (EEC) No 3763/91, the developing countries shall be those listed in Annexes III and V to Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries ([1]), as last amended by Regulation (EEC) No 3587/91. ([2])

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Article 2

The Member State shall designate the competent authority for:

(a) issuing the import licence provided for in Article 2 of Regulation (EEC) No 131/92;

(b) issuing the aid certificate provided for in Article 3 of that Regulation; and

(c) payment of the aid to the operators concerned and the administration of securities.

Article 3

The provisions of Regulation (EEC) No 131/92 shall apply *mutatis mutandis*.

Article 4

▼M5

1. Applications for licences and certificates shall be submitted to the competent authority during the first five working days of each month. However, applications for aid certificates for the supply of cereal products falling within CN codes 1103 and 1107 as well as products falling within CN codes 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53, of Community origin, as well as applications for aid certificates for the supply of cereals to the department of French Guiana, may be submitted on any working day of each month. A licence or certificate application shall be admissable only if:

(a) it does not exceed the maximum quantity available for each period during which applications must be lodged;

([1]) OJ No L 370, 20. 12. 1990, p. 86.
([2]) OJ No L 341, 12. 12. 1991, p. 1.

▼M5

(b) prior to expiry of the time limit laid down for the submission of licence and certificate applications, proof has been provided that the party concerned has lodged a security of ECU 23 per tonne.

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2. If licences and certificates are issued for quantities less than the quantities applied for, as a result of a single reduction coefficient being fixed, operators may withdraw their applications in writing within a time limit of one working day following the date on which the reduction coefficient is fixed.

Article 5

1. The period of validity of import licences shall expire on the last day of the month following the month in which they were issued.

2. The period of validity of aid certificates shall expire on the last day of the second month following the month in which they were issued.

▼M8

Article 6

The aid for supply shall be adjusted:

(a) in the case of all cereal products listed in the Annex with the exception of maize, grain sorghum, malt and common wheat meal, for the period August to May of the same marketing year, by the monthly increase applicable to the intervention price fixed for that marketing year for the cereal in question, multiplied by the number of months elapsing between the month in which the aid certificate is applied for and the month in which each quantity is charged against the certificate. The first adjustment shall take place on the first day of the calendar month following the day the certificate application is submitted;

(b) in the case of maize and grain sorghum, for the period November of one marketing year to August of the following marketing year, by the monthly increase applicable to the intervention price fixed for the former marketing year for the cereal in question, multiplied by the number of months elapsing between the month in which the aid certificate is applied for and the month in which each quantity is charged against the certificate. The first adjustment shall be made on the first day of the calendar month following the day the certificate application is submitted;

(c) in the case of malt and durum wheat meal, for the period August to May of the same marketing year, by the monthly increase applicable to the intervention price fixed for that marketing year, multiplied on the one hand by the number of months elapsing between the month in which the aid certificate is applied for and the month in which each quantity is charged against the certificate and, on the other hand, by the processing coefficients 1,3 and 1,5 for malt and durum wheat meal respectively. The first adjustment shall take place on the first day of the calendar month following the day the certificate application is submitted;

(d) in the case of all products with the exception of maize and grain sorghum, where the term of validity of the aid certificate extends beyond the end of the marketing year and for all supplies charged against the certificate during the new marketing year, as follows: the aid shall be reduced by an amount equal to the difference between the intervention prices, not including monthly increases, for the former and the new marketing years and by an amount equal to the monthly increase for the new marketing year, multiplied by the number of months from August inclusive to the month in which the certificate application is submitted;

▼M9

(e) in the case of maize and grain sorghum, where the term of validity of the aid certificate extends beyond the end of September, for all supplies charged against the certificate from 1 October, as follows: the aid shall be reduced by an amount equal to the difference between the intervention price, not including monthly increases, for

▼M9

the former and the new marketing years and by an amount equal to the monthly increase for the former marketing year, multiplied by the number of months from November inclusive to the month in which the aid application is submitted.

▼M8

However, the adjustments provided for in (d) and (e) shall not apply where the operator provides proof to the satisfaction of the competent authorities in the region of destination that:

— supplies of products other than maize and grain sorghum presented for charging against the aid certificate were dispatched before 1 July and,

— in the case of maize and grain sorghum, supplies of products presented for charging against the aid certificate were dispatched before 1 October.

Such proof shall be constituted by the bill of lading or other transport document providing sufficient guarantees and duly established at the time of dispatch.

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Article 7

Securities shall be released if and when:

(a) the competent authority has not granted an application;

(b) the operator has withdrawn his application in accordance with Article 4 (2);

(c) proof has been provided that the licence or certificate has been used; the security shall than be released in proportion to the quantities entered on the licence or certificate;

(d) proof has been provided that the product concerned has become unsuitable for use or it has not been possible to carry out the operation as a result of *force majeure*.

Article 8

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

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

▼**M14**

ANNEX

Cereals supply balance for the French overseas departments (1998)

(tonnes)

Cereals originating in third countries (ACP/developing countries) or EC	Common wheat	Durum wheat	Barley	Maize	Durum wheat meal and groats	Malt
Guadeloupe	60 000	—	—	16 000	—	100
Martinique	1 500	—	—	22 000	1 000	500
French Guiana	200	—	300	1 500	—	—
Réunion	28 000	—	24 000	100 000	—	3 000
Total	89 700	—	24 300	139 500	1 000	3 600
Total	258 100					