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►B ►M1 **COMMISSION REGULATION (EEC) No 980/92**

of 21 April 1992

laying down detailed rules for applying the aid scheme for the marketing of rice produced in French Guiana ◄

(OJ L 104, 22.4.1992, p. 31)

Amended by:

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COMMISSION REGULATION (EEC) No 980/92

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laying down detailed rules for applying the aid scheme for the marketing of rice produced in French Guiana

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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 3 (5) thereof,

Whereas Article 3 (3) of Regulation (EEC) No 3763/91 institutes an aid scheme for the disposal and marketing in Guadeloupe and Martinique of rice produced in French Guiana, up to a maximum annual quantity of 8 000 tonnes of wholly milled rice equivalent; whereas this measure concerns both the marketing of products suitable for immediate consumption and the disposal of products intended for processing and consumption in the two overseas departments of destination;

Whereas the aid is to be paid on the basis of annual contracts between producers in Guiana and natural or legal persons established in one or both of the departments of destination; whereas the Council has fixed the aid at 10 % of the value of the products delivered to the latter departments, and at 13 % of the said value where the Contracting Party producing the rice is an association or union of producers;

Whereas it is necessary to determine the information which the contract must contain to ensure that the aid scheme is properly applied and to provide for contracts to be notified to the competent authorities before the beginning of the marketing period(s);

Whereas the setting of the abovementioned quantity of 8 000 tonnes of wholly milled rice equivalent requires, firstly, the fixing of processing coefficients for paddy rice, husked rice and wholly milled rice, secondly, the determination of an annual period for the submission of aid applications to ensure equality of treatment of operators and, thirdly, the implementation where necessary of a mechanism for the pro-rata allocation of the aid at the end of the marketing year on the basis of the quantities actually disposed of or marketed;

Whereas in order to fulfil the objective of the measure, the necessary steps must be taken to ensure that the products benefiting from the scheme are not re-consigned or re-exported from the overseas departments and do not benefit from export refunds;

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

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1. For the purposes of applying the aid scheme provided for in Article 3(3) of Regulation (EEC) No 3763/91, annual contract means a contract by which an operator, either a natural or a legal person established elsewhere in the Community other than in French Guiana, undertakes, before the beginning of the marketing period, to dispose of or market in Guadeloupe, Martinique or elsewhere in the Community all or

([1]) OJ No L 356, 24. 12. 1991, p. 1.

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part of the rice production of a producer or a producers' association or union in French Guiana.

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2. For the purposes of applying the aid scheme in question:

(a) 'disposal' means the supply of a product with a view to its milling or processing into a product fit for human consumption;

(b) 'marketing' means the supply of a product fit for human consumption.

Article 2

1. Operators as referred to in Article 1 who intend to submit an application for aid shall send the annual contract and all other relevant information to the competent authorities appointed by the French Government before the start of the marketing period(s).

2. The contract shall at the very least include the following information:

(a) the business names of the Contracting Parties and their places of establishment;

(b) the exact description of the product(s), in accordance with the combined nomenclature;

(c) the quantities concerned;

(d) the duration of the commitment and the schedule for disposal or marketing;

(e) the packaging and presentation method and the information relating to transport (conditions and costs);

(f) the exact delivery stage;

(g) the contract delivery price.

If the Contracting Party producing the rice is an association or union, the information at (a) shall include the details necessary to identify the legal person concerned.

3. The competent authorities shall assess the contracts for conformity with Article 3 (3) of Regulation (EEC) No 3763/91 and with this Regulation. They shall verify, in particular, that the contracts contain all the information specified in paragraph 2.

They shall inform the operators if Article 5 is likely to be applied.

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4. For the purposes of Article 3(3) of Regulation (EEC) No 3763/91, applications for aid concerning the period between 12 November 1995 and 20 March 1998 shall be submitted to the competent departments of the French administration in accordance with conditions to be laid down by those departments.

Aid shall be paid on submission of proof satisfactory to the competent departments that the products conferring entitlement to aid have in fact been disposed of or marketed in Guadeloupe, Martinique or elsewhere in the Community.

The competent departments shall make appropriate checks on the truthfulness and accuracy of the applications for aid and supporting documents.

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Article 3

1. For the purpose of granting the aid, the value of the disposed of or marketed production to be taken into account shall be equivalent to that of a delivery at the port of unloading, unloaded onto the means of transport.

2. The value referred to in paragraph 1 shall be evaluated on the basis of the annual contract, the particular transport documents and any

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other supporting documents submitted to justify the aid application or produced at the request of the competent authorities.

Article 4

1. The application for aid shall be submitted by the operator referred to in Article 1, in accordance with the Annex, during the period for the submission of applications fixed by the competent authorities. It shall concern the quantities actually disposed of or marketed during the marketing year.

2. After verifying the aid applications and attached supporting documents, the competent authorities shall pay the Community aid during the two months following the end of the period for submission of applications.

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Article 5

1. If necessary, the competent French authorities shall lay down a uniform coefficient of reduction to be applied to the applications in question to ensure that, each year, aid is not granted for a quantity, expressed in terms of milled rice equivalent, exceeding 12 000 tonnes for all the quantities for which applications have been submitted and, within that ceiling, exceeding 4 000 tonnes in respect of the quantities disposed of or marketed elsewhere in the Community other than in Guadeloupe and Martinique.

2. The uniform coefficient or reduction shall be calculated as follows:

(a) where the quantities in respect of which the applications for aid submitted total less than 12 000 tonnes but, as regards rice disposed of or marketed elsewhere in the Community other than in Guadeloupe and Martinique, more than the maximum volume of 4 000 tonnes, the coefficient i obtained from the formula:

$$i = \frac{4\,000}{x}$$

where x is the quantity of rice from French Guiana actually disposed of and marketed elsewhere in the Community other than in Martinique and Guadeloupe

shall be applied to that latter quantity;

(b) where the quantities in respect of which the applications for aid submitted total more than 12 000 tonnes but, as regards rice disposed of or marketed elsewhere in the Community other than in Guadeloupe and Martinique, less than the maximum volume of 4 000 tonnes, the coefficient j obtained from the formula:

$$j = \frac{12\,000}{y}$$

where y is the total quantity of rice from French Guiana in respect of which applications for aid were submitted

shall be applied to all the quantities of rice;

(c) where the quantities in respect of which the applications for aid submitted total more than 12 000 tonnes and, as regards rice disposed of or marketed elsewhere in the Community other than in Guadeloupe and Martinique, more than the maximum volume of 4 000 tonnes, the coefficient z obtained from the formula:

$$z = \frac{12\,000}{(i * x) + k}$$

where:

x is the quantity of rice from French Guiana actually disposed of and marketed elsewhere in the Community other than in Martinique and Guadeloupe,

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i is the coefficient of reduction for applications for aid in respect of the quantity of rice from French Guiana actually disposed of and marketed elsewhere in the Community other than in Martinique and Guadeloupe referred to at (a),

k is the quantity of rice from French Guiana actually disposed of and marketed in Martinique and Guadeloupe,

shall be applied.

The competent French authorites shall immediately notify the Commission of the application of this paragraph and of the quantities involved.

3. Aid shall be paid in respect of quantities actually disposed of and marketed under an annual contract or contracts and in accordance with the applicable provisions.

4. For the purposes of this Article, the coefficient for the processing of:

— paddy rice into wholly milled rice is fixed at 0,45,

— husked rice into wholly milled rice is fixed at 0,69,

— semi-milled rice into wholly milled rice is fixed at 0,93.

Article 6

1. Products receiving aid under Article 3(3) of Regulation (EEC) No 3763/91 may not be exported; products disposed of and marketed in Guadeloupe and Martinique may not be reconsigned to the rest of the Community.

Products disposed of and marketed elsewhere in the Community which have benefited from the aid referred to in the first subparagraph may not be reconsigned to Guadeloupe, Martinique or French Guiana.

2. The competent authorities shall take all the necessary inspection measures to ensure compliance with paragraph 1. Such measures shall include, in particular, unannounced physical checks. The Member State concerned shall notify the Commission of the measures taken to this effect.

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Article 7

For the purposes of booking EAGGF Guarantee Section expenditure incurred under the aid scheme, the rate to be applied shall be the agricultural conversion rate obtaining on 1 September preceding the marketing or disposal of the products in question.

Article 8

Where aid has been paid out unduly, the competent authorities shall recover the sums paid out, with interest from the date on which the aid was paid out to the date on which it was actually recouped. The applicable rate of interest shall be that in force for analogous recovery operations under national law.

The aid recouped shall be paid to the disbursing authorities or agencies and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 9

The French authorities shall, as necessary, adopt any additional arrangements needed to ensure that this Regulation is properly applied. They shall notify such arrangements to the Commission within the three months following the entry into force of this Regulation.

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No later than 30 June and 31 December of each year, the competent French authorities shall send the Commission full information concerning implementation of the aid scheme, and in particular the

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quantities concerned, the amount of aid granted and the destination of the consignments.

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Article 10

This Regulation shall enter into force on the seventh 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.

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ANNEX

APPLICATION FOR AID

— Product: .....

— Marketing period: from ..... to .....

— Business name of producer or producer's organisation: .....

.....

— Address for administrative purposes:
(street, number, locality, telephone, telex): .....

.....

— Business name of the natural or legal person established in Martinique/Guadeloupe: .....

.....

Address for administrative purposes: .....

.....

Bank and account number to which the aid is to be paid: .....

.....

— Legal relationship between the operators (association contract): .....

.....

To be completed by the Member State (by product and by marketing period)

Application received on:	Amount (in national currency)
ELIGIBLE EXPENDITURE	
1. Quantities marketed:	
2. Value of the production disposed of/marketed, delivered at port of unloading, unloaded onto means of transport:	
3. Expenditure to be taken into consideration after assessment of the value indicated at 2 on the basis of supporting documents:	
4. Destination of the consignment:	
5. Coefficient of reduction (Quantity actually marketed) x i, j or z (1):	
6. Eligible expenditure (4 × 3):	
7. Aid percentage (10 % or 13 %):	
8. Amount payable (5 × 6):	

(1) See Article 5(2)