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COMMISSION REGULATION (EEC) No 2958/93

of 27 October 1993

laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products

(OJ L 267, 28.10.1993, p. 4)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 1363/95 of 15 June 1995	L 132	8	16.6.1995
►**M2**	Commission Regulation (EC) No 1802/95 of 25 July 1995	L 174	27	26.7.1995
►**M3**	Commission Regulation (EC) No 1020/2002 of 13 June 2002	L 155	32	14.6.2002
►**M4**	Commission Regulation (EC) No 1820/2002 of 11 October 2002	L 276	22	12.10.2002

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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COMMISSION REGULATION (EEC) No 2958/93

of 27 October 1993

laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products [1], and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy [2], and in particular Article 6 thereof,

Whereas the measures partially funded by the EAGGF Guarantee Section and intended to offset, as regards the supply of certain Community agricultural products, the exceptional geographical situation of the smaller Aegean islands consist of benefits in the form of flat-rate aids for the supply of those products within the framework of forecast supply balances, the aids being adjusted in relation to the remoteness of the various groups of islands benefiting from them;

Whereas the effects of the benefits granted in the form of aids, which are intended to cover the higher local marketing costs, must be passed on in the prices paid by the end user; whereas the Greek authorities must adopt appropriate measures to establish the effects thereof;

Whereas the local consumption of agricultural products benefiting from the Community aids implies a prohibition on the redispatch to other parts of the Community and the exportation to third countries of such products either in the unprocessed state or following processing; whereas special control measures must be adopted to that end; whereas the Greek authorities are required to adopt the measures necessary to prevent the redispatch and exportation of the products concerned and, where necessary, to impose penalties in respect thereof;

Whereas the administering authorities should have at their disposal the instruments necessary for ensuring that the supply arrangements are used for their proper purpose, namely the regular supply of products to users and the passing-on of the benefits to the local consumer; whereas, to that end, the authorities responsible for implementation of the supply procedures must determine the intervals at which the products are to be supplied and the quantities thereof in relation to the outlets available for the products;

Whereas the supply arrangements can be administered on the basis of the import licence from provided for in Commission Regulation (EEC) No 3719/88 [3], as last amended by Regulation (EEC) No 1963/93 [4]; whereas the issue of that document, hereinafter called the 'aid certificate', is subject to the lodging by the applicant of a securitiy equal to 20 % of the amount of the aid corresponding to the quantity granted;

Whereas there should be a system of Community checks on the measures taken by the Greek authorities in order to ensure that they are properly implemented; whereas, to that end, provision should be made for periodic communications to the Commission;

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[1] OJ No L 184, 27. 7. 1993, p. 1.
[2] OJ No L 387, 31. 12. 1992, p. 1.
[3] OJ No L 331, 2. 12. 1988, p. 1.
[4] OJ No L 177, 21. 7. 1993, p. 19.

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Whereas the procedures for the adoption of the rules for the application of Regulation (EEC) No 2019/93 have not been completed within the period laid down therein; whereas, therefore, temporary provisions are necessary for the granting of aid for 1993; whereas, therefore, the provisions of this Regulation should apply immediately;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

▼M3

1. The flat-rate aid referred to in Article 3(1) of Regulation (EEC) No 2019/93 is hereby fixed, for all products referred to in the Annex to that Regulation, at:

— EUR 22/tonne for consignments to the islands in group A referred to in Annex I to this Regulation,

— EUR 36/tonne for consignments to the islands in group B referred to in Annex II to this Regulation.

In addition, EUR 9/tonne shall be granted to cover re-loading and transport costs from islands of transit or loading to islands of final destination belonging to group A or group B where direct shipment from the mainland is not possible or regular.

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3. Aid shall be paid at the written request of the interested party and on presentation of an aid certificate on which the relevant entries have been duly made.

The Greek authorities shall lay down the time limits for the submission of certificate applications and may make provision for a special application form.

4. The application must be lodged no later than 12 months after the date of the entries, except in cases of *force majeure*. If it is lodged after expiry of this period but within the following six months the aid paid shall be 85 % of that applicable.

The aid shall be paid by the Greek authorities not later than two months after the date on which the application was lodged, except:

(a) in cases of *force majeure;*

or

(b) where an administrative enquiry into entitlement to the aid has been opened. In such cases, payment shall take place only when entitlement has been recognized.

5. The aid certificate shall be drawn up on the import licence form set out in the Annex to Regulation (EEC) No 3719/88.

Articles 8 (3) and (5), 9, 10, 13 to 16, 19, 20 and 21, 24 to 31 and 33 to 37 of Regulation (EEC) No 3719/88 shall apply, *mutatis mutandis*, subject to the provisions of this Regulation.

6. The entry ‘Group A aid certificate’ or ‘Group B aid certificate’ shall be printed or stamped in box 20 (special particulars) of the certificate.

Boxes 7 and 8 of the certificate shall be struck out.

7. The aid certificate shall be issued at the request of the parties concerned, subject to the quantity provided for in the forecast supply balance, by the authorities designated by Greece. The Greek authorities may fix a time limit for the issue of the certificate.

8. Issue of the aid certificate shall be conditional on the lodging of a security, the amount of which shall be equal to 20 % of the amount of aid applicable.

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If the applications exceed the quantities available for the period in question, the quantities requested shall be reduced by applying a standard coefficient of reduction.

9. The aid certificate shall be presented to the authorities of the place of destination at the same time as the products to which it relates. The Greek authorities make the relevant entries on the aid certificate.

▼M3

10. Proof of utilisation of the aid certificate shall be furnished within two months following expiry of the period of validity of the certificate, except in cases of *force majeure*.

Article 2

Certificates shall not be transferable.

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Article 3

▼M3

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2. The Greek authorities shall take all appropriate steps to check that the benefits derived from the grant of the aid are passed on to the end user. In doing so they may assess the trading margins and prices applied by the various traders concerned.

These measures, and any amendments made, shall be notified to the Commission.

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3. Where the benefits are not passed on, the Greek authorities:

— shall recover all or part of the benefit granted from the holder of the aid certificate,

— may, depending on the seriousness of the failure to fulfil the obligations, provisionally or definitively limit or suspend the right to apply for aid certificates.

4. For the purposes of the first indent of paragraph 3:

— the holder of the aid certificate shall be considered to have received the benefit granted,

— the benefit granted shall be equal to the amount of the aid.

▼M3

Article 4

▼M4

1. Traditional exports and traditional dispatches to the rest of the Community of processed products containing raw materials that have benefited from the specific supply arrangements are permitted within the limits of annual quantities set out in Annex III. The competent authorities shall take the necessary steps to ensure that those operations do not exceed the annual quantities laid down.

▼M3

2. The competent authorities shall authorise the export or dispatch to the rest of the Community of quantities of processed products other than those referred to in paragraph 1 only where it is attested that the products concerned do not contain raw materials introduced under the specific supply arrangements.

The competent authorities shall carry out the necessary checks to ensure the accuracy of the attestations referred to in the first subparagraph and shall recover, where appropriate, the aid granted under the specific supply arrangements.

3. For the purpose of paragraphs 1 and 2, dispatch of products to destinations outside Group A islands or outside Group B islands shall constitute dispatch to the rest of the Community.

▼M3

Article 5

The Greek authorities shall notify the Commission no later than the last day of each month of the following data relating to the previous month but two, by product:

— the quantities for which aid certificates were applied for broken down by recipient island-group,

— the number of cases of non-utilisation of aid certificates and the quantities involved broken down by recipient island-group,

— any quantities exported after processing in the context of the traditional exports broken down by destination,

— any quantities dispatched after processing in the context of the traditional dispatches broken down by destination.

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Article 7

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.

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ANNEX I

List of Islands and 'nomos' belonging to Group A:

(Article 1)

— Thassos,
— Samothrace,
— Sporades,
— Kythira,
— Antikythira,
— Amoliani,
— islands of the nomos of Evia, not including the island of Evia,
— the following islands of the nomos of Kiklades:
  — Kea
  — Kythnos
  — Giaros
  — Andros
  — Tinos
  — Syros
  — Mykonos
  — Dilos
  — Rinia.

▼**M3**

ANNEX II

List of islands and ‘nomos’ belonging to Group B:

(Article 1)

— nomos of Dodekanisa (Dodecanese),
— nomos of Khios,
— nomos of Lesvos (Lesbos),
— nomos of Samos,
— islands of the nomos of Kiklades not included in Group A,
— island of Gavdos.

▼**M4**

ANNEX III

Maximum quantities of processed products which can be exported or dispatched to the rest of the Community annually from the smaller Aegean islands in the context of traditional exports and dispatches

(Article 4)

(quantity in kilograms)

CN code	To Community	To third countries
1704 90	600	200
1902 11	6 500	—
1902 30	2 300	—
1905 40	55 000	2 000
1905 90	3 500	—
2008 19	900	100
2106 90	3 800	900