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Proposal for a

REGULATION (EEC) OF THE COUNCIL

laying down general rules for the system of compensatory amounts for rice and fixing these amounts for certain products

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(submitted by the Commission to the Council)

VI/3.944/72-E

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EXPLANATORY NOTE

A. Article 80(1) of the Act concerning the Conditions of Accession provides that the compensatory amount applicable until the first move towards alignment for

- round-grained husked rice,
- long-grained husked rice, and
- broken rice

shall be established on the basis of the difference between

1. the threshold price and
2. the market prices recorded on the market of the new Member State concerned during a reference period.

1. The threshold price chosen for husked rice is that operative at the beginning of the 1972/73 marketing year (20.75 u.a./100 kg of round-grained rice and 22.75 u.a./100 kg of long-grained rice) to make it as close as possible to the reference period selected.

2. The market prices recorded on the Danish and Irish markets referred either
   - to badly defined qualities, so that it was impossible to make them comparable with the standard qualities for which threshold prices are fixed; or
   - to non-representative quantities or to pre-processed rice at prices which do not reflect the real level of the world market.

   In view of the absence of truly representative market prices for the markets of these two acceding Member States, the compensatory amounts have been based on the import prices at Rotterdam adjusted for freightage between that port and the ports of unloading in the new Member States. Since the resulting difference recorded between Rotterdam and Ireland and between Rotterdam and Denmark is low, a single average amount of 0.50 u.a./100 kg has been adopted.

.../...

The market prices recorded in the United Kingdom are very close to the prices derived from Rotterdam for the other two acceding Member States. In view of the very small difference between the market prices in the new Member States and since these three States obtain their supply at world market prices, it is proposed that identical compensatory amounts should be fixed for the three acceding countries.

3. The reference period selected is the 1971/72 marketing year (1.9.71-31.8.72), which immediately preceded the threshold price used in fixing compensatory amounts.

B. Article 80(2) of the Act concerning the Conditions of Accession provides that the Compensatory amount for

- paddy rice,
- semi-milled rice,
- milled rice, and
- the products listed in Article 1(c) of Regulation No 359/67/EEC on the common organization of the market in rice

shall, for each of these products, be derived from the compensatory amount referred to in Article 80(1) (see A above), with the help of the coefficients used in determining the levy.

The compensatory amounts for these products will be adopted in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC.

Proposal for a

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty(1) concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, and in particular Article 62(1) of the Act annexed thereto;

Having regard to the proposal from the Commission;

Whereas under Article 80 of the Act compensatory amounts for round-grained and long-grained husked rice and for broken rice must be established on the basis of the difference between the threshold price and the market prices recorded on the market of the Member State concerned during a reference period;

Whereas the new Member States have until now obtained their supplies at world market prices; whereas if these prices which are the basis for fixing levies adjusted for the difference in transport costs are used, a price comparable to the threshold price and scarcely varying from one new Member State to another would be fixed; whereas compensatory amounts for husked and broken rice should therefore be fixed at an identical level for the three acceding Member States;

.../...

(1) OJ No L 73, 27 March 1972, p. 5.

Whereas the rules in Article 80(2) of the Act apply to compensatory amounts other than those specified above; whereas under that Article the compensatory amounts for paddy rice, semi-milled rice and fully milled rice will be fixed by applying to the compensatory amount for the reference product the conversion factors established in Commission Regulation No 467/67/EEC[1] of 21 August 1967 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing, as last amended by Regulation (EEC) No 1499/72[2];

Whereas for products listed in Article 1(1)(c) of Council Regulation No 359/67/EEC[3] of 26 June 1967 on the common organization of the market in rice, as last amended by the Act[4] concerning the Conditions of Accession and the Adjustments to the Treaties, the compensatory amount must be fixed with the use of the coefficients used in determining the variable component of the levy; whereas these coefficients were fixed by Council Regulation (EEC) No 1052/68[5] of 23 July 1968 on the import and export system for products processed from cereals and from rice, as last amended by Regulation (EEC) No 1529/71[6];

Whereas, since the purpose of compensatory amounts in intra-Community trade is to promote the satisfactory circulation of products between Member States having different price levels, a compensatory amount should be levied on imports to a Member State with a higher price level and, conversely, such an amount should be granted on exports to a Member State with a lower price level;

Whereas it therefore follows from Article 55(1)(a) of the Act, according to which compensatory amounts are levied by the importing Member State or granted by the exporting Member State, that it is for the Member State with the highest price level to grant or levy these amounts;

.../...

(1) OJ No 204, 24 August 1967, p. 1.
(2) OJ No L 158, 13 July 1972, p. 22.
(3) OJ No 174, 31 July 1967, p. 1.
(4) OJ No L 73, 27 March 1972, p. 14.
(5) OJ No L 179, 25 July 1968, p. 8.
(6) OJ No L 162, 20 July 1971, p. 11.

Whereas it should be made clear that the application of Article 55(1)(b) of the Act involves deduction of the compensatory amount from the levy or refund;

Whereas appropriate measures must be taken to avoid deflection of trade where, in trade between a new Member State and third countries, the compensatory amount is to be deducted from the refund or where the refund, if fixed at all, is lower than the compensatory amount;

Whereas detailed rules for levying and granting compensatory amounts should be such as to avoid deflections of trade caused, in particular, by differences in their levels;

Whereas for the sake of clarity the Commission should be authorized to publish the compensatory amounts in the Annex listing those fixed by the Commission;

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory amounts applicable until 31 August 1973 to trade between the Community as originally constituted and the new Member States and between the new Member States and third countries shall, for the following products, be as follows:

Round-grained husked rice : 9.90 units of account per 100 kilogrammes;
Long-grained husked rice : 11.45 units of account per 100 kilogrammes;
Broken rice : 4.55 units of account per 100 kilogrammes.

Article 2

The compensatory amounts applicable to paddy rice, semi-milled rice, milled rice and products specified in Article 1(1)(c) of Regulation No 359/67/EEC shall be fixed by use of the conversion factors provided in Regulations No 467/67/EEC and (EEC) No 1052/68.

.../...

Article 3

In trade between the new Member States and the Community as originally constituted, compensatory amounts shall be levied or granted by that one of the two Member States in question whose price level used in determining the compensatory amounts is the higher. In trade between new Member States and third countries, the compensatory amount shall be deducted from the levy or refund.

Article 4

The applicable compensatory amount shall be that ruling on the day of importation or exportation.

Article 5

Where, for a given product, a compensatory amount which must be deducted from the export refund relating to third countries has been fixed, and the refund is lower than that compensatory amount, or has not been fixed, then, when the product in question is exported to a third country, an amount not exceeding the difference between the compensatory amount and the refund, or, as the case may be, not exceeding the compensatory amount, may be levied in the new Member State in question.

Article 6

The following shall be determined in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC:

(a) The compensatory amounts provided for by Article 2;
(b) The compensatory amounts provided for in Article 1, for subsequent marketing years;
(c) Detailed rules for granting, levying and recovering compensatory amounts, in such a way as to avoid deflections of trade;
(d) Other detailed rules for the application of this Regulation.

The Commission shall be authorized to publish the compensatory amounts together with the compensatory amounts fixed in Article 1.

.../...

Article 7

This Regulation shall enter into force on 1 February 1973.

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

Done at Brussels, 19--.

For the Council
The President

Com 1569

Forslag til

RÅDETS FORORDNING (EØF)

om fastsættelse af de almindelige regler forordningen med udligningsbeløb inden for rissektoren og om fastlæggelse af disse beløb for visse produkter

RÅDET FOR DE EUROPÆISKE FÆLLESSKABER HAR -

under henvisning til traktaten vedrørende de nye medlemsstaters tiltrædelse af Det europæiske økonomiske Fællesskab og Det europæiske Atomenergifællesskab, underskrevet den 22. januar 1972 [1], særlig artikel 62, stk. 1, i den akt, som er knyttet dertil,

under henvisning til forslag fra Kommissionen, og

ud fra følgende betragtninger:

I overensstemmelse med artikel 80 i akten beregnes udligningsbeløbene for afskallet rundkornet ris, afskallet langkornet ris samt brudris på grundlag af forskellen mellem tærskelprisen og de markedspriser, der er konstateret i en referenceperiode på markedet i den pågældende nye medlemsstat;

hidtil har de nye medlemsstater dækket deres behov til de på verdensmarkedet gældende priser; med støtte i disse priser, der benyttes som grundlag ved fastsættelsen af afgifter, efter at de er justeret i forhold til forskellen i transportomkostninger, må der for de nye medlemsstater beregnes en pris, som kan sammenlignes med tærskelprisen og som kun i yderst ringe omfang varierer fra den ene ny medlemsstat til den anden; denne bydende nødvendighed fører til at fastsætte udligningsbeløbene for afskallet ris og brudris til samme niveau for alle tre tiltrædende medlemsstater;

andre udligningsbeløb end de ovenfor omhandlede gives der regler for i artikel 80, stk. 2, i akten; i henhold til denne sidstnævnte bestemmelse må udligningsbeløbene for afskallet ris, halvpoleret ris og poleret ris fastsættes ved på udligningsbeløbet for referenceproduktet at anvende de koefficienter, som er fastsat i Kommissionens forordning nr. 467/67/EØF af 21. august 1967 om fastsættelse af omregningssatser, forarbejdningsomkostninger og værdi af biprodukter for de forskellige forarbejdningstrin for ris [2], senest ændret ved forordning (EØF) nr. 1499/72 [3];

1) EFT nr. L 73 af 27.3.1972, s. 5.
2) EFT nr. 204 af 24.8.1967, s. 1.
3) EFT nr. L 158 af 13.7.1972, s. 22.

for de produkter, som hører ind under artikel 1, stk. 1, litra c), i Rådets forordning nr. 359/67/EØF af 26. juni 1967 om den fælles markedsordning for ris [4], senest ændret ved akten vedrørende tiltrædelsesvilkårene og tilpasningerne af traktaterne [5], skal udligningsbeløbet fastsættes ved hjælp af de koefficienter, der benyttes ved fastsættelse af det variable element i afgiften; disse koefficienter blev fastsat i Rådets forordning (EØF) nr. 1052/68 af 23. juli 1968 om reglerne for indførsel og udførsel af produkter forarbejdet på basis af korn og ris [6], senest ændret ved forordning (EØF) nr. 1529/71 [7];

da formålet med udligningsbeløbene i handelen inden for Fællesskabet er på tilfredsstillende betingelser at muliggøre handel med produkter mellem to medlemsstater med forskelligt prisniveau, skal der opkræves et udligningsbeløb ved indførsel i en medlemsstat med et højere prisniveau og omvendt ydes et sådant beløb ved udførsel til en medlemsstat med et lavere prisniveau;

artikel 55, stk. 1, litra a), i akten, ifølge hvilken udligningsbeløbene opkræves af den importerende medlemsstat eller ydes af den eksporterende medlemsstat betyder derfor, at pligten til at opkræve eller yde disse beløb påhviler den medlemsstat, hvis prisniveau er højest;

det er formålstjenligt at fastslå, at anvendelsen af bestemmelserne i artikel 55, stk. 1, litra b), i akten medfører, at udligningsbeløbet skal fratrækkes afgiften eller restitutionen;

hvis udligningsbeløbet i samhandelen mellem en ny medlemsstat og tredjelande skal fradrages restitutionen, medens denne er lavere end udligningsbeløbet eller ikke er fastsat, bør der træffes passende foranstaltninger for at undgå fordrejning i samhandelen;

det er formålstjenligt at fastsætte reglerne for opkrævning og ydelse af udligningsbeløb, således at fordrejning i samhandelen undgås, hvad navnlig forskellen i deres størrelse kunne føre til;

af klarhedshensyn vil det være formålstjenligt, at Kommissionen bliver bemyndiget til at gengive de af Rådet fastsatte udligningsbeløb i det bilag, hvor de af Kommissionen fastsatte udligningsbeløb er anført -

4) EFT nr. 174 af 31.7.1967, s. 1.
5) EFT nr. L 73 af 27.3.1972, s. 14.
6) EFT nr. L 179 af 25.7.1968, s. 8.
7) EFT nr. L 162 af 20.7.1971, s. 11.

UDSTEDT FØLGENDE FORORDNING:

Artikel 1

De udligningsbeløb, der finder anvendelse indtil den 31. august 1973 i samhandelen mellem Fællesskabet i dets oprindelige udstrækning og de nye medlemsstater, og mellem disse og tredjelande, beløber sig til nedennævnte beløb for de anførte varer;

Afskallet rundkornet ris: 9,90 regningsenheder pr. 100 kg,
Afskallet langkornet ris: 11,45 regningsenheder pr. 100 kg,
Brudris : 4,55 regningsenheder pr. 100 kg.

Artikel 2

De udligningsbeløb, der er gældende for uafskallet ris, halvpoleret ris, poleret ris og for de produkter, der er nævnt i artikel 1, stk. 1, litra c), i forordning nr. 359/67/EØF, fastsættes ved hjælp af de koefficienter, der er indeholdt i forordningerne nr. 467/67/EØF og (EØF) nr. 1052/68.

Artikel 3

I de nye medlemsstaters samhandel med Fællesskabet i dets oprindelige udstrækning, opkræves eller ydes udligningsbeløbene af den af de to pågældende medlemsstater, hvis prisniveau, der har dannet grundlag for beregningen af udligningsbeløbene, er højest. I samhandelen mellem de nye medlemsstater og tredjelande, fradrages udligningsbeløbet afgiften og restitutionen.

Artikel 4

Det udligningsbeløb, der skal anvendes, er det, der er i kraft på indførsels- eller udførselsdagen.

Artikel 5

Hvis der for et produkt er fastsat et udligningsbeløb, som skal fratrækkes restitutionen ved udførsel til tredjelande, og restitutionen er lavere end dette udligningsbeløb eller ikke er fastsat, kan det bestemmes, at der i den pågældende nye medlemsstat ved det omhandlede produkts udførsel til tredjelande skal opkræves et beløb, der højst er lig med forskellen mellem udligningsbeløbet og restitutionen, eller i givet fald med udligningsbeløbet.

Artikel 6

Følgende vedtages efter den fremgangsmåde, der er fastlagt i artikel 26 i forordning nr. 359/67/EØF:

a) de i artikel 2 nævnte udligningsbeløb,
b) de i artikel 1 nævnte udligningsbeløb for de følgende høstår,
c) reglerne for ydelse, opkrævning og dækning af udligningsbeløbene, med særligt henblik på at undgå fordrejning af samhandelen,
d) de øvrige gennemførelsesbestemmelser til denne forordning.

Kommissionen bemyndiges til at offentliggøre udligningsbeløbene sammen med de i artikel 1 fastsatte udligningsbeløb.

Artikel 7

Denne forordning træder i kraft den 1. februar 1973.

Denne forordning er bindende i alle enkeltheder og gælder umiddelbart i hver medlemsstat.

Udfærdiget i Bruxelles, den ,

På Rådets vegne

Formand