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REGULATION No 365/67/EEC OF THE COUNCIL

of 25 July 1967

on rules for the advance fixing of levies on rice and broken rice

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 359/67/EEC[1] of 25 July 1967 on the common organisation of the market in rice, and in particular Article 13 (4) thereof;

Having regard to the proposal from the Commission;

Whereas the common threshold price is the Community market's sole protection and whereas if imported goods were to enter this market at prices below the threshold price, the normal disposal of home-grown rice in accordance with the regionalisation rules would be seriously threatened; whereas where the levy is fixed in advance the premium provided for in Article 13 (2) of Regulation No 359/67/EEC must therefore be fixed in such a way that products imported under this procedure enter the Community market under conditions which cannot disturb its balance;

Whereas to this end it is necessary that this premium should cover the difference between the c.i.f. price and the c.i.f. forward delivery price, where the latter is lower than the former, determined on the basis of offers reflecting the real trend of the future market;

Whereas there are exceptional cases where extraneous factors cause substantial price fluctuations on the rice market; whereas in order to prevent such fluctuations from adversely affecting the Community market in rice, provision should be made in such a case fixing the premium at a higher level than that resulting from application of the usual rule so as to cover the difference between the c.i.f. price and the c.i.f. forward delivery price, or for suspending temporarily the advance fixing of the levy or for reducing the period for which it is possible to obtain advance fixing of the levy;

Whereas the importer should be induced by means of the premiums system to respect the period indicated by him when applying for the advance fixing of a levy in accordance with Article 13 (2) of Regulation No 359/67/EEC, although allowance should be made for the fact that the conditions of purchase customary in international trade in rice and the uncertainty about delivery time often prevent the import from being effected during the month indicated on the licence;

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the premiums provided for in Article 13 (2) of Regulation No 359/67/EEC shall be fixed in accordance with the criteria laid down in this Regulation.

2. A premium shall be fixed for the current month and a premium shall be fixed for each subsequent month until the licence expires.

The amount of the premiums, expressed in units of account per 100 kilogrammes, shall be the same for the whole Community.

Article 2

When the c.i.f. price for husked rice, for milled rice or for broken rice is higher than the c.i.f. forward delivery price for the same product, the amount of premium shall, subject to the provisions of the following Articles, be equal:

(a) for husked rice, milled rice and broken rice, to the difference between those prices;

(b) for paddy rice, to the premium applicable to husked rice, adjusted on the basis of the conversion rate determined in accordance with Article 19 of Regulation No 359/67/EEC;

[1] OJ No 174, 31.7.1967, p. 1.

(c) for semi-milled rice, to the premium applicable to milled rice, adjusted on the basis of the conversion rate determined in accordance with that Article.

Article 3

1. The c.i.f. price for each product shall be that determined, in accordance with Article 16 of Regulation No 359/67/EEC, on the day the premium is fixed.

2. The c.i.f. forward delivery price for each product shall be the c.i.f. price determined in accordance with Article 16 of Regulation No 359/67/EEC, but calculated on the basis of offers at North Sea ports valid as follows:

(a) In the case of imports to be effected during the month in which the licence was issued, that price shall be the price ruling for shipment during that month;

(b) In the case of imports to be effected during the month following the month in which the licence was issued, that price shall be the price ruling for shipment during the intended month of importation;

(c) In the case of imports to be effected during the remaining months of the period of validity of the licence, that price shall be the price ruling for shipment during the month preceding the intended month of importation;

(d) If there are no forward offers for shipment during a given month, that price shall be the price ruling for shipment during the last month for which a forward offer was made.

Article 4

If the c.i.f. forward delivery price is equal to the c.i.f. price or lower by an amount not exceeding 0·025 units of account per 100 kilogrammes, the premium shall be 0 units of account.

Article 5

The amount of premium in force for a particular product and period shall be adjusted where application of the rules laid down in the preceding Articles entails a change in the amount of more than 0·025 units of account per 100 kilogrammes.

Article 6

1. If, in view of prospective imports, serious difficulties threaten the Community market in the product in question, the amount of the premium may temporarily be fixed, except for the month during which the licence was issued, at a level higher than the level resulting from the preceding Articles.

2. The amount of the premium may not exceed the amount resulting from the preceding Articles by more than:

(a) 0·050 units of account for the first month following that in which the licence was issued;

(b) 0·075 units of account for the second month;

(c) 0·125 units of account for the third month.

The amount laid down in (c) shall be increased by 0·025 units of account for each subsequent month.

Article 7

1. In exceptional cases where factors extraneous to the rice market cause substantial price fluctuations on this market which could not be foreseen in the light of the supply and demand situation on the world market, the amount of the premium may be fixed at a level higher than that resulting from the preceding Articles.

2. The amount of the premium may not be increased by more than the difference between the c.i.f. price determined for each product and the last c.i.f. price determined for each product before prices began to be affected by the factors mentioned in paragraph 1.

Article 8

In the cases mentioned in Article 7, the advance fixing of the levy in accordance with Article 13 (2) of Regulation No 359/67/EEC may be suspended, or the period for which it is possible to obtain advance fixing of the levy may be reduced, in accordance with the procedure provided for in Article 26 of that Regulation.

Article 9

If importation is not effected during the month indicated at the time of application and subject to exceptions the definition and details of which shall be determined in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC:

(a) the levy applicable on the day on which the application for a licence was submitted shall be

adjusted in accordance with the threshold price in force on the day of importation; and

(b) the premium applicable shall be the premium laid down on the day on which the application for a licence was submitted for the product in question and for the indicated month of importation.

However, if the amount of the premium valid for the indicated month of importation is less than the amount of the premium valid at the time of submission of the application for the month during which importation is effected, the latter amount shall be applied.

Article 10

This Regulation shall enter into force on 1 September 1967.

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

Done at Brussels, 25 July 1967.

For the Council

The President

H. HOECHERL