No 174/34 OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 31.7.67

REGULATION No 366/67/EEC OF THE COUNCIL

of 25 July 1967

laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds

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 17 (5) thereof;

Having regard to the proposal from the Commission;

Whereas export refunds on products subject to the common organisation of the market in rice must be fixed in accordance with certain criteria which would make it possible to cover the difference between quotations and prices for those products within the Community and on the world market, while respecting the general aims of the common organisation; whereas to this end the supply situation within the Community and the price situation on the world market and within the Community for rice and broken rice must be taken into account;

Whereas, in view of the considerable fluctuations in quotations for rice and broken rice on the world market over time and the disparity between the prices at which these products are offered by various countries on that market, a refund should be fixed which, for the purpose of covering the difference between world prices and prices ruling within the Community, particularly in view of costs incurred in placing these products on the market, would take the difference between representative prices within the Community and the most favourable quotations on the world market into account;

Whereas Article 17 (2) of Regulation No 354/67/EEC provides that the amount of the refund may be varied according to the destination of the products and whereas it should be varied on the basis of the distances separating the Community market from markets in the countries of destination or on the basis of the special conditions which apply to imports in certain of these countries;

Whereas to avoid distortions of competition between Community traders, the administrative conditions under which they operate must be identical throughout the Community;

Whereas to ensure Community traders sufficient stability in the amount of the refund, the period for which the amounts may remain unchanged should be fixed at one week, subject to any alterations which may be made in the intervening period pursuant to the second sentence of the fourth subparagraph of Article 17 (2) of Regulation No 359/67/EEC;

Whereas there does not appear to be any justification for granting a refund on paddy rice or husked rice imported from third countries and re-exported to third countries unless certain conditions are fulfilled;

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules for fixing and granting export refunds on the products listed in Article 1 of Regulation No 359/67/EEC.

Article 2

The following shall be taken into account when refunds are being fixed:

(a) the existing situation and the future trend with regard to:

— prices and availabilities of rice and broken rice on the Community market;

— prices for rice and broken rice on the world market;

[1] OJ N 174, 31.7.1967, p. 1.

(b) the aims of the common organisation of the market in rice, which are to ensure equilibrium and the natural development of prices and trade on this market;

(c) the need to avoid disturbances on the Community market; and

(d) the economic aspect of the proposed exports.

Article 3

Refunds on the products listed in Article 1 of Regulation No 359/67/EEC, with the exception of those listed in Article 1 (c) of that Regulation, shall be fixed in accordance with the following specific criteria:

(a) prices for these products ruling on the various representative export markets of the Community;

(b) the most favourable quotations recorded on the various markets of importing third countries; and

(c) marketing costs and the most favourable transport charges from the Community markets referred to in (a) to ports or other points of export in the Community serving these markets, as well as costs incurred in placing the goods on the world market.

Article 4

1. The refund may be increased by a compensatory amount in respect of stocks of paddy rice harvested within the Community and husked rice obtained therefrom in hand at the end of a marketing year and forming part of that year's crop which are exported in the natural state or in the form of wholly milled rice or semi-milled rice between the beginning of the following marketing year and dates still to be determined.

Before 1 July of each year the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall, if necessary, determine the products to which the provisions of the preceding subparagraph shall apply.

2. The compensatory amount shall be equal to:

— the difference between the target price valid for the last month of the marketing year and that valid for the first month of the new marketing year in the case of husked rice;

— that difference adjusted by the conversion rate in the case of paddy rice.

This amount shall however be reduced by the amount of the carry-over payment already granted, where appropriate, pursuant to Article 8 of Regulation No 359/67/EEC.

3. The compensatory amount shall be granted only if stocks reach a minimum level.

Article 5

Where the world market situation or the specific requirements of certain markets make this necessary the refund on the products referred to in Article 3 may be varied according to destination.

Article 6

1. The refund on the products referred to in Article 3 shall be paid upon proof:

— that the products have been exported from the Community, and

— that the products, as far as paddy rice and husked rice are concerned, are of Community origin, except where Article 8 applies.

2. Where Article 5 applies, the refund shall be paid under the conditions laid down in paragraph 1, provided it is proved that the product has reached the destination for which the refund was fixed.

Exception may be made to this rule in accordance with the procedure referred to in paragraph 3, provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC.

Article 7

The refunds on the products referred to in Article 3 shall be fixed once a week.

Article 8

No export refund shall be granted on paddy rice and husked rice which is imported from third countries and re-exported to third countries, unless the exporter proves:

— that the product to be exported and the product previously imported are one and the same, and

— that the levy was collected on importation.

In such cases the refund on each product shall be equal to the levy collected on importation where this levy is lower than the refund applicable on the day of exportation; the refund shall be equal to the refund applicable on the day of exportation where the levy collected on importation is higher than this refund.

Article 9

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

It shall apply from 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