REGULATION (EEC) No 243/73 OF THE COUNCIL

of 31 January 1973

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

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, signed at Brussels on 22 January 1972, and in particular Articles 55 (6) and 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 new 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 should be fixed for these new Member States, whereas compensatory amounts for husked and broken rice should therefore be fixed at an identical level for the three new Member States;

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 derived from the compensatory amount for the reference products with the help of the coefficients established in Commission Regulation No 467/67/EEC [2] 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 [3];

Whereas for products listed in Article 1 (1) (c) of Council Regulation No 359/67/EEC [4] of 26 June 1967 on the common organization of the market in rice, amended by the Act, the compensatory amount must be fixed with the help 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;

Whereas Article 56 of the Act provides that appropriate measures may be taken with a view to ensuring the proper functioning of the common organization of the market when the world market price is higher than the price used in calculating the import charge introduced under the common agricultural policy, less the compensatory amount; whereas the measures aforesaid may in particular provide for the limited charge or grant of compensatory amounts depending on the fluctuations of prices on the world market; whereas the terms on which these are to be limited must thereof be fixed; whereas, moreover the limitation should be reflected equally in the compensatory amounts applicable to products processed from rice.

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(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No 204, 24. 8. 1967, p. 1.
(3) OJ No L 158, 13. 7. 1972, p. 22.
(4) OJ No 174, 31. 7. 1967, p. 1.
(5) OJ No L 179, 25. 7. 1968, p. 8.
(6) OJ No L 162, 20. 7. 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 it is necessary to provide for the possible introduction, should the necessity arise, of a system of rules for advance fixing of the compensatory amount;

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 with the help of the coefficients provided in Regulations No 467/67/EEC and (EEC) No 1052/68.

Article 3

In trade between the 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 amounts shall be deducted from the levy or refund.

Article 4

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

2. However, should the necessity arise, the decision may be taken, in accordance with the provisions of Article 7 (1) to establish a system of rules for advance fixing of the compensatory amount.

Article 5

1. If the levy for any product referred to in Article 1 is lower than the compensatory amount fixed for that product, the Commission shall, by applying the scale set out in the Annex, determine the amount applicable by way of compensatory amount in trade between the Community as originally constituted and the new Member States, and between those States and third countries.

Where, however, the amount of levy lies within the range of values which includes the compensatory amount fixed in Article 1, that compensatory amount shall continue to apply.

2. For semi-milled or wholly milled rice the amount applicable by way of compensatory amount shall be determined by the Commission in accordance with the terms and on the conditions set out in the foregoing paragraph, the amount to be taken for purposes of levy being in this case the levy chargeable in respect of the product in question reduced by the amount representing the component for protection of the processing industry referred to in Article 14 (3) of Regulation No 359/67/EEC.

3. For the products referred to in Article 1 (c) of Regulation No 359/67/EEC, the amount applicable by way of compensatory amount shall be determined by the Commission by reference to the variations in the amount or amounts determined under paragraph 1 for the basic products concerned.

Article 6

Where, for a given product, compensatory amount 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 7

1. 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 and distortion of competition;

(d) other detailed rules for the application of this Regulation.

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

Article 8

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

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

Done at Brussels, 31 January 1973.

For the Council

The President

A. LAVENS

ANNEX

Amount of the Community levy u.a. 100 kg	Amounts applicable as compensatory amount u.a. 100 kg
from 16·80 to 16·21	16·50
from 16·20 to 15·61	15·90
from 15·60 to 15·01	15·30
from 15·00 to 14·41	14·70
from 14·40 to 13·81	14·10
from 13·80 to 13·21	13·50
from 13·20 to 12·61	12·90
from 12·60 to 12·01	12·30
from 12·00 to 11·41	11·70
from 11·40 to 10·81	11·10
from 10·80 to 10·21	10·50
from 10·20 to 9·61	9·90
from 9·60 to 9·01	9·30
from 9·00 to 8·41	8·70
from 8·40 to 7·81	8·10
from 7·80 to 7·21	7·50
from 7·20 to 6·61	6·90
from 6·60 to 6·01	6·30
from 6·00 to 5·41	5·70
from 5·40 to 4·81	5·10
from 4·80 to 4·21	4·50
from 4·20 to 3·61	3·90
from 3·60 to 3·01	3·30
from 3·00 to 2·41	2·70
from 2·40 to 1·81	2·10
from 1·80 to 1·21	1·50
from 1·20 to 0·61	0·90
from 0·60 to 0·01	0·30
0	0