REGULATION (EEC) No 2737/73 OF THE COUNCIL

of 8 October 1973

laying down general rules to be applied in the event of the rice market being disturbed

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 organization of the market in rice, as last amended by the Act of Accession [2], and in particular the second paragraph of Article 21 (2) thereof;

Having regard to the proposal from the Commission;

Whereas Article 21 of Regulation No 359/67/EEC provides that, when the cif price of one or more of the products mentioned in Article 16 (1) of that Regulation is appreciably higher than the threshold price, and that situation is likely to continue, thereby disturbing or threatening to disturb the Community market, the necessary measures may be taken;

Whereas the general rules for applying these provisions, and in particular the criteria for establishing that the cif price is appreciably higher than the threshold price and for deciding whether the situation is likely to continue, should be laid down;

Whereas, to avoid disturbances on the Community market, it is necessary to ensure an adequate supply of rice; whereas, to this end, levies could be charged on exports and the issue of export licences totally or partially suspended;

Whereas it is also necessary to establish criteria for calculating the export levy having regard to the economic situation; whereas consequently in order to continue an export policy which will be adequate in this situation and will be in accordance with market requirements, it is necessary that the levy should be subject solely to the criteria governing export arrangements;

Whereas Community obligations to supply food aid are such that exports of products for that purpose should be excluded from this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The cif price shall be regarded as appreciably higher than the threshold price within the meaning of Article 21 of Regulation No 359/67/EEC when it exceeds it by at least 2 %.

2. This excess shall be regarded as being likely to continue where an imbalance between supply and demand is established and where this imbalance is likely to persist having regard to foreseeable production and market price trends.

3. The Community market shall be regarded as being disturbed or threatened with disturbance, as a result of the situation referred to in paragraphs 1 and 2, where international trade prices are so high as to impede importation of products mentioned in Article 1 (1) (a) and (b) of Regulation No 359/67/EEC into the Community, or provoke exportation of such products from the Community, either of which situations would jeopardize supplies within the Community.

Article 2

1. Where the conditions specified in Article 21 of Regulation No 359/67/EEC are met, in accordance with the criteria laid down in Article 1, the following measures may be taken:

— application of an export levy; furthermore a special levy for an export may be the subject of a tendering procedure in respect of a fixed quantity,

— fixing of a time limit for the issue of export licences,

— total or partial suspension of the issue of export licences,

— total or partial rejection of outstanding applications for the issue of export licences.

2. The measures provided for in paragraph 1 may be taken in respect of one or more of the products listed in Article 1 of Regulation No 359/67/EEC, where this is made necessary by the market situation and the relationship between those products.

3. The measures referred to in paragraph 1 shall be abrogated at the latest as soon as it is found that, for a period of three consecutive weeks, the condition referred to in Article 1 (1) is no longer fulfilled.

[1] OJ No 174, 31. 7. 1967, p. 1.
[2] OJ No L 73, 27. 3. 1972, p. 14.

Article 3

1. The following shall be taken into account when an export levy is being fixed for products listed in Article 1 (1) (a) and (b) of Regulation No 359/67/EEC :

(a) situation and trends :

— for rice prices and available quantities on the Community market,

— for rice prices and for products processed from rice on the world market ;

(b) the objectives of the common organization of the market in rice, namely to balance that market both as regards supplies and as regards trade ;

(c) the need to avoid disturbances of the Community market ;

(d) the economic aspect of the exports.

2. The factors referred to in paragraph 1 shall apply when fixing an export levy for the products referred to in Article 1 (1) (c) of Regulation No 359/67/EEC. In addition, the following specific factors shall be taken into account

(a) prices paid for broken rice on the various Community markets ;

(b) amount of broken rice required to manufacture those products and, where appropriate, the value of by-products,

(c) possibilities and conditions of sale on the world market of those products.

3. Where the situation on the world market or the specific requirements of certain markets so require, the export levy may be differentiated.

4. The export levy to be charged shall be that in force on the day of exportation.

However, the export levy in force on the day on which the licence is applied for may, on application from the interested party be lodged at the same time as the application for a licence, and before 1 p.m. be applied to exports to be effected during the period of validity of that licence.

5. No levy shall be applied to exports effected by way of food aid under Article 23a of Regulation No 359/67/EEC.

Article 4

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation No 359/67/EEC.

2. Following the same procedure and for each product :

— the Decision to institute the measures provided for in Article 2 and to discontinue the measures provided for in the second and third indents of Article 2 (1) shall be taken ;

— the export levy shall be fixed at regular intervals.

3. If necessary, the Commission may institute or modify the export levy.

Article 5

In an emergency the Commission may take the measures referred to in the third and fourth indents of Article 2 (1). It shall notify its Decision to the Member States and shall publish it on the notice boards at its Headquarters.

The measures shall, by virtue of such a Decision, be applied to the relevant products from the date specified to this end ; this day shall be subsequent to that of notification.

The Decision on the measures referred to in the third indent of Article 2 (1) shall be applicable for a period not exceeding 7 days.

Article 6

This Regulation shall enter into force on the day following that 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.

Done at Brussels, 8 October 1973.

For the Council

The President

Ib FREDERIKSEN