COUNCIL REGULATION (EEC) No 1435/76

of 21 June 1976

laying down general rules for the system of accession 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 of Accession [1], 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 grain and long grain 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, these prices, which serve as a basis for fixing the levies after adjustment for differences in transport costs, should be used to establish for these new Member States a price comparable to the threshold price and scarcely varying from one new Member State to another; whereas compensatory amounts for husked rice 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 wholly milled rice are to be determined by reference to the compensatory amount for husked rice with the aid of the coefficients referred to in Commission Regulation No 467/67/EEC 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 [2], as last amended by Regulation (EEC) No 1484/75 [3];

Whereas for the products listed in Article 1 (1) (c) of Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice [4], the compensatory amount must be fixed with the aid of the coefficients used in determining the variable component of the levy; whereas these coefficients were fixed by Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice [5];

Whereas, since the purpose of compensatory amounts in intra-Community trade is to enable trade between Member States having different price levels to be carried on under satisfactory conditions, 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 higher 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

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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 150, 11. 6. 1975, p. 7.
(4) See page 1 of this Official Journal.
(5) OJ No L 281, 1. 11. 1975, p. 65.

measures aforesaid may in particular provide for the limited levying or granting of compensatory amounts depending on the fluctuations of prices on the world market; whereas rules for such limitation must therefore be laid down; whereas, moreover, the limitation should be reflected to the same extent in the compensatory amounts applicable to products processed from rice;

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 import levy or export refund;

Whereas it is necessary to provide for the possible introduction, should the need arise, of arrangements for the 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 and the latter is lower than the compensatory amount or is not fixed at all;

Whereas the 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 fixed by the Council in the Annex setting out 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 grain husked rice: 99 units of account per metric ton;

Long grain husked rice: 114·5 units of account per metric ton;

Broken rice: 45·5 units of account per metric ton.

Article 2

The compensatory amounts applicable to paddy rice, semi-milled rice, wholly milled rice and products listed in Article 1 (1) (c) of Regulation (EEC) No 1418/76 shall be fixed with the aid of the coefficients given in Regulation No 467/67/EEC and in Regulation (EEC) No 2744/75.

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 amounts shall be deducted from the import levy or export refund.

Article 4

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

2. However, should the need arise, a decision may be taken, in accordance with the procedure referred to in Article 7 (1), to introduce arrangements for the advance fixing of the compensatory amount.

Article 5

1. If the import 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 hereto, 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.

However, where the amount of the import 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 paddy rice, semi-milled or wholly milled rice the amount applicable by way of compensatory amount shall be determined by the Commission with the aid of the coefficients given in Regulation

No 467/67/EEC and by reference to the variations in the amount or amounts as determined in accordance with paragraph 1 for husked rice.

3. For the products listed in Article 1 (c) of Regulation (EEC) No 1418/76, the amount applicable by way of compensatory amount shall be determined by the Commission by reference to the variations in the amount or amounts as determined in accordance with paragraph 1 for the relevant basic products.

Article 6

Where, for a given product, a compensatory amount has been fixed and the export 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 27 of Regulation (EEC) No 1418/76:

(a) the compensatory amounts provided for in 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 is hereby authorized to publish the compensatory amounts together with the compensatory amounts fixed in Article 1.

Article 8

1. Council Regulation (EEC) No 243/73 of 31 December 1973 laying down general rules for the system of compensatory amounts for rice and fixing these amounts for certain products [1], as amended by Regulation (EEC) No 1999/74 [2], is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 9

This Regulation shall enter into force on 1 July 1976.

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

Done at Luxembourg, 21 June 1976.

For the Council

The President

J. HAMILIUS

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(1) OJ No L 29, 1. 2. 1973, p. 26.
(2) OJ No L 209, 31. 7. 1974, p. 5.

ANNEX

Amount of the import levy (u.a./metric ton)	Amount applicable by way of accession compensatory amount (u.a./metric ton)
from 168 to 162·01	165
from 162 to 156·01	159
from 156 to 150·01	153
from 150 to 144·01	147
from 144 to 138·01	141
from 138 to 132·01	135
from 132 to 126·01	129
from 126 to 120·01	123
from 120 to 114·01	117
from 114 to 108·01	111
from 108 to 102·01	105
from 102 to 96·01	99
from 96 to 90·01	93
from 90 to 84·01	87
from 84 to 78·01	81
from 78 to 72·01	75
from 72 to 66·01	69
from 66 to 60·01	63
from 60 to 54·01	57
from 54 to 48·01	51
from 48 to 42·01	45
from 42 to 36·01	39
from 36 to 30·01	33
from 30 to 24·01	27
from 24 to 18·01	21
from 18 to 12·01	15
from 12 to 6·01	9
from 6 to 0·01	3
0	0