COUNCIL REGULATION (EEC) No 467/86

of 25 February 1986

laying down general rules for the system of accession compensatory amounts for cereals on account of the accession of Spain

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal (hereinafter referred to as the 'Act'), and in particular Article 89 (1) thereof,

Having regard to the proposal from the Commission,

Whereas, for Spain, Articles 68 and 70 of the Act provide that prices may be fixed at a level different from that of common prices; whereas, by virtue of Article 72 of the Act, such differences in price levels shall be compensated for by a system of compensatory amounts;

Whereas the compensatory amounts are intended to prevent disturbances to trade resulting from price differences; whereas compensatory amounts will therefore not have to be applied where such disturbances are unlikely to occur;

Whereas Articles 68, 70 and 72 of the Act apply to the intervention prices for cereals;

Whereas the production refund referred to in Article 11 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by the Act, will, for the processors concerned, entail input prices which are lower than the prices established by the common organization of the market; whereas the calculation of certain accession compensatory amounts should allow for this;

Whereas, pursuant to Article 111 (2) of the Act, the compensatory amount valid for barley should be made applicable to buckwheat, millet and canary seed; whereas the amount valid for rye should likewise be made applicable to triticale, which, pursuant to Article 13 of Regulation (EEC) No 2727/75, is subject to the same import duty as rye;

Whereas, in the case of products processed from cereals, the accession compensatory amounts must be calculated in accordance with Article 111 (3) of the Act of Accession; whereas the coefficients should be determined in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75;

Whereas, should it prove necessary, provision should be made for the possibility of introducing a system for the advance fixing of the accession compensatory amounts;

Whereas, in order to ensure more efficient management of the market and to facilitate trade, rules should be laid down to prevent excessively frequent variations in the accession compensatory amounts where Article 72 (5) of the Act is applied;

Whereas Article 73 of the Act lays down that appropriate measures may be taken with a view to ensuring the proper functioning of the common organization of the market if the refund on exports to third countries is less than the compensatory amount or if no refund is applicable; whereas such measures may entail the levying of an amount of not less than the accession compensatory amount;

Whereas a certain amount of deflection of trade and distortion of competition may, in particular, occur in the final period of moves towards price alignment and when common prices are applied throughout the Community; whereas it is therefore justified that measures intended to avoid such deflection and distortion should apply for such time as is necessary in order to achieve the desired end,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

— the Community of Ten shall be understood to mean the Community as at present constituted prior to the accession of the Kingdom of Spain and, the Portuguese Republic,

— accession compensatory amounts shall be understood to mean compensatory amounts applicable in trade between:

  — the Community of Ten and Spain,

  — Spain and third countries.

(1) OJ No L 281, 1. 11. 1975, p. 1.

Article 2

1. For each marketing year the accession compensatory amount shall be:

— for those cereals for which it is fixed, an intervention price equal to the difference between the intervention price applicable in the Community of Ten and the intervention price fixed for Spain,

— for buckwheat, millet and canary seed, equal to that applicable for barley,

— for oats, derived from the compensatory amount applicable to barley, taking into account the relationship existing between the threshold prices for oats and barley.

The compensatory amount applicable to triticale shall be that laid down for rye.

2. For the products referred to in Article 1 (c) of Regulation (EEC) No 2727/75, the accession compensatory amounts shall be derived from those applicable to the cereals to which they are related, with the help of coefficients to be determined on the basis of the impact on the price of the product concerned of the application of the compensatory amount to the price of the corresponding basic product.

Article 3

In trade between the Community of Ten and Spain, the accession compensatory amounts shall be charged or granted by the Member State concerned in which the price level used for the determination of the accession compensatory amounts is highest.

Article 4

1. The accession compensatory amount applicable shall be that in force on the date of acceptance of the import or export declaration.

2. However, where necessary, a decision may be taken in accordance with the procedure laid down in Article 7 to introduce a system for the advance fixing of the accession compensatory amount.

Article 5

1. When, for one of the products referred to in Article 1 (a) and (b) of Regulation (EEC) No 2727/75, the levy charged on import by the Community of Ten is less than the accession compensatory amount fixed for this product, the Commission shall determine, on the basis of the scale set out in Annex, the amount applicable as an accession compensatory amount in trade between the Community of Ten and Spain and between Spain and third countries.

2. However, where the levy lies within the bracket of values including that of the compensatory amount fixed, the latter shall remain applicable.

3. For the products referred to in Article 1 (c) of Regulation (EEC) No 2727/75, the amount applicable as an accession compensatory amount shall be determined by the Commission on the basis of the variations in the amount determined under paragraph 1 for the basic products concerned.

Article 6

If, for a given product, an accession compensatory amount is fixed which has to be deducted from the refund on exports to third countries, and the refund is less than the accession compensatory amount or is not fixed, provision may be made for the charging upon exportation from Spain to a third country of the product in question of an amount not more than the difference between the accession compensatory amount and the refund or, depending on the case, the accession compensatory amount.

Furthermore, where refunds are differentiated according to destination, if the refund applicable to an export to one or more third countries is less than the accession compensatory amount or is not fixed, provision may be made for measures to ensure that the amount referred to in the foregoing subparagraph is charged upon export from Spain.

Article 7

1. The following shall be determined according to the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

(a) detailed rules for the granting and levying of accession compensatory amounts, particularly with a view to preventing deflection of trade and distortion of competition;

(b) the coefficient provided for in Article 2 (2);

(c) detailed rules for the application of this Regulation and in particular:

— the fixing of accession compensatory amounts,

— cases where Article 7 may be applied.

2. Measures to prevent deflection of trade and distortion of competition may be applied, for the period deemed necessary, after the abolition of the accession compensatory amounts.

Article 8

The Regulation shall enter into force on 1 March 1986.

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

Done at Brussels, 25 February 1986.

For the Council

The President

G. BRAKS

ANNEX

(ECU/tonnes)

Amount of Community levy	Amount applicable as accession compensatory amount
from 124 to 120,01	122
from 120 to 116,01	118
from 116 to 112,01	114
from 112 to 108,01	110
from 108 to 104,01	106
from 104 to 100,01	102
from 100 to 96,01	98
from 96 to 92,01	94
from 92 to 88,01	90
from 88 to 84,01	86
from 84 to 80,01	82
from 80 to 76,01	78
from 76 to 72,01	74
from 72 to 68,01	70
from 68 to 64,01	66
from 64 to 60,01	62
from 60 to 56,01	58
from 56 to 52,01	54
from 52 to 48,01	50
from 48 to 44,01	46
from 44 to 40,01	42
from 40 to 36,01	38
from 36 to 32,01	34
from 32 to 28,01	30
from 28 to 24,01	26
from 24 to 20,01	22
from 20 to 16,01	18
from 16 to 12,01	14
from 12 to 8,01	10
from 8 to 4,01	6
from 4 to 0,01	2
from 0	0