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Proposal for a
REGULATION (EEC) OF THE COUNCIL

laying down general rules for determining landing areas for fishery products which are very distant from the main centres of consumption in the Community

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Proposal for a
REGULATION (EEC) OF THE COUNCIL

fixing the guide price for Ireland for plaice for 1973

Proposal for a
REGULATION (EEC) OF THE COUNCIL

laying down general rules for the system of compensatory amounts for plaice

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(submitted by the Commission to the Council)

EXPLANATORY MEMORANDUM

Draft Regulation laying down general rules for determining landing areas for fishery products which are very distant from the main centres of consumption in the Community.

Council Regulation (EEC) No 2142/70 of 20 October 1970 on the common organization of the market in fishery products, as last amended by the Act annexed to the Treaty concerning Accession to the European Economic Community and the European Atomic Energy Community, lays down in Article 10(4) first subparagraph that the withdrawal price may be multiplied by conversion factors for landing areas which are very distant in order to ensure that producers in those areas have access to markets under satisfactory conditions.
The purpose of this Regulation is to adopt general rules for determining the landing areas in question.

Draft Regulation fixing the guide price for Ireland for plaice for the year 1973.

Pursuant to Articles 51 and 98 of the Act annexed to the above-mentioned Accession Treaty, guide prices for fishery products to be applied in Member States must be fixed in accordance with rules provided for in the common organization of the market in the sector in question and respecting given criteria. In the great majority of cases these prices are fixed at the same level.

Since Article 10(4) of Regulation (EEC) No 2142/70 does not apply to products for which prices in new Member States are higher than in the Community as originally constituted, a special guide price must be fixed for plaice and dab in Ireland.

.../...

The purpose of this Regulation is to amend the rules for fixing guide prices for fishery products listed in Annex I (A) and (C) of Regulation No 2142/70 for the fishing year 1973 by fixing the guide price for Ireland for plaice and dab.

Financial effects

Financial costs will be reduced by applying conversion factors for certain landing areas which are very distant from the main centres of consumption in the Community. However the size of the reduction cannot be calculated because it is not possible now to estimate when producers' organizations will be established and, in the event, how far they will apply the Community withdrawal price.

With regard to the fixing of the guide price for plaice or dab in Ireland no financial cost is estimated since in the light of information from Irish experts there will very probably be no withdrawal.

Since the guide prices in the three new Member States for the other fishery products listed in Annex I (A) and (C) of Regulation (EEC) No 2142/70 will be identical to those in the Community as originally constituted, the financial cost of fixing these prices will be increased by two million units of account, which amount has been calculated on the basis of information supplied by the three new Member States.

The total of two million units of account is made up as follows:

United Kingdom:	1 000 000 u.a.
Denmark:	700 000 u.a.
Ireland:	300 000 u.a.
	2 000 000 u.a.

Proposal for a

REGULATION (EEC) OF THE COUNCIL

laying down general rules for determining landing areas for fishery products which are very distant from the main centres of consumption in the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2142/70[1] of 20 October 1970 on the common organization of the market in fishery products, as last amended by the Act annexed to the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on 22 February 1972[2], and in particular Article 10(4) thereof;

Having regard to the proposal from the Commission;

Whereas in order to ensure that producers in landing areas which are very distant from the main centres of consumption in the Community have access to markets under satisfactory conditions, the price referred to in the first subparagraph of Article 10(4) of Regulation (EEC) No 2142/70 may be multiplied by conversion factors for these areas;

Whereas general rules should be laid down for determining the landing areas in question;

Whereas the distances between the landing areas and the centres of consumption, specific conditions affecting transport, the structural situation of certain areas and the structure of supply and demand affecting them are factors which may impede access to markets;

HAS ADOPTED THIS REGULATION:

.../...

(1) OJ No L 236, 27 October 1970, p. 5.
(2) OJ No L 73, 27 March 1972, p. 14.

Article 1

The landing areas referred to in the first subparagraph of Article 10(4) of Regulation (EEC) No 2142/70 shall be determined taking account of:

- Distances between the landing areas and the main centres of consumption in the Community;
- Specific conditions affecting transport which may impede access to markets under satisfactory conditions;
- The special structural situation existing in certain areas in order to ensure a normal market for products;
- The structure of supply and demand and in particular the conditions in which a balanced supply to Community markets may be ensured.

Article 2

This Regulation shall enter into force on 1 January 1973.

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

Done at Brussels, 19--.

For the Council
The President

Proposal for a

REGULATION (EEC) OF THE COUNCIL

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community[1], signed at Brussels on 22 January 1972, and in particular Article 153 of the Act annexed thereto, hereinafter called "the Act";

Having regard to the proposal from the Commission;

Whereas, pursuant to Articles 51 and 98 of the Act, guide prices for fishery products to be applied in each new Member State shall be fixed in accordance with the rules laid down in the common organization of the market in this sector and respecting given criteria; whereas, for Denmark and Ireland, these criteria provide that guide prices shall be fixed at a level which allows producers in this sector to obtain returns equivalent to those obtained under the previous national system and, for the United Kingdom, that those prices shall be fixed at a level such that the application of Community rules results in a level of market prices comparable with the level recorded in that Member State during a representative period preceding the implementation of the Community rules;

Whereas, under Article 151 of the Act, the application to new Member States of Community rules for fishery products is to be deferred until 1 February 1973; whereas this date coincides with that laid down in Article 98 of the Act for the first move towards alignment of guide prices for new Member States to common prices; whereas the particular guide prices for those Member States valid from 1 February 1973 should therefore be fixed taking account of the first move towards alignment to be carried out pursuant to Article 52 of the Act;

.../...

(1) OJ No L 73, 27 March 1972, p. 5.

Whereas, in the great majority of cases, the result of applying the provisions mentioned above is the fixing for new Member States of guide prices as fixed by Council Regulation (EEC) No ..../72[(2)] fixing the guide prices for fishery products listed in Annex I (A) and (C) of Regulation (EEC) No 2142/70 for the fishing year 1973; whereas, in fact, only one guide price must be fixed at a level different from that of the common prices; that applicable in Ireland for plaice and dab; whereas the abovementioned Regulation should be amended accordingly;

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 1(a) is inserted in Council Regulation (EEC) No ..../72 of ....*

"Article 1(a)

With effect from 1 February 1973, and by way of derogation from Article 1, the guide price for plaice in Ireland, valid until 31 December 1973, is fixed as follows:

Species	Product (1)			Guide price (u.a./t)
	Freshness category	Size	Presentation	
Plaice or dab	A	3	fish gutted with head	430

(1) Freshness category, size, and presentation shall be defined in accordance with Article 2 of Regulation (EEC) No 2142/70."

Article 2

This Regulation shall enter into force on 1 January 1973.

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

Done at Brussels, 19--.

For the Council

The President

(2) OJ No ...., ..., p. ..

* Regulation referred to in the third recital hereto.

EXPLANATORY MEMORANDUM

I.1. To compensate for differences in price levels between the Community as originally constituted (hereinafter called "the Six") and the new Member States, Article 55(1) of the Act concerning the Conditions of Accession and the Adjustments to the Treaties (hereinafter called "the Act") provides that compensatory amounts shall be applied in trade between the latter and the EEC. In trade between the new Member States and third countries, the levies and export refunds are reduced or increased, as the case may be, by these compensatory amounts.

2. As regards fishery products, there is only one product to which Article 52 of the Act must be applied and for which a specific guide price must be applied from 1 February 1973 and a system of compensatory amounts must be introduced, namely Irish plaice.

3. Under Article 55(2) of the Act, made applicable by Article 98 thereof, the compensatory amounts applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, are to be equal to the difference between the prices fixed for the new Member State in question and the common price.

4. As regards the fixing of compensatory amounts for fishery products, Article 99 of the Act provides that they shall be corrected, to the extent necessary, by reference to the amount of customs duties.

5. In trade between Ireland and third countries, the rate of customs duty applied by Ireland is identical to that applied by the Community in relation to the same countries. Thus in trade between Ireland and third countries the amount of customs duties is to be disregarded in calculating the compensatory amount.

.../...

6. The purpose of compensatory amounts in intra-Community trade is to promote the satisfactory circulation of products between Member States with different price levels. To that end these amounts - equal to the difference between the guide price for plaice fixed for Ireland and the common guide price - must be adjusted by reference to the amount of customs duty. This amount is assessed differently for imports into Ireland and for exports from Ireland to other Community countries:

- where plaice having the trade characteristics of the product for which the guide price is fixed are imported into Ireland, this amount is assessed by applying the Irish customs duties to the common guide price. This is, in fact, the price most representative of the prices of products exported by Member States other than Ireland. The amount thus calculated is deducted from the basic amount when Ireland imports products from the Six or from other new Member States;
- on exports, the amount (of customs duties) is equal to the difference between the common guide price and an amount which, when adjusted by reference to the custom duty applied by the importing Member State, would be equal to the said guide price[1]. It is this amount which is added to the basic amount upon exportation to the Six or to other new Member States.

.../...

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[1] Example: Suppose the market price in Ireland is 150 u.a., the common guide price is 100 u.a. and customs duty in the importing Member State is 15%. When Ireland exports to the other Member States, the basic amount would be 150-100 = 50 u.a.; the other Member States apply that customs duty. The amount of the customs duty, a corrective factor to be added in this case to the basic amount, must be so calculated as to reduce the price of the Irish product to a level which, when adjusted by reference to the customs duty of the importing Member State, is the same as that of the common guide price. The compensatory amount thus comprises the basic amount (50) + the amount of customs duties (x). In this example x would equal 100 (common guide price) - $\left(\frac{100}{115} \times 100\right)$ = 13.05 u.a. The compensatory amount is thus equal to 50 u.a. + 13.05 u.a. = 63.05 u.a. Irish exports are made cheaper by so much, by the granting of this amount. Consequently their price will be 150-63.05 = 86.95 u.a. Application of the customs duty to this price (115% x 86.95) raises the price to 100 u.a.

7. For plaice having trade characteristics other than those used in fixing the guide price, i.e. for products other than the pilot product, the guide prices entering into the calculation of the compensatory amount must be adjusted for quality differences. This adjustment is made by means of quality conversion factors.

8. Article 55(4) of the Act provides that no compensatory amount is to be fixed where application of the relevant provisions results in a minimal amount. It is proposed that this should be applied where the compensatory amount would be lower than 0.5 units of account per 100 kilogrammes. Moreover, as the compensatory amount is assessed as a fixed amount, it is proposed that when the amount of customs duties is less than 1 unit of account per 100 kilogrammes, it should be equal to the basic amount.

9. Financial consequences:

This Regulation provides for the granting of compensatory amounts only on exports from Ireland. According to information furnished by the Member State in question to the Commission such exports have not taken place in the past and are unlikely to do so in the near future.

The financial consequences of this Regulation may therefore be considered to be negligeable.

Application of provisions of the Act concerning Accession as regards agriculture

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At its session of , the Council of the European Communities, following the procedure laid down in its Resolution of 20 July 1972 and after consulting the Interim Committee, approved the text of the draft Regulation, annexed hereto, which was submitted to it by the Commission and will, after the entry into force of the Accession Treaty, be adopted formally in accordance with the procedures laid down by that Treaty.

VI/4406/72-E
Orig. F

Proposal for a

REGULATION (EEC) OF THE COUNCIL

laying down general rules for the system of compensatory amounts for plaice

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty concerning the accession of the new Member States to the European Economic Community and the European Atomic Energy Community(1), signed at Brussels on 22 February 1972, and in particular Article 62(1) of the Act (hereinafter called "the Act") annexed thereto;

Having regard to the proposal from the Commission;

Whereas, under Articles 51 and 52 of the Act, prices may be fixed for the new Member States at levels which differ from those of the common prices; whereas a guide price has been fixed for fishery products which is different from the common guide prices; whereas this price is valid in Ireland for plaice;

Whereas, under Article 55 of the Act, differences in price levels are to be compensated by a system of compensatory amounts;

Whereas the compensatory amounts applicable in trade with Ireland are thus equal to the difference between the prices fixed for that new Member State and the common prices adjusted, to the extent necessary, by reference to the amount of customs duties;

Whereas in trade between Ireland and third countries this amount may be disregarded since the rate of customs duties levied by that new Member State on imports from third countries is identical to that applied by the Community as originally constituted;

.../...

(1) OJ No L 73, 27 March 1972, p. 5.

Whereas in other Irish trade that amount must be assessed as a fixed amount based on the guide price and taking account of the fact that where a compensatory amount is granted the prices in the importing country already include customs duties;

Whereas, for plaice with the trade characteristics other than those used for fixing the guide price, the guide prices entering into the calculation of the compensatory amount must be adjusted for quality differences; whereas this adjustment may be made by means of coefficients derived from those fixed under the system of withdrawal prices which forms part of the common organization of the markets;

Whereas Article 55(4) of the Act provides that no compensatory amount shall be fixed if calculation thereof would result in a minimal amount; whereas the amount which may be considered to meet that requirement should therefore be fixed;

Whereas, since the purpose of compensatory amounts in intra-Community trade is to promote the satisfactory circulation of products between Member States with different price levels, a compensatory amount should be levied on imports to a Member State with a higher level, in this case Ireland, and, conversely, such an amount should be granted on exports from Ireland to the other Member States where price levels are lower;

Whereas it therefore follows from Article 53(1)(a) of the Act, under which compensatory amounts are to be 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, in this case Ireland, to grant or levy these amounts;

Whereas detailed rules should be laid down for levying and granting the compensatory amounts so as to avoid deflections of trade;

.../...

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory amounts for plaice (subheading No 03.01 B I o of the Common Customs Tariff) shall be governed by the following provisions.

Article 2

1. In trade between Ireland and the other new Member States or the Community as originally constituted, the compensatory amounts shall comprise two components:

(a) the basic compensatory amount, hereinafter called "basic amount"; and

(b) the amount of customs duties.

.../...

2. In trade between Ireland and third countries, the amount of customs duties shall be disregarded in calculating the compensatory amount.

Article 3

1. For plaice with the trade characteristics of the product for which the guide price is fixed, the basic amount, and in trade between Ireland and third countries the compensatory amount, shall be equal to the difference between the guide prices for plaice fixed for Ireland and the common guide price for this product.

2. For other products falling within tariff subheading No 03.01 B I o, the amount mentioned in paragraph 1 shall be equal to the difference specified in that paragraph, adjusted by the quality conversion factor.

3. The amount of customs duties shall be a fixed amount equal to that part of the price of the imported product which consists of customs duties.

Article 4

1. Where plaice with the trade characteristics of the product for which the guide price is fixed are imported into Ireland from the other new Member States or from the Community as originally constituted, the amount of customs duties shall be assessed by adjusting the common guide price by reference to the customs duty applied by Ireland to imports from those places.

2. Where other products falling within tariff subheading No 03.01 B I o are imported into Ireland from the other new Member States or from the Community as originally constituted, the amount of customs duties shall be assessed in like manner as under paragraph 1, save that the guide price shall be adjusted by the quality conversion factor.

.../...

Article 5

1. Where plaice with the trade characteristics of the product for which the guide price is fixed are exported from Ireland to another new Member State or to the Community as originally constituted, the amount of customs duties shall be assessed by applying the rate of customs duty valid in the importing Member State to the amount which, thus increased, would be equal to the common guide price.

2. Where other products falling within tariff subheading No 03.01 B I o are exported from Ireland to another new Member State or to the Community as originally constituted, the amount of customs duties shall be assessed in like manner as under paragraph 1, save that the guide price shall be adjusted by the quality conversion factor.

Article 6

The quality conversion factors specified in Articles 3(2), 4(2) and 5(2) shall be derived from those defined pursuant to Council Regulation (EEC) No 2142/70[1] of 20 October 1970 on the common organization of the market in fishery products, as last amended by the Act.

.../...

(1) OJ No L 236, 27 October 1970, p. 5.

Article 7

1. For imports into Ireland from the other new Member States and the Community as originally constituted, the basic amount shall be reduced by the amount of customs duties.

2. For exports from Ireland to the other new Member States and the Community as originally constituted, the basic amount shall be increased by the amount of customs duties.

Article 8

The compensatory amounts shall be levied by Ireland on imports and granted by Ireland on exports; they shall be in addition to export refunds.

Article 9

1. If the amount of customs duties is lower than one unit of account per 100 kilogrammes, the compensatory amount shall be equal to the basic amount.

2. Where the compensatory amount would be lower than 0.5 units of account per 100 kilogrammes, it shall not be fixed.

Article 10

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

Article 11

1. Detailed rules for the application of this Regulation and for granting, levying and recovering compensatory amounts, to be laid down so as to avoid deflections of trade, shall be adopted in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 2142/70.

2. Compensatory amounts shall be fixed by the same procedure.

Article 12

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

It shall apply from 1 February 1973.

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

Done at Brussels, 19--.

For the Council
The President