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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(72) 1570 final

Brussels, 8 December 1972

Proposal for

Amendments to the draft Regulation (EEC) the Council laying
down general rules for the system of compensatory amounts
for cereals annexed to the Council Resolution of 20 July 1972
(O.J. No C 86, 10 August 1972, p.16)

(Submitted to the Council by the Commission)

COM(72) 1570 final

EXPLANATORY MEMORANDUM

On 20 July 1972 the Council passed a Resolution with regard to the draft Regulation on general rules for the system of compensatory amounts for cereals. The Regulation is to be adopted formally after the entry into force of the Treaty of Accession. Before formal adoption, the Commission proposes to make certain amendments to the draft Regulation which will then be incorporated in the original text. The purpose of the amendments is firstly to clarify certain provisions and secondly to add new provisions which appear to be necessary for the proper functioning of the system of compensatory amounts. The latter group includes the new first subparagraph of Article 2(3) whereby the compensatory amount for denatured wheat will also apply in trade between the new Member States and third countries, and the new version of Article 7 which provides for the introduction of an export tax should this be necessary. This last provision is designed to prevent deflection of trade which may occur where there is no refund or where the refund is low.

Proposal for

Amendments to the draft Regulation (EEC) the Councillaying down general rules for the system of compensatory amountson cereals annexed to the Council Resolution of 20 July 1972(No C 86, 10 August 1972, p. 16)

- I -

The draft Regulation referred to above is amended as follows:

1. The following is substituted for the 1st subparagraph of Article 2(3):

"The compensatory amount for common wheat rendered unfit for human consumption by denaturing, as specified in Article 7 of Regulation No 120/67/EEC, shall be that applicable to barley."

2. The following is substituted for Article 3:

"The compensatory amounts applicable in trade between two new Member States shall be equal to:

- the compensatory amounts applicable in trade with the Community as originally constituted, where there is no compensatory amount fixed in trade between that Community and one of the Member States in question;
- the difference between the amounts applicable in trade between each of those new Member States and the Community as originally constituted, in other cases."

3. The following is substituted for Article 4:

"The compensatory amounts applicable to the products specified in Article 1(c) and (d) of Regulation No 120/67/EEC shall be determined by means of the coefficients given in Regulations (EEC) Nos 968/68, 1052/68 and 1397/69."

4. A second subparagraph is added to Article 5, as follows:

"In trade between new Member States and third countries, the compensatory amounts shall be deducted from the levy or refund."

.../...

The following is substituted for Article 6:

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

6. A new Article 7 is added, as follows:

"Article 7

Where, for a given product, a compensatory amount is fixed which must be deducted from the export refund relating to third countries and the refund, if fixed at all, is lower than the compensatory amount, 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 Member State in question."

7. Article 7 is renumbered as Article 8 and the following third subparagraph is added to the renumbered Article 8:

"The Commission is authorized to publish the compensatory amounts together with those fixed in Articles 1 and 2(3).

8. Article 8 is renumbered as Article 9.

- II -

It is proposed that the Council adopt a new version of the draft Regulation incorporating the amendments listed above.

.../...

Draft

REGISTRATION (REC) No. _____ / _____ OF THE COMPTROLLER
of _____

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

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 62(1) of the Act, annexed thereto;

Having regard to the proposal from the Commission;

Whereas Articles 51 and 52 of the Act provide that the prices to be applied in the new Member States shall be fixed at a level different from that of the common prices; whereas under Article 55 of the Act the differences in price levels are to be compensated by a system of compensatory amounts;

Whereas, pursuant to Article 73 of the Act, Articles 51 and 52 of the Act apply to the derived intervention prices for cereals;

Whereas the compensatory amounts fixed for the products in question and applicable in trade between the Community as originally constituted and the new Member States and between the new Member States and third countries are equal to the difference between the prices fixed for the new Member State in question and the common prices;

Whereas the rules for determining the level of compensatory amounts for other cereals must, in the light of Article 74(1) of the Act, be so drawn up as to achieve a progressive alignment on the price ratio in the Community;

...

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

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 Article 55(3) of the Act provides that the compensatory amounts applicable in trade between the new Member States shall be determined by direct reference to the compensatory amounts fixed for each of those states; whereas these provisions should be clarified by specifying that in each case the amount should be equal to the price difference between the Member States in question used for determining the compensatory amounts applicable in trade with the Community as originally constituted;

Whereas, in accordance with Article 74(2) of the Act, the compensatory amounts for products covered by Council Regulation No 121(67)EEC⁽¹⁾ of 13 June 1967 on the common organization of the market in cereals, as last amended by the Act concerning the Conditions of Accession and the Adjustments to the Treaties⁽²⁾, are derived from the compensatory amount for the cereals to which they relate by means of the coefficients or rules used in determining the levy, or the variable component of the levy, on these products; whereas the coefficients in question were determined in Council Regulation (EEC) No 968/63⁽³⁾ of 15 July 1968 on the system to be applied to cereal-based compound feeding stuffs, in Council Regulation (EEC) No 1052/68⁽⁴⁾ 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⁽⁵⁾, and in Council Regulation (EEC) No 1397/69⁽⁶⁾ of 17 July 1969 fixing the standard qualities for certain cereals and categories of flour, groats and meal and the rules for fixing the threshold prices of these categories of products; whereas it is, however, necessary to specify that they are applicable in certain cases;

.../...

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- (1) OJ No 117, 19 June 1967, p. 2269/67.
 - (2) OJ No L 73, 27 March 1972, p. 11.
 - (3) OJ No L 166, 17 July 1968, p. 2.
 - (4) OJ No L 179, 25 July 1968, p. 8.
 - (5) OJ No L 162, 20 July 1971, p. 11.
 - (6) OJ No. L 179, 21 July 1969, p. 6.

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 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 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 in 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 listing those fixed by the Commission;

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory amounts applicable until 31 August 1973 in 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:

	Trade with		
	Denmark u.a./metric ton	Ireland u.a./metric ton	United Kingdom u.a./metric ton
Common wheat	9.95	7.50	44.31
Barley	8.68	14.86	42.33

.../...

Article 2

The compensatory amounts applicable until 31 July 1973 in trade between the Community as originally constituted and the new Member States and between the new Member States and third countries shall be calculated by applying the following coefficients to the compensatory amounts for the reference cereals:

Compensatory amounts for	Reference cereal	Coefficients applicable in trade with		
		Denmark	Ireland	United Kingdom
Durum wheat	Common wheat	1.095	2.817	1.476
Rye	Barley	-	1.110	1.250
Oats	Barley	0.969	0.957	0.855
Maize	Barley	-	1.548	0.872
Millet	Barley	-	0.964	0.882
Grain sorghum	Barley	-	1.682	0.882

2. For subsequent calculations, the difference in the price ratio between the reference cereal and each of the cereals in question in the new Member States on the one hand the the Community as originally constituted on the other shall be gradually eliminated at the rate specified in Article 52(2) of the Act.

The price rates on which the calculation is based shall, for each new Member State, be that resulting from the application of the compensatory amount for the preceding marketing year and, for the Community, that used for fixing the threshold prices for the new marketing year.

3. The compensatory amount for common wheat rendered unfit for human consumption by denaturing as specified in Article 7 of Regulation No 120/67/EEC shall be that applicable to barley.

No compensatory amount shall be fixed for products:

- (a) Falling within subheadings Nos 10.07A and D of the Common Customs Tariff;
- (b) Falling within heading No 10.02 and subheadings No 10.05B and 10.07 B and C of the Common Customs Tariff in trade between the Community as originally constituted and Denmark.

.../...

Article 3

Compensatory amounts applicable in trade between two new Member States shall be equal to:

- the compensatory amounts applicable in trade with the Community as originally constituted, where there is no compensatory amount fixed in trade between Community and one of the Member States in question;
- the difference between the amounts applicable in trade between each of these new Member States and the Community as originally constituted, in other cases.

Article 4

The compensatory amounts applicable to the products specified in Article 1(c) and (d) of Regulation No 120/67/EEC shall be determined by means of the coefficients given in Regulations (EEC) Nos 968/68, 1052/68 and 1397/69.

Article 5

In trade between new Member States and between those States and the Community as originally constituted, the 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 6

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

Article 7

Where, for a given product, a compensatory amount is fixed which must be deducted from the export refund relating to third countries and the refund, if fixed at all, is lower than the compensatory amount, 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 8

Detailed rules for granting, levying and recovering compensatory amounts shall be such as to avoid deflections of trade and adopted in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC.

Detailed rules for the application of this Regulation, and in particular the compensatory amounts other than those determined in Article 1, shall be adopted by the same procedure.

The Commission shall be authorized to publish the compensatory amounts together with those fixed in Articles 1 and 2(3).

Article 9

This Regulation shall enter into force on 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

RÅDETS FORORDNING (EØF) nr. ...

af

om fastsættelse af de almindelige regler for udligningsbeløb for korn.

RÅDET FOR DE EUROPÆISKE FÆLLESSKABER HAR -

under henvisning til traktaten vedrørende de nye medlemsstaters tiltrædelse af Det europæiske økonomiske Fællesskab og af Det europæiske Atomenergifællesskab¹⁾, underskrevet den 22. januar 1972, særlig artikel 62, stk. 1 i den akt, der er knyttet dertil,

under henvisning til forslag fra Kommissionen, og

ud fra følgende betragtninger:

Artiklerne 51 og 52 i akten bestemmer, at der for de nye medlemsstater skal fastsættes priser, der afviger fra de fælles prisers niveau; i henhold til artikel 55 i akten udlignes disse forskelle i prisniveauet ved en ordning om udligningsbeløb;

for korn finder de i artiklerne 51 og 52 nævnte bestemmelser anvendelse på de afledte interventionspriser i henhold til artikel 73 i akten;

for de produkter, der berøres af denne fastsættelse, er de gældende udligningsbeløb i samhandelen mellem Fællesskabet i dets oprindelige udstrækning og de nye medlemsstater, såvel som mellem disse sidstnævnte stater og tredjelande, lig med forskellen mellem de priser, der er fastsat for den pågældende nye medlemsstat, og de fælles priser;

for de øvrige kornsorter, bør reglerne for bestemmelse af størrelsen af udligningsbeløbene under hensyntagen til artikel 74, stk. 1, i akten fastsættes således, at der opnås en trinvis tilnærmelse til det prisforhold, som består inden for Fællesskabet;

det bør præciseres, at anvendelse af bestemmelserne i artikel 55, stk. 1, litra b) i akten medfører fradrag af importafgiften eller restitutionen i udligningsbeløbet;

1) EFT nr. L 73 af 27.3.1972, s. 5.

artikel 55, stk. 3, i akten fastsætter, at de udligningsbeløb, der anvendes i samhandelen mellem de nye medlemsstater, bestemmes i forhold til de udligningsbeløb, der er fastsat for hvert af dem; disse bestemmelser bør nærmere præciseres, således at disse beløb i hvert enkelt tilfælde svarer til den prisforskel, der består mellem de pågældende medlemsstater, og som blev lagt til grund ved fastsættelsen af de udligningsbeløb, der blev anvendt i samhandelen med Fællesskabet i dets oprindelige udstrækning;

i henhold til artikel 74, stk. 2, i akten afledes udligningsbeløbet for forarbejdede varer henhørende under Rådets forordning nr. 120/67/EØF af 13. juni 1967 om den fælles markedsordning for korn¹⁾, senest ændret ved akten vedrørende tiltrædelsesvilkårene og tilpasningerne af traktaterne²⁾, af det udligningsbeløb, der anvendes på de kornsorter, som disse varer står i forbindelse med, ved hjælp af koefficienter eller regler, der er lagt til grund ved fastsættelsen af importafgiften eller af importafgiftens variable element for disse varer; de omtalte koefficienter er fastsat ved Rådets forordning (EØF) nr. 968/68 af 15. juli 1968 om regler for kornfoderblandinger³⁾, ved Rådets forordning (EØF) nr. 1052/68 af 23. juli 1968 om regler for indførsel og udførsel af produkter forarbejdet på basis af korn og ris⁴⁾, senest ændret ved forordning (EØF) nr. 1529/71⁵⁾, samt ved Rådets forordning (EØF) nr. 1397/69 af 17. juli 1969 om fastsættelse af standardkvaliteter for bestemte kornsorter og for visse former for mel og grove og fine gryn samt regler om fastsættelse af tærskelpriser for disse former for produkter⁶⁾; det er imidlertid nødvendigt at præcisere deres anvendelse i visse tilfælde;

da formålet med udligningsbeløbene er at muliggøre en vareudveksling mellem to medlemsstater med forskelligt prisniveau under tilfredsstillende betingelser, bør der opkræves et udligningsbeløb i tilfælde af indførsel i en medlemsstat med højere prisniveau og omvendt yde et udligningsbeløb i tilfælde af udførsel til en medlemsstat med lavere prisniveau;

herefter betyder artikel 55, stk. 1, litra a), i akten, ifølge hvilken udligningsbeløbene opkræves af importmedlemsstaten og ydes af eksportmedlemsstaten, at opkrævningen og ydelsen af disse beløb påhviler den medlemsstat, hvis prisniveau er højest;

1) EFT nr. 117 af 19.6.1967, s. 2269/67.

2) EFT nr. L 73 af 27.3.1972, s. 11.

3) EFT nr. L 166 af 17.7.1968, s. 2.

4) EFT nr. L 179 af 25.7.1968, s. 8.

5) EFT nr. L 162 af 20.7.1971, s. 11.

6) EFT nr. L 179 af 21.7.1969, s. 6.

hvis udligningsbeløbet i samhandelen mellem en ny medlemsstat og tredjelande skal trækkes fra restitutionen, og denne er lavere end udligningsbeløbet, eller ikke fastsat, skal der træffes egnede foranstaltninger for at forhindre fordrejninger i handelen;

de nærmere regler om opkrævning og ydelse af udligningsbeløbene skal fastsættes således, at fordrejninger i handelen, som særlig forskellen mellem niveauerne kunne føre til, undgås;

af klarhedshensyn er det hensigtsmæssigt, at Kommissionen bemyndiges til at gengive de af Rådet fastsatte udligningsbeløb i det bilag, hvori de af Kommissionen fastsatte er anført -

UDSTEDT FØLGENDE FORORDNING:

Artikel 1

De udligningsbeløb, der skal anvendes indtil 31. juli 1973 i samhandelen mellem Fællesskabet i dets oprindelige udstrækning og de nye medlemsstater, og mellem disse sidste og tredjelande, udgør for følgende kornsorter de nedenfor angivne beløb:

	Samhandel med		
	Danmark RE/ton	Irland RE/ton	Det forenede Kongerige RE/ton
Blød hvede	9,95	7,50	44,31
Byg	8,68	14,86	42,33

Artikel 2

1. De udligningsbeløb, der skal anvendes indtil 31. juli 1973 i samhandelen mellem Fællesskabet i dets oprindelige udstrækning og de nye medlemsstater, og mellem disse sidste og tredjelande, beregnes under anvendelse af de nedennævnte koefficienter på de udligningsbeløb, der anvendes for referencekornsorten:

Vare for hvilken udligningsbeløbet anvendes	Reference-kornsort	Koefficienter, der anvendes i samhandelen med		
		Danmark	Irland	Det forenede Kongerige
Hård hvede	Blød hvede	1,095	2,817	1,476
Rug	Byg	-	1,110	1,250
Havre	Byg	0,969	0,957	0,855
Majs	Byg	-	1,548	0,872
Hirse	Byg	-	0,964	0,882
Sorghum	Byg	-	1,682	0,882

2. For følgende fastsættelser afskaffes i det tempo, der er fastsat i artikel 52, stk. 2, i akten, trinvis den forskel, der består mellem prisforholdene mellem referencekornsorten og hver af de pågældende kornsorter, i de nye medlemsstater på den ene side og i Fællesskabet på den anden side.

Det prisforhold, der lægges til grund for beregningen for hver ny medlemsstat, er det, der følger af anvendelsen af udligningsbeløbet for det forløbne høstår, og for Fællesskabet det, der tages hensyn til ved fastsættelse af tærskelpriserne for det nye høstår.

3. Det udligningsbeløb, der anvendes for blød hvede, som er gjort uegnet til menneskeføde ved denaturering i overensstemmelse med artikel 7 i forordning nr. 120/67/EØF, er det, der anvendes for byg.

Der fastsættes intet udligningsbeløb:

- for varer henhørende under position 10.07 A og D i den fælles toldtarif;
- for varer henhørende under position 10.02, og underpositionerne 10.05 B, 10.07 B og C i den fælles toldtarif i samhandelen mellem Fællesskabet i dets oprindelige udstrækning og Danmark.

Artikel 3

De udligningsbeløb, der anvendes i samhandelen mellem to nye medlemsstater, er lig med:

- udligningsbeløbene, der anvendes i samhandelen med Fællesskabet i dets oprindelige udstrækning, hvis der i samhandelen mellem dette og en af disse nye medlemsstater ikke er fastsat noget udligningsbeløb;
- forskellen mellem de udligningsbeløb, der anvendes i samhandelen mellem hver

af disse nye medlemsstater og Fællesskabet i dets oprindelige udstrækning, i alle andre tilfælde.

Artikel 4

De udligningsbeløb, der anvendes for varer, som er nævnt i artikel 1, litra c) og d) i forordning nr. 120/67/EØF, bestemmes ved hjælp af de koefficienter, der er angivet i forordningerne (EØF) nr. 968/68, (EØF) nr. 1052/68 og (EØF) nr. 1397/68.

Artikel 5

I samhandelen mellem de nye medlemsstater indbyrdes og med Fællesskabet i dets oprindelige udstrækning opkræves eller ydes udligningsbeløbene af den af de pågældende medlemsstater, for hvilken det prisniveau, der er taget hensyn til ved bestemmelse af udligningsbeløbene, er højest.

I samhandelen mellem de nye medlemsstater og tredjelande trækkes udligningsbeløbene fra importafgiften og restitutionen.

Artikel 6

Det udligningsbeløb, der anvendes, er det, som gælder på ind- eller udførselsdagen.

Artikel 7

Hvis der for en vare er fastsat et udligningsbeløb, der skal trækkes fra restitutionen for udførsler til tredjelande, og hvis restitutionen er lavere end dette udligningsbeløb eller ikke er fastsat, kan der ved udførsel til tredjelande af den pågældende vare i den pågældende nye medlemsstat fastsættes opkrævning af et beløb, der højest er lig med forskellen mellem udligningsbeløb og restitution eller, i givet fald med udligningsbeløbet.

De nærmere regler for ydelse, opkrævning og inddrivelse af udligningsbeløbene fastsættes særligt med henblik på at forebygge fordrejninger i handelen og i henhold til den fremgangsmåde, der er fastsat i artikel 26 i forordning nr. 120/67/EØF.

Gennemførelsesbestemmelserne til denne forordning, særlig vedrørende andre udligningsbeløb end dem, der er fastsat i artikel 1, fastsættes efter samme fremgangsmåde.

Kommissionen bemyndiges til at offentliggøre disse udligningsbeløb sammen med de udligningsbeløb, der er fastsat i artikel 1 og artikel 2, stk. 3.

Artikel 9

Denne forordning træder i kraft den 1. februar 1973.

Denne forordning er bindende i alle enkeltheder og gælder umiddelbart i hver medlemsstat.

Udfærdiget i Bruxelles, den

På Rådets vegne

Formand