

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 871 final

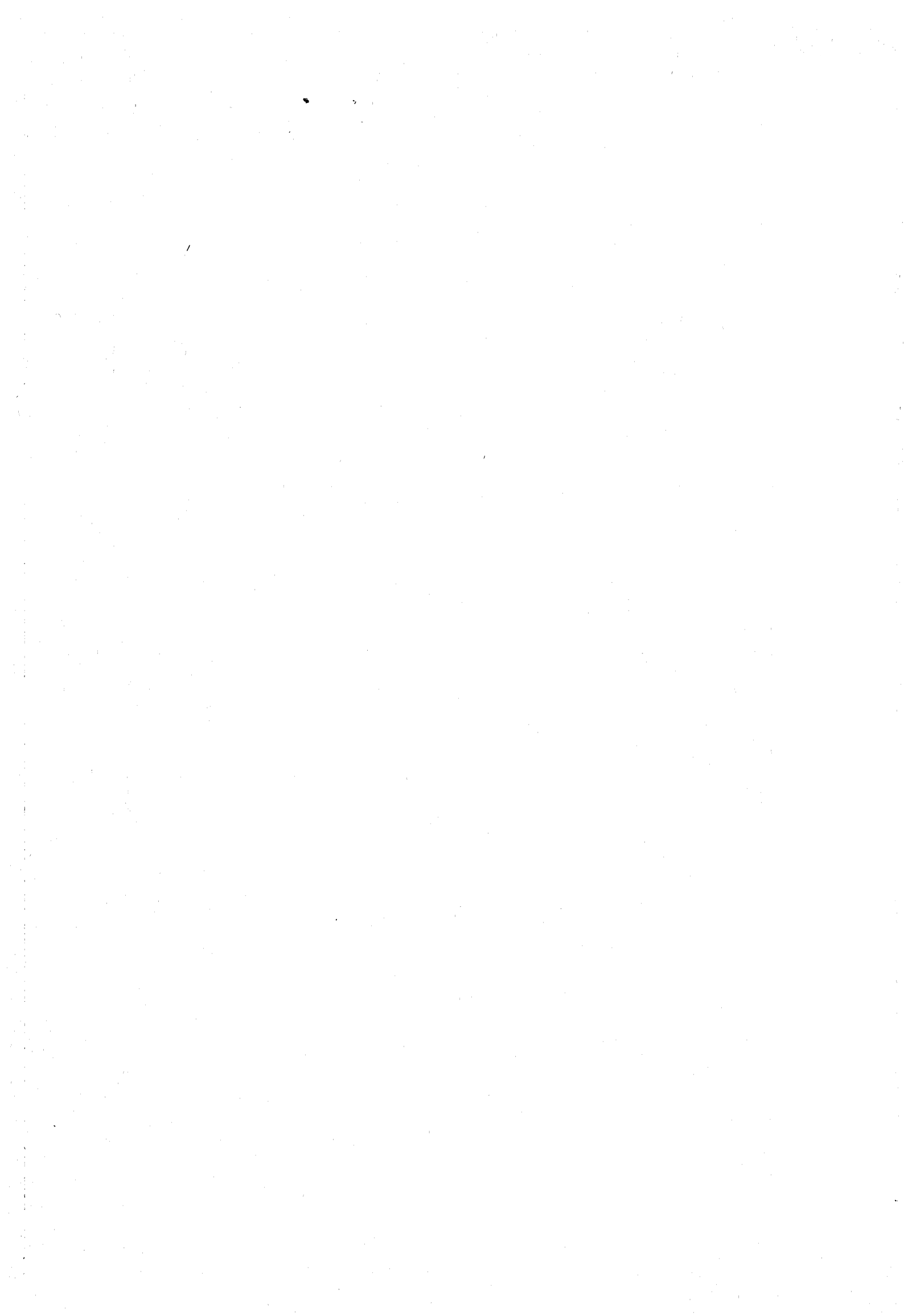
Brussels, 15th December 1980

PROPOSAL FOR A COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 804/68 in respect of grant of export refunds
by the tender system in the milk and milk products sector

(presented by the Commission to the Council)

COM(80) 871 final



Explanatory Memorandum

1. This draft Regulation amends Article 17 of Regulation (EEC) No 804/68 on the common organisation of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1761/78⁽²⁾, in order to allow refunds to be granted also on the basis of tenders in the future.
2. A proposal to establish an additional system for granting refunds of this kind had already been placed before the Council in 1970 (Doc. COM(70)117 Final - R/351/70)⁽³⁾, in order better to be able to deal with certain import quotas in third countries. However, it was not possible to reach agreement within the Council at that time and the Commission decided to withdraw the proposal in 1973⁽⁴⁾.
3. The Commission now feels it is necessary to put this proposal forward again in order to provide the Community with a more effective means of supervising the quantities of some milk products exported with refund. It has been found that application of the existing mechanisms in connection with advance fixing of the refund is not entirely satisfactory, either because it does not achieve the end in view, or because it also affects operations which should not be interfered with.
4. Furthermore, the proposed measure would make it possible to better adapt the level of some refunds for individual exports to economic data and real requirements, since each successful tenderer would only receive the rate he had proposed.

This could provide to some extent economies for the Community.

5. For application of the suggested system, general implementing rules will be needed, including in particular the following provisions:
 - a) possible restriction of the list of products to which the system would be applied,

(1) OJ No L 148, 28.6.1968, p. 13

(2) OJ No L 204, 28.7.1978, p. 6

(3) OJ No C 31, 14.3.1970, p. 10

(4) OJ No C 74, 18.9.1973, p. 5

- b) whether, during the periods when the tender system applies, application of the normal advance fixing system will be suspended for the products in question, and
- c) the period of validity of refunds in question, differentiated as appropriate according to the delivery period envisaged by the operator.

The Commission will propose these general rules to the Council as soon as possible, taking account of the attitudes adopted in this respect within the Council during discussion of this proposal for a Regulation.

Proposal for a
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 804/68 in respect of grant of export refunds by the tender system in the milk and milk products sector.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Article 17(1) of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products⁽²⁾, as last amended by Regulation (EEC) No 1761/78⁽³⁾, provides that the difference between the prices in international trade and the prices in the Community can be covered by an export refund; whereas, pursuant to paragraph 2 of the said Article, the refund is the same for the whole Community;

whereas, for reasons of commercial policy, with a view to a better check on quantities exported and/or to reduce expense to the Community, it may prove necessary to fix refunds by a tender system; whereas Regulation (EEC) No 804/68 should therefore be modified accordingly,

HAS ADOPTED THIS REGULATION:

(1) OJ No C

(2) OJ No L 148, 28.6.1968, p. 13

(3) OJ No L 204, 28.7.1979, p. 6

Article 1

1. Paragraphs 2 to 5 of Article 17 of Regulation (EEC) No 804/68 are hereby replaced as follows:

"2. Without prejudice to the provisions adopted by virtue of paragraph 3, the refund shall be the same for the whole Community. It may differ according to destination.

The refund fixed shall be granted on request from the person concerned. When fixing the refund, account shall be taken in particular of the need to establish a balance between the use of Community basic products for the export to third countries of processed goods and the use of third country products brought in under inward processing arrangements.

The Council, acting by qualified majority vote on a proposal from the Commission, shall adopt the general rules for granting refunds, fixing their amount and advance fixing.

Refunds shall be fixed periodically in accordance with the procedure laid down in Article 30. Where necessary, the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

3. When it proves necessary for reasons of commercial policy, with a view to a better check on the quantity of exports qualifying for a refund and/or in order to grant only the necessary level of refund, refunds may be granted by a tender procedure.

The Council, acting by qualified majority vote on a proposal from the Commission, shall adopt the general rules applicable in cases where grant is made by tender procedure.

4. Rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 30."

Article 2

This Regulation shall enter into force on the third 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.