

HILLMAN

COMMISSION OF THE EUROPEAN COMMUNITIES

UNIVERSITY OF PITTSBURGH
LIBRARIES

COM(80) 39 final

AUG 19 1980

Brussels, 8th February 1980

GIFT & EXCHANGE

UNIVERSITY OF PITTSBURGH
LIBRARIES

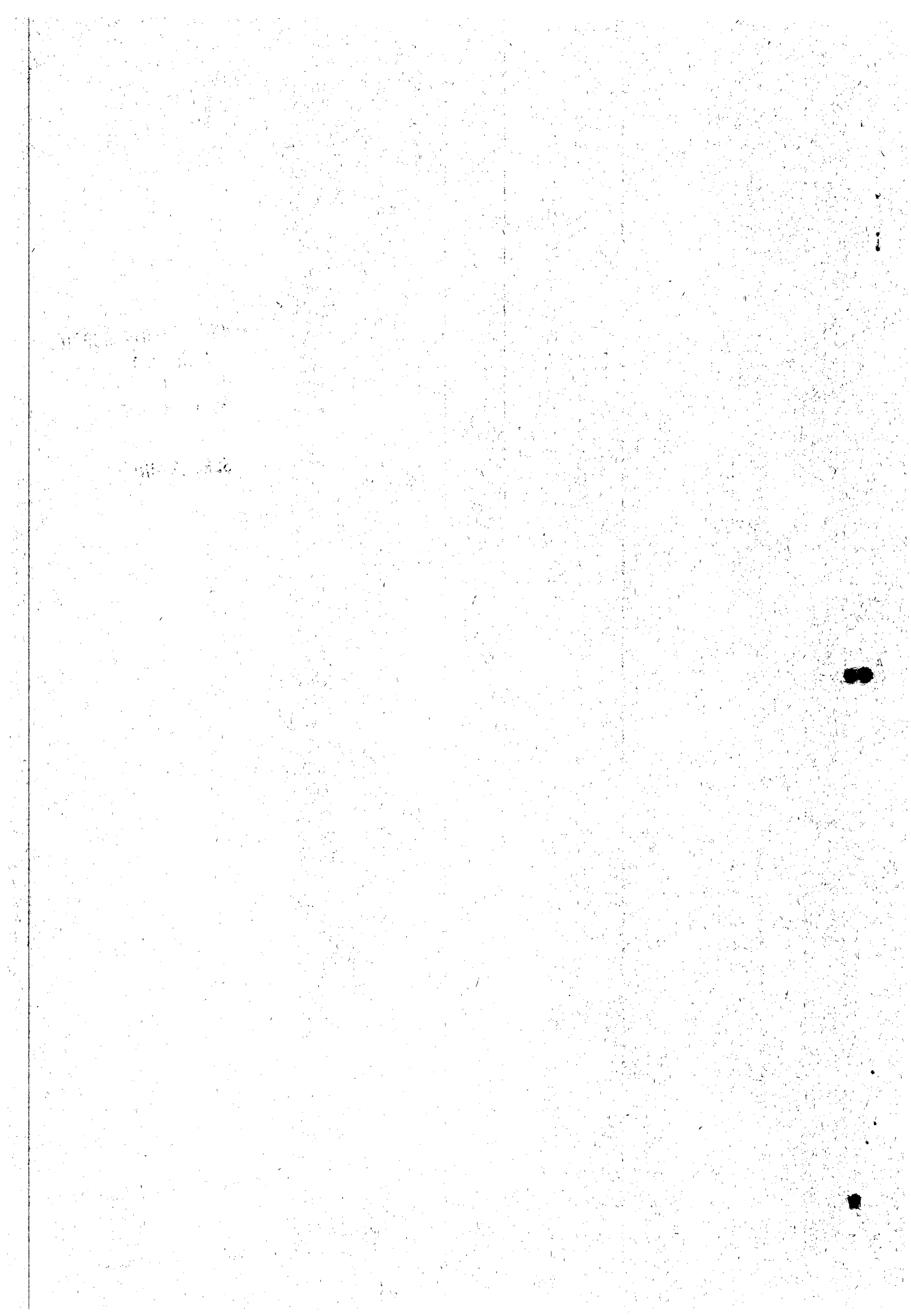
AUG 29 1980

SERIALS UNIT

**PROPOSAL FOR A COUNCIL REGULATION (EEC)
ADOPTING GENERAL RULES CONCERNING
SPECIAL MEASURES FOR SOYA BEANS**

(presented by the Commission to the Council)

COM(80) 39 final



EXPLANATORY MEMORANDUM

By means of Regulation (EEC) No 1614/79 the Council adopted the special measures for soya beans.

The apply for the first time to beans harvested in 1980.

This Regulation lays down the general rules, with regard in particular to :

- the determination of the world market price,
 - the conditions which producers and purchasers must satisfy in order to be eligible for the system of aid,
 - the measures which Member States must apply for the purpose of checking entitlement to the aid.
-

10

Proposal for a
COUNCIL REGULATION (EEC)

adopting general rules concerning special measures for soya beans

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1614/79 of 24 July 1979 laying down special measures in respect of soya beans⁽¹⁾, and in particular Article 2(4) and the second paragraph of Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 2(4) of Regulation (EEC) No 1614/79, it is necessary to adopt general rules for the granting of aid in respect of soya beans, methods of checking entitlement to aid and the conditions necessary for establishing entitlement to aid which purchasers of these beans must satisfy; whereas, pursuant to Article 3 of the said Regulation, it is also necessary to adopt criteria for determining the world market price;

Whereas the world market price should be determined on the basis of the most favourable purchasing possibilities on that market;

Whereas it is necessary for this purpose to take into consideration offers made on the world market as well as the prices quoted on those exchanges which are important in terms of international trade, and this during the period when Community-grown beans are being sold; whereas, however, it appears appropriate not to take into account offers which may not be considered as representative of the actual market trend;

Whereas, in order to ensure the proper functioning of the system of aid, the world market price must be ascertained for a Community frontier crossing point; whereas, for the purpose of determining that point, account should be taken of the extent to which it is representative as regards the importation of these beans and whereas, therefore, the port of Rotterdam should be used; whereas

(1) OJ No L 190, 28.7.1979, p. 8

the offers and prices used must be adjusted if they refer to a different frontier crossing point;

Whereas, for the offers and prices used, adjustments should also be made to offset any differences in presentation and quality in relation to the criteria used for the purpose of fixing the guide price;

Whereas, in order to facilitate the checking of entitlement to aid, it should be stipulated that producers shall produce declarations relating to areas sown and to quantities harvested and delivered;

Whereas, with a view to the proper functioning of the system of aid, it should be stipulated that the aid shall be granted only to persons specializing in trade in and/or the processing of soil products and who are capable of facilitating the carrying out of the check on entitlement to the aid;

Whereas this check must in particular make it possible to ensure that the minimum price referred to in Article 2(2) of Regulation (EEC) No 1614/79 is observed and to forestall ineligible applications for aid; whereas, for the purpose of carrying out such a check, the Member States concerned must assist each other,

HAS ADOPTED THIS REGULATION :

Article 1

1. The world market price for soya beans shall be determined by the Commission in respect of beans in bulk of standard quality, in respect of which the guide price has been fixed, delivered at Rotterdam.
For offers and prices not meeting the conditions referred to in the first subparagraph, the necessary adjustments shall be made.
2. The world market price shall be determined on the basis of the most favourable actual purchasing possibilities, with the exception of the offers and prices which may not be considered as representative of the actual market trend.
3. For the purpose of determining the world market price, account shall be taken only of offers made on the world market for deliveries to be made during the most representative period for the disposal of Community beans and of the prices quoted for deliveries to be made during the same period on exchanges which are important in terms of international trade.

Article 2

In order to be eligible for the system provided for in Regulation (EEC) No 1614/79, any producer who has sown an area with soya shall submit to the competent agency of the Member State on whose territory the product has been sown, by dates yet to be determined, the following declarations :

- a declaration of the area sown;
- a declaration of the quantity harvested;
- a declaration of the quantity delivered under the contract referred to in Article 3.

Article 3

1. The aid provided for in Article 2 of Regulation (EEC) No 1614/79 shall be granted upon application to any purchaser of soya beans who :
 - is approved by the competent agency of the Member State on whose territory the soya beans have been harvested;
 - submits to the competent agency of the Member State in which the beans have been harvested a contract concluded with the producer, stating the quantity to be delivered, observing the minimum price and meeting the conditions laid down pursuant to Article 2(6) of Regulation (EEC) No 1614/79;
 - submits to the same agency a copy of the analysis accepted by the parties concerned and relating to beans delivered under the contract;
 - furnishes proof that, in respect of beans delivered by the producer, the declarations referred to in Article 2 have been submitted.

2. Without prejudice to the provisions of Article 6, the amount of aid to be granted shall be calculated on the basis of the lowest weight recorded between the quantity stated in the contract and the weight of the beans actually delivered, the latter being adjusted according to the differences which may exist between the percentages of moisture and of impurities resulting from the analysis referred to in paragraph 1 and those used for the purpose of defining the standard quality in respect of which the guide price is fixed.

Article 4

The approval referred to in the first indent of Article 3 shall be given, on application, to any natural or legal person who meets at least the following conditions :

- his main activity relates to the marketing or processing of soil products;
- he keeps stock records meeting requirements to be laid down;
- he undertakes to furnish any other supporting documents necessary for the purpose of verifying entitlement to the aid.

Article 5

The amount of the aid shall be that valid on the day on which the interested party submits to the competent agency of the producer Member State the contract referred to in Article 3.

Article 6

1. Producer Member States shall make random checks on the accuracy of the :

- areas stated in the declarations of sowing;
- quantities appearing in the crop declarations;
- quantities appearing in the declarations of delivery.

Where such checks suggest that the quantity harvested differs from that declared, the Member State shall automatically, and without prejudice to the penalties to be imposed, correct the declaration in question.

2. As regards producers who have not been subjected to the checks referred to in paragraph 1 and in the event of doubt as to the accuracy of the particulars appearing in the declarations referred to in the first and second indents of Article 2, the Member State concerned shall require the production of any supporting document necessary for the purpose of checking the quantity allowable for aid.

Where the supporting documents are not deemed satisfactory by the Member State concerned, the latter shall determine the quantity of soya beans allowable for aid. For this purpose, the Member State shall determine the area sown with soya and, where the yield declared for that area exceeds the average yield ascertained at the time of checks carried out in the same zone, it shall take the average yield ascertained in the zone in question.

3. Producer Member States shall check that the quantities resulting from the application of paragraphs 1 and 2 tally with those stated in the declarations of delivery.
4. Producer Member States shall check that contracts satisfy the conditions referred to in Article 3.
5. Member States shall verify, by means of a systematic check on the stock records of applicants for aid, that the quantities appearing in the declarations of delivery have actually been delivered.

Article 7

Producer Member States shall communicate to the Commission, prior to their implementation, provisions adopted by them for the purpose of applying the system provided for in this Regulation.

Article 8

Regulation (EEC) No 1777/76 is hereby repealed with effect from 1 November 1980.

Article 9

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

It shall apply for the first time to beans harvested in 1980.

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

Done at

For the Council