

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 775 final

Brussels, 26 November 1980

Proposal for a
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 2727/75 on the common organization of the
market in cereals

(submitted to the Council by the Commission)

COM(80) 775 final

EXPLANATORY MEMORANDUM

This proposal may be regarded as a measure implementing Protocol No 19 to the Act of Accession which states that the Council is to decide the necessary measures "to facilitate the use of Community cereals in the manufacture of spirituous beverages from cereals, and in particular of whisky, exported to third countries".

In accordance with this Protocol it is proposed that although it is not possible to insert these measures into the Regulation on the common organization of the market in alcohol which has yet to be adopted, they can fit into the framework of the general Community policy for alcohol and should be incorporated in the Regulation on the common organization of the market in cereals.

With regard to cereals used in the manufacture of spirituous beverages, these measures, which it is proposed to insert into Regulation (EEC) No 2727/75 on the common organization of the market in cereals, consist either in the granting of export refunds, or in the granting of special refunds designed to take account of the difficulties which application of the standard rules on the granting of exports refunds for certain beverages would involve, given the production process and the long compulsory maturing period for such beverages.

Protocol No 19 of the Act of accession stipulates that these measures must avoid any discrimination between these products and other alcohol, account being taken of the particular situations peculiar to each case. The Commission staff are studying possible cases of discrimination and the manner in which they may be obviated.

PROPOSAL FOR
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 2727/75 on the common
organization of the market in cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Protocol No 19 annexed to the Act of Accession of Denmark, Ireland and the United Kingdom, states that the Council shall decide the necessary measures to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals, and in particular of whisky, exported to non-member countries; whereas the abovementioned Protocol also states that these measures must fit into the framework of the general Community policy for alcohol;

Whereas these measures may be taken within the framework of the Regulation on the common organization of the market in cereals or ^{of} the Regulation to be adopted on the common organization of the market in alcohol;

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Whereas the common organization of the market in ethyl alcohol of agricultural origin has not yet been established; whereas, therefore, these measures must to be taken in the cereals sector;

Whereas provision should be made in respect of the industry producing spirituous beverages from cereals which are themselves governed by Council Regulation (EEC) No 2727/75², as last amended by Regulation (EEC) No 1870/80³, so that the alcohol-producing agricultural products used by that industry may be used and exported at a lower price than that resulting from the Community price system;

Whereas, under the provisions of Regulation (EEC) No 2727/75 and those of Regulation (EEC) No laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds⁴, an export refund may be granted only for cereal products used in the manufacture of certain spirituous beverages where the object of such use is other than the production of the alcohol content; whereas the scope for granting refunds in respect of other spirituous beverages and of the production of the alcohol content should be extended;

Whereas in view of the fact that certain spirituous beverages produced from cereals and exported to non-member countries are produced by a special process, particularly as regards maturing, it is necessary to make provision for the granting of a special refund for the manufacture and export of the said beverages;

² OJ No L 281, 01.10.1975, p. 1
³ OJ No L 184, 17.07.1980, p. 1
⁴ OJ No L

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2727/75 is hereby amended as follows :

1. The following paragraph is inserted in Article 16 :

"4a Export refunds may be replaced, under certain conditions, by special refunds in so far as is necessary to take account of the production processes, in particular maturing, peculiar to certain spirituous beverages obtained from cereals.

majority on a proposal from the
ry general rules."

Customs Tariff heading No 22.09

n alcoholic strength of less than
and other spirituous beverages;
(known as "concentrated extracts")

bon whisky)

strength not exceeding 45.4 % by

Article 2

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

It shall apply with effect from 1 January 1981.

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

Done at Brussels,

For the Council
The President

