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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

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(83) 462 final

Brussels, 14 July 1983

Proposal for a  
COUNCIL REGULATION (EEC)  
amending Regulation (EEC) No 1569/72 laying down special measures  
for colza, rape and sunflower seed

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(submitted to the Council by the Commission)

COM(83) 462 final



SECRET

EXPLANATORY MEMORANDUM

When adopting the package on "Agricultural prices for the 1983/84 marketing year and related measures" at the meeting held on 16 and 17 May 1983, the Council inserted the following statement in the minutes of the meeting:

"The Council takes note of a statement by the Commission that it intends to propose that the differential amount for colza and sunflower seed should be calculated taking into account the long term exchange rates of the different national currencies."

In this proposal the Commission gives effect to the commitment referred to in the abovementioned statement.

At present, where a subsidy for colza or sunflower seed is fixed in advance, which is the normal procedure, the differential amount is that valid on the day on which the subsidy is fixed in advance. This differential amount does not, however, cover any differences between the forward exchange rates of the currencies and the spot market exchange rates. In normal circumstances this situation does not create distortions between undertakings in the different Member States as regards the cost of obtaining supplies of seed of Community origin. However, where the differences persist these distortions arise and may produce abnormal movements of goods.

The purpose of this proposal is to remedy that situation.

On the financial level the proposal does not entail any significant alteration of the expenditure envisaged in this sector.

amending Regulation (EEC) No 1569/72 laying down special measures  
for colza, rape and sunflower seed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats(1), as last amended by Regulation (EEC) No 1413/82(2), and in particular Article 36 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oilseeds<sup>3</sup> extended the subsidy system for colza and rape seed to feed manufacturers; whereas the special measures should therefore be adapted to take account of this;

Whereas Council Regulation (EEC) No 1569/72(3), as last amended by Regulation (EEC) No 1986/82(4), makes provision for a system of differential amounts which takes account of the differences recorded between, firstly, the representative rates for the currencies of the Member States and, secondly, depending on the circumstances, the central rates or the spot market rates for the same currencies; whereas this system does not take account of the forward exchange rates; whereas, where the aid or refund for oil seeds is fixed in advance, failure to take account of the forward exchange rates may, in certain circumstances, create serious distortions between undertakings situated in different Member States as regards the cost of obtaining supplies of seeds of Community origin;

Whereas these difficulties should be alleviated by providing for the fixing of forward differential amounts which take account of the forward exchange rates for the currencies; whereas, however, provision should be made for fixing forward differential amounts only in cases where problems may arise, that is to say where the difference between the forward exchange rates and the spot market exchange rates exceeds a threshold to be determined,

Whereas it provision should be made for suspending the advance fixing of differential amounts if an abnormal situation on the financial markets in the Community threatens to create disorder in the oilseeds market,

HAS ADOPTED THIS REGULATION:

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(1) OJ No 172, 30.9.1966, p. 3025/66

(2) OJ No L 162, 12.6.1982, p. 6

(3) OJ No L 163, 22.6.1983, p. 44

(4) OJ No L 167, 25.7.1972, p. 9

(5) OJ No L 215, 23.7.1982, p. 10

Article 1

Regulation (EEC) No 1569/72 is hereby amended as follows:

1. Article 1 is replaced by the following:

"Article 1

Member States shall levy or grant differential amounts for colza, rape and sunflower seeds harvested in the Community and processed pursuant to Article 1 of Regulation (EEC) No 1594/83 or exported with a refund, under the conditions hereinafter laid down."

2. Article 2 (2) is replaced by the following:

"2. However, where the forward exchange rate for one or more currencies differs from the spot rate by at least a percentage to be determined, forward differential amounts shall be determined for the months other than the current one and for which the aid or refund may be fixed in advance.

In such a case, for Member States whose currencies are in the situation referred to above and, for the months following the current one, the differential amount calculated in accordance with paragraph 1 shall be adjusted to take account of the difference beyond the percentage referred to above.

3. The differential amounts shall be fixed by the Commission

They shall be altered when the differences referred to in paragraphs 1 and 2 are at least one point from the percentage adopted for the previous fixing.

3. Article 3 is deleted.

4. Article 5 is replaced by the following:

"Article 5

1. Where the subsidy or refund is not fixed in advance, the differential amounts shall be those valid on the day on which the application for Part ID of the "Community subsidy" certificate is lodged or, as the case may be, the day on which the customs export formalities are completed.

2. Where the subsidy or refund is fixed in advance, the differential amounts shall be those valid:

- on the day on which the application for Part AP of the "Community subsidy" is lodged, where the subsidy has been fixed in advance, or

-on the day on which the application for the advance fixing certificate is lodged, where the export refund has been fixed in advance.

3. However, in the event of an abnormal situation on the Community exchange market, in particular where this situation threatens to disturb the market in seeds, the Commission may decide to suspend the application of the provisions of paragraph 2 for the period strictly necessary and in any event for not more than two weeks. This period may be extended in accordance with the procedure laid down in Article 38 of Regulation 136/66/EEC.

In such a case, the differential amounts shall be those valid on the day on which the application for Part ID of the Community subsidy certificate is lodged or, as the case may be, the day on which customs export formalities are completed."

#### Article 2

This Regulation shall enter into force on the day following 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.

Done at Brussels,

For the Council