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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

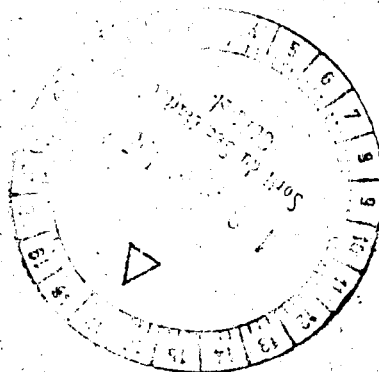
COM(82) 249 final

Brussels, 12 May 1982

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 1614/79 laying down special measures
in respect of soya beans

(submitted to the Council by the Commission)

COM(82) 249 final



EXPLANATORY MEMORANDUM

Following the Judgment of the Court of Justice of 10 October 1978 (Case 148/77), ruling that all the provisions of the Treaty and secondary legislation must be applied automatically to the overseas departments, unless special measures are adopted by the Council, the purpose of this proposal is to apply the special measures in respect of soya beans provided for in Council Regulation (EEC) No 1614/79 in those regions.

In view of the special production conditions in the overseas departments and of the marketing structures of soya beans, it has proved necessary to introduce rules adapted to these departments which simplify management and control.

Past experience has also shown that the dates of the marketing period for soya beans should be altered and the procedure to be followed in cases of subsequent amendments adjusted.

This proposal therefore provides for an amendment bringing forward the starting date of the marketing year from 1 November to 1 October.

Proposal for
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 1614/79 laying down special measures in respect of soya beans

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 opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas Article 1(2) of Council Regulation (EEC) No 1614/79 (3) fixes the dates for the beginning and end of the soya bean marketing year;

Whereas experience has shown that these dates are not the most representative of the period during which soya beans come to market; whereas therefore the dates for the beginning and end of the soya bean marketing year should be altered;

Whereas it may in certain cases be necessary to alter these dates at relatively short notice; whereas an appropriate procedure should be instituted for making such alterations;

Whereas Article 2 of Regulation (EEC) No 1614/79 provides for aid in respect of soya beans harvested in the Community which is granted to any natural or legal person possessing adequate storage facilities and who has concluded a contract with a producer which guarantees payment of a minimum price to the latter; whereas, to ensure that the aid scheme operates properly, the provisions in question establish a system for checking entitlement to aid;

Whereas, in the light of the specific situation with regard to the production and marketing of soya beans in the French overseas departments, the system of controls at the stage of initial marketing as introduced by the current Community provisions is not the most suitable system for beans produced in these departments; whereas furthermore, because of the scale of production in

(1)

(2)

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

the said departments the introduction of such a system would be disproportionately costly in terms of the objective it served; whereas, therefore, the aid scheme should be adjusted to bring it more into line with commercial conditions in the regions in question, while at the same time simplifying its operation and control; whereas, to that end, provision should be made for granting aid to producers in respect of a level of production established by applying a representative yield to areas sown and harvested,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1614/79 is hereby amended as follows:

1. Article 1(2) is replaced by the following:

"2. The guide price shall remain in force throughout the marketing year.

Except where the Council, acting by a qualified majority on a proposal from the Commission, decides otherwise, the marketing year shall begin on 1 October and end on 30 September of the following year."

2. The following paragraph is inserted in Article 2:

"2a. Notwithstanding paragraph 2, the aid provided for in paragraph 1 shall, in the case of the French overseas departments, be granted to soya bean producers in respect of a level of production established by applying a representative yield to the areas on which soya beans have been sown and harvested."

Article 2

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

Article 1(2) shall apply to soya beans harvested from the 1982/83 marketing year onwards.

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

Done at

For the Council

FINANCIAL STATEMENT

Date :

1. BUDGET HEADING :

B 1303

APPROBIATIONS : 12 mio ECU

2. TITLE : Draft proposal for Council Regulation (EEC) No ~~xxx~~/82 amending Regulation (EEC) No 1614/79 laying down special measures in respect of soya beans;

3. LEGAL BASIS : Art. 43 of the Treaty

4. AIMS OF PROJECT : Application of the rules on soya to the French overseas departments.

5. FINANCIAL IMPLICATIONS

- 5.0 EXPENDITURE
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)
 - NATIONAL ADMINISTRATION
 - OTHER
- 5.1 RECEIPTS
- OWN RESOURCES OF THE EC (LEVIERS/CUSTOMS DUTIES)
 - NATIONAL

PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR (82)	FOLLOWING FINANCIAL YEAR (83)
200 000 ECU	p.m.m.	200 000 ECU

	1984	1985		
5.0.1 ESTIMATED EXPENDITURE 5.1.1 NATIONAL RESOURCES	200 000 ECU	200 000 ECU		

5.2 METHOD OF CALCULATION At present the harvest in the overseas departments totals about 1 000 t a year. The present aid is of the order of 20 ECU per 100 kg.
 $1\ 000 \times 200 = 200\ 000\ ECU$

6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ?
 appropriations Yes

6.1 ~~WILL THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ?~~

6.2 ~~WILL THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ?~~

6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY ?
 appropriations Yes

OBSERVATIONS :