Commission Regulation (EC) No 1548/2004 of 30 August 2004 amending Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively

COMMISSION REGULATION (EC) No 1548/2004

of 30 August 2004

amending Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals[(1)], and in particular Article 8(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice[(2)], and in particular Article 8(e) thereof,

Whereas:

(1) Commission Regulation (EEC) No 1722/93[(3)] lays down the conditions for granting a production refund on starch and certain starch products obtained in particular from rice and broken rice. Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice[(4)] no longer provides for the possibility of granting that refund. The provisions on that category of starch should therefore be removed from Regulation (EEC) No 1722/93 with effect from 1 September 2004, the date from which Regulation (EC) No 1785/2003 applies.

(2) As a result, the validity of refund certificates for starch obtained from rice or broken rice should be limited to 31 August 2004.

(3) In accordance with Article 3 of Regulation (EEC) No 1722/93, the method for calculating the production refund is based, in particular, on the market price of maize taking into account the price levels noted for wheat. In the case of maize, this provision should be made more explicit both as regards the geographical origin of the maize and certain limits to be applied to the price levels where there is a significant increase. Since taking wheat prices into account has not had any practical effect in the past on calculating the amount of the refund, that reference should be deleted.

(4) The special provisions for esterified and etherified starches have proved disproportionate where the amount of the refund is relatively small; a maximum amount should be introduced below which these conditions need not be fulfilled.

(5) Regulation (EC) No 1722/93 should be amended accordingly.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1548/2004. (See end of Document for details)*

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1722/93 is hereby amended as follows:

1. the title is replaced by the following:

> Commission Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 concerning production refunds in the cereals sector.;

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

> A production refund (hereinafter called refund) may be granted to natural or legal persons using starch extracted from wheat, maize or potatoes, or certain derived products, in the manufacture of the goods listed in Annex I.;

3. Article 3(2) is replaced by the following:

2. The refund per tonne of starch of maize, wheat, barley or oats shall be calculated in particular on the basis of the difference, multiplied by a coefficient of 1,60, between:

   a the maize market price in France, valid during the five days preceding the day of fixing; and

   b the average of the representative cif Rotterdam import prices used for the determination of the import duties on the maize, noted during the five days preceding the day of the beginning of application.

   For the purposes of calculating the difference referred to in the first subparagraph, the following rules shall apply:

   a if the maize market price referred to in point (a) is higher than the intervention price but less than 155 % of that price, the price to be taken into account shall be the intervention price plus half the difference between the real price and the intervention price;

   b if the maize market price referred to in point (a) is higher than 155 % of the intervention price, the price to be taken into account shall be the intervention price plus 27,5 % of the intervention price.

   For potato starch a different rate may be set that reflects the minimum price indicated in Article 8(1) of Regulation (EEC) No 1766/92. In that case, the calculation shall be made on the basis of the maize market price in France referred to in point (a) of the first subparagraph, up to a limit of 115 % of the intervention price.

   During July, August and September, the maize price referred to in point (a) of the first subparagraph shall be reduced by the difference between the intervention price for wheat valid in June and that valid in July, save if the price of maize referred to in point (a) of the first subparagraph corresponds already to that valid for the new harvest.;

4. In Article 9, the following is added to the first subparagraph of paragraph 2: