

COUNCIL REGULATION (EC) No 3095/94**of 12 December 1994****on aid which Austria and Finland may grant on stocks held by private operations
on 1 January 1995**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the 1994 Act of Accession, and in particular Article 150 (3) thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 150 of the Act of Accession, the Council, acting by a qualified majority on a proposal from the Commission, may make provision, under certain conditions, for national aid, corresponding at most to the difference between the price recorded in a new Member State prior to accession and that resulting from the application of the Treaty of Accession, to be granted to private operators holding, on 1 January 1995, stocks of basic agricultural products or products processed therefrom ;

Whereas the abovementioned difference in prices may be observed in Austria and Finland only, prices in Sweden showing no difference with the common prices ;

Whereas it emerges from Article 150 of the Act of Accession that, apart from specifying the maximum aid which may be granted and certain conditions covering the granting thereof, the Community measures contemplated should simply lay down a general framework within which the two new Member States in question, which are to bear the financial liability thereof, will have full latitude to make their decisions ;

Whereas, within the meaning of that Article, the product group concerned cover basic products and products processed therefrom ; whereas, while live animals should be included, this Regulation should permit aid to be granted on any product which may be in storage in the two new Member States referred to above on 1 January 1995 ;

Whereas the maximum aid on live animals and basic products must be equal to the fall in prices recorded in the Member States as a result of the application of the Treaty of Accession ; whereas, however, those Member States should be permitted to determine the period during which that fall has occurred and to make provision, with a view to simplification, for the maximum aid to be calculated on the basis of the institutional prices where such prices exist or have existed ;

Whereas, in accordance with the general practice of the common agricultural policy, the maximum aid on processed products must be based as far as possible on the level laid down for the basic products ; whereas, however, the difficulty in applying this method in certain cases (and in particular where the basic product cannot be stocked or has no substantial impact on the prices of the processed products) means that the aid is to be calculated in those cases on the basis of the fall in prices for the processed products themselves and therefore makes it appropriate to draw up a list specifying, for the most important agricultural sectors, the products on which the maximum aid is to be calculated for products derived therefrom ; whereas, however, provision should be made for the aid to be granted on other products too ;

Whereas the new Member States should be free to consider as part of the compensation provided for by this Regulation payment of interest at a rate equal at most to the normal rate on the market in the new Member States in question for the period between 1 January 1995 and the date of payment of the aid ;

Whereas the other conditions to be laid down must prevent any risk of overcompensation and of receipt in combination with other aid provided for in the Act of Accession and should rule out the granting of the aid on speculative stocks and products imported into the new Member States prior to 1 January 1995 where the applicable import charges have not been paid ;

Whereas, subject to the abovementioned limits and conditions, the new Member States should be allowed to lay down the detailed rules for the application of the arrangements, providing that the latter are submitted to the Commission under a procedure reconciling the interests of suitable monitoring at Community level with the need for swift action in this area by the new Member States,

HAS ADOPTED THIS REGULATION :

Article 1

In order to offset, in full or in part, any fall in prices recorded as a result of the application of the Treaty of Accession, Austria and Finland may grant aid to private operators (producers, processors and traders) who, at 00.00 hours on 1 January 1995, own :

- (a) live animals covered by Chapter I of the CCT;
- (b) stocks of agricultural products listed in Annex I;
- (c) stocks of products derived from the products referred to in (b);
- (d) stocks of products listed in Annex II to the EC Treaty other than those referred to in (a), (b) or (c) and products processed therefrom.

Article 2

1. The aid provided for in Article 1 may not exceed :
 - (a) in the case of the products referred to in Article 1 (a), (b) and (d), the fall in prices recorded in Austria or Finland :
 - at the wholesale stage or any other stage constituting the first stage of marketing of the product in question, and
 - for a period :
 - considered by those States as representative of the effects of the application of the Treaty of Accession on prices, and
 - not extending beyond the storage life of the product after the date of accession ;
 - (b) in the case of products referred to in Article 1 (c) and those processed from the products listed in Annex II as referred to in Article 1 (d), the maximum laid down in (a) for the products from which they are derived, multiplied by :
 - a coefficient reflecting value in the case of meat,
 - a processing coefficient reflecting the impact of the products from which they are derived in the case of other product groups.

The coefficients provided for in (b) shall be determined by the Member State in question.

2. The maximum provided for in paragraph 1 (a) may be replaced :
 - in the case of products subject, prior to accession, in the Community and in Austria or Finland, to a price support system by the difference between the prices as subsidized in December 1994 in the abovementioned Member States and the prices as subsidized by the Community in January 1995,
 - in the case of products subject, prior to accession, to a price support system in Austria or Finland only, by the difference between the prices as subsidized in those Member States in December 1994 and the prices applying in those Member States at the marketing stage referred to in the first indent of paragraph 1 (a) at a time in 1995 which they consider

representative for the purposes of calculating the fall in prices as a result of the application of the Treaty of Accession,

- in the case of products which, prior to accession, were subject to a price support system in the Community but not in Austria or Finland, by the difference between the prices recorded in these Member States at the marketing stage referred to in the first indent of paragraph 1 (a) at a time in 1994 which they consider representative for the purposes of calculating the fall in prices as a result of the application of the Treaty of Accession and the prices as subsidized in the Community in January 1995.

3. The maximums provided for in paragraphs 1 and 2 shall not preclude the right of the Member State in question to increase the aid by interest at a rate equal at most to the normal rate on the market in that Member State for the period between 1 January 1995 and the date of payment.

Article 3

1. Products as referred to in Article 9 (2) of the Treaty which are on the territory of Austria or Finland on 1 January 1995 shall be deemed to be stocks for the purposes of this Regulation.

However, products in free circulation on the territory of those Member States shall qualify for the aid provided for in this Regulation only where import thereof took place after the applicable customs duties and charges having an equivalent effect were collected.

2. Austria and Finland shall ensure that the aid provided for in Article 1 :
 - does not exceed the amount necessary to offset the fall in prices recorded as a result of the application of the Treaty of Accession,
 - does not entail duplication with the aid provided for in Article 138 of the Act of Accession where the latter is granted on the same products, as such or after processing,
 - is not granted on speculative stocks.

Article 4

1. With a view to the application of this Regulation, Austria and Finland :
 - (a) may undertake an inventory of stocks ;
 - (b) shall record prices as provided for in Article 2 (1) (a) on the basis, where possible, of quality standards comparable with those provided for in Community regulations ;

(c) shall adopt detailed rules on the granting of the aid provided for by this Regulation and on verification thereof. Such detailed rules shall include in particular suitable measures to prevent the aid being granted on speculative stocks.

2. . Before 31 March 1995, Austria and Finland shall notify the Commission of the quantities which are likely to qualify for the aid provided for by this Regulation.

Article 5

1. Austria and Finland shall communicate to the Commission the draft measures to introduce the aids provided for by this Regulation. At the same time, they shall specify:

- the rate of aid contemplated,
- the factors serving to determine it.

2. The measures provided for in paragraph 1 may not enter into force before they are approved by the Commission. The Commission may make such approval subject to any condition it considers appropriate with a view to achieving the objectives and observing the provisions of this Regulation.

3. Where, within one month of receipt of the communication, the Commission has not expressed any observations with regard thereto, those measures may be implemented.

Article 6

This Regulation shall enter into force on the same date as the Treaty of Accession.

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

Done at Brussels, 12 December 1994.

For the Council

The President

J. BORCHERT

ANNEX

CN code	Description
	I. Meat
	A. Meat of bovine animals
0201 10 00 and 0202 10 00	Carcases and half-carcases of bovine animals, fresh, chilled or frozen
	B. Meat of swine
0203 11 10 and 0203 11 24	Carcases and half-carcases of domestic swine, fresh, chilled or frozen
	C. Meat of sheep or goats
0204 10 00 and 0204 30 00	Carcases and half-carcases of lamb, fresh, chilled or frozen
0204 21 00 and 0204 41 00	Carcases and half-carcases of sheep, fresh, chilled or frozen
0204 50 11 and 0204 50 51	Carcases and half-carcases of goats, fresh, chilled or frozen
	D. Poultrymeat
0207 10 15 and 0207 22 10	'70 % chickens', fresh, chilled or frozen
0207 10 31 and 0207 22 10	'80 % turkeys', fresh, chilled or frozen
0207 10 55 and 0207 23 11	'70 % ducks', fresh, chilled or frozen
0207 10 79 and 0207 23 59	'75 % geese', fresh, chilled or frozen
	E. Reindeer
0208 10 90	Meat of reindeer
	II. Eggs
0407 00 30	Birds' eggs in shell
	III. Milk and milk products
ex 0401	Long-life milk and cream
0402 10 99	Milk in powder
0405 00	Butter
0406	Cheese
	IV. Edible vegetables and certain roots and tubers
0701	Potatoes, fresh or chilled
1105 20 00	Flakes, granules and pellets of potatoes
1108 13 00	Potato starch
0713	Dried leguminous vegetables, in particular peas and field beans

CN code	Description
	V. Edible fresh and processed fruit and vegetables
	— Products listed in Article 1 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the markets of fruit and vegetables ⁽¹⁾
	— Products listed in Article 1 of Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽²⁾
	VI. Cereals
1001 10	Durum wheat
1001 90	Wheat and meslin other than durum wheat
1002 00 00	Rye
1003 00	Barley
1004 00	Oats
1005	Maize (corn)
	VII. Oilseeds and other products falling within chapter 12 of the CCT
1201 00	Soya beans
1205 00	Rape or colza seeds
1006 00	Sunflower seeds
1209	Seeds, fruit and spores, of a kind used for sowing
1210	Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin
1209 29 50	Lupine seed
1213	Cereal straw and husks, unprepared
ex 1214	Swedes, mangolds, fodder roots, hay, clover, sainfoin, forage kale, lupines, vetches and similar forage products
	VIII. Sugar
1701 11 10	Raw cane sugar for refining
1701 12 10	Raw beet sugar for refining
1701 99 10	White sugar
	IX. Wine
2204 21 et 2204 29	Wine of fresh grapes

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EC) No 3669/93 (OJ No L 338, 31. 12. 1993, p. 26).

⁽²⁾ OJ No L 49, 27. 2. 1986, p. 1. Regulation as last amended by Commission Regulation (EC) No 1490/94 (OJ No L 161, 29. 6. 1994, p. 13).