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COMMISSION REGULATION (EC) No 613/97

of 8 April 1997

laying down rules for the application of Council Regulation (EC) No 3072/95 as regards the conditions for granting compensatory payments under the aid scheme for rice producers

(OJ L 94, 9.4.1997, p. 1)

Amended by:

| | Official Journal | | |
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| ► <u>M1</u> Commission Regulation (EC) No 1305/97 of 4 July 1997 | L 177 | 11 | 5.7.1997 |
| ► <u>M2</u> Commission Regulation (EC) No 1127/98 of 29 May 1998 | L 157 | 86 | 30.5.1998 |



**COMMISSION REGULATION (EC) No 613/97
of 8 April 1997**

**laying down rules for the application of Council Regulation (EC)
No 3072/95 as regards the conditions for granting compensatory
payments under the aid scheme for rice producers**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Articles 8, 21 and 25 (5) thereof,

Whereas Regulation (EC) No 3072/95 lays down that Community rice producers may claim a compensatory payment under certain conditions; whereas the detailed rules for applying this scheme must be laid down, without prejudice to the provisions of the integrated administration and control system for certain Community aid schemes as laid down in Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽²⁾, as last amended by Regulation (EC) No 2466/96 ⁽³⁾, and in Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes ⁽⁴⁾, as last amended by Regulation (EC) No 2015/95 ⁽⁵⁾;

Whereas specific measures for French Guiana and Portugal should be laid down in order to take account of the different periods of sowing;

Whereas Regulation (EEC) No 3508/92 contains no specific rules on the final date in the rice sector by which 'area' aids must be applied for; whereas transitional deadlines should therefore be fixed for the marketing year 1997/98;

Whereas the Commission must have the necessary statistical information in sufficient time to establish the scale of the reductions to be applied; whereas the Member States possess this information through the aid applications submitted by the producers; whereas provision should therefore be made for a standardized and periodic notification from the Member States to the Commission containing the information required; whereas any reductions in the compensatory payment should be established on the basis of the information sent by the Member States;

Whereas the Member States should be allowed to correct their notifications so that the rates of reduction fixed by the Commission correspond to the actual position; whereas the Commission should also be able to adapt, if necessary, the rates initially adopted in the light of the corrections sent by the Member States; whereas, however, in the interests of legal certainty, the application of this correction mechanism should be subject to time restrictions;

Whereas it is an essential part of the scheme that the areas not included in the notifications to the Commission cannot qualify for compensatory payments;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 355, 5. 12. 1992, p. 1.

⁽³⁾ OJ No L 335, 24. 12. 1996, p. 1.

⁽⁴⁾ OJ No L 391, 31. 12. 1992, p. 36.

⁽⁵⁾ OJ No L 197, 22. 8. 1995, p. 2.

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HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the detailed rules for implementing the compensatory payments provided for in Article 6 of Regulation (EC) No 3072/95, without prejudice to the provisions laid down as part of the integrated administration and control system provided for by Regulations (EEC) No 3508/92 and (EEC) No 3887/92.

*Article 2***▼M2**

Any given cultivated parcel shall not be the subject of more than one application for compensatory payment pursuant to Regulation (EC) No 3072/95, and shall not be the subject of any other aid application, with the exception, however, of seed production aid pursuant to Council Regulation (EC) No 2358/71 (1).

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In French Guiana, the compensatory payment shall be awarded on the basis of the average area sown in each of the two sowing cycles.

Article 3

The compensatory payment shall be awarded for areas:

- which have been entirely utilized, on which all normal cultivation work has been performed and on which the rice has flowered,
- which have been the subject of an application in respect of at least 0,3 ha, where each cultivated parcel exceeds the minimum size set by the Member State.

▼M2*Article 4*

1. To qualify for the payment, the area must be sown by 31 May preceding the harvest in question at the latest, except in Spain and Portugal where the final date shall be 30 June.

In French Guiana, the areas must be sown for each of the two sowing cycles, no later than 31 December and 30 June preceding the harvests in question. France shall undertake a thorough check of the areas sown in the December cycle.

2. The dates referred to in paragraph 1 shall be deemed the final dates for presenting applications for the 1998/99 marketing year, for the application of Article 6(2) and (4) of Regulation (EEC) No 3508/92 and Article 4(2)(a) of Regulation (EC) No 3887/92.

▼B*Article 5*

In addition to the requirements laid down in Article 4 (1) and (2) of Regulation (EEC) No 3887/92, the application for compensatory payment shall specify the variety sown.

▼M2*Article 6*

1. To establish whether the base area referred to in Article 6(5) of Regulation (EC) No 3072/95 has been exceeded, the competent authority in the Member State shall take into account the base area laid down in Article 6(4) of the aforementioned Regulation and the total of the areas for which aid applications have been submitted for the base area in question.

(1) OJ L 246, 5.11.1971, p. 1.

▼ M2

2. In establishing the total area for which aid applications have been submitted, account shall not be taken of applications or parts of applications that an administrative check has shown to be clearly unjustified.

Where appropriate, the area actually determined in the course of on-the-spot checks pursuant to Article 6 of Regulation (EEC) No 3887/92 shall be counted.

3. If an overrun is observed, the Member States shall establish by 30 September at the latest the percentage overrun, calculated to two decimal places. However, it shall notify the Commission beforehand of the overrun.

Where an overrun can be foreseen, the Member State shall inform the producers forthwith.

The rate of overrun shall be used for calculating the reduction in the compensatory payment, in accordance with the first indent of Article 6(5) of Regulation (EC) No 3072/95.

4. The rate of overrun referred to in paragraph 3 can, however, be corrected by the Member States after 30 December but no later than 15 January of the following year. In such cases, they shall inform the Commission forthwith, and justify the correction.

The Member States concerned shall implement the amended rates of reduction, as appropriate, by paying the producers in question or recovering from them the difference between the initial compensatory payment and the payment resulting from the application of the amended rate of reduction. Recovery shall be effected in accordance with Article 14 of Regulation (EEC) No 3887/92.

If an additional compensatory payment falls due as a result of a corrected notification from a Member State, it must be paid before the following 1 April.

5. The Member States shall send the Commission:

- before 1 October following the start of each marketing year, the data listed in the table in the Annex hereto,
- before the following 15 March or, where a correction has been made, 15 May, the areas for which a compensatory payment has been paid.

▼ B*Article 7*

The Member States shall notify the Commission before 1 May 1997 of the measures taken to apply this Regulation.

Article 8

This Regulation shall enter into force on the third 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.

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ANNEX

TABLE OF DATA

Member State: Year:

| Production area | Variety | Number of applications | Hectares | Total hectares |
|-----------------|---------|------------------------|----------|----------------|
| 1. | | | | |
| | | | | |
| | | | | |
| 2. | | | | |
| | | | | |
| | | | | |
| 3. | | | | |
| | | | | |
| | | | | |
| Total | | | | |