COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 357 final

Brussels, 23 July 1992

Proposal for a

COUNCIL REGULATION (EEC)

on urgent action for the supply of agricultural products to the victims of the conflict in former Yugoslavia

Proposal for a

COUNCIL REGULATION (EEC)

on urgent action for the supply of foodstuffs to the victims of the conflict in the former Yugoslavia

(presented by the Commission)

Explanatory Memorandum

At its meeting of 26 and 27 June, the European Council expressed grave concern at the increasingly intolerable plight of hundreds of thousands of displaced persons in what was Yugoslavia. Although other bodies, most notably the UNHCR, have already launched operations, the European Council saw a need for substantial additional financial aid and asked the Commission to coordinate measures with the G-24 countries.

On 2 July the Commission responded by granting ECU 47.5 million in emergency aid,[1] comprising ECU 10 million from heading B7-5000 of the 1992 budget and ECU 37.5 million under Operation PHARE, and proposed to the Council that a further ECU 72.5 million be provided from the EAGGF. The Community would therefore be providing ECU 120 million in emergency aid. The Commission has asked the G-24 countries to commit an equivalent amount; this combined effort should cover certain needs for three months.

In the light of the above and the pressing need for food aid, the Commission is presenting this proposal for a Regulation to the Council for adoption forthwith.

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1 This aid is in addition to ECU 49 million already granted under item B7-5000 and PHARE.

3

[redacted]

COUNCIL REGULATION (EEC) No

of

on urgent action for the supply of agricultural products to the victims of the conflict in former Yugoslavia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals,[1] and in particular Article 7(5) and (8) thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products,[2] and in particular Articles 6(6) and 7(4) thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal,[3] and in particular Articles 6(5) and 7(2) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables,[4] and in particular Article 35 thereof,

Having regard to Council Regulation (EEC) No. 1418/76 of 21 June 1976 on the common organization of the market in rice (5), and in particular Article 5 thereof.

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1 OJ No L 281, 1.11.1975, p.1. Regulation as last amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17.12.1990, p. 23).

2 OJ No L 148, 28.6.1968, p. 13. Regulation as last amended by Regulation (EEC) No 1630/91 (OJ No L 150, 15.6.1991, p. 19).

3 OJ No L 148, 29.6.1968, p. 24. Regulation as last amended by Regulation (EEC) No 1628/91 (OJ No L 150, 15.6.1991, p. 16).

4 OJ No L 118, 20.5.1972, p. 1. Regulation as last amended by Regulation (EEC) No 1623/91 (OJ No L 150, 15.6.1991, p. 8.

5 OJ No L 166, 25.6.1976, p. 1. Regulation as last amended by Regulation (EEC) No 674/92 (JO L 73 of 19.3.1992, P.7)

4

[redacted]

[redacted]

Having regard to the proposal from the Commission,

Whereas the market for certain agricultural products may feature production situations which make it possible to dispose of such products on special terms;

Whereas in application of the European Council's conclusions of 26 and 27 June 1992 regarding the supply of substantial additional aid to victims of the conflict in former Yugoslavia, provision should be made for making agricultural products available in order to improve conditions of supply to these people; whereas, in the case of some of these products, the measures could be adopted by the Commission, pursuant to the rules in force;

Whereas it is for the Commission to lay down the detailed rules for the application of this measure,

HAS ADOPTED THIS REGULATION:

Article 1

An emergency measure is hereby adopted, under the conditions laid down in this Regulation, for free supply to the victims of the conflict in former Yugoslavia of certain foodstuffs to be determined, available as a result of intervention measures.

The expense of this measure shall be limited to ECU 35 million entered in the general budget of the European Communities.

[redacted] [redacted]

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Article 2

1. The products may be supplied unprocessed or in processed form.

2. This measure may also relate to foodstuffs obtained through a commercial exchange of products from intervention storage against foodstuffs belonging to the same group of products.

3. The supply costs, including transport and, where applicable, processing, shall be determined by invitation to tender or, on account of the urgency of the situation, by direct agreement procedure.

4. The costs shall be reimbursed to the operators concerned in respect of the supply of products for which proof is provided that the products have reached the delivery stage laid down.

5. Distribution costs shall be covered according to the usual emergency aid procedures.

6. Products consigned pursuant to this Regulation shall not qualify for export refunds and shall not be subject to the arrangements concerning monetary compensatory amounts.

Article 3

1. The Commission shall be responsible for the execution of the action.
2. The detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or, as the case may be, in the corresponding Articles in Regulations (EEC) No 804/68, (EEC) No 805/68 and (EEC) No 1035/72 and 1418/76.

Article 4

The Commission shall be responsible for supervising the delivery operations.

[redacted] [redacted]

6

Article 5

This Regulation shall enter into force on the day of 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,

[redacted] 7

COUNCIL REGULATION (EEC) No.....

of

on urgent action for the supply of foodstuffs to the victims of the conflict in the former Yugoslavia.

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 235 thereof ;

Having regard to the proposal of the Commission ;

Having regard to the opinion of the European Parliament,

Whereas foodstuffs should be made available to the victims of the conflict in the former Yugoslavia in order to improve the food supply, taking account of the diversity of local situations, without jeopardizing progress towards a system of supply based on market rules ;
Whereas the Community has agricultural products in storage as a result of intervention measures and, in view of the situation on the market, priority should be given in carrying at this action, to disposing of these products ;

Whereas, furthermore, provision should be made for mobilizing agricultural products on the Community market in response to specific requests ;
whereas regularization of the agricultural markets may also be achieved by supplying such products in processed form ;

Whereas the action proposed is essentially humanitarian in its aim and should therefore be based also upon Article 235 of the Treaty ;
Whereas the cost of food aid operations carried out in favour of the victims of the conflict in the former Yugoslavia since 16 October 1991 should be, finally, charged to the appropriations of the EAGGF guarantee ;

Whereas it is necessary to verify that the agricultural products supplied under this present measure are used as intended ;

Whereas, it is for the Commission to lay down detailed rules for the implementation of this measure.

HAS ADOPTED THIS REGULATION:

Article 1

An emergency measure is hereby adopted under the conditions laid down in this regulation, for the free supply to the victims of the conflict in the former Yugoslavia of certain foodstuffs to be determined, available as a result of intervention measures.

In the case of specific request for products not available from intervention, the products may be mobilised on the Community market.
Forming part of this urgent action will be the foodstuffs purchased on the Community market by the partners of the Commission as emergency aid since 16 October 1991.
Expenditure on the present action will be limited to ECU 72.5 million entered in the general budget of the European Communities, taking account of the amount of ECU.35.million provided by Regulation (EEC) No. ..../92 concerning an urgent action for the supply of agricultural products intended for the victims of the conflict in the former Yugoslavia.

Article 2

1. The products may be supplied unprocessed or in processed form.

2. This measure may also relate to foodstuffs obtained through a commercial exchange of products from intervention storage against foodstuffs belonging to the same group of products.

3. The supply costs, including transport and, where applicable, processing, shall be determined by invitation to tender or, on account of the urgency of the situation, by direct agreement procedure.

4. The costs shall be reimbursed to the operators concerned in respect of the supply of products for which proof is provided that the products have reached the delivery stage laid down.

5. The costs of distribution shall be taken in charge in accordance with the usual procedures for emergency aid.

6. The products consigned pursuant to this regulation shall not qualify for export refunds and shall not be subject to the arrangements concerning monetary compensatory amounts.

Article 3

1. The Commission shall be responsible for the execution of the action.

2. The detailed rules for the application of this regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) no. 2727/75 or, as the case may be, in the corresponding articles of other regulations on common organisation of the market.

Article 4

The Commission shall be responsible for verifying the delivery operations in accordance with the normal procedures for emergency aid.

Article 5

The present regulation shall enter into force on the day of 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
The President

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FINANCIAL STATEMENT

Date :

1. BUDGET HEADING : B1-189 APPROBIATIONS : 220 Mio ECU

2. TITLE : Proposed regulations concerning an emergency food aid to victims of the conflict in ex-Yugoslavia : a) for the supply of foodstuff
b) for the supply of agricultural products

3. LEGAL BASIS : Decision of the Council on emergency food aid

4. AIMS OF PROJECT : Relief for the population victim of the continuing conflict

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS (Mio ECU)	CURRENT FINANCIAL YEAR (92) Mio ECU	FOLLOWING FINANCIAL YEAR (93) Mio ECU
5.0 EXPENDITURE			
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)	72,5	72,5	
- NATIONAL ADMINISTRATION			
- OTHER			
5.1 RECEIPTS			
- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)			
- NATIONAL			

	1994	1995	1996	1997
5.0.1 ESTIMATED EXPENDITURE	-	-	-	-
5.1.1 ESTIMATED RECEIPTS				

5.2 METHOD OF CALCULATION

a) for the supply of foodstuff : 37,5 Mio ECU
b) for the supply of agricultural products : 35 Mio ECU

6.0 CAN THE PROJECT BE FINANCED FROM APPROBIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ? (1) XYES XNO X

6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET ? (1à XYES XNO X

6.2 IS A SUPPLEMENTARY BUDGET BE NECESSARY ? XYES XNO X

6.3 WILL FUTURE BUDGET APPROBIATIONS BE NECESSARY ? XYES XNO

OBSERVATIONS :

(1) The appropriations of 72,5 Mio Ecu will be included withing the rectifying and supplementary budget n° 3/92 submittet by the Commission to the budgetary authority.

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DOCUMENTS

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