II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 September 1973

laying down safeguard measures applicable to cereal products of Italian origin exported outside the Community

(73/292/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC (1) of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1346/73 (2), and in particular Article 20 (2) thereof;

Whereas the Italian government requested the Commission on 20 September 1973 to introduce safeguard measures in respect of common wheat flour, groats and meal of Italian origin exported outside the Community;

Whereas the Commission has already adopted a number of measures designed to prevent the exportation of excessive quantities of common wheat outside the Community; whereas one such measure was the introduction as from 15 August of this year, by Commission Regulation (EEC) No 2219/73 (3) of 14 August 1973 fixing the export levies on cereals, of an export levy for this product; whereas this levy, the amount of which has been altered a number of times since then, is still in force, whereas the purpose of this levy is to ensure that supplies of common wheat on the Community market are not jeopardized and that adequate availabilities of products, including flour, groats and meal, processed from common wheat are guaranteed;

Whereas however world market prices for these processed products are continuing to rise; whereas the same is true of prices on Community markets; whereas the increase is particularly marked on the Italian market where prices for the basic product are now 40 % above the level of the intervention price and have been since the beginning of the marketing year;

Whereas the Community harvest of common wheat can be regarded as satisfactory; whereas when this was first established it seemed reasonable to assume that, when the new harvest was put on market, prices for the basic product and processed products alike would respond favourably;

Whereas this assumption proved to be mistaken in the event since prices are on the contrary tending to remain very high, particularly in Italy; whereas producers in that Member State are tending to hold on to their produce; whereas this is not surprising in view of the uncertainty which dominates the economic and monetary situation in that country and has prompted the Italian government to take a number of anti-inflation measures including the freezing of consumer prices for food; whereas common wheat already imported into Italy from other Member States and third countries has failed to improve the situation;

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 141, 28. 5. 1973, p. 8.
(3) OJ No L 227, 15. 8. 1973, p. 19.

Whereas information now to hand on the future trend of world prices suggests that prices for common wheat and for common wheat flour, groats and meal are likely to increase further or at least remain at a very high level for a very long time;

Whereas this prospect could incite Italian traders to export these products outside the Community, a development which could seriously jeopardize supplies of these products (chiefly used for the manufacture of basic foodstuffs such as bread) on the Italian market; whereas in the case of Italy, it is not enough to fix an export levy for these products since exportation could still take place; whereas it is therefore necessary to adopt with immediate effect special measures to deal with the situation; whereas these measures should be adopted within the framework of Council Regulation (EEC) No 2591/69 (1) of 18 December 1969 defining the conditions for applying safeguard measures in the cereals sector; whereas market conditions at the present time are such that only a complete ban on the issue of export licences can help to improve the situation; whereas the scope of this measure should, for the reasons outlined above, be limited to exports outside the Community of common wheat flour, groats and meal of Italian origin and whereas there is no need at present to extend the measure to the basic product since Italy is not a traditional exporter of unprocessed common wheat;

Whereas the Community's food aid commitments mean that exports effected for that purpose must be excluded from the safeguard measures;

Whereas, by its Decision of 29 August 1973 (2), the Commission laid down safeguard measures applicable to durum wheat flour, groats and meal exported from Italy; whereas technical difficulties have arisen in applying that Decision; whereas these products should therefore be made subject to the same rules as the products covered by the present request from the Italian government; whereas, in the interests of clarity, these measures should be consolidated in a single instrument;

HAS ADOPTED THIS DECISION:

Article 1

1. Export licences for flour of common wheat or meslin and for groats and meal of durum wheat and common wheat falling within subheadings 11.01 A, 11.02 A I a) and 11.02 A I b) respectively of the Common Customs Tariff shall not be valid for products of Italian origin. This provision shall apply to licences applied for within the meaning of Article 6 of Regulation (EEC) No 1373/70 (3), as last amended by Regulation (EEC) No 1796/73 (4), after 20 September 1973.

2. For the purpose of applying paragraph 1, section 12 of licences issued in response to the applications referred to in that paragraph shall contain one of the following endorsements:

'not valid for products of Italian origin'

'non applicable aux produits originaires d'Italie'

'nicht anwendbar auf Erzeugnisse mit Ursprung in Italien'

'non applicabile ai prodotti d'origine italiana'

'niet van toepassing op produkten van oorsprong uit Italië'

'gælder ikke for varer med oprindelse i Italien.'

3. For the purpose of applying paragraph 1, products dispatched from Italy to another Member State shall be subject to the provisions of Regulation (EEC) No 1279/71 (5) as amended by Regulation (EEC) No 2766/71 (6).

Article 2

The provisions of Article 1 shall not apply to products mobilized for food aid purposes in application of Article 22a of Regulation No 120/67/EEC.

Article 3

The Commission Decision of 23 August 1973 laying down safeguard measures applicable to durum wheat flour, groats and meal exported from Italy is hereby repealed.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 20 September 1973.

For the Commission

The President

François-Xavier ORTOLI

(1) OJ No L 324, 27. 12. 1969, p. 1.
(2) OJ No L 243, 31. 8. 1973, p. 44.
(3) OJ No L 158, 20. 7. 1970, p. 1.
(4) OJ No L 183, 5. 7. 1973, p. 1.
(5) OJ No L 133, 19. 6. 1971, p. 32.
(6) OJ No L 283, 24. 12. 1971, p. 33.