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REGULATION No 176/67/EEC OF THE COUNCIL

of 27 June 1967

laying down general rules for granting export refunds on poultrymeat and criteria for fixing the amount of such refunds

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 123/67/EEC[1] of 13 June 1967 on the common organisation of the market in poultrymeat, and in particular the fourth subparagraph of Article 9 (2) thereof;

Having regard to the proposal from the Commission;

Whereas export refunds on products subject to the common organisation of the market in poultrymeat must be fixed in accordance with certain criteria which would make it possible to cover the difference between prices for those products within the Community and on the world market; whereas to this end the supply situation and prices for those products within the Community and the price situation on the world market must be taken into account;

Whereas the difference between prices within the Community and prices on the world market for the quantity of feed grain required for the production of one kilogramme of slaughtered poultry and for the production of one chick must also be taken into account; whereas for the products listed in Article 1 (1) (d) of Regulation No 123/67/EEC the coefficients referred to in Article 5 (3) of that Regulation should be taken into account;

Whereas if price trends are to be noted prices must be determined in accordance with general principles; whereas to this end prices on third country markets and in countries of destination, producer prices recorded in third countries and free-at-Community-frontier prices should be taken into account when prices on the world market are being determined; whereas, in the absence of representative markets for poultrymeat products, prices ruling at the various marketing stages and on exportation should be used as a basis in determining Community prices;

Whereas provision must be made for varying the amount of the refund according to the destination of the products, since markets in the countries of destination are at varying distances from Community markets and special conditions apply to imports in certain countries of destination;

Whereas to ensure Community exporters some stability in the amount of the refund and certainty with regard to the list of products eligible for a refund, it should be possible for the list and the amounts to remain valid for a relatively long period;

Whereas to avoid distortions of competition between individual Community traders, the administrative conditions under which they operate must be identical throughout the Community; whereas there does not appear to be any justification for granting a refund where the products in question are imported from third countries and re-exported to third countries; whereas the reimbursement, under certain conditions, of the levy collected on importation is sufficient to allow these products to be placed on the world market again;

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules for fixing and granting export refunds on the products listed in Article 1 (1) of Regulation No 123/67/EEC.

Article 2

The following shall be taken into account when refunds are being fixed:

(a) the existing situation and the future trend with regard to:

— prices and availabilities of poultrymeat products on the Community market;

— prices for poultrymeat products on the world market;

[1] OJ No 117, 19.6.1967, p. 2301/67.

(b) the need to avoid disturbances which might lead to a prolonged imbalance between supply and demand on the Community market; and

(c) the economic aspect of the proposed exports.

When the refund on the products listed in Article 1 (1) of Regulation No 123/67/EEC is being calculated, account shall also be taken of the difference between prices within the Community and prices on the world market for the quantity of feed grain determined in accordance with the provisions of Article 4 (1) of that Regulation, the coefficients referred to in Article 5 (3) of that Regulation also being taken into account in the case of derived products.

Article 3

1. The following shall be taken into account when the price on the Community market is being determined:

(a) prices ruling at the various marketing stages in the Community;

(b) prices ruling on exportation.

2. The following shall be taken into account when the price on the world market is being determined:

(a) prices ruling on third country markets;

(b) the most favourable import prices in third countries of destination for third country imports;

(c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and

(d) free-at-Community-frontier offer prices.

Article 4

Where the world market situation or the specific requirements of certain markets make this necessary, the refund for the Community may be varied according to the destination of the products listed in Article 1 (1) of Regulation No 123/67/EEC.

Article 5

The list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every three months.

Article 6

1. The refund shall be paid upon proof:

— that the products have been exported from the Community, and

— that the products are of Community origin, except where Article 7 applies.

2. Where Article 4 applies, the refund shall be paid under the conditions laid down in paragraph 1, provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3, provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 17 of Regulation No 123/67/EEC.

Article 7

No export refund shall be granted on products listed in Article 1 (1) of Regulation No 123/67/EEC which are imported from third countries and re-exported to third countries, unless the exporter proves:

— that the product to be exported and the product previously imported are one and the same, and

— that the levy was collected on importation.

In such cases the refund on each product shall be equal to the levy collected on importation where this levy is lower than the refund applicable on the day of exportation; the refund shall be equal to the refund applicable on the day of exportation where the levy collected on importation is higher than this refund.

Article 8

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1967.

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

Done at Brussels, 27 June 1967.

For the Council

The President

Ch. HEGER