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REGULATION (EEC) No 968/68 OF THE COUNCIL

of 15 July 1968

on the system to be applied to cereal-based compound feeding-stuffs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC[1] on the common organisation of the market in cereals, and in particular Article 14 (3) and Article 16 (5) thereof;

Having regard to the proposal from the Commission;

Whereas the forage preparations covered by heading No 23.07 of the Common Customs Tariff fall within the scope either of Regulation No 120/67/EEC or of Council Regulation (EEC) No 804/68[2] of 27 June 1968 on the common organisation of the market in milk and milk products, depending on their composition; whereas for products governed by the first of these Regulations the levy to be charged consists of a fixed component and a variable component which may be calculated by taking account also of ingredients of forage preparations containing products not governed by Regulation No 120/67/EEC, by Council Regulation No 359/67/EEC[3] of 25 July 1967 on the common organisation of the market in rice or by Regulation (EEC) No 804/68;

Whereas the variable component of the levy must be fixed on the basis of the most generally used ingredients of feeding-stuffs, namely cereals and milk products; whereas it follows that this variable component should consist of two standard amounts, one representing each of these categories of products; whereas the calculation of the standard amount representing milk products should take account of the levies fixed in accordance with the provisions laid down in Regulation (EEC) No 804/68 and in the Regulations adopted in application thereof;

Whereas maize and skimmed milk powder (spray process) are among the raw materials most commonly used in the manufacture of compound feeding-stuffs; whereas, consequently, the levies applicable to them should be used in calculating the standard amounts comprising the variable component;

Whereas the fixed component of the levy should be so calculated as to ensure protection of the processing industry; whereas that component should be calculated on the basis of the most representative processing costs;

Whereas the provisions of Article 16 of Regulation No 120/67/EEC provide for the granting of an export refund on products listed in Annex A to that Regulation; whereas this refund is intended in particular to offset the difference between the prices for basic products within the Community and on the world market; whereas general rules for the granting of this refund should be laid down;

Whereas the refund should as a general rule be that which is applicable on the day when the transaction is effected; whereas, however, in view of the requirements of the international market in compound feeding-stuffs provision should be made for fixing the refund in advance;

Whereas Article 23 (4) of Regulation No 120/67/EEC provides, in trade in compound feeding-stuffs for which the levy is calculated on the basis of maize, for the introduction of a system aimed at lowering prices for the products imported into Italy, on condition that such products may not enter other Member States without payment of a charge which offsets the price reduction; whereas in order to avoid disturbances on the market in compound feeding-stuffs this system must be effectively applied to them if Italy has recourse to it for the basic product;

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levies and export refunds for products falling within subheading No 23.07 B of the Common Customs Tariff and mentioned in Annex A to Regulation No 120/67/EEC (hereinafter called

[1] OJ No 117, 19.6.1967, p. 2269/67.
[2] OJ No L 148, 28.6.1968, p. 13.
[3] OJ No 174, 31.7.1967, p. 1.

'cereal-based compound feeding-stuffs' shall be fixed per 100 kilogrammes in accordance with the provisions of this Regulation.

2. The cereal-based compound feeding-stuffs shall be as shown in the sub-headings of the Common Customs Tariff listed in Annex I.

TITLE I

Levies

Article 2

The levy applicable to cereal-based compound feeding-stuffs listed in Annex I shall be composed of a variable component and a fixed component.

Article 3

For the calculation of the variable component, the cereal-based compound feeding-stuffs shall be classified in Annex II as follows:

— in Table A according to their starch content;

— in Table B according to their milk products content.

Article 4

1. The variable component shall be equal to the sum of the two following amounts:

(a) a first amount equal to the average of the levies for 100 kilogrammes of maize, adjusted by the coefficient corresponding to the cereal-based compound feeding-stuff in question, as set out in column 3 of Table A of Annex II;

(b) a second amount equal to the average of the levies applicable to 100 kilogrammes of the pilot product of Group 2, defined in Annex I to Council Regulation (EEC) No 823/68[1] of 28 June 1968 determining the grouping of products and the special provisions for the calculation of levies on milk and milk products (hereinafter called 'milk powder'), adjusted by the coefficient corresponding to the cereal-based compound feeding-stuff in question, as set out in column 3 of Table B of Annex II.

2. The averages for maize and milk powder mentioned in paragraph 1 shall be calculated for the first twenty-five days of the month preceding the month of importation. Each average shall be adjusted where necessary on the basis of the threshold price ruling in the month of importation.

Article 5

If a cereal-based compound feeding-stuff contains substantial quantities of products which are not covered by Regulations Nos 120/67/EEC, 359/67/EEC or (EEC) 804/68, the conditions under which the variable component may be increased by the amount specified in Article 14 (1) A (b) of Regulation No 120/67/EEC shall be adopted in accordance with the procedure laid down in Article 26 of that Regulation.

Article 6

The fixed component shall be 0·90 units of account.

TITLE II

Refunds

Article 7

1. The export refund shall be fixed taking into account only certain products used in the manufacture of compound feeding-stuffs for which an export refund may be fixed.

2. Where the world market situation or the special requirements of certain markets make it necessary, the refund may be varied according to destination.

3. The refund shall be paid when proof has been furnished that the products in question have been exported outside the Community.

Where paragraph 2 applies, the refund shall be paid in accordance with the preceding subparagraph and on condition that proof is furnished that the product has reached the destination for which the refund was fixed.

Derogations from this rule may nevertheless be made, in accordance with the procedure referred to in paragraph 5, provided conditions are laid down which offer equivalent guarantees.

4. Refunds shall be fixed once monthly.

5. Additional provisions may be adopted in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC.

Article 8

1. The refund shall be fixed in advance, at the request of the party concerned at the time when the application for an export licence is submitted, for a transaction to be completed during the period of validity of the licence.

[1] OJ No L 151, 30.6.1968, p. 3.

2. The amount of the refund shall be that which is applicable on the day on which the application for a licence is submitted, adjusted where necessary on the basis of the threshold prices for maize and for milk powder ruling in the month of exportation. A corrective amount shall be fixed for the latter product in order to take account of the amount of aid granted in the month of exportation for milk powder intended for feeding-stuffs.

3. The adjustment mentioned in paragraph 2 shall be effected in accordance with the detailed rules adopted under Article 16 (6) of Regulation No 120/67/EEC.

TITLE III

General provisions

Article 9

1. If Italy has recourse to Article 23 (2) of Regulation No 120/67/EEC:

— it shall levy a charge on exports to other Member States of cereal-based compound feeding-stuffs;

— and grant a subsidy on deliveries of such products from other Member States.

2. The above-mentioned charge and subsidy shall be determined in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC.

Article 10

The milk products content of cereal-based feeding-stuffs shall be determined for the calculation of the levy by applying the coefficient 2 to the lactose content of 100 kilogrammes of the product in question. It may be determined by the same method for the calculation of the refund.

Article 11

Where the starch or lactose content has to be determined in application of this Regulation, analytical methods shall be established, for starch in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC, and for lactose in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 12

For the calculation of the amount mentioned in paragraph 1 (b) of Article 4 to be included in the levy applicable until 31 August 1968, the levy for milk powder used shall be that which is applicable on 29 July 1968.

Article 13

Council Regulation No 194/67/EEC[1] of 27 June 1967 on the system to be applied to cereal-based compound feeding-stuffs is hereby repealed.

Article 14

This Regulation shall enter into force on 29 July 1968.

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

Done at Brussels, 15 July 1968.

For the Council

The President

G. SEDATI

[1] OJ No 133, 29.6.1967, p. 2813/67.

ANNEX I

CCT heading No	Description of goods
23.07	Sweetened forage; other preparations of a kind used in animal feeding; ex B. Other, containing (separately or together and whether or not mixed with other products) starch, glucose or glucose syrup falling within sub-headings Nos 17.02 B and 17.05 B and milk products falling within headings or sub-headings Nos 04.01, 04.02, 04.03, 04.04, 17.02 A, 17.05 A I. Containing starch, glucose or glucose syrup with a content by weight of starch of: (a) 10% or less: 1. Containing no milk products or containing less than 10% by weight of such products 2. Containing 10% or more but less than 50% by weight of milk products 3. ..... 4. ..... (b) More than 10% but not more than 30%: 1. Containing no milk products or containing less than 10% by weight of such products 2. Containing 10% or more but less than 50% by weight of milk products 3. ..... (c) More than 30%: 1. Containing no milk products or containing less than 10% by weight of such products 2. Containing 10% or more but less than 50% by weight of milk products 3. ..... II. .....

ANNEX II

TABLE A

Heading No used in Annex I	Starch content	Coefficient
1	2	3
23.07 B I (a) 1 23.07 B I (a) 2	10% or less	0·16
23.07 B I (b) 1 23.07 B I (b) 2	More than 10% but not more than 30%	0·50
23.07 B I (c) 1 23.07 B I (c) 2	More than 30%	1·00

TABLE B

Heading No used in Annex I	Milk products content	Coefficient
1	2	3
23.07 B I (a) 1 23.07 B I (b) 1 23.07 B I (c) 1	Less than 10%	0·00
23.07 B I (a) 2 23.07 B I (b) 2 23.07 B I (c) 2	10% or more but less than 50%	0·50