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REGULATION (EEC) No 969/68 OF THE COUNCIL

of 15 July 1968

amending Regulation No 120/67/EEC on the common organisation of the market in cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[1];

Whereas Article 16 (4) of Regulation No 120/67/EEC[2] provides that the refund fixed in advance should be adjusted by a corrective amount the object of which, as for the premium relating to the levy fixed in advance, is to take account of conditions on future markets; whereas it follows that the corrective amount should be fixed at the same time and in the same way as the premium; whereas in accordance with Article 15 (5) of Regulation No 120/67/EEC the scale of premiums is fixed by the Commission; whereas the same factors are used to calculate the corrective amount; whereas, therefore, the corrective amount should also be fixed by the Commission; whereas, however, given the effect of the corrective amount on the amount of the refund, provision should be made for fixing the corrective amount at the same time and in accordance with the same procedure as the refund;

Whereas for the export of cereals a system of advance fixing of the refund has been introduced; whereas provision was made for this system to apply to products processed from cereals listed in Article 1 (c) and (d) of Regulation No 120/67/EEC; whereas this provision should be extended to exporters of products which are listed in Article 1 of that Regulation and which take the form of goods listed in Annex B to that Regulation and not covered by Annex II to the Treaty;

Whereas Annex B to Regulation No 120/67/EEC includes under heading No ex 21.05 of the Common Customs Tariff only prepared dehydrated soups and broths; whereas, consequently, exports of soups and broths in liquid form do not qualify for the refund, although such exclusion is not justified on economic grounds;

Whereas in Article 4 (1) (b) of Council Regulation (EEC) No 643/68[3] of 29 May 1968 amending Regulation No 120/67/EEC on the common organisation of the market in cereals, in particular as regards the special measures laid down for Italy, an error occurred in the drafting of that text with regard to the production refund for potato starch; whereas the text should therefore be corrected;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for the last sentence of the first subparagraph of Article 16 (4) of Regulation No 120/67/EEC:

'In that case a corrective amount, fixed by the Commission at the same time as the premium provided for by Article 15 (2), shall be applied to the refund.

However, on the periodic fixing of the refund, the corrective amount shall be fixed at the same time as the refund and in accordance with the same procedure.'

Article 2

The following shall be substituted for the second subparagraph of Article 16 (4) of Regulation No 120/67/EEC:

'The provisions of the preceding subparagraph may be applied, in whole or in part, to any of the products listed in Article 1 (c) and (d) and to Article 1 products exported in the form of goods listed in Annex B.'

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[1] OJ No C 66, 2.7.1968, p. 40.
[2] OJ No 117, 19.6.1967, p. 2269/67.
[3] OJ No L 122, 30.5.1968, p. 1.

Article 3

In Annex B to Regulation No 120/67/EEC, in heading No ex 21.05 of the Common Customs Tariff, the words 'in liquid, solid or powder form' shall be substituted for the word 'dehydrated' in the column 'Description of goods'.

Article 4

In Article 11 (1) (b) of Regulation No 120/67/EEC as amended by Regulation (EEC) No 643/68 the words 'used in the Community' shall be deleted.

Article 5

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.

Done at Brussels, 15 July 1968.

For the Council

The President

G. SEDATI