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REGULATION (EEC) No 1391/71 OF THE COMMISSION

of 30 June 1971

amending Regulation (EEC) No 2637/70 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products

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 organisation of the market in cereals, as last amended by Regulation (EEC) No 2434/70,[2] and in particular Article 16 (6) thereof;

Having regard to Council Regulation No 122/67/EEC[3] of 13 June 1967 on the common organisation of the market in eggs, as last amended by Regulation (EEC) No 436/70,[4] and in particular Article 9 (3) thereof;

Having regard to Council Regulation No 359/67/EEC[5] of 25 July 1967 on the common organisation of the market in rice, as last amended by Regulation (EEC) No 1056/71,[6] and in particular Article 17 (6) thereof;

Having regard to Council Regulation No 1009/67/EEC[7] of 18 December 1967 on the common organisation of the market in sugar, as last amended by Regulation (EEC) No 1060/71,[8] and in particular Article 17 (4) thereof;

Having regard to Council Regulation (EEC) No 804/68[9] of 27 June 1968 on the common organisation of the market in milk and milk products, as last amended by Regulation (EEC) No 1253/70, and in particular Article 17 (4) thereof;

Whereas, for milk and milk products, Regulation (EEC) No 2637/70[10] of 23 December 1970 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as last amended by Regulation (EEC) No 952/71,[11] laid down special detailed rules for the application of the system of export licences to invitations to tender in respect of milk products opened by armed forces stationed in the territory of a Member State but not coming under its flag; whereas similar provisions with regard to advance fixing certificates should be made to apply to basic products to be delivered under the tendering procedure to such armed forces in the form of certain goods not covered by Annex II to the Treaty;

Whereas the Dutch text of Article 36 and the German text of Articles 55 and 56 of Regulation (EEC) No 2637/70 contain errors which should be rectified;

Whereas the provisions laid down in this Regulation are in accordance with the Opinions of the Management Committees for Cereals, for Poultrymeat and Eggs, for Sugar and for Milk and Milk Products:

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph shall be added to Article 54 of Regulation (EEC) No 2637/70:

'(c) Where the provisions of Article 55a are applied, in section 12, in addition to the information given under (a), the net weight of the goods, for which tenders are invited corresponding to the target quantity of the basic product entered in section 10.'

[1] OJ No 117, 19.6.1967, p. 2269/67.
[2] OJ No L 262, 3.12.1970, p. 1.
[3] OJ No 117, 19.6.1967, p. 2293/67.
[4] OJ No L 55, 10.3.1970, p. 1.
[5] OJ No 174, 31.7.1967, p. 1.
[6] OJ No L 115, 27.5.1971, p. 12.
[7] OJ No 308, 18.12.1967, p. 1.
[8] OJ No L 115, 27.5.1971, p. 16.
[9] OJ No L 148, 28.6.1968, p. 13.
[10] OJ No L 283, 29.12.1970, p. 15.
[11] OJ No L 103, 8.5.1971, p. 11.

Article 2

The following Article 55a shall be added to Regulation (EEC) No 2637/70:

'1. Where the conditions of an invitation to tender opened by armed forces stationed in the territory of a Member State but not coming under its flag, fix only approximately the quantity of goods to be supplied, since the quantity that will in fact be supplied can be determined only at the end of the delivery period provided for in the invitation to tender, the certificate relating to the basic product exported in the form of such goods shall be issued for the quantity corresponding to the quantity of such goods approximately fixed under the terms of the invitation to tender and called the target quantity. In that case one of the following endorsements shall be made in Section 12 of the application for the certificate and of the certificate itself:

— "quantité indicative"

— "Richtmenge"

— "quantità indicativa"

— "geschatte hoeveelheid"

— (target quantity)

The certificate shall be used only up to that quantity.

The obligation to export is fulfilled when the quantity of the basic product, corresponding to the quantity of goods (called the definitive quantity) fixed for supply by the agency inviting tenders, has been exported. The parties concerned shall submit the relevant evidence to the authority issuing the certificate.

2. Section 13 of the application for the certificate and of the certificate itself shall state the destination. The certificate shall make it obligatory to export to that destination.

3. In cases where the quantity for export proves greater than the target quantity, one or more supplementary certificates shall, at the request of the party concerned, be issued by the authority which issued the original certificate.

The supplementary certificate shall contain the same details as the original certificate except with regard to the quantity and the date of issue. Furthermore, section 2 shall contain one of the following endorsements:

— "certificat complémentaire"

— "Zusatz-Vorausfestsetzungsbescheinigung"

— "Titolo complementare"

— "Aanvullend certificaat"

(supplementary certificate)

4. Where the definitive quantity is less than the target quantity mentioned in the original certificate and, where applicable, in the supplementary certificate or certificates, the security corresponding to the balance shall be released.

5. The provisions of the first subparagraph of Article 16 (2) of Regulation (EEC) No 1373/70 shall not apply to the certificates referred to in this Article.'

Article 3

1. In the Dutch text of Article 36 (1) of Regulation (EEC) No 2637/70 '... de werkelijk te leveren hoeveelheid ...' shall be substituted for '... de werkelijk geleverde hoeveelheid ...'.

2. In the German text of Articles 55 and 56 of Regulation (EEC) No 2637/70 'Vorausfestsetzungsbescheinigung' shall be substituted for 'Lizenz'.

Article 4

This Regulation shall enter into force on 1 July 1971.

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

Done at Brussels, 30 June 1971.

For the Commission

The President

Franco M. MALFATTI