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REGULATION (EEC) No 1604/71 OF THE COMMISSION

of 26 July 1971

on detailed rules for the application of an export levy on starches in under Article 2 (2) of Regulation No 371/67/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 1968 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 1528/71[2];

Having regard to Council Regulation No 371/67/EEC[3] of 25 July 1967 fixing production refunds on starches and quellmehl, as last amended by Regulation (EEC) No 2273/70,[4] and in particular Article 5 (c) thereof;

Whereas Article 2 (2) of Regulation No 371/67/EEC provides that if world market prices for maize or commom wheat appreciably and persistently exceed 6·80 units of account, and export levy may be introduced so as not to disturb third country markets;

Whereas, if the import levy on the basic product is more than 0·30 units of account/100 kilogrammes less than the amount of the production refund and if this situation continues for at least a fortnight, the conditions required by Article 2 (2) of Regulation No 371/67/EEC for the introduction of an export levy may be considered as fulfilled;

Whereas, in order to determine this export levy, if the abovementioned situation continues; the method for calculating the levy should be laid down; whereas, to that end, fixed rates should be adopted on similar lines to those in force for calculating the import levy and the export refund on products processed from cereals and from rice;

Whereas in order that the calculation of the export levy should be as up to date as possible, it should be based on price factors valid during the week preceding that of fixing; whereas it should be allowed to remain in force for one week only so that it may be adjusted to any world market price fluctuations;

Whereas there must be provision for determining the date for the application of the rate of the levy and the Member State which is to collect the levy; whereas, to this end, the rules adopted for other agricultural exports should be followed;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals;

HAS ADOPTED THIS REGULATION:

Article 1

The export levy provided for in Article 2 (2) of Regulation No 371/67/EEC shall be fixed for the products referred to in that Article if the world market price for maize or common wheat exceeds 6·80 units of account in the conditions listed in the following Articles.

Article 2

1. An export levy shall be introduced when it is found that the import levy on maize or common wheat is at least 0·50 units of account/100 kilogrammes less than the amount of the production refund valid in the current month and that the average of the levies valid in the immediately following fortnight is at least 0·30 units of account/100 kilogrammes less than the average of the production refund valid in that fortnight.

[1] OJ No 117, 19.6.1967, p. 2269/67.
[2] OJ No L 162, 20.7.1971, p. 1.
[3] OJ No 174, 31.7.1967, p. 40.
[4] OJ No L 246, 12.11.1970, p. 1.

2. (a) The export levy shall be equal, per 100 kilogrammes of basic product, to the difference between the production refund valid on the day on which this export levy is fixed and the average of the levies applicable on the seven days preceding the day it comes into force.

(b) This difference shall then be multiplied for the products mentioned in Article 1 by the coefficients relating to these products shown in column 4 of the Annex to Regulation (EEC) No 1052/68,[1] as last amended by Regulation (EEC) No 1529/71.[2]

The export levy shall be altered only if application of the provisions of paragraph 2 (a) entails an increase or a reduction of more than 0·08 units of account/100 kilogrammes of basic product.

Article 3

The export levy shall be fixed by the Commission once a week.

Article 4

1. The rate of the export levy shall be that valid on the day on which the customs formalities specified in the second subparagraph under (b) of Article 8 (2) of Regulation (EEC) No 1373/70[3] are concluded. It shall be collected by the Member State on whose territory these formalities have been completed.

2. The export levy may be fixed in advance. The export levy on the products mentioned in Article 1 shall be fixed in advance, at the request of the party concerned, when application for a licence is made, in respect of exports to be effected during the period of validity of that licence. In that case, the amount of the levy fixed in advance shall be that which applies on the day on which application for the export licence is made adjusted, where necessary, for the threshold price and the export refund on the basic product which will be in force in the month of exportation.

This adjustment shall be made by increasing or reducing the export levy by the difference, per 100 kilogrammes of basic product, between the threshold price valid in the month in which application is made and that in force in the month of exportation.

These differences shall be adjusted by the coefficient shown in column 4 of the Annex to Regulation (EEC) No 1052/68 for the products in question.

The export levy shall not apply to exports covered by licences applied for in the periods when the export levy was not fixed.

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, 26 July 1971.

For the Commission

The President

Franco M. MALFATTI

[1] OJ No L 179, 25.7.1968, p. 8.
[2] OJ No L 162, 20.7.1971, p. 11.
[3] OJ No L 158, 20.7.1970, p. 1.