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REGULATION (EEC) No 1576/72 OF THE COMMISSION

of 24 July 1972

on the differential amounts for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 136/66/EEC[1] of 22 September 1966 on the establishment of a common organization of the market in oils and fats, as last amended by Regulation (EEC) No 2727/71[2];

Having regard to Council Regulation (EEC) No 1569/72[3] of 20 July 1972 laying down special measures for colza and rape seed, and in particular Article 2 (2) and Article 7 thereof;

Whereas, for the purpose of applying Article 2 (1) of Regulation (EEC) No 1569/72, it is necessary to specify the period during which the spot rates are to be recorded, the arithmetical mean of which is used to calculate the differential amounts; whereas this period must be sufficiently representative as regards developments in the rates and must allow these rates to be followed as closely as possible when the differential amounts are being fixed, a period of seven days would meet administrative requirements; whereas an exception should however be made in respect of the initial fixing;

Whereas Article 2 of Regulation (EEC) No 1569/72 laid down criteria for determining the differential amounts; whereas the application of these criteria in the light of spot rates recorded during the period referred to in Article 2 of this Regulation results in the differential amounts being fixed at the levels indicated in the Annex to this Regulation;

Whereas, in the interests of proper administration, detailed rules should be laid down for levying and granting these amounts;

Whereas, for the proper functioning of these measures, administrative provisions should be adopted making it possible to determine the Member State in which seeds subject to intra-Community trade were harvested; whereas this aim may be achieved by using in this trade the document introduced by Commission Regulation (EEC) No 2315/69[4] of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall levy or grant the differential amounts referred to in Article 1 of Regulation (EEC) No 1569/72 for colza and rape seed for which:

— part D of the certificate provided for in Article 4 of Regulation (EEC) No 2114/71 has been requested, or

— customs export formalities have been completed

during the period from the date of entry into force of this Regulation until 30 June 1973.

Article 2

1. The period referred to in the second subparagraph of Article 2 (1) of Regulation (EEC) No 1569/72 shall run from the Thursday of one week to the Wednesday of the following week.

[1] OJ No 172, 30.9.1966, p. 3025/66.
[2] OJ No L 282, 23.12.1971, p. 8.
[3] OJ No L 167, 25.7.1972, p. 9.
[4] OJ No L 295, 24.11.1969, p. 14.

2. However, for the initial fixing of the differential amounts, the period to be taken into consideration shall be that used for the final fixing of the compensatory amounts referred to in Article 1 of Regulation (EEC) No 974/71.

Article 3

The differential amounts shall be as shown in the Annex.

Article 4

The differential amounts shall be levied or granted when the subsidy or the export refund is paid. If necessary for the purpose of levying or granting these amounts the authority which controls the disposal of the seeds which have been the subject of intra-Community trade shall send a copy or photocopy of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 to the agency responsible for levying or granting these amounts.

Article 5

When the seeds harvested in the Community are the subject of trade between Member States there shall be drawn up in the Member State where the seeds have been harvested, after they have been weighed, the control copy referred to in Article 1 of Regulation (EEC) No 2315/69, section 31 of which shall contain, in addition to the description of the goods, one of the following endorsements:

'Graines récoltées en . . .'

'Olsaaten geerntet in . . .'

'Semi raccolti in . . .'

'Zaden geoogst in . . .'

(seed harvested in . . .)

The following sections of the control copy shall be completed:

(a) section 103

(b) section 104, by deleting what does not apply and by inserting one of the following:

'Destiné à être placé sous le régime de contrôle prévu à l'article 2 du règlement (CEE) no 2114/71 ou à être mis en condition de ne pas pouvoir bénéficier de l'aide au sens de l'article 31 du règlement (CEE) nº 1204/72.'

'Dazu bestimmt, der Kontrolle nach Artikel 2 der Verordnung (EWG) Nr. 2114/71 unterworfen oder in den Zustand versetzt zu werden, daß die Beihilfe im Sinne von Artikel 31 der Verordnung (EWG) Nr. 1204/72, nicht mehr beansprucht werden kann.'

'Destinato ad essere sottoposto al regime di controllo di cui all'articolo 2 del regolamento (CEE) n. 2114/71 o ad essere messo in condizione di non poter beneficiare dell'integrazione ai sensi dell'articolo 31 del regolamento (CEE) n. 1204/72.'

'Bestemd om onder het in artikel 2 van Verordening (EEG) nr 2114/72 bedoelde controlestelsel te worden gesteld of om in een zodanige staat te worden gebracht dat zij niet meer voor de steun in aanmerking kunnen komen in de zin van artikel 31 van Verordening (EEG) nr. 1204/72.'

(Intended to be placed under the control system provided for in Article 2 of Regulation (EEC) No 2114/71 or to be rendered ineligible for subsidy within the meaning of Article 31 of Regulation (EEC) No 1204/72).

The net weight of the product which has been inspected shall be inserted in the 'control of use and/or destination' section on the back of the copy under 'remarks'.

Article 6

1. The control copy referred to in Article 1 of Regulation (EEC) No 2315/69 shall be accompanied by a deposit of 2 units of account per 100 kg net.

2. The applicant shall choose whether the deposit is to be lodged in cash or in the form of a guarantee given by an establishment which meets the criteria laid down by the Member State which issued the copy.

Article 7

The deposit shall be released when proof has been furnished that the seeds in question have been disposed of in one of the ways referred to in Article 5 above.

This proof may be given only by producing the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 completed in accordance with Article 5 of this Regulation.

Article 8

1. This deposit shall be forfeited in whole if, within nine months of its being lodged, no proof has been furnished that the seeds have been disposed of in one of the ways referred to in Article 5 above.

2. The deposit shall be forfeited in part if, within the period referred to in paragraph 1, the proof referred to in that paragraph is furnished for a quantity of seeds which is more than 2% less than the quantity for which the deposit was lodged.

The amount of the deposit to be retained shall be calculated on the basis of the difference between the quantity for which a deposit was lodged less 2% and the quantity for the abovementioned proof is given.

Article 9

Where the quantity which comes under control at the oil mill or which is exported exceeds by more than 2% the quantity indicated in section 103 of the control copy, the additional quantity shall be treated as being imported from third countries.

Article 10

For the purposes of applying Articles 8 and 9, the net weight shown in section 103 of the control copy shall be compared with the net weight indicated in that copy in accordance with the last subparagraph of Article 5.

Article 11

This Regulation shall enter into force on the day following that of 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, 24 July 1972.

For the Commission

The President

S. L. MANSHOLT

ANNEX

	Amount to be granted (per 100 kg)		Amount to be levied	
1. Colza and rape seed, processed for oil production in Germany or exported from that country	DM		DM	
— harvested in Germany	2·29		—	
— harvested in the BLEU or in the Netherlands	0·93		—	
— harvested in France	—		0·73	
— harvested in Italy	—		2·03	
2. Colza and rape seed, processed for oil production in the BLEU or in the Netherlands or exported from those countries	Bfrs/Lfrs	fl	Bfrs/Lfrs	fl
— harvested in Germany	40·95	2·96	—	—
— harvested in the BLEU or in the Netherlands	21·98	1·59	—	—
— harvested in France	—	—	0·32	0·02
— harvested in Italy	—	—	18·14	1·31
3. Colza and rape seed, processed for oil production in France or exported from that country	FF		FF	
— harvested in Germany	5·92		—	
— harvested in BLEU or in the Netherlands	3·68		—	
— harvested in France	1·15		—	
— harvested in Italy	—		1·34	
4. Colza and rape seed, processed for oil production in Italy or exported from that country	Lit		Lit	
— harvested in Germany	779		—	
— harvested in BLEU or in the Netherlands	520		—	
— harvested in France	284		—	