No L 226/10 Official Journal of the European Communities 4.10.72

REGULATION (EEC) No 2113/72 OF THE COMMISSION

of 3 October 1972

amending Regulation (EEC) No 2637/70 as regards the special period of validity of export licences for cereals and rice

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 organization of the market in cereals, as last amended by Regulation (EEC) No 792/72 [2], and in particular Article 12 (2) thereof;

Having regard to Council Regulation No 359/67/EEC[3] of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 2726/71[4], and in particular Article 10 (2) thereof;

Whereas Article 24 of Commission Regulation (EEC) No 2637/70 [5] 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 1603/72 [6], allows the period of validity of export licences to be longer than the normal period; whereas this provision has a commercial and economic purpose;

Whereas a longer period of validity may be allowed only in cases where this can be justified by the existence of concrete plans for contracts which may be regarded as special because of the quantities involved and the specific needs of the purchaser as regards the phasing of deliveries;

Whereas extension of the normal period of validity could lead to distortions of competition between Community exporters; it is therefore necessary to exclude from the scope of that Article 24 all contracts to be concluded under invitations to tender issued in importing third countries and for which special provisions are laid down in Article 23 of Regulation (EEC) No 2637/70;

Whereas it is further necessary to ensure that the competent authorities are not presented with unjustified applications lodged for reasons other than those referred to in Article 24; whereas Article 24 (8) should therefore be amended;

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 following shall be substituted for Article 24 of Regulation (EEC) No 2637/70:

'1. In special cases, the period of validity of an export licence for common wheat, rye, barley, maize, rice, wheat flour and rye flour may be longer than that laid down in Articles 21, 22 or 23 when the party concerned envisages the conclusion of a longer-term contract.

2. In this case, the party concerned shall lodge with the competent authority an application for an export licence together with an application for advance fixing of the refund applicable on the date of lodging that application for the expected destination and also an indication of the minimum and maximum quantity that he expects to export and the minimum and maximum period necessary for carrying out the exportation; however, the minimum quantity may not be less than 75 000 metric tons for common wheat, rye, barley, maize, wheat flour and rye flour or 50 000 metric tons for rice. This application shall be accompanied by the lodging of a special security, calculated on the basis of the maximum quantity and covered by Article 25 (1) of this Regulation and Article 5 of Regulation (EEC) No 1373/70.

3. The Member State to which the competent authority receiving this application belongs shall notify the Commission, which shall act in accordance with the procedure laid down in Articles 26 of Regulations Nos 120/67/EEC and 359/67/EEC, with particular reference to the quantity and to the econ-

[1] OJ No 117, 19.6.1967, p. 2269/67.
[2] OJ No L 94, 21.4.1972, p. 7.
[3] OJ No 174, 31.7.1967, p. 1.
[4] OJ No L 282, 23.12.1971, p. 6.
[5] OJ No L. 283, 29.12.1970, p. 15.
[6] OJ No L 170, 28.7.1972, p. 6.

omic aspects of the expected exportation and which shall, in the case of acceptance, set a time limit within which the party concerned must submit the contract to the competent authority. The latter shall inform the party concerned of its decision.

4. When the period of validity fixed for a licence is the same as that applied for, the party concerned shall, within the time limit set in accordance with paragraph 3, submit to the competent authority a signed original of the contract, together with a copy thereof. This document shall specify at least the quantity covered by the contract, which must lie within the limits of the minimum and maximum indicated, the destination, the period in which the exportation is to be carried out, which must lie within the minimum and maximum periods indicated, the price fixed for the duration of the contract and the terms of payment. The licence shall then be issued after conversion of the special security into a deposit as provided for in Article 12 (1) of Regulation No 120/67/EEC and in Article 10 (1) of Regulation No 359/67/EEC. The country of destination shall be indicated in section 13 and the licence shall make it obligatory to export to that country.

5. If the party concerned has been unable to conclude such a contract, he shall inform the competent authority within the time limit set for submitting the contract; the licence shall not be issued and the special security shall be relased forthwith.

6. Except in the case of *force majeure*, if the party concerned does not comply with the provisions of paragraphs 4 and 5 the licence shall not be issued and the special security shall be forfeited.

7. When the period of validity fixed is not that applied for by the party concerned, but is longer than that laid down in Articles 21, 22 or 23, the provisions of paragraphs 4, 5 and 6 shall apply. However, the party concerned may cancel his application for a licence within the time limit set for submitting the contract; in that case, the special security shall be released forthwith.

8. When an extension of the period of validity provided for in Article 21, 22 or 23 has been refused, the licence shall not be issued and the special security shall be released forthwith.

9. When the speciall security is converted into a deposit as provided for in Article 12 (1) of Regulation No 120/67/EEC and in Article 10 (1) of Regulation No 359/67/EEC, the amount of the deposit shall be adjusted in line with the quantity covered by the contract and the balance shall be released forthwith.'

Article 2

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, 3 October 1972.

For the Commission

The President

S. L. MANSHOLT