REGULATION (EEC) No 1435/73 OF THE COMMISSION
of 29 May 1973
fixing the export refunds on products processed from 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 the Act (2) annexed to the Treaty (3) on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular the first sentence of the fourth subparagraph of Article 16 (2) thereof ;

Having regard to Council Regulation No 359/67/EEC (4) of 25 July 1967 on the common organization of the market in rice, as last amended by the Act annexed to the Treaty on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof ;

Having regard to the Opinion of the Monetary Committee ;

Whereas Article 16 of Regulation No 120/67/EEC and Article 17 of Regulation No 359/67/EEC provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund ;

Whereas Article 2 of Council Regulation No 139/67/EEC (5) of 21 June 1967 and Article 2 of Council Regulation No 366/67/EEC (6) of 25 July 1967 laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, as amended by Regulation No 1019/67/EEC (7), provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice and broken rice on the world market on the other ; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market ;

Whereas Article 6 of Council Regulation (EEC) No 1052/68 (8) of 23 July 1968 on the import and export system for products processed from cereals and from rice, as last amended by Regulation (EEC) No 881/73 (9), defines the specific criteria to be taken into account when the refund on these products is being calculated ;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 1052/68, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy ; whereas, therefore, as is laid down for the determination of the variable component, account should be taken of the average of the levies on the basic products concerned during a representative period, namely the first twenty-five days of the month preceding the month of exportation ; whereas this average should be adjusted for the threshold price for these basic products which will be in force during the month of exportation ; whereas Article 8 of Regulation (EEC) No 1052/68 and Article 1 of Regulation (EEC) No 1077/68 (10), amended by Regulation (EEC) No 2764/71 (11), provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic product ;

Whereas it follows from applying these rules and criteria to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices ;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy ; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product ; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured ; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible,

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No 174, 31. 7. 1967, p. 1.
(5) OJ No 125, 26. 6. 1967, p. 2453/67.
(6) OJ No 174, 31. 7. 1967, p. 34.
(7) OJ No 311, 21. 12. 1967, p. 13.
(8) OJ No L 179, 25. 7. 1968, p. 8.
(9) OJ No L 86, 31. 3. 1973, p. 30.
(10) OJ No L 181, 27. 7. 1968, p. 1.
(11) OJ No L 283, 24. 12. 1971, p. 30.

in certain cases, to export to third countries at prices which are lower than world market prices ; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected ;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product ;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products ; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time ;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination ;

Whereas Regulation (EEC) No 2806/71 [1] lays down additional rules for granting export refunds for certain products processed from cereals and rice ;

Whereas, if the refund system is to operate normally, refunds should be calculated on the basis of an exchange rate which is based, in the case of currencies which are floating or whose central rate differs from the official parity, on the effective rate or the central rate of these currencies and, in the case of the US dollar, on the change in parity announced on 13 February 1973 ;

Whereas the refund must be fixed once a month ; whereas it may be altered in the intervening period ;

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 refunds on the products listed in Article 1 (d) of Regulation No 120/67/EEC and in Article 1 (1) (c) of Regulation No 359/67/EEC and subject to Regulation (EEC) No 1052/68 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 June 1973.

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

Done at Brussels, 29 May 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

---

[1] OJ No L 284, 28. 12. 1971, p. 9.

ANNEX

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund in u.a./100 kg (third countries)
11.01 C (I)	Barley flour, of an ash content, referred to dry matter, not exceeding 0·9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·9 % weight	5·676
11.01 C (II)	Barley flour not included under No 11.01 C (I)	3·860
11.01 D (I)	Oat flour, of an ash content, referred to dry matter, not exceeding 2·3 % by weight, of a crude fibre content, referred to dry matter, not exceeding 1·8 % by weight, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	5·067
11.01 D (II)	Oat flour not included under No 11.01 D (I)	2·871
11.01 E (I)	Maize flour, of a fat content, referred to dry matter, not exceeding 1·3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·8 % by weight	3·737
11.01 E (II)	Maize flour, of a fat content, referred to dry matter, exceeding 1·3 % but not exceeding 1·7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	3·203
11.01 E (III)	Maize flour not included under No 11.01 E (I) and (II)	2·322
11.01 F	Rice flour	—
11.01 H	Millet flour	3·219
11.02 A III (a)	Barley groats and meal, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·9 % by weight	5·865
11.02 A III (b)	Barley groats and meal not included under No 11.02 A III (a)	3·860
11.02 A IV (a)	Oat groats and meal, of an ash content, referred to dry matter, not exceeding 2·3 % by weight, of a tegument content not exceeding 0·1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	5·067
11.02 A IV (b)	Oat groats and meal not included under No 11.02 A IV (a)	2·871
11.02 A V (a)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 0·9 % by weight and a crude fibre content, referred to dry matter, not exceeding 0·6 % by weight (1)	4·804
11.02 A V (b)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 1·3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·8 % by weight	3·737
11.02 A V (c)	Maize groats and meal, of a fat content, referred to dry matter, exceeding 1·3 % by weight but not exceeding 1·7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1·0 % weight (1)	3·203
11.02 A VI	Rice groats and meal	—
11.02 B I a) 1 (aa)	Hulled (shelled or husked) barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·9 % by weight (2)	5·676
11.02 B I a) 1 (bb)	Hulled (shelled or husked) barley not included under No 11.02 B I a) 1 (aa) (2)	3·860
11.02 B I a) 2 (aa)	Clipped oats	—
11.02 B I a) 2 bb) (11)	Hulled (shelled or husked) oats, of an ash content, referred to dry matter, not exceeding 2·3 % by weight, of a tegument content not exceeding 0·5 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated (2)	4·504
11.02 B I a) 2 bb) (22)	Hulled (shelled or husked) oats, not included under No 11.02 B I a) 2 bb) (11) (2)	2·871

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund in u.a./100 kg (third countries)
11.02 B I b) 1 (aa)	Hulled and sliced or kibbled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·9 % by weight ('Grütze' or 'Grutten') (2)	5·676
11.02 B I b) 1 (bb)	Hulled and sliced or kibbled barley, not included under No 11.02 B I b) 1 (aa) ('Grütze' or 'Grutten') (2)	3·860
11.02 B I b) 2 (aa)	Hulled and sliced or kibbled oats, of an ash content, referred to dry matter, not exceeding 2·3 % weight, of a tegument content not exceeding 0·1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ('Grütze' or 'Grutten') (2)	4·785
11.02 B I b) 2 (bb)	Hulled and sliced or kibbled oats not included under No 11.02 B I b) 2 (aa) ('Grütze' or 'Grutten') (2)	2·871
11.02 B II a) (1)	Hulled (shelled or husked) wheat, not sliced or kibbled (2)	4·236
11.02 C III (a)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 1st category (3)	7·568
11.02 C III (b)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 2nd category (3)	6·054
11.02 C IV	Pearled oats (3)	2·871
11.02 D II	Rye not otherwise worked than kibbled	4·590
11.02 E I b) 1 (aa)	Flaked oats, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·9 % by weight	5·676
11.02 E I b) 1 (bb)	Flaked barley not included under 11.02 E I b) 1 (aa)	3·860
11.02 E I b) 2 (aa)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2·3 % by weight, of a tegument content not exceeding 0·1 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	5·630
11.02 E I b) 2 (bb)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2·3 % by weight, of a tegument content exceeding 0·1 % but not exceeding 1·5 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	4·504
11.02 E I b) 2 (cc)	Flaked oats not included under Nos 11.02 E I b) 2 (aa) and 11.02 E I b) 2 (bb)	2·871
ex 11.02 E II c) (1)	Flaked maize, of a fat content, referred to dry matter, not exceeding 0·9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·7 % by weight	4·270
ex 11.02 E II c) (2)	Flaked maize, of a fat content, referred to dry matter, not exceeding 1·3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0·8 % by weight	3·470
ex 11.02 E II c) (3)	Flaked maize, of a fat content, referred to dry matter, exceeding 1·3 % but not exceeding 1·7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % weight	2·936
11.02 E II e) 1	Flaked rice	—
11.02 F III	Barley pellets	2·550
11.02 F IV	Oat pellets	—
11.02 F V	Maize pellets	—
11.02 G I	Wheat germ, whole, rolled, flaked or ground	1·038
11.02 G II	Germ of cereals other than wheat, whole, rolled, flaked or ground	0·667
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	7·392

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund in u.a./100 kg (third countries)
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	5·524
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	6·736
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	5·033
11.07 B	Roasted malt	5·865
11.08 A I	Maize starch	—
11.08 A III	Wheat starch	—
11.08 A IV	Potato starch	—
11.08 A V	Starches other than maize, rice, wheat, or potato starch	—
11.09 A	Dried wheat gluten, of a protein content, referred to dry matter, not exceeding 82 % by weight (N × 6·25)	—
17.02 B II a)	Glucose other than glucose containing, in the dry state, 99 % or more by weight of the pure product, in the form of white crystalline powder, whether or not agglomerated (4)	—
17.02 B II b)	Glucose and glucose syrup not containing, in the dry state, 99 % or more by weight of the pure product, other than glucose in the form of white crystalline powder, whether or not agglomerated (4)	—
17.05 B I	Flavoured or coloured glucose, in the form of white crystalline powder, whether or not agglomerated	—
17.05 B II	Flavoured or coloured glucose and glucose syrup, other than in the form of white crystalline powder, whether or not agglomerated	—
23.02 A I a)	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice of a starch content not exceeding 35 % by weight	0·849
23.02 A I b) 1	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, of a starch content exceeding 35 % but not exceeding 45 % by weight, and having undergone a denaturing process	0·849
23.02 A I b) 2	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, of a starch content exceeding 35 % by weight, and not having undergone a denaturing process, or of a starch content exceeding 45 % by weight and having undergone denaturing process	0·849
23.02 A II a)	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, of a starch content not exceeding 28 % by weight and of which the percentage which passes through a sieve with an aperture of 0·2 mm does not exceed 10 % by weight or of which the sifted product has an ash content, calculated on dry matter, not exceeding 1·5 % by weight	0·849
23.02 A II b)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, not included under No 23.02 A II a)	0·849
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on dry matter, not exceeding 63 % by weight (N × 6·25)	—

(1) The export refund is paid in respect of maize, groats and meal :
— of which a percentage not exceeding 30 % passes through a sieve with an aperture of 315 microns,
— of which a percentage not exceeding 5 % of product passes through a sieve with an aperture of 150 microns.

(2) 'Hulled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).

(3) 'Pearled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).

(4) Pursuant to Regulation No 189/66/EEC the product falling within subheading No 17.02 B I enjoys the same export refund as the product falling within subheading No 17.02 B II.