REGULATION (EEC) No 1464/73 OF THE COMMISSION
of 30 May 1973
on detailed rules for applying 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 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 the Act (2) annexed to the Treaty (3) concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972 ;

Having regard to Council Regulation (EEC) No 1569/72 (4) of 20 July 1972 laying down special measures for colza and rape seed, as last amended by Regulation (EEC) No 1356/73 (5), and in particular Article 7 thereof ;

Whereas following the extensive amendments made to Regulation (EEC) No 1569/72 new detailed rules for applying that Regulation should be laid down ;

Whereas to ensure that the system of differential amounts is applied in uniform manner the day to be used for determining the amounts should be specified ; whereas for the sake of consistency the rules applicable to subsidies and export refunds should be used ;

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 ; whereas as period of seven days, which would meet administrative requirements, should be used ;

Whereas the most representative spot exchange rates should be used for purposes of calculation ;

Whereas, in the interests of proper administration, detailed rules should be laid down for levying and granting the 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 such trade the document introduced by Commission Regulation (EEC) No 2315/69 (6) 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 Commission Regulation (EEC) No 1576/72 (7) of 24 July 1972 on the differential amounts for colza and rape seed, as last amended by Regulation (EEC) No 1394/73 (8), should be replaced ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The differential amounts referred to in Article 1 of Regulation (EEC) No 1569/72 for colza and rape seed shall be those valid :

(a) on the day on which the application for part ID of the certificate provided for in Article 4 of Regulation (EEC) No 2114/71 has been lodged, or if there has been no application for part ID of the certificate, on the day on which the seeds have been placed under control at the oil mill,

(b) on the day on which customs formalities have been completed.

2. Differential amounts shall be calculated on the basis of the weight of the seed as adjusted in accordance with the method set out in the Annex to Regulation (EEC) No 1204/72.

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(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No L 167, 25. 7. 1972, p. 9.
(5) OJ No L 141, 28. 5. 1973, p. 28.
(6) OJ No L 295, 14. 11. 1969, p. 14.
(7) OJ No L 167, 25. 7. 1972, p. 21.
(8) OJ No L 139, 26. 5. 1973, p. 8.

Article 2

The period referred to in the second subparagraph of Article 2 (1) (b) of Regulation (EEC) No 1569/72 shall run from the Wednesday of one week to the Tuesday of the following week. The first period to be taken into consideration shall be 14 to 18 May 1973.

Article 3

The spot market rates against each of the currencies of the Member States who keep their exchange rates at any given moment within a band of 2·25 % shall be :

(a) for the Italian lira : the mean of the official rates fixed each working day during official dealings on the Rome and Milan foreign exchange markets ;

(b) for the English pound and the Irish pound : the average rates recorded at noon on the foreign exchange markets of the two Member States concerned.

Article 4

1. The differential amounts shall be levied or granted when the subsidy or the export refund is paid.

2. However,

(a) if the differential amount to be levied exceeds the amount of the subsidy to be granted, the part of the differential amount exceeding the subsidy shall be levied after the oil seeds have been processed.

(b) or, in the case of export, if the differential amount to be levied exceeds the amount of the refund to be granted, the part of the differential amount exceeding the refund shall be levied when customs export formalities have been completed.

(c) where the subsidy has been fixed at zero, or where the refund has not been fixed, the entire differential amount shall be levied or granted respectively, as appropriate, after the oil seeds have been processed or when customs export formalities are completed.

3. If necessary for the purpose of levying or granting the 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 seeds harvested in the Community, other than seeds :

— recognized by the law of the Member State of origin as being seed for cultivation, or

— subject to denaturing according to Community rules,

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 .....'
'Ölsaaten geerntet in .....'
'Semi raccolti in .....'
'Zaden geoogst in .....'
'Seed harvested in .....'
'Frø høstet i .....'

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 transformé en vue de la production d'huile, ou 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, zur Gewinnung von Öl verarbeitet zu werden, daß die Beihilfe im Sinne von Artikel 31 der Verordnung (EWG) Nr. 1204/72, nicht mehr beansprucht werden kann.'

'Destinato ad essere trasformato per la produzione di olio 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 het oog op de olieproduktie te worden verwerkt of om in een zodanige staat te worden gebracht dat zij niet meer door de steun in aanmerking kunnen komen in de zin van artikel 31 van Verordening (EEG) nr. 1204/72.'

'Intended to be processed for the production of oil or to be rendered ineligible for subsidy within the meaning of Article 31 of Regulation (EEC) No 1204/72.'

'Bestemt til forarbejdning med henblik på fremstilling af olie eller til at blive behandlet således, at de ikke kan opnå sådan støtte som nævnt i artikel 31 i forordning (EØF) nr. 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 provided for in Article 1 of Regulation (EEC) No 2315/69 shall be accompanied by security of 3 units of account per 100 kg net.

2. The applicant shall choose whether the security 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 security 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 security shall be forfeit in whole by way of differential amount 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 security shall be forfeit in part by way of differential amount 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 security to be forfeited shall be calculated on the basis of the difference between the quantity for which a security was lodged less 2 % and the quantity for which 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 (2).

Article 11

Regulation (EEC) No 1576/72 of the Commission of 24 July 1972 on the differential amounts for colza and rape seeds is repealed.

Article 12

This Regulation shall enter into force on 4 June 1973.

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

Done at Brussels, 30 May 1973.

For the Commission

The President

François-Xavier ORTOLI