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(Acts whose publication is obligatory)

REGULATION (EEC) No 1796/73 OF THE COMMISSION

of 29 June 1973

amending Regulation (EEC) No 1373/70 on common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products subject to a single price system

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 relating to the Conditions of Accession and the Adjustments to the Treaties [2], hereinafter called 'the Act', and in particular Articles 16 (2), 17 (3), 18 (3) and 28 (3) thereof;

Having regard to Council Regulation No 162/66/EEC [3] of 27 October 1966, on trade in oils and fats between the Community and Greece, and in particular Article 8 thereof;

Having regard to Council Regulation No 120/67/EEC [4] of 13 June 1967 on the organization of the markets in cereals, as last amended by the Act, and in particular Articles 12 (2), 15 (5), 16 (6) and 24 thereof;

Having regard to Council Regulation No 122/67/EEC [5] of 13 June 1967 on the common organization of the markets in eggs, as last amended by the Act, and in particular Articles 9 (3) and 15 thereof;

Having regard to Council Regulation No 123/67/EEC [6] of 13 June 1967 on the common organization of the markets in meat and poultry, as last amended by the Act, and in particular Article 9 (3) and Article 15 thereof;

Having regard to Council Regulation No 142/67/EEC [7] of 21 June 1967 relating to export refunds for colza, rape and sunflower seeds, as last amended by Regulation (EEC) No 2429/72 [8], and in particular Article 6 thereof;

Having regard to Council Regulation No 171/67/EEC [9] of 27 June 1967 on the refunds and levies applicable to the export of olive oil, as last amended by Regulation (EEC) No 2429/72, and in particular Article 11 thereof;

Having regard to Council Regulation No 359/67/EEC [10] of 25 July 1967 on the common organization of the markets in rice, as last amended by the Act, and in particular Articles 10 (2), 13 (5), 17 (6) and 25 thereof;

Having regard to Council Regulation No 1009/67/EEC of 18 December 1967 [11] on the common organization of the market in sugar, as last amended by Regulation (EEC) No 1014/73 [12], and in particular Articles 11 (2), 15 (5), 17 (4) and 38;

Having regard to Council Regulation No 804/68 [13] of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act, and in particular Articles 13 (3), 17 (4) and 28 thereof;

Having regard to Council Regulation (EEC) No 805/68 [14] of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 187/73 [15], and in particular Articles 12 (a) (2), 15 (3) and 25;

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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 197, 29. 10. 1966, p. 3393/66.
(4) OJ No 117, 19. 6. 1967, p. 2269/67.
(5) OJ No 117, 19. 6. 1967, p. 2293/67.
(6) OJ No 117, 19. 6. 1967, p. 2301/67.
(7) OJ No 125, 26. 6. 1967, p. 2461/67.
(8) OJ No L 264, 23. 11. 1972, p. 1.
(9) OJ No 130, 28. 6. 1967, p. 2600/67.
(10) OJ No 174, 31. 7. 1967, p. 1.
(11) OJ No 308, 18. 12. 1967, p. 1.
(12) OJ No L 106, 20. 4. 1973, p. 1.
(13) OJ No L 75, 28. 3. 1968, p. 4.
(14) OJ No L 148, 28. 6. 1968, p. 24.
(15) OJ No L 25, 30. 1. 1973, p. 23.

Having regard to Council Regulation (EEC) No 865/68 [1] of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables, as last amended by the Act, and in particular Articles 5 (3), 6 (3) and 13 thereof;

Having regard to Council Regulation (EEC) No 816/70 [2] of 28 April 1970 laying down additional provisions for the common organization of the market in wine, as last amended by the Act, and in particular Article 8 (3) thereof;

Whereas the rules relating to the various sectors comprised in the common organization of markets provide in respect of applications for levies or refunds that if the levy or refund prevailing on the day on which the licence application is lodged is to apply, applications for levies or refunds must be lodged at the same time as the licence applications and before 1 p. m.

Whereas in order to simplify administrative procedures it is desirable to apply the same rule with respect to the hour by which applications for licences which are to be issued without advance fixing of the levy or refund are to be lodged; whereas Commission Regulation (EEC) No 1373/70 [3] of 10 July 1970 on common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products subject to a single price system, as last amended by Regulation (EEC) No 571/73 [4] should therefore be adapted accordingly;

Whereas Article 7 (a) of Regulation (EEC) No 1373/70 provides that when the amounts resulting from the conversion of units of account into national currency are entered on licence applications, only the first two decimal places are to be given;

Whereas, since the unit values of the pound sterling and of the Irish pound are higher than the unit values of the currencies of the other Member States, more than two decimal places should be given so as to prevent distortion when converting into pounds sterling and Irish pounds;

Whereas it is necessary for administrative reasons to limit to four the number of decimal places given when converting into the two abovementioned currencies;

Whereas where an export licence and advance fixing of the refund are applied for under Article 17 of Regulation (EEC) No 1373/70 in connection with an invitation to tender in an importing third country, the conditions governing applications for and issue of such licence must be more stringent;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committees for Oils and Fats, for Cereals, for Poultrymeat and Eggs, for Sugar, for Milk and Milk Products, for Beef and Veal, for Processed Fruit and Vegetables and for Wine;

HAS ADOPTED THIS REGULATION:

Article 1

In Articles 5, 6 and 7 of Regulation (EEC) No 1373/70, the words '16.00 hours' and '17.30 hours' are replaced by '13.00 hours' and '14.30 hours' respectively.

Article 2

The following paragraph is added to Article 7 (a) of Regulation (EEC) No 1373/70;

'However, where amounts expressed in units of account are converted into pounds sterling or Irish pounds, the reference to the first two decimal places in the foregoing paragraph shall be replaced by a reference to not more than the first four decimal places. The fourth decimal place shall be rounded off in the same manner as the second decimal place.'

Article 3

1. Paragraphs 2 and 3 of Article 17 of Regulation (EEC) No 1373/70 are replaced by the following paragraphs:

'2. An applicant shall supply appropriate documentary proof that this tender has been accepted.

If within 21 days the applicant does not notify the licensing agency of the outcome of the tendering procedure or produce appropriate documentary proof to that agency that the closing date for the submission of tenders has been deferred, the licence shall not be issued and the security shall be forfeit.

If the closing date for the submission of tenders is deferred

— by not more than 5 days, the application shall remain valid and the period referred to in the preceding paragraph for notifying the outcome of the tendering procedure shall be reckoned from the new closing date for the submission of tenders;

— by more than 5 days, the application is no longer valid and the security shall be released.

(1) OJ No L 153, 1. 7. 1968, p. 8.
(2) OJ No L 99, 5. 5. 1970, p. 1.
(3) OJ No L 158, 20. 7. 1970, p. 1.
(4) OJ No L 56, 1. 3. 1973, p. 3.

3. The provisions of paragraphs 1 and 2 shall apply only if the interested party has submitted an application for a licence accompanied by an application for advance fixing of the refund for the third country inviting tenders and specifies therein :

(a) the closing date for submission of tenders ;

(b) the importing third country and the agency issuing the invitation to tender ;

(c) the total quantity covered by the invitation to tender.

This application for a licence my not be submitted more than fifteen days before the closing date for the submission of tenders. The applicant shall produce appropriate documents showing the particulars required under (a), (b) and (c)'.

2. Paragraphs 5 and 6 as follows are added to Article 17 of Regulation (EEC) No 1373/70 :

'5. The Member States shall communicate to the Commission forthwith the particulars required under paragraph 3 (a), (b) and (c).

6. Exceptional measures may be adopted in special cases in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC on the common organization of the market in cereals, or, as the case may be, in corresponding Articles of other Regulations on the common organization of markets.'

Article 4

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, 29 June 1973.

For the Commission

The President

François-Xavier ORTOLI