REGULATION (EEC) No 2454/73 OF THE COMMISSION

of 7 September 1973

on the prohibition of the export from Italy to third countries of certain goods falling within Regulation (EEC) No 1059/69

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1059/69 (1) of 28 May 1969 determining the system of trade applicable to certain goods processed from agricultural products, as last amended by Council Regulation (EEC) No 1491/73 (2), and in particular Article 9 (a) thereof;

Whereas on 27 August 1973 the Italian Republic has informed the Commission of the shortage existing of certain products processed from durum wheat and in particular of macaroni, spaghetti and similar products of heading 19.03 of the Common Customs Tariff;

Whereas in this communication Italy also asked the Commission to take appropriate safeguard measures to avoid that such products be exported from the Italian territory; and whereas indeed such exports would endanger the supply already seriously compromised by the actual shortage;

Whereas the situation of the world market of durum wheat is such that the Commission, by Decision of 4 August 1973 (3) has already taken safeguard measures applicable to export of that product from the Community;

Whereas the Commission has furthermore, by Decision of 27 August 1973 (4), taken similar measures concerning durum wheat groats, meal and flour, limited to exports from Italy however;

Whereas the situation in that Member State requires that the abovementioned measures be extended to macaroni, spaghetti and similar products; and whereas Article 9 (a) of Regulation (EEC) No 1059/69 provides that when, in application of a regulation on the common organization of the market in a certain sector, levies, taxes or other measures applicable on exportation of a basic product are adopted, the Commission can decide to apply appropriate measures concerning certain goods of which the exportation could be harmful to the realization of the objective pursued in the agricultural sector in question, because of their high content of this basic product, or of the uses that may be made thereof; and whereas all elements stated above lead to the conclusion that export of macaroni, spaghetti and similar products jeopardizes, especially in the cereals' sector, the objectives pursued by the common agricultural policy, set in Article 39 (1) of the Treaty, in particular those mentioned there under d) c) and e);

Whereas it is therefore necessary to adopt with immediate effect appropriate measures to safeguard the Community interests; and whereas in the actual circumstances only a prohibition of export from the Italian territory to third countries might improve the situation;

Whereas such a measure cannot be harmful to the interests of the Italian processing industry of the products in question; in fact, the possibility of selling those products is not compromised, given on the one hand the shortage existing in that Member State, and on the other hand the limitation of the measure to export to third countries;

Whereas it is desirable to permit the export of macaroni, spaghetti and similar products for supplying sea ships or aircraft flying on international lines, including those within the Community; and whereas such exports do not harm the objective of this Regulation;

Whereas pursuant to Article 9 (a) (2) of Regulation (EEC) No 1059/69 the Member States have been consulted on the present measure;

HAS ADOPTED THIS REGULATION:

Article 1

1. The accomplishment in Italy of the customs formalities for exporting to third countries of macaroni, spaghetti and similar products falling within the sub-headings 19.03 A and 19.03 B I of the Common Customs Tariff, and which are in one of the situations

(1) OJ No L 141, 12. 6. 1969, p. 1.
(2) OJ No L 151, 7. 6. 1973, p. 1.
(3) OJ No L 219, 7. 8. 1973, p. 25.
(4) OJ No L 243, 31. 8. 1973, p. 44.

provided in Article 9 (2) of the Treaty, shall be prohibited.

2. The prohibition provided in paragraph (1) shall not apply to exports in the form of supplying seagoing vessels or of aircraft serving international lines, including those within the Community.

Article 2

This Regulation shall enter into force on the day 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, 7 September 1973.

For the Commission

The President

François-Xavier ORTOLI