REGULATION (EEC) No 2632/73 OF THE COUNCIL

of 28 September 1973

amending Regulation (EEC) No 1968/73 laying down general rules to be applied in the event of the cereals market being disturbed

THE COUNCIL 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 1346/73 (2), and in particular Article 19 (2) thereof;

Having regard to the proposal from the Commission;

Whereas Article 19 of Regulation No 120/67/EEC lays down that the necessary measures may be taken when the cif price of one or more cereals is appreciably higher than the threshold price;

Whereas Council Regulation (EEC) No 1968/73 (3) of 19 July 1973, which defines the general rules to be applied in the case of the cereals market being disturbed, laid down measures which may be taken pursuant to the abovementioned Article 19; whereas one of the measures which may be taken is the application of an export levy;

Whereas by Regulation (EEC) No 1968/73, the export levy may be subject to tendering procedures; whereas, for the purpose of facilitating better market management there are grounds for envisaging within the framework of these tendering procedures, the possibility of retaining a special export levy for a fixed quantity;

Whereas the cif price is among the criteria to be taken into consideration when fixing an export levy for basic products; whereas it has become clear that the cif price, as defined in the provisions governing the import arrangements, and as used for articulating the measures outlined in Regulation (EEC) No 1968/73, is not a suitable criterion for dealing with a deficit situation; whereas, consequently, in order to continue an export policy which will be adequate in this situation and will be in accordance with the requirements of the market, it is necessary that the levy should be subject solely to the criteria governing export arrangements;

Whereas Regulation (EEC) No 1968/73 for processed products derived from cereals provides for an export levy based on the levy for basic products; whereas such a criterion does not fully take account of the requirements and characteristics of the market for these products; whereas it would be advisable for the criteria for fixing export levies for these products to be more flexible,

HAS ADOPTED THIS REGULATION:

Article 1

The text of Article 2 (1) first indent of Regulation (EEC) No 1968/73 is replaced by the following text:

'— application of an export levy; further a special levy for an export may be the subject of a tendering procedure in respect of a fixed quantity,'

Article 2

Article 3 (1) and (2) of Regulation (EEC) No 1968/73 are replaced by the following:

'1. The following shall be taken into account when an export levy is being fixed for products referred to in Article 1 (a) and (b) of Regulation No 120/67/EEC:

(a) situation and trends:

— for cereal prices and available quantities on the Community market;

— for cereal prices and for prices of products falling within the cereals sector on the world market;

(b) the objectives of the common organization of the market in cereals, namely to balance that market both as regards supplies and as regards trade;

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 141, 28. 5. 1973, p. 8.
(3) OJ No L 201, 21. 7. 1973, p. 10.

(c) the need to avoid disturbances on the Community market;

(d) the economic aspect of the exports.

2. The factors referred to in paragraph 1 shall apply when fixing an export levy for the products fixed in Article 1 (c) and (d) of Regulation 120/67/EEC, except for products within tariff headings 11.08 A I, III, IV and V, 11.09 and subheadings 17.02 B II, 17.05 B and 23.03 A I of the Common Customs Tariff. In addition the following specific factors shall be taken into account:

(a) prices paid for cereals on the various Community markets;

(b) amount of cereals required to manufacture those products, and, where appropriate, the value of by products;

(c) possibilities and conditions of sale on the world market of those products.'

Article 3

Article 4 of Regulation (EEC) No 1968/73 is replaced by the following:

'1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC.

2. Following the same procedure and for each product

— the decision to institute the measures referred to in Article 2 and to discontinue the measures referred to in the second and third indent of Article 2 (1) shall be taken,

— the export levy shall be fixed at regular intervals.

3. If necessary, the Commission may institute or modify the export levy.'

Article 4

The first subparagraph of Article 5 [1] of Regulation (EEC) No 1968/73 is replaced by the following:

'In an emergency the Commission may take the measures referred to in the third and fourth indents of Article 2 (1). It shall notify its decision to the Member States and shall publish it on the notice boards at its Headquarters.'

The final subparagraph of Article 5 of Regulation (EEC) No 1968/73 shall be replaced by the following:

'The decision on the measures referred to in the third indent of Article 2 (1) shall be applicable for a period not exceeding 7 days.'

Article 5

This Regulation shall enter into force on the 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, 28 September 1973.

For the Council

The President

Ib FREDERIKSEN