REGULATION (EEC) No 842/73 OF THE COMMISSION

of 27 March 1973

laying down special provisions for refunds and Community aid fixed in advance prior to 13 February 1973

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 136/66/EEC (1) of 22 September 1966 on the establishment of a common organization of the market on oils and fats, as last amended by the Act (2) concerning the Conditions of Accession and the Adjustments to the Treaties, hereinafter referred to as 'the Act', and in particular Article 18 (3), Article 27 (5) and Article 28 (3) thereof;

Having regard to Council Regulation No 120/67/EEC (3) of 13 June 1967 on the common organization of the market in cereals, as last amended by the Act, and in particular Article 16 (6) 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, and in particular Article 17 (6) thereof;

Having regard to Council Regulation No 1009/67/EEC (5) of 18 December 1967 on the common organization of the market in sugar, as last amended by the Act, and in particular Article 17 (4) thereof;

Having regard to Council Regulation (EEC) No 804/68 (6) of 27 June 1968 on the common organization of the market in milk products, as last amended by the Act, and in particular the first subparagraph of Article 17 (4) thereof;

Having regard to Council Regulation (EEC) No 865/68 (7) of 28 June 1968 on the common organization of the market in fruit and vegetables, as last amended by the Act, and in particular Article 3a (6) thereof;

Having regard to Council Regulation (EEC) No 2682/72 (8) of 12 December 1972 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds, and in particular Article 7 thereof;

Whereas a devaluation of the dollar was announced by the Government of the United States of America on 13 February 1973; whereas this devaluation, though not yet official, is already affecting foreign exchange markets and the world market in agricultural products;

Whereas, if following an official devaluation of the currency of a third country, disturbances endanger or threaten to endanger the proper functioning of the common organizations of markets or special trade systems for certain goods processed from agricultural products, appropriate action may be taken pursuant to Council Regulation (EEC) No 1134/68 (9) of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy; whereas this Regulation cannot be applied in this instance; whereas the present situation is somewhat analogous to the situation dealt with by that Regulation; whereas, to prevent repercussions of the world monetary situation jeopardizing forward transactions planned prior to 13 February 1973, refunds fixed in advance and relating to exports not yet effected by that date should be increased as an exceptional measure, the rule in the future, being that those concerned must take precautions to cover themselves against the risk of fluctuating exchange rates;

Whereas, for the same reasons, subsidies fixed in advance for oil seeds should also be adjusted;

Whereas the extent of this increase should be determined by means of the rules which are technically best suited to each product;

Whereas the measures provided for in this Regulation are in accordance with the Opinions of the Manage-

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No 117, 19. 6. 1967, p. 2269/67.
(4) OJ No 174, 31. 7. 1967, p. 1.
(5) OJ No 308, 18. 12. 1967, p. 1.
(6) OJ No L 148, 28. 6. 1968, p. 13.
(7) OJ No L 153, 1. 7. 1968, p. 1.
(8) OJ No L 289, 27. 12. 1972, p. 13.
(9) OJ No L 188, 1. 8. 1968, p. 1.

ment Committees for Oils and Fats, for Cereals, for Sugar, for Milk and Milk Products and for Products processed from Fruit and Vegetables ;

HAS ADOPTED THIS REGULATION :

Article 1

Refunds fixed in advance prior to 13 February 1973 and relating to products in respect of which the customs formalities referred to in (b) of the second subparagraph of Article 8 (2) of Regulation (EEC) No 1373/70 (1) have not been completed before that date shall be increased by an amount, hereinafter referred to as the 'adjusting amount', which is or must be fixed by product in accordance with the provisions of Articles 2 to 7 of this Regulation.

Article 2

1. For colza and rape seed, the adjusting amount shall be equal to 10 % of the difference between

— the target price valid for the product in question during the month in which an export licence involving advance fixing of the refund is applied for, and

— the subsidy applicable to that product on the day on which this licence is applied for.

2. For olive oil, the adjusting amount shall be equal to 10 % of the threshold price.

Article 3

1. For the products listed in Article 1 (a) and (b) of Regulation No 120/67/EEC and those listed in Article 1 (a) and (b) of Regulation No 359/67/EEC, the adjusting amount shall be equal to 10 % of the difference between

— the threshold price valid for the product in question or for paddy rice and milled rice the price obtained by application of the conversion rates laid down respectively in Articles 1 (1) and 1 (3) of Regulation No 467/67/EEC (2) during the month in which an export licence involving advance fixing of the refund is applied for, and

— the import levy valid for the product in question on the day on which this licence is applied for.

2. For the products listed in Article 1 (c) of Regulation No 120/67/EEC, the provisions of paragraph 1 apply, it being understood that the adjusting amount thus obtained applies to the category of product with the lowest ash content within the meaning of Regulation No 162/67/EEC (3) and that for categories with a higher ash content the adjusting amount is reduced in proportion to that resulting from application of this Regulation.

3. For the products listed in Article 1 (d) of Regulation No 120/67/EEC and for those listed in Article 1 (c) of Regulation No 359/67/EEC, the adjusting amount shall be equal to 10 % of the difference between

— the threshold price valid for the basic product in question listed in the Annex to Regulation (EEC) No 1052/68 (4) during the month in which an export licence involving advance fixing of the refund is applied for, and

— the average of the import levies valid for the basic product in question during the month preceding the month in which this licence is applied for, this average being adjusted where appropriate by the monthly increase for the month in which the application is lodged or, if that latter month is the first month of the 1972/73 marketing year, for the difference between the threshold price valid for the last month of the 1971/72 marketing year and that valid for the first month of the 1972/73 marketing year

this difference being multiplied by the coefficient for the product in question shown in Annex I to this Regulation.

Article 4

1. For products covered by Regulation No 1009/67/EEC, the adjusting amount shall be equal to :

— 2 units of account per 100 kilogrammes of white sugar

— 1·84 units of account per 100 kilogrammes of raw sugar of the standard quality within the meaning of Regulation (EEC) No 431/68 (5)

— 0·02 unit of account per percentage point of sucrose content and per 100 kg net for the products listed in Article 1 (1) (d) of that Regulation.

2. By way of derogation from the provisions of Article 1, refunds fixed in advance within the framework of a partial invitation to tender issued pursuant to Regulation (EEC) No 1897/72 (6) prior to 13 February 1973 shall also qualify for the adjusting amount referred to in the preceding paragraph.

(1) OJ No L 158, 20. 7. 1970, p. 1.
(2) OJ No 204, 24. 8. 1967, p. 1.
(3) OJ No 128, 27. 6. 1967, p. 2574/67.
(4) OJ No L 179, 25. 7. 1968, p. 8.
(5) OJ No L 89, 10. 4. 1968, p. 3.
(6) OJ No L 201, 2. 9. 1972, p. 8.

Article 5

1. For the products covered by Regulation (EEC) No 804/68, the adjusting amount shall be as indicated for each product in Annex II to this Regulation.

2. By way of derogation from the provisions of Article 1, refunds fixed in advance within the framework of the invitation to tender by the US Army Material Command Europe, Zweibrücken (Germany) for deliveries after 30 June 1973 shall not qualify for the adjusting amount referred to in the preceding paragraph.

Article 6

For the products listed in Annex II to Regulation (EEC) No 865/68, the adjusting amount shall be that indicated in Article 3 (3) or in Article 4 depending on the product incorporated, account being taken of the provisions of Article 3 of that Regulation, which deals with the calculation of refunds.

Article 7

For the products referred to in Article 5 (2) of Regulation (EEC) No 2682/72, the adjusting amount shall be determined in accordance with the rules contained in the preceding Articles for each basic product in question, account being taken of the provisions of that Regulation which deals with the calculation for refunds.

Article 8

The subsidy for colza, rape and sunflower seeds fixed in advance prior to 13 February 1973 and relating to products in juni of which the ID part of the certificate within the meaning of Article 4 of Regulation (EEC) No 2114/71 [1] had not been applied for by that date shall be increased by an adjusting amount equal to 10 % of the difference between

— the target price valid for the product in question during the month in which the AP part of the certificate referred to above is applied for, and

— the subsidy applicable to the product in question on the day on which the ID part of the certificate is applied for.

Article 9

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, 27 March 1973.

For the Commission

The President

François-Xavier ORTOLI

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[1] OJ No L 222, 2. 10. 1971, p. 2.

ANNEX I

Number in nomenclature used for refunds	Coefficient
11.01 C (I)	1·50
11.01 C (II)	1·02
11.01 D (I)	1·80
11.01 D (II)	1·02
11.01 E (I)	1·40
11.01 E (II)	1·20
11.01 E (III)	0·87
11.01 F	1·06
11.01 H	1·02
11.02 A III (a)	1·55
11.02 A III (b)	1·02
11.02 A IV (a)	1·80
11.02 A IV (b)	1·02
11.02 A V (a)	1·80
11.02 A V (b)	1·40
11.02 A V (c)	1·20
11.02 A VI	1·06
11.02 B I a) 1 (aa)	1·50
11.02 B I a) 1 (bb)	1·02
11.02 B I a) 2 (aa)	1·02
11.02 B I a) 2 bb) (11)	1·60
11.02 B I a) 2 bb) (22)	1·02
11.02 B I b) 1 (aa)	1·50
11.02 B I b) 1 (bb)	1·02
11.02 B I b) 2 (aa)	1·70
11.02 B I b) 2 (bb)	1·02
11.02 B II a) (1)	1·02
11.02 C III (a)	2·00
11.02 C III (b)	1·60
11.02 C IV	1·02
11.02 D II	1·02
11.02 E I b) 1 (aa)	1·50
11.02 E I b) 1 (bb)	1·02
11.02 E I b) 2 (aa)	2·00
11.02 E I b) 2 (bb)	1·60
11.02 E I b) 2 (cc)	1·02
ex 11.02 E II c) (1)	1·60
ex 11.02 E II c) (2)	1·30
ex 11.02 E II c) (3)	1·10
11.02 E II c) 1	1·06
11.02 F III	1·02
11.02 F IV	1·02
11.02 F V	1·02
11.02 G I	0·25
11.02 G II	0·25
11.07 A I a)	1·78
11.07 A I b)	1·33
11.07 A II a)	1·78
11.07 A II b)	1·33
11.07 B	1·55
11.08 A I	1·61
11.08 A III	2·20
11.08 A IV	1·61
11.08 A V	1·61
11.09 A	4·00
17.02 B II a)	2·10
17.02 B II b)	1·61
17.05 B I	2·10
17.05 B II	1·61
23.02 A I a)	0·08
23.02 A I b) 1	0·08
23.02 A I b) 2	0·08
23.02 A II a)	0·08
23.02 A II b)	0·08
23.03 A I	2·00

Number in nomenclature used for refunds	Special specification for refund	Coefficient
23.07 B I	3010	0·10
	4010	0·25
	5010	0·45
	6010	0·60
	7010	0·75

ANNEX II

CCT heading No	Description	Adjustment (in u.a./100 kg unless otherwise indicated)
ex 04.01 A I	Yoghurt, buttermilk	0·89
ex 04.01 A II	Of a fat content by weight :	
	— not exceeding 1 %	0·61
	— exceeding 1·8 % but not exceeding 2·2 %	0·89
	— exceeding 3 %	0·94
ex 04.01 B	Of a fat content by weight :	
	— exceeding 10 % but not exceeding 17 %	1·17
	— exceeding 17 % but not exceeding 21 %	1·76
	— exceeding 35 % but not exceeding 39 %	3·51
ex 04.02 A II	Of a fat content by weight :	
	— not exceeding 11 %	4·25
	— exceeding 11 % but not exceeding 17 %	5·06
	— exceeding 17 % but not exceeding 25 %	5·47
	— exceeding 25 % but not exceeding 27 %	6·00
	— exceeding 27 % but not exceeding 29 %	6·14
ex 04.02 A III	Of a fat content by weight :	
	— exceeding 3 % but not exceeding 7 %	2·30
	— exceeding 7 % but not exceeding 8·9 %	3·40
	— exceeding 8·9 % but not exceeding 11 %	4·03
	— exceeding 39 % but not exceeding 45 %	3·90
ex 04.02 B I	Of a fat content by weight :	
	— not exceeding 11 %	0·0425 (1) per kg
	— exceeding 11 % but not exceeding 17 %	0·0506 (1) per kg
	— exceeding 17 % but not exceeding 25 %	0·0547 (1) per kg
	— exceeding 25 % but not exceeding 27 %	0·0600 (1) per kg
	— exceeding 27 % but not exceeding 29 %	0·0614 (1) per kg
ex 04.02 B II	Of a fat content by weight :	
	— not exceeding 6·9 %	1·50 (2)
	— exceeding 6·9 % but not exceeding 9·5 %	3·70 (2)

CCT heading No	Description	Adjustment (in u.a./100 kg unless otherwise indicated)
04.03	Butter	8·00
04.04	Cottage cheese	3·50
	— other	7·50
23.07 B I a) 3	Containing :	
	— not less than 60 % but not more than 70 %	2·64
	— not less than 70 % by weight of skimmed-milk powder falling within subheading 04.02 A II b) 1	3·06
23.07 B I a) 4	Containing more than 75 % by weight of skimmed-milk powder falling within sub-heading 04.02 A II b) 1	3·27

(1) The amount of the adjustment per 100 kg of product falling within this subheading is equal to the sum of the following components :

(a) the amount per kg indicated multiplied by the weight of milk and cream contained in 100 kg of product,

(b) an additional amount for each percentage point constituting the sucrose content of 100 kg net of product equal to the adjustment applicable to 1 kg of white sugar.

(2) The amount of the adjustment per 100 kg of product falling within this subheading is equal to the sum of the following components :

(a) the amount indicated,

(b) an additional amount for each percentage point constituting the sucrose content of 100 kg net of product equal to the adjustment applicable to 1 kg of white sugar.

For the purposes of calculating fat content, the weight of non-milk fats and added lactose is disregarded.