REGULATION (EEC) No 1934/74 OF THE COMMISSION

of 24 July 1974

on the export refunds on malt exported at the beginning of the 1974/75 marketing year

THE COMMISSION 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 16 (6) thereof;

Whereas because of the need for germination, barley of the new marketing year is not suitable for making malt until a period of 30 to 60 days has elapsed; whereas, accordingly, at the beginning of a marketing year malsters can use barley only from a previous marketing year; whereas consequently, when fixing the export refund on malt made from such barley account should be taken as provided for in Article 6 (2) of Regulation (EEC) No 1052/68 [3], of the threshold price prevailing in respect thereof at the end of the marketing year;

Whereas for malt exported during the first two months of the marketing year and for which the refund was fixed in advance before 1 August, Article 16 (4) of Regulation No 120/67/EEC lays down the conditions under which the refund fixed in advance must be adjusted;

Whereas it is necessary to verify that the malt exported is made from barley which was harvested in the Community in 1973 or earlier and remained in stock at the end of the marketing year; whereas it is necessary to verify, as regards the adjustment of the export refund, that the malt exported during the first two months of the marketing year was in stock at the end of the previous marketing year or was made from barley in stock at that time; whereas to this end it is necessary that the quantities of barley and malt in stock at the end of the 1973/74 marketing year be ascertained; whereas the competent authorities of each Member State should ascertain those quantities, on terms that they must take all necessary steps to ensure that the Community provisions relating to the granting or adjustment of refunds on malt exported during the period under consideration are complied with;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

TITLE I

Provisions applicable to exports of malt made from barley in stock at the end of the marketing year

Article 1

The export refund on malt exported after 31 July and before 1 October 1974 made from barley in stock at the end of the 1973/74 marketing year and harvested in the Community in 1973 or earlier, shall be fixed by reference to the threshold price applicable to barley in July 1974 provided the stock of barley has been duly declared by the malting in question.

Article 2

1. To be entitled to the refund fixed in manner provided in Article 1, the exporter must have supplied the competent authority of the Member State which issues the export licence with documents certifying:

(a) that the barley was harvested in the Community during or before 1973,

(b) that the barley came from a stock declared in accordance with paragraph 2,

(c) that the malt was exported during the period specified in Article 1.

The attestations required under (a) and (b) shall be certified by the competent authority to which the stocks were declared.

2. The stock declaration referred to in Article 1 shall be made to the competent authority of the Member State in whose territory the malting is situated.

To this end, the persons concerned:

(a) shall declare, by registered letter, telex or telegram, sent not later than 25 July 1974 that he intends to obtain a refund fixed in manner provided in Article 1;

(b) shall declare, by registered letter, telex or telegram, sent not later than 7 August 1974, the quantities of barley in stock on 31 July 1974, which were

[1] OJ No 117, 19. 6. 1967, p. 2269/67.
[2] OJ No L 141, 28. 5. 1973, p. 8.
[3] OJ No L 179, 25. 7. 1968, p. 8.

harvested in the Community and form part of the 1973 or earlier harvest, and shall indicate at what place those stocks may be verified.

TITLE II

Provisions applicable, solely in cases of advance fixing, to exports of malt in stock at the end of the previous marketing year or made from barley in stock

Article 2

To be entitled to adjustment of the export refund provided for in Article 16 (4) of Regulation No 120/67/EEC the exporter must:

— if the malt was made from barley in stock at the end of the marketing year, supply the competent authority of the Member State which delivered the export licence with documents certifying:

(a) that the barley comes from stock declared to the competent authority of the Member State in whose territory the stock was situated, by registered letter, telex or telegram, sent not later than 7 August 1974 indicating the quantities of barley in stock on 31 July 1974 and at what place those stocks may be verified;

(b) that the malt was exported after 31 July and before 1 October 1974.

The attestation required under (a) shall be certified by the competent authority to which the stocks are declared.

— if the malt was in stock at the end of 1973/74 marketing year, supply the competent authority of the Member State which issued the export licence with documents certifying:

(a) that the malt comes from stock declared to the competent authority of the Member State in whose territory the stock was situated, by registered letter, telex or telegram, sent not later than 7 August 1974 indicating the quantities of malt in stock on 31 July 1974 and at what place those stocks may be verified;

(b) that the malt was exported after 31 July and before 1 October 1974.

The attestation required under (a) shall be certified by the competent authority to which the stocks are declared.

TITLE III

General provisions

Article 4

1. The competent authority of each Member State:

(a) shall effect the necessary verification of stocks and of movements thereof within its territory;

(b) shall adopt all necessary additional measures to take account of the special conditions within its territory and in particular of the periods during which stocks and movements thereof are to be the subject of verification.

2. The Member States shall communicate to the Commission not later than 31 December 1974, a report in writing on the application of this Regulation, indicating in particular the quantities of barley and malt in stock at the end of the marketing year and the quantities of malt exported to which the provisions of this Regulation have been applied.

3. The competent authority shall for each Member State be the intervention agency or such other body as the Member State shall designate.

Article 5

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, 24 July 1974.

For the Commission

The President

François-Xavier ORTOLI