REGULATION (EEC) No 1981/74 OF THE COMMISSION

of 25 July 1974

laying down detailed rules for the application pursuant to Article 7 (2) of Regulation (EEC) No 1132/74 of an export levy on starches

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 1125/74 [2];

Having regard to Council Regulation No 359/67/EEC [3] of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 1129/74 [4];

Having regard to Council Regulation (EEC) No 1132/74 [5] of 29 April 1974 on production refunds in the cereals and rice sectors, and in particular Article 9 (a) thereof;

Whereas Article 7 (2) of Regulation (EEC) No 1132/74 provides that if world market prices for maize and common wheat or for broken rice appreciably and persistently exceed 8·20 units of account or 10·20 units of account respectively, an export levy may be introduced so as not to disturb third country markets;

Whereas, if the import levy on the basic product is more than 0·30 unit of account/100 kilogrammes less than the amount of the production refund and if this situation continues for at least a fortnight, the conditions required by Article 7 (2) of Regulation (EEC) No 1132/74 for the introduction of an export levy may be considered as fulfilled;

Whereas the method of calculating the export levy in the situation outlined above must be defined; whereas, to that end, a fixed rate system should be adopted on similar lines to that in force for calculating the import levy and the export refund on products processed from cereals and from rice;

Whereas to ensure that the calculation of the export levy is as up to date as possible, it should be based on price factors valid during the week preceding that of fixing; whereas it should be allowed to remain in force for one week only so that it may be adjusted to any world market price fluctuations;

Whereas there must be provision for determining the date for the application of the rate of the levy and the Member State which is to collect the levy; whereas, to this end, the rules adopted for other agricultural exports should be followed;

Whereas under Regulation (EEC) No 1132/74 the production refund to be taken into consideration in the new Member States is the production refund applicable in the Community as originally constituted less the relevant compensatory amount;

Whereas use should be made of the possibility of fixing export levies in advance in the light of market conditions and of the exigencies of international trade, particularly for the purpose of concluding long-term contracts;

Whereas to facilitate application of this Regulation use should be made of the provisions of Commission Regulation (EEC) No 1279/71 [6] of 17 June 1971 on the use of Community transit documents for the purpose of applying certain measures on the exportation of certain goods, as last amended by Regulation (EEC) No 2766/71 [7];

Whereas Commission Regulation (EEC) No 1604/71 [8] of 26 July 1971 on detailed rules for the appli-

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(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 128, 10. 5. 1974, p. 12.
(3) OJ No 174, 31. 7. 1967, p. 1.
(4) OJ No L 128, 10. 5. 1974, p. 20.
(5) OJ No L 128, 10. 5. 1974, p. 24.
(6) OJ No L 133, 19. 6. 1971, p. 32.
(7) OJ No L 283, 24. 12. 1971, p. 33.
(8) OJ No L 168, 27. 7. 1971, p. 11.

cation of an export levy on starches in under Article 2 (2) of Regulation No 371/67/EEC, as last amended by Regulation (EEC) No 2261/73 [1], has been subject to numerous amendments; whereas in the interest of clarity it is preferable to repeal the said Regulation and to replace it by this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export levy provided for in Article 7 (2) of Regulation (EEC) No 1132/74 shall be fixed in respect of the products specified in that Article as provided in the Articles below if the world market price exceeds

— 8·20 units of account per 100 kg of maize or common wheat,

— 10·20 units of account per 100 kg of broken rice.

Article 2

1. An export levy shall be introduced when it is found that the import levy on maize or common wheat is at least 0·30 unit of account/100 kilogrammes less than the amount of the production refund valid in the current month and that the average of the levies valid in the immediately following fortnight is at least 0·30 unit of account/100 kilogrammes less than the average of the production refund valid in that fortnight.

2. (a) The export levy shall be equal, per 100 kilogrammes of basic product, to the difference between the production refund valid on the day on which this export levy is fixed and the average of the levies applicable on the seven days preceding the day it comes into force.

(b) This difference shall then be multiplied for the products mentioned in Article 1 by the coefficients relating to these products shown in column 4 of the Annex to Regulation (EEC) No 1052/68 [2], as last amended by Regulation (EEC) No 881/73 [3].

The export levy shall be altered only if application of the provisions of paragraph 2 (a) entails an increase or a reduction of more than 0·08 unit of account per 100 kilogrammes of basic product.

3. For the new Member States, the import levy and the production refund referred to in the preceding paragraphs shall be the levy and the refund on the product in question less the relevant accession/compensatory amount.

Article 3

The export levy shall be fixed by the Commission once a week.

Article 4

1. The rate of the export levy shall be that valid on the day on which the customs formalities specified in the second subparagraph under (b) of Article 8 (2) of Regulation (EEC) No 1373/70 [4], as last amended by Regulation (EEC) No 1796/73 [5], are concluded. It shall be collected by the Member State on whose territory these formalities have been completed.

2. The export levy may be fixed in advance. The export levy on the products referred to in Article 1 shall be fixed in advance, at the request of the party concerned, when application for a licence is made, in respect of exports to be effected during the period of validity of that licence.

In that case, the amount of the levy fixed in advance shall be that which applies on the day on which application for the export licence is made.

In the case of a modification of the amounts specified in Article 1 the levy fixed in advance is adjusted by increasing or reducing the latter by the difference, per 100 kilogrammes of basic product, between the amount valid in the month in which application is made and that in force in the month of exportation. These differences shall be adjusted by the coefficient shown in column 4 of the Annex to Regulation (EEC) No 1052/68 for the products in question.

3. The export levy shall not apply to exports covered by licences applied for in the periods when the export levy was not fixed.

Article 5

1. If an export levy is applied, movement within the Community of the products in question shall be subject to the rules set out in Regulation (EEC) No 1279/71.

(1) OJ No L 233, 21. 8. 1973, p. 15.
(2) OJ No L 179, 25. 7. 1968, p. 8.
(3) OJ No L 86, 31. 3. 1973, p. 30.
(4) OJ No L 158, 20. 7. 1970, p. 1.
(5) OJ No L 183, 5. 7. 1973, p. 1.

2. Where it is apparent from the particulars entered on the customs document that during transport between two points situated within the Community products will leave Community territory otherwise than by air, the consignor shall lodge a security equal to the levy which would be charged if the products were exported from the Community.

3. Such security shall be released as and when proof is furnished that the products have reached their destination. The return to the office of departure of one of the documents specified in Articles 2 and 3 of Regulation (EEC) No 1279/71 or of a national document shall constitute such proof.

4. If Article 5a of Regulation (EEC) No 1279/71 applies, the day on which the formalities for the dispatch of the products are completed shall be regarded as the day on which the customs formalities referred to in Article 4 (1) of this Regulation are completed.

Article 6

Regulation (EEC) No 1604/71 is hereby repealed.

Article 7

This Regulation shall enter into force on:

— 1 August 1974 for products coming under Regulation No 120/67/EEC,

— 1 September 1974 for products coming under Regulation No 359/67/EEC.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 July 1974.

For the Commission

The President

François-Xavier ORTOLI