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(Acts whose publication is obligatory)

REGULATION (EEC) No 1996/74 OF THE COUNCIL

of 29 July 1974

amending Regulation No 120/67/EEC on the common organization of the market in cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas according to Article 3 of 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], the marketing year for maize, with effect from the 1975/76 marketing year starts on 1 October and ends on 30 September of the following year; whereas the reasons which led to this system are equally valid for sorghum, a cereal which has, as regards the agricultural cycle, the rhythm of sales and the nutritive value, the same characteristics as maize; whereas the same dates for the beginning and end of the marketing year should therefore be laid down for sorghum;

Whereas Article 16 (4) of Regulation No 120/67/EEC provides for corrective amounts to be applied in cases where the export refunds for cereals are subject to advance fixing; whereas, according to the above provision, this corrective amount must be fixed at the same as the premium referred to in Article 15 (2) of the same Regulation; whereas, in the light of experience and with regard to the good management of the market, the existing link between the fixing of the premium and that of the corrective amount should no longer be retained;

Whereas Article 16 (4) of Regulation No 120/67/EEC has been amended several times; whereas the whole of that paragraph should therefore be published,

HAS ADOPTED THIS REGULATION:

Article 1

The text of Article 3 of Regulation No 120/67/EEC shall be replaced by the following:

'With the exception of maize and sorghum, for which it shall begin on 1 October and end on 30 September of the following year, the marketing year for all products referred to in Article 1 shall begin on 1 August and end on 31 July of the following year; the 1974/75 marketing year for maize and sorghum shall however begin on 1 August 1974 and end on 30 September 1975.'

Article 2

The text of Article 16 (4) of Regulation No 120/67/EEC shall be replaced by the following:

'4. However, for the products referred to in Article 1 (a) and (b) the export refund applicable on the day on which the application for the licence is made, adjusted on the basis of the threshold price valid during the month of exportation, shall be applied, if the party concerned so requests at the time when the application for the licence is made (the request to be made not later than 13.00 hours), to exports effected during the period of validity of the licence.

A corrective amount may be fixed. It shall be applied to the refund where this is fixed in advance. The corrective amount shall be fixed at the same time as the refund according to the same procedure; however, when necessary, the Commission, following a request from a Member State or on its own initiative, may modify the corrective amounts in the interval.

[1] OJ No 117, 19. 6. 1967, p. 2269/67.
[2] OJ No L 128, 10. 5. 1974, p. 12.

The provisions of the preceding subparagraphs may be applied, in whole or in part, to any of the products listed in Article 1 (c) and (d) and to products listed in Article 1 and exported in the form of goods listed in Annex B.

If the carry-over payment envisaged by Article 9 is not granted for barley and malt and if an advance fixing of the refund has been laid down for malt, the refund on exports, made during the first two months of the marketing year, of malt in stock at the end of the preceding marketing year or made from barley in stock at that time shall be adjusted for the threshold price in force in the last month of the preceding marketing year.'

Article 3

This Regulation shall enter into force on 1 August 1974.

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

Done at Brussels, 29 July 1974.

For the Council

The President

B. DESTREMAU