REGULATION (EEC) No 2546/74 OF THE COMMISSION

of 4 October 1974

concerning certain measures to be taken, following the raising with effect from 7 October 1974 of the threshold prices for cereals and rice, as regards licences for those products where the import levy or export refund is fixed in advance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2496/74 [1] of 2 October 1974 amending the prices applicable in agriculture for the 1974/75 marketing year, and in particular Article 4 thereof;

Whereas Commission Regulation (EEC) No 2518/74 [2] of 4 October 1974 on the measures to be taken following the all-round increase in agricultural prices taking effect on 7 October 1974 altered the threshold prices for cereals and rice so as to bring them in line with the new prices which will apply from 7 October 1974 for the 1974/75 marketing year;

Whereas pursuant to Article 15 (2) and the second subparagraph of Article 16 (3) of Council Regulation No 120/67/EEC [3] of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1996/74 [4], and to Articles 13 (2) and 17 (4) of Council Regulation No 359/67/EEC [5] of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 1129/74 [6], import levies and export refunds which are fixed in advance are to be adjusted by reference to the threshold price in force during the month of importation or exportation as the case may be;

Whereas such adjustment would however have the effect of increasing such levies and refunds in a manner for which there is no economic justification; whereas, as regards import levies, since world market prices are at present high, so that the increase in threshold prices will not provoke the introduction of a levy, the Community market will remain adequately protected; whereas as regards export refunds the trend in the world market prices of the products in question has over recent months been such that it has been possible progressively to abolish the refund completely; whereas in the case of certain of these products such licences involving the advance fixing of a refund as have not yet been used will accordingly expire shortly; whereas it may therefore be assumed that the products to be exported under such licences have already been sold on the Community market at prices determined by the common price level obtaining before 7 October 1974; whereas, in view of normal commercial practice in respect of the exportation of the products concerned, the same assumption can be made in respect of products for which the period of validity of the export licence is longer;

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

HAS ADOPTED THIS REGULATION:

Article 1

Where an import levy or an export refund on a product coming under Regulation No 120/67/EEC or under Regulation No 359/67/EEC has been fixed in advance and the day on which the licence was applied for, as defined in Article 6 of Regulation (EEC) No 1373/70 [7], is a day prior to 7 October 1974, such levy or refund shall not be adjusted as regards that part of the increase in the threshold price which results from the increase in agricultural prices taking effect on 7 October 1974.

Article 2

This Regulation shall enter into force on 7 October 1974.

(1) OJ No L 268, 3. 10. 1974, p. 1.
(2) OJ No L 270, 5. 10. 1974, p. 1.
(3) OJ No 117, 19. 6. 1967, p. 2269/67.
(4) OJ No L 209, 31. 7. 1974, p. 1.
(5) OJ No 174, 31. 7. 1967, p. 20.
(6) OJ No L 128, 10. 3. 1974, p. 20.
(7) OJ No L 158, 20. 7. 1970, p. 1.

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

Done at Brussels, 4 October 1974.

For the Commission

The President

François-Xavier ORTOLI