REGULATION (EEC) No 3128/74 OF THE COMMISSION
of 12 December 1974
fixing the export levies on cereals

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 1996/74 [2];

Having regard to Council Regulation (EEC) No 1968/73 [3] of 19 July 1973 laying down general rules to be applied in the event of the cereals market being disturbed, as last amended by Regulation (EEC) No 676/74 [4] and in particular Article 4 (2) thereof;

Having regard to the Opinion of the Monetary Committee;

Whereas Article 19 of Regulation No 120/67/EEC provides that the necessary measure may be taken if the cif price of one or more products is appreciably higher than the threshold price and if that situation is likely to continue thereby disturbing or threatening to disturb the Community market;

Whereas Regulation (EEC) No 1968/73 specifies that the cif price may be regarded as appreciably higher than the threshold price when it exceeds it by at least 2 %; whereas this excess may be regarded as being likely to continue where an imbalance between supply and demand is established and where this imbalance is likely to persist having regard to foreseeable production and market price trends;

Whereas the high level of prices in international trade could impede importation of common wheat, barley, rye, oats, maize, millet and sorghum into the Community or provoke exportation from the Community;

Whereas the situation described above can be said to exist at the present time; whereas to ensure supplies in the Community an export levy should be introducted for common wheat, barley, rye, oats, maize, millet and sorghum;

Whereas, in view of the relationship between the basic product and the products processed from it and given the market situation for certain processed products, an export levy for certain of these products must also be fixed;

Whereas the threshold prices for the 1974/75 marketing year were fixed by Council Regulation (EEC) No 1427/74 [5] of 4 June 1974, as amended by Regulation (EEC) No 2518/74 [6];

Whereas Article 3 of Regulation (EEC) No 1968/73 specifies that when the export levy is being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the word market on the other; whereas the same article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas for the products, other than starches, listed in Article 1 (c) and (d) of Regulation No 120/67/EEC the specific factors set out in Article 3 (2) of Regulation (EEC) No 1968/73 must also be taken into account;

Whereas the export levy may be varied if the world market situation or the specific requirements of certain markets make this necessary;

Whereas, if the levy system is to operate normally, the following should be used to calculate the levies:

— for currencies the exchange rates for which are kept at any given moment within a band of 2·25 %, at a conversion rate based on their actual parity;

— for other currencies a conversion rate based on the arithmetic mean of the spot market rates for each of these currencies against the Community currencies referred to in the preceding paragraph over a specified period;

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 209, 31. 7. 1974, p. 1.
(3) OJ No L 201, 21. 7. 1973, p. 10.
(4) OJ No L 83, 28. 3. 1974, p. 3.
(5) OJ No L 151, 8. 6. 1974, p. 1.
(6) OJ No L 270, 5. 10. 1974, p. 1.

Whereas it follows from applying the rules outlined above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the export levies, should be fixed as shown in the Annex to 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 levies referred to in the first indent of Article 2 (1) of Regulation (EEC) No 1968/73 are hereby fixed at the amounts shown in the Annex.

Article 2

This Regulation shall enter into force on 13 December 1974.

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

Done at Brussels, 12 December 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

to the Commission Regulation of 12 December 1974 fixing the export levies in the cereals sector

CCT heading No	Description	u.a./metric ton
ex 10.01 A	Common wheat and meslin, excluding officially certified seeds (1)	75·00
ex 10.02	Rye, excluding officially certified seeds (1)	—
ex 10.03	Barley, excluding officially certified seeds (1)	55·00
ex 10.04	Oats, excluding officially certified seeds (1)	30·00
10.05 B	Maize other than hybrid maize for sowing	60·00
10.07 B	Millet	30·00
10.07 C	Grain sorghum	45·00
ex 11.01 A	Wheat flour	42·00
11.02 A I a)	Durum wheat groats and meal	—
11.02 A I b)	Common wheat groats and meal	42·00
11.01	Flour of cereals :	
	C. Barley flour	7·50
	D. Oat flour	4·50
	E. Maize flour :	
	I. Of a fat content not exceeding 1·5 % by weight	9·00
	II. Other	36·00
	H. Millet flour	18·00
	K. Grain sorghum flour	27·00
11.02	Cereal groats and cereal meal ; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice ; germ of cereals, whole, rolled, flaked or ground :	
	A. Cereal groats and cereal meal :	
	II. Rye	—
	III. Barley :	
	a) Of an ash content not exceeding 1 % by weight	7·50
	b) Barley groats and meal not included under No 11.02 A III a)	30·00
	IV. Oats :	
	a) Of an ash content not exceeding 2·3 % by weight	4·50
	b) Oat groats and meal not included under No 11.02 A IV a)	18·00

CCT heading No	Description	u.a./metric ton
11.02 *(cont'd)*	V. Maize :	
	a) Of a fat content not exceeding 1·5 % by weight :	
	1. For the brewing industry	9·00
	2. Other	9·00
	b) Other	36·00
	VIII. Millet	18·00
	IX. Grain sorghum	27·00
	B. Hulled grains (shelled or husked), whether or not sliced or kibbled :	
	I. Barley, oats, buckwheat and millet :	
	a) hulled (shelled or husked) :	
	1. Barley (2)	30·00
	2. Oats :	
	aa) Clipped oats	18·00
	bb) Other :	
	(11) Of an ash content not exceeding 2·3 % by weight (2)	4·50
	(22) Other (2)	18·00
	4. Millet	18·00
	b) Hulled and sliced or kibbled ('Grütze or grutten') :	
	1. Barley (2)	30·00
	2. Oats :	
	aa) Of an ash content not exceeding 2·3 % by weight (2)	4·50
	bb) Other (2)	18·00
	4. Millet (2)	18·00
	II. Other cereals :	
	a) Wheat (2)	45·00
	b) Rye (2)	—
	c) Maize (2)	36·00
	d) Grain sorghum (2)	27·00
	C. Pearled grains :	
	I. Wheat (3)	45·00
	II. Rye (3)	—
	III. Barley :	
	a) Of an ash content (without talc) not exceeding 1 % by weight — 1st category (3)	7·50
	b) Other (3)	30·00
	IV. Oats (3)	18·00
	V. Maize (3)	36·00
	VII. Millet (3)	18·00
	VIII. Grain sorghum (3)	27·00

CCT heading No	Description	u.a./metric ton
11.02 *(cont'd)*	D. Grains not otherwise worked than kibbled :	
	I. Wheat	45·00
	II. Rye	—
	III. Barley	30·00
	IV. Oats	18·00
	V. Maize	36·00
	VII. Millet	18·00
	VIII. Grain sorghum	27·00
	E. Rolled grains ; flaked grains :	
	I. Barley, oats, buckwheat and millet :	
	a) Rolled :	
	1. Barley	30·00
	2. Oats	18·00
	4. Millet	18·00
	b) Flaked :	
	1. Barley	7·50
	2. Oats	4·50
	4. Millet	18·00
	II. Other cereals :	
	a) Wheat	45·00
	b) Rye	—
	c) Maize	36·00
	d) Grain sorghum	27·00
	F. Pellets :	
	I. Wheat	45·00
	II. Rye	—
	III. Barley	30·00
	IV. Oats	18·00
	V. Maize	36·00
	VIII. Millet	18·00
	IX. Grain sorghum	27·00
	G. Gern of cereals, whole, rolled, flaked or ground	
	I. Wheat	11·25
	II. Other	9·00
11.07	Malt, roasted or not :	
	A. Unroasted :	
	I. Obtained from wheat :	
	a) In the form of flour	11·25
	b) Other	11·25

CCT heading No	Description	u.a./metric ton
11.07 *(cont'd)*	II. Other :	
	a) In the form of flour	8·25
	b) Other	8·25
	B. Roasted	8·25
23.02	Bran, sharps and other residues derived from the sifting, milling or working of cereals or of leguminous vegetables :	
	A. Of cereals :	
	I. Of maize :	
	a) With a starch content not exceeding 35 % by weight	22·20
	b) Other :	
	1. With a starch content exceeding 35 % but not exceeding 45 % by weight, and having undergone a denaturing process	22·20
	2. Other	22·20
	II. Of other cereals :	
	a) Of which the starch content does not exceed 28 % by weight, and of which the percentage which passes through a sieve with an aperture of 0·2 mm does not exceed 10 % by weight or of which the sieved product has an ash content, calculated on the dry product, of 1·5 % or more by weight	22·20
	b) Other	22·20
23.07	Sweetened forage, other preparations of a kind used in animal feeding :	
	B. Other, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 17.05 B, or milk products, mixed with other products too :	
	ex I. Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 968/68, of a milk powder content of less than 50 % by weight and of cereal products (4) content by weight :	
	— Exceeding 5 % but not exceeding 15 %	2·40
	— Exceeding 15 % but not exceeding 30 %	6·00
	— Exceeding 30 % but not exceeding 50 %	9·60
	— Exceeding 50 % but not exceeding 65 %	14·40
	— Exceeding 65 %	18·00

(1) Officially certified seeds are understood to be those seeds contained in the packages officially sealed and officially labelled as 'basic seed', 'certified seed, first generation', 'certified seed, second generation' conforming to the provisions of the Council Directive of 14 June 1966 on the marketing of cereal seed (OJ No 125, 11. 7. 1966, p. 2309/66) and of the Council Decision of 26 March 1973 on the equivalence of seed produced in Denmark, Ireland and the United Kingdom (OJ No L 106, 20. 4. 1973, p. 12).

(2) Hulled grains are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).

(3) Pearled grains are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).

(4) 'Cereals products' means the products falling within Chapter 10 and heading Nos 11.01 and 11.02 (excluding subheading 11.02 G) of the Common Customs Tariff.