REGULATION (EEC) No 384/75 OF THE COMMISSION

of 14 February 1975

amending Regulation (EEC) No 2637/70 as regards licences issued in respect of cereal and rice products

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 85/75 [2], and in particular Article 12 (2) thereof;

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], and in particular Article 10 (2) thereof;

Whereas application of the provisions of Article 16 (3) of Commission Regulation (EEC) No 2637/70 [5] of 23 December 1970 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as last amended by Regulation (EEC) No 38/75 [6], is limited to cases where an export refund is fixed; whereas these provisions should apply also where there is an export levy; whereas the abovementioned paragraph should therefore be amended accordingly;

Whereas Article 16 (4) of Regulation (EEC) No 2637/70 specifies certain endorsements to be entered on an export licence issued in connection with an invitation to tender for the export levy; whereas a corresponding endorsement must be made where the refund is fixed by tender;

Whereas Article 5 (1) (b) of Commission Regulation (EEC) No 1579/74 [7] of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals, as amended by Regulation (EEC) No 3103/74 [8], provides that an import levy fixed in advance shall be adjusted in certain cases; whereas Commission Regulation (EEC) No 1981/74 [9] 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, as amended by Regulation (EEC) No 281/75 [10], provides that an export levy fixed in advance shall be adjusted in certain cases; whereas, for the purposes of these arrangements provision should be made for a special endorsement to be entered on licences, and Article 19a of Regulation (EEC) No 2637/70 should be amended accordingly;

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

Article 16 of Regulation (EEC) No 2637/70 is amended as follows:

1. Paragraphs 3 and 4 are deleted.

2. Paragraph 2 is replaced by the following:

'Where, under an invitation to tender for cereals held by intervention agencies, a tender is to be valid only if accompanied by an application for an export licence together with an application for advance fixing of the export refund or levy for the destination in question, the country of destination shall be indicated in Section 13 as the compulsory destination.'

Article 2

The following Article is added to Regulation (EEC) No 2637/70:

'*Article 16a*

1. Where the export refund is fixed by tender, the rate of export refund appearing in the statement of award of contract shall be entered in words and figures in Section 18 of the licence. This rate shall be expressed in the currency of the Member State in which the licence is issued and shall be preceded by one of the following forms of words:

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 11, 16. 1. 1975, p. 1.
(3) OJ No 174, 31. 7. 1967, p. 1.
(4) OJ No L 128, 10. 5. 1974, p. 20.
(5) OJ No L 283, 29. 12. 1970, p. 15.
(6) OJ No L 5, 9. 1. 1975, p. 8.
(7) OJ No L 168, 24. 6. 1974, p. 7.
(8) OJ No L 331, 11. 12. 1974, p. 7.
(9) OJ No L 207, 29. 7. 1974, p. 9.
(10) OJ No L 31, 5. 2. 1975, p. 15.

"Tendered rate of basic export refund applicable ....."

"Tilslagssats for basiseksportrestitutionen gældende ....."

"Zugeschlagener gültiger Satz der Grundausfuhrerstattung ....."

"Taux de la restitution de base à l'exportation adjugé applicable ....."

"Tasso della restituzione di base all'exportazione aggiudicato applicabile ....."

"De gegunde toe te basisrestitutie bij uitvoer ....".

2. Where the export levy is fixed by tender, the rate of export levy appearing in the statement of award of contract shall be entered in words and figures in Section 18 of the licence. This rate shall be expressed in the currency of the Member State in which the licence is issued and shall be preceded by one of the following forms of words :

"Tendered rate of export levy applicable ....."

"Tilslagssats for eksportafgiften gældende ....."

"Zugeschlagener gültiger Satz der Ausfuhrabschöpfung ....."

"Taux du prélèvement à l'exportation adjugé applicable ....."

"Tasso del prelievo all'esportazione aggiudicato applicabile ....."

"De gegunde toe te passen heffing bij uitvoer ....".

Article 3

Article 19a of Regulation (EEC) No 2637/70 is replaced by the following :

'1. For the purposes of Article 3 (1) (b) of Regulation (EEC) No 1579/74, the import licence shall contain in Section 20 one of the following endorsements :

"Levy to be adjusted where necessary in accordance with Article 3 (1) (b) of Regulation (EEC) No 1579/74";

"Eventuel ændring af afgiften i overensstemmelse med bestemmelserne i artikel 3, stk. 1, litra b) i forordning (EØF) nr. 1579/74";

"Abschöpfung ist gegebenenfalls gemäß den Bestimmungen von Artikel 3 Absatz 1 Buchstabe b) der Verordnung (EWG) Nr. 1579/74 zu berichtigen";

"Prélèvement à ajuster éventuellement conformément aux dispositions de l'article 3 paragraphe 1, sous b) du règlement (CEE) nº 1579/74";

"Prelievo da adattare eventualmente in conformità delle disposizioni dell'articolo 3, paragrafo 1, lettera b), del regolamento (CEE) n. 1579/74";

"Heffing is eventueel aan te passen overeenkomstig de bepalingen van artikel 3, lid 1, sub b), van Verordening (EEG) nr. 1579/74".

2. For the purposes of the second subparagraph of Article 3 (4) of Regulation (EEC) No 1968/73, of the second subparagraph of Article 3 (4) of Regulation (EEC) No 2737/73 and Article 4 (2) of Regulation (EEC) No 1981/74, the export licence shall include the following special entries :

— Section 12 shall contain one of the following endorsements :

"Advance fixing of export levy requested";

"Anmodet om forudfastsættelse af eksportafgiften";

"Vorausfestsetzung der Ausfuhrabschöpfung beantragt";

"Préfixation du prélèvement à l'exportation demandée";

"Fissazione in anticipo del prelievo all'esportazione richiesta";

"Vooraf vaststellen van de uitvoerheffing aangevraagd";

— in Section 17 the words "refund valid on ..... fixed in advance" shall be deleted and replaced by the words set out in Section 17 of the import licence ;

— Section 18 shall contain in words and figures the rate(s) in national currency of the levy as fixed in advance.

In addition, for the purposes of Article 4 (2) of Regulation (EEC) No 1981/74, Section 18 of the export licence shall contain one of the following endorsements :

"Export levy to be adjusted where necessary in accordance with Article 4 (2) of Regulation (EEC) No 1981/74";

"Eventuel ændring af eksportafgiften i overensstemmelse med bestemmelserne i artikel 4, stk. 2 i forordning (EØF) nr. 1981/74";

"Ausfuhrabschöpfung ist gegebenenfalls gemäß den Bestimmungen von Artikel 4 Absatz 2 der Verordnung (EWG) Nr. 1981/74 zu berichtigen";

"Prélèvement à l'exportation à ajuster éventuellement conformément aux dispositions de l'article 4 paragraphe 2 du règlement (CEE) nº 1981/74";

"Prelievo all'esportazione da adattare eventualmente in conformità delle disposizioni dell'articolo 4, paragrafo 2, del regolamento (CEE) n. 1981/74";

"Uitvoerheffing is eventueel aan te passen overeenkomstig de bepalingen van artikel 4, lid 2, van Verordening (EEG) nr. 1981/74".

3. For the purposes of Article 3 (5) of Regulation (EEC) No 1968/73, of Article 3 (5) of Regulation (EEC) No 2737/73 and of Article 4 (3) of Regulation (EEC) No 1981/74, Section 18 of the export licence shall contain one of the following endorsements :

"Export levy not applicable";
"Eksportafgift ikke anvendelig";
"Ausfuhrabschöpfung nicht anwendbar";
"Prélèvement à l'exportation non applicable";
"Prelievo all'esportazione non applicabile";
"Uitvoerheffing niet van tœpassing".'

Article 4

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, 14 February 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission