REGULATION (EEC) No 764/75 OF THE COMMISSION

of 24 March 1975

amending Regulation (EEC) No 2012/74 laying down detailed rules of application as regards production refunds in the cereals and rice sector

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) ;

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 476/75 (4) ;

Having regard to Council Regulation (EEC) No 1132/74 (5) of 29 April 1974 on production refunds in the cereals and rice sector, as last amended by Regulation (EEC) No 3113/74 (6), and in particular Article 9 thereof ;

Whereas Commission Regulation (EEC) No 2012/74 (7) of 30 July 1974 laying down detailed rules for the application of Regulation (EEC) No 1132/74 as regards production refunds in the cereals and rice sector, as last amended by Regulation (EEC) No 10/75 (8), provides that the production refund shall be granted only when the person entitled to the refund has lodged a security equal to the refund requested, plus 5 % ;

Whereas at present this security may not be released until the person entitled to the refund has furnished proof that at least 96 % of the quantity of the basic product placed under official supervision has been processed within the period allowed ; whereas experience has shown that the manufacturer, because of changes in market conditions, is not always in a position to process within the period allowed the quantity of products under supervision ; whereas in order to avoid excessive finance costs in such cases it appears advisable to provide for the security to be released in respect of an amount equal to that of the production refund payable on the amount of the basic product actually processed ;

Whereas Regulation (EEC) No 10/75 effectively deleted that provision of Article 2 (3) of Regulation (EEC) No 2012/75 whereby certain sums paid to the person entitled to the refund were to be repaid ; whereas Article 4 (4) of Regulation (EEC) No 2012/74 has therefore become superfluous ;

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 following subparagraphs are added to Article 4 (3) of Regulation (EEC) No 2012/74 :

'However, when proof is furnished, in accordance with the preceding subparagraphs, that quantity equal to less than 96 % of the amount of the basic product has been processed, shall be released in respect of an amount equal to that of the production refund payable on the quantity of the basic product which has been processed.

The security or part thereof not released in accordance with this Article shall be forfeit and applied by way of reimbursement of the refund paid.'

Article 2

Paragraph 4 of Article 4 of Regulation (EEC) No 2012/74 is deleted.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

Where those concerned so request, it shall be applied with effect from :

— 1 August 1974 for products covered by Regulation No 120/67/EEC,

— 1 September 1974 for products covered by Regulation No 359/67/EEC.

(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 52, 28. 2. 1975, p. 31.
(5) OJ No L 128, 10. 5. 1974, p. 24.
(6) OJ No L 332, 12. 12. 1974, p. 1.
(7) OJ No L 209, 31. 7. 1974, p. 44.
(8) OJ No L 1, 3. 1. 1975, p. 24.

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

Done at Brussels, 24 March 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission