COMMISSION REGULATION (EEC) No 2081/76

of 23 August 1976

amending Regulation (EEC) No 1667/76 relating to protective measures applicable to exports of fodder products and straw

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty [1], as last amended by Regulation (EEC) No 1067/74 [2], and in particular Article 3 (2) thereof,

Whereas Commission Regulation (EEC) No 1667/76 of 8 July 1976 [3], as last amended by Regulation (EEC) No 1840/76 [4], introduced protective measures in the form of charges to be applied to exports of fodder products and straw;

Whereas, for straw in particular, supply in certain regions of the Community exceeds demand;

Whereas some of these surpluses are to be found in regions close to the frontiers of the Community; whereas, because of the specific structure of the market in this product, the only outlets for these surpluses are in the adjacent regions of certain non-member countries; whereas this situation may moreover be considered traditional, this trade having been recorded in previous years; whereas, moreover, the surpluses in these regions cannot be used to alleviate the supply situation in regions of the Community where straw is scarce;

Whereas transport costs, which are extremely high compared to the value of the product, are an obstacle to market fluidity;

Whereas, therefore, it does not seem advisable to apply the export charges to this trade; whereas, moreover, the only effect of maintaining these charges would be to deprive producers in the regions concerned of a supplementary income capable of compensating to some extent for the loss of income caused by the drought;

Whereas the Commission does not at present have sufficient information to judge which are the regions which fall within the above definition or what amounts could be exported;

Whereas the Commission must nevertheless maintain overall control of the situation;

Whereas, from this standpoint in particular, it is now necessary to provide that the quantities of straw exported by any applicant Member State shall not exceed the quantities of straw exported in the preceding year,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 1a is hereby inserted in Regulation (EEC) No 1667/76:

'*Article 1a*

1. By way of derogation from the first indent of the second paragraph of Article 1, Member States may be authorized not to levy the export charge on products listed under heading No 12.09 of the Common Customs Tariff, provided the quantities do not exceed the quantities exported to non-member countries to which these products have traditionally been exported during the past three years.

2. For the application of paragraph 1, Member States wishing to obtain authorization, shall apply to the Commission stating the quantities to be exported.

If within 48 hours of receiving the application the Commission has not rejected it by notifying its decision to the Member State concerned, the application shall be deemed to have been accepted.

When assessing applications submitted by the Member States the Commission shall bear in mind the effect which the exports would have on the supply situation in the Community if they took place.'

Article 2

This Regulation shall enter into force on the day of 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, 23 August 1976.

For the Commission
Henri SIMONET
Vice-President

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(1) OJ No L 151, 30. 6. 1968, p. 16.
(2) OJ No L 120, 1. 5. 1974, p. 2.
(3) OJ No L 185, 9. 7. 1976, p. 26.
(4) OJ No L 203, 29. 7. 1976, p. 36.