COMMISSION REGULATION (EEC) No 2088/76

of 24 August 1976

amending for the eighth time Regulation (EEC) No 2042/75 on special detailed rules for the application of the system of import and export licences for cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 1143/76 (2), and in particular Article 12 (2) and the second subparagraph of Article 26 (3) thereof,

Whereas Council Regulation (EEC) No 1381/76 (3) laid down certain special provisions with respect to export licences for malt by amending Commission Regulation (EEC) No 2042/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences for cereals and rice (4), as last amended by Regulation (EEC) No 1902/76 (5);

Whereas certain practical difficulties were encountered where these provisions came to be applied; whereas the intent of the measure adopted by Council Regulation (EEC) No 1381/76 should therefore be clarified;

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 9a of Regulation (EEC) No 2042/75 is amended as follows:

'*Article 9a*

1. By way of derogation from Article 9, the export licence for products falling within Common Customs Tariff heading No 11.07 shall be valid from its day of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 until the end of the 11th month following, where application is made for export to:

(a) Zone VI as defined in Regulation (EEC) No 306/76;

(b) a sub-zone defined in the abovementioned Regulation in the case of destinations not provided for under (c);

(c) in the case of Europe, including Malta, Turkey and the USSR, the non-member country of destination.

In this case the destination must be entered in section 13 of the licence and the licence shall carry the obligation to export to the said destination.

2. However, entry of the destination as provided for in paragraph 1 may be made after the licence is issued. In this case it must be entered not later than two months following the day of issue of the licence within the meaning of Article 9 (1) of Regulation (EEC) No 193/75.

3. Where application for the export licence provided for in paragraph 1 is submitted with no mention of one of the destinations listed in that paragraph, one of the following entries shall be made in section 18:

— "licence unusable unless section 13 is completed (Article 9a of Regulation (EEC) No 2042/75)",

— "certificat non utilisable en l'absence de la mention prévue à la case 13 (article 9 bis du règlement (CEE) n° 2042/75)",

— "licensen uanvendelig uden den fastsatte angivelse i rubrik 13 (artikel 9a i forordning (EØF) nr. 2042/75)",

— "titolo non utilizzabile in mancanza dell'indicazione prevista nella casella 13 (articolo 9 bis del regolamento (CEE) n. 2042/75)",

— "Lizenz nicht verwendbar, da die in Feld 13 vorgesehene Angabe fehlt (Artikel 9a der Verordnung (EWG) Nr. 2042/75)",

— "certificaat onbruikbaar zonder de vermelding in vak 13 (artikel 9 bis van Verordening (EEG) nr. 2042/75)".

Upon being informed by the holder of the export certificate of a destination which complies with the provision of paragraph 1, the issuing authority shall insert this destination in section 13 and shall endorse section 18 with its stamp and one of the following phrases:

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 130, 19. 5. 1976, p. 1.
(3) OJ No L 156, 17. 6. 1976, p. 16.
(4) OJ No L 213, 11. 8. 1975, p. 5.
(5) OJ No L 207, 8. 8. 1976, p. 35.

— "compulsory destination communicated on ...",
— "destination obligatoire communiquée le ...",
— "obligatorisk bestemmelsessted meddelt den ...",
— "verplichte bestemming medegedeeld op ...",
— "destinazione obbligatoria comunicata il ...",
— "verbindliche Bestimmung am ... mitgeteilt".

4. By way of derogation from Article 3 of Regulation (EEC) No 193/75, the rights deriving from the licence referred to in this Article shall not be transferable.'

Article 2

The second subparagraph of Article 12 (1) (d) of Regulation (EEC) No 2042/75 is amended as follows :

'However, in the case of licences issued in accordance with Article 9a, the security shall be 20 units of account per metric ton. In such case the security :

— shall be forfeited if notification of one of the destinations referred to in Article 9a (1) has not been received within the time allowed in accordance with the provisions of the same Article ;
— shall be released, by way of derogation from Article 17 (2) of Regulation (EEC) No 193/75, only on production of proof that the product has reached its destination ; such proof shall be furnished in accordance with Article 11 (1) of Regulation (EEC) No 192/75.'

Article 3

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, 24 August 1976.

For the Commission

Henri SIMONET

Vice-President