COMMISSION REGULATION (EEC) No 1557/77

of 12 July 1977

on the adjustment of the export refunds on malt under Article 16 (4) of Regulation (EEC) No 2727/75

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 1151/77 [2], and in particular Article 16 (6) thereof,

Whereas, in the case of barley malt exported during the first two months of the marketing year in respect of which the refund was fixed in advance before 1 August, Article 16 (4) of Regulation (EEC) No 2727/75 lays down the conditions for adjusting the refund fixed in advance ;

Whereas it must be ensured in connection with the adjustment of the export refund fixed in advance that the barley malt exported during the first two months of the marketing year was in stock at the end of the preceding marketing year or was made from barley in stock at that time ; whereas the quantities of barley and malt in stock at the end of the 1976/77 marketing year must therefore be ascertained ; whereas the competent authorities of each Member State should be responsible for ascertaining such quantities and for taking all necessary steps to ensure the observance of the Community provisions concerning the adjustment of export refunds on malt exported during the period under consideration ;

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

To qualify for the adjustment of the export refund on barley malt under Article 16 (4) of Regulation (EEC) No 2727/75 the exporter must :

— if the malt was made from barley in stock at the end of the marketing year, supply the competent authority of the Member State which delivered the export licence with documents certifying :

(a) that the barley comes from stocks declared to the competent authority of the Member State in whose territory they were situated by registered letter, telex or telegram sent not later than 7 August 1977 indicating the quantities of barley in stock on 31 July 1977 and the place where such stocks may be checked ;

(b) that the malt was exported after 31 July and before 1 October 1977.

The certificate required under (a) shall be endorsed by the competent authority to which the stocks are declared ;

— if the malt was in stock at the end of the 1976/77 marketing year, supply the competent authority of the Member State which issued the export licence with documents certifying :

(a) that the malt comes from stocks declared to the competent authority of the Member State in whose territory the stocks were situated by registered letter, telex or telegram sent not later than 7 August 1977 indicating the quantities of malt in stock on 31 July 1977 and the place where such stocks may be checked ;

(b) that the malt was exported after 31 July and before 1 October 1977.

The certificate required under (a) shall be endorsed by the competent authority to which the stocks are declared.

Article 2

1. The competent authority of each Member State :

(a) shall carry out the necessary checks of stocks and of their movements within its territory ;

(b) shall adopt all necessary additional measures to take account of the special conditions within its territory and in particular of the periods during which stocks and their movements are to be the subject of a check.

2. Member States shall send to the Commission not later than 31 December 1977 a written report on the application of this Regulation, indicating the quantities of barley and malt in stock at the end of the

[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 136, 2. 6. 1977, p. 1.

marketing year and the quantities of malt exported to which this Regulation applies.

3. In each Member State the competent authority shall be the intervention agency or such other body as the Member State shall designate.

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, 12 July 1977.

For the Commission

Finn GUNDELACH

Vice-President