COMMISSION REGULATION (EEC) No 622/78

of 30 March 1978

amending Regulation (EEC) No 3376/75 as regards the calculation of the amounts by which import charges on beef and veal products originating in the African, Caribbean and Pacific States are reduced

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 129 on the value of the unit of account and on the exchange rates to be applied for the purposes of the common agricultural policy (1), as last amended by Regulation (EEC) No 2543/73 (2), and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 3328/75 of 18 December 1975 renewing the arrangements for the reduction of import charges on beef and veal products originating in the African, Caribbean and Pacific States (3), as last amended by Regulation (EEC) No 2570/77 (4), and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EEC) No 3376/75 of 23 December 1975 (5), as last amended by Regulation (EEC) No 2771/77 (6), laid down the detailed rules for the application of Regulation (EEC) No 3328/75 ;

Whereas at present the calculation of the amounts by which the import charges on the products in question are reduced is based only on two Community regions ; whereas in view of the movement of the currencies of the various Member States, the amount by which the import charges are reduced should in future be calculated separately for each Member State on the basis of the monetary compensatory amount applicable to imports in the Member State concerned ;

Whereas the reduction consists of levy and monetary compensatory amount components ; whereas, moreover, the fixing of the reduction in units of account may create problems, especially for the exporting country as regards the exchange rate to be used ; whereas consequently the amount by which the charges are reduced should be fixed in national currency for each Member State of destination ;

Whereas it appears useful to outline the manner in which the amount to be actually levied on imports is calculated ;

Whereas the amount by which the import charges are reduced is fixed quarterly ; whereas this amount may vary during the time of transportation to the Community ; whereas at the time of export the exporting country, when calculating the export tax to be levied, can only base itself on the reduction in force ; whereas the export tax must be compared to the reduction applicable at the time of export ;

Whereas the amount representing import charges is that applicable on the day of acceptance of the declaration of putting into free circulation ; whereas these charges are reduced by the reduction applicable on that date ;

Whereas the Monetary Committee will be consulted ; whereas, in view of their urgency, the measures proposed should be adopted in accordance with the conditions laid down in Article 3 (2) of Regulation No 129 ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION :

Article 1

Article 4 of Regulation (EEC) No 3376/75 is hereby amended to read as follows :

'Article 4

1. The amount provided for in Article 1 (1) of Regulation (EEC) No 3328/75 for each product intended for importation into a Member State shall be equal to 90 % of the amount resulting from the levy corrected, as appropriate, by the monetary compensatory amount valid for imports into that Member State during the week preceding that in which the quarter for which the reduction is calculated begins.

The reduction shall be fixed for each Member State in its national currency.

(1) OJ No 106, 30. 10. 1962, p. 2553/62.
(2) OJ No L 263, 19. 9. 1973, p. 1.
(3) OJ No L 329, 23. 12. 1975, p. 4.
(4) OJ No L 300, 24. 11. 1977, p. 1.
(5) OJ No L 333, 30. 12. 1975, p. 44.
(6) OJ No L 320, 15. 12. 1977, p. 17.

2. The reduction shall be deducted from the levy valid on the day on which the customs import formalities are completed in the Member State concerned, corrected in advance, where appropriate, by the monetary coefficient listed in Annex II to the Commission Regulation fixing the monetary compensatory amounts and by the monetary compensatory amount valid in the Member State concerned on the same date.'

Article 2

Article 5 of Regulation (EEC) No 3376/75 is hereby amended to read as follows :

'*Article 5*

1. The import charges shall be reduced by the amount fixed in accordance with Article 4 only if :

(a) an export tax at least equal to the amount fixed pursuant to Article 4 has been levied ;

(b) the model of the EUR.1 certificate for the movement of goods referred to in Article 6 of Protocol 1 to the Convention of Lomé indicates :

— in box 7, the amount of the export tax levied per 100 kilograms,

— in box 8, the subheading of the Common Customs Tariff for the product in question.

A separate certificate shall be drawn up for each subheading of the Common Customs Tariff.

2. When the customs import formalities for putting into free circulation are completed, the amount of the export tax levied per 100 kilograms shall for the importing Member State be compared to the amount fixed in accordance with Article 4 which was applicable at the time when the EUR.1 certificate for the movement of goods was issued.

If the amount of the export tax levied is expressed in a currency other than that of the importing Member State, the exchange rate used shall be the most recent selling rate recorded on the most representative exchange market or markets of that Member State.

The export tax levied shall be considered as corresponding to the amount fixed in accordance with Article 4 when the comparison shows that the export tax expressed in the currency of the importing Member State is not lower than the said amount.

3. The amount by which the import charges shall be reduced shall be that applicable on the date on which the declaration of putting into free circulation is accepted.

4. The application of this Regulation may in no event give rise to the granting of an amount.'

Article 3

This Regulation shall enter into force on 1 April 1978.

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

Done at Brussels, 30 March 1978.

For the Commission

Finn GUNDELACH

Vice-President