COMMISSION REGULATION (EEC) No 409/79
of 28 February 1979
fixing the export refunds on isoglucose

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1111/77 of 17 May 1977 laying down common provisions for isoglucose [1], as last amended by Regulation (EEC) No 1298/78 [2], and in particular the first sentence of the third subparagraph of Article 4 (2) and paragraph 5 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 4 of Regulation (EEC) No 1111/77, provision may be made for an export refund for isoglucose ;

Whereas the level of the refund must be determined, per 100 kilograms of dry matter, taking into account the following, in particular :

— the export refund applicable to products falling within subheading 17.02 B II a) of the Common Customs Tariff ;

— any production refund granted for the basic product used in the manufacture of products falling within subheading 17.02 B II a),

— the production levy referred to in Article 9 of Regulation (EEC) No 1111/77 and the economic aspects of the proposed exports ;

Whereas, following the Judgment rendered by the Court of Justice of the European Communities in Cases 103/77, 125/77 and 145/77, there is uncertainty as to whether the abovementioned production levy is to be taken into account in the calculation of the refund ; whereas it is therefore appropriate not to take the said levy into account in the calculation at present but to provide for the refund to be increased by an amount equal to that of the production levy, should there be one, in force at the time of export of the quality of isoglucose in question ;

Whereas the refund must be the same throughout the Community ; whereas it may be varied according to destination ;

Whereas the said refunds must be fixed every month ; whereas they may be altered in the intervening period ;

Whereas the refund is granted only in respect of isoglucose satisfying the conditions laid down in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75 [3] ;

Whereas, in order that the system of refunds can function normally, these should be calculated by applying :

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2·25 %, a rate of exchange based on their effective parity,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous subparagraph ;

Whereas in view of the foregoing the refund for isoglucose should be fixed as shown in the Annex hereto ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refund on the products specified in Article 1 of Regulation (EEC) No 1111/77 shall be as indicated in the Annex hereto.

Article 2

The amounts indicated in the Annex shall, at the request of the interested party concerned, be increased by an amount equal to the production levy, should there be one, in force on the day of the completion of the customs export formalities in respect of the products shown in the Annex.

Article 3

This Regulation shall enter into force on 1 March 1979.

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(1) OJ No L 134, 28. 5. 1977, p. 4.
(2) OJ No L 160, 17. 6. 1978, p. 9.
(3) OJ No L 162, 1. 7. 1977, p. 9.

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

Done at Brussels, 28 February 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 28 February 1979 fixing the export refunds on isoglucose

(in u.a.)

CCT heading No	Description	Refund per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :	
	D. Other sugars and syrups :	
	I. Isoglucose	13·12 (1)
21.07	Food preparations not elsewhere specified or included :	
	F. Flavoured or coloured sugar syrups :	
	III. Isoglucose	13·12 (1)

(1) Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.