

COMMISSION REGULATION (EEC) No 851/76

of 9 April 1976

fixing a countervailing charge for imports into Belgium, Germany, Luxembourg and the Netherlands of ethyl alcohol of agricultural origin produced in France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 46 thereof,

Whereas the German market in alcohol is at present disturbed by deliveries of agricultural alcohol at prices much lower than those ruling on the German market ; whereas the Belgian, Luxembourg and Netherlands markets are threatened with disturbance by offers at prices much lower than the prices ruling on those markets ; whereas those deliveries and offers result in particular from the pricing policy applied in France, which consists in selling for export at a price which is on average FF 280 less than the price of the same alcohol intended for consumption on the French domestic market ;

Whereas, in view of this situation, the Kingdom of Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands have requested the Commission to take measures pursuant to Article 46 of the Treaty ;

Whereas the Council has not given a ruling, under Article 42 of the Treaty, concerning the applicability to ethyl alcohol of agricultural origin of the provisions of the Treaty relating to State aid ; whereas, if France maintains its aid for exports of alcohol, the ensuing difficulties can be alleviated only by fixing, under Article 46 of the Treaty, a charge on French exports, in order to restore market equilibrium ;

Whereas the amount of such charge must not exceed the amount of the aid or the difference between the resulting market prices for the Member States in question ;

Whereas, in calculating the countervailing charge, account should be taken of the forwarding costs in respect of the deliveries in question ; whereas, furthermore, in order to avoid deflections of trade, the charge should be fixed at a flat rate which is the same for Germany and the Benelux countries ;

Whereas the charge should be fixed on the basis of the true exchange rates of the currencies in question ;

Whereas provision should be made for an interim period between the publication of this Regulation and its entry into force, in order to avoid as far as possible upsetting uncompleted transactions ;

Whereas, in its Decision of 30 December 1969 ⁽¹⁾, the Commission fixed a countervailing charge on imports into Belgium, Luxembourg and the Netherlands of ethyl alcohol of agricultural origin coming from Member States having a monopoly ; whereas that Decision should be repealed,

HAS ADOPTED THIS REGULATION :

Article 1

1. This Regulation shall apply to the following products :

CCT heading No	Description of goods
ex 22.08 B ex 22.09 A II	Ethyl alcohol, undenatured, presented in containers holding more than two litres, produced from agricultural products listed in Annex II to the Treaty

2. For the purposes of this Regulation, the product described in paragraph 1 comprises any undenatured ethyl alcohol not accompanied by an attestation drawn up by the French authorities certifying the non-agricultural origin thereof within the meaning of the Treaty.

Article 2

1. The Kingdom of Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands shall levy a countervailing charge on products referred to in Article 1 and produced in France, when entered for home use unless France applies that charge at the time of export.

2. The rates of the countervailing charge referred to in paragraph 1 shall be as stated the Annex to this Regulation.

Article 3

The Commission Decision of 30 December 1969 on the fixing of a countervailing charge on imports into Belgium, Luxembourg and the Netherlands of ethyl

⁽¹⁾ OJ No L 19, 26. 1. 1970, p. 50.

alcohol of agricultural origin coming from Member States having a monopoly is hereby repealed.

Article 4

The Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands shall inform the Commission, each for its part, of the measures taken pursuant to this Regulation.

Article 5

1. This Regulation shall enter into force on the fifth day following its publication in the *Official*

Journal of the European Communities. It shall cease to apply upon the entry into force of rules relating to the applicability to ethyl alcohol of agricultural origin of Articles 92 to 94 of the Treaty.

2. The Commission shall keep a constant watch over the development of trade in the products covered by this Regulation ; it shall adjust the rate of the countervailing charge as necessary in the light of the factors taken into consideration for the fixing thereof.

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

Done at Brussels, 9 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Member State	Rate of charge per hl and per degree of alcohol
Belgium/Luxembourg	Bfrs/Lfrs 7-294
Federal Republic of Germany	DM 0-475
France	FF 0-8748
Netherlands	Fl 0-503