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REGULATION (EEC) No 2638/70 OF THE COMMISSION

of 23 December 1970

amending Regulation (EEC) No 1373/70 on common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products subject to a single price system

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 136/66/EEC¹ of 22 September 1966 on the establishment of a common organisation of the market in oils and fats, as last amended by Regulation (EEC) No 2554/70,² and in particular Article 16 (2), Article 17 (3), Article 18 (3) and Article 28 (3) thereof;

Having regard to Council Regulation No 162/66/EEC³ of 27 October 1966 on trade in oils and fats between the Community and Greece, and in particular Article 8 thereof;

Having regard to Council Regulation No 120/67/EEC⁴ of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 2434/70,⁵ and in particular Article 12 (2), Article 15 (5) and Article 16 (6) thereof;

Having regard to Council Regulation No 122/67/EEC⁶ of 13 June 1967 on the common organisation of the market in eggs, as last amended by Regulation (EEC) No 436/70,⁷ and in particular Article 9 (3) thereof;

Having regard to Council Regulation No 142/67/EEC⁸ of 21 June 1967 on export refunds on colza, rape and sunflower seeds, as last amended by Regulation (EEC) No 2556/70,⁹ and in particular Article 6 thereof;

Having regard to Council Regulation No 171/67/EEC¹⁰ of 27 June 1967 on export refunds and levies on olive oil, as last amended by Regulation (EEC) No 2555/70,¹¹ and in particular Article 11 thereof;

Having regard to Council Regulation No 359/67/EEC¹² of 25 July 1967 on the common organisation of the market in rice, as last amended by Regulation (EEC) No 1253/70, and in particular Article 10 (2), Article 13 (5) and Article 17 (6) thereof;

Having regard to Council Regulation No 1009/67/EEC¹³ of 18 December 1967 on the common organisation of the market in sugar, as last amended by Regulation (EEC) No 1253/70, and in particular Article 11 (2), Article 15 (5) and Article 17 (4) thereof;

Having regard to Council Regulation (EEC) No 804/68¹⁴ of 27 June 1968 on the common organisation of the market in milk and milk products, as last amended by Regulation (EEC) No 1253/70, and in particular Article 13 (3) and Article 17 (4) thereof;

¹ OJ No 172, 30.9.1966, p. 3025/66.

² OJ No L 275, 19.12.1970, p. 5.

³ OJ No 197, 29.10.1966, p. 3393/66.

⁴ OJ No 117, 19.6.1967, p. 2269/67.

⁵ OJ No L 262, 3.12.1970, p. 1.

⁶ OJ No 117, 19.6.1967, p. 2293/67.

⁷ OJ No L 55, 10.3.1970, p. 1.

⁸ OJ No 125, 26.6.1967, p. 2464/67.

⁹ OJ No L 275, 19.12.1970, p. 8.

¹⁰ OJ No L 130, 28.6.1967, p. 2600/67.

¹¹ OJ No L 275, 19.12.1970, p. 6.

¹² OJ No 174, 31.7.1967, p. 1.

¹³ OJ No 308, 18.12.1967, p. 1.

¹⁴ OJ No L 148, 28.6.1968, p. 13.

Having regard to Council Regulation (EEC) No 805/68¹ of 27 June 1968 on the common organisation of the market in beef and veal, as last amended by Regulation (EEC) No 1253/70, and in particular Article 15 (3) thereof;

Having regard to Council Regulation (EEC) No 865/68² of 28 June 1968 on the common organisation of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 1253/70, and in particular Article 5 (3) and Article 6 (3) thereof;

Having regard to Regulation (EEC) No 816/70³ of 28 April 1970 laying down additional provisions on the common organisation of the market in wine, as amended by Regulation (EEC) No 1253/70, and in particular Article 8 (3) thereof;

Whereas Community rules in the different sectors covered by the common organisation of agricultural markets provide that from 1 January 1971 import and export licences and advance fixing certificates are valid for an operation carried out within the Community; whereas Commission Regulation (EEC) No 1373/70⁴ of 10 July 1970 on common detailed rules for the application of the system of export and import licences and advance fixing certificates for agricultural products subject to a single price system adopted common provisions for the various agricultural products concerned as regards that system;

Whereas Article 4a of Regulation No 142/67/EEC established a system of advance fixing certificates for the export refund on oil seeds; whereas these certificates should be brought under the provisions of Regulation (EEC) No 1373/70;

Whereas the contents of the specimen forms annexed to Regulation (EEC) No 1373/70 show that the amounts to be specified there are expressed in the national currency; whereas the conversion of amounts expressed in units of account into amounts expressed in a national currency can lead to figures containing a certain number of decimal places; whereas, for administrative convenience, provision should be made for the rounding off of these amounts;

Whereas levies fixed in advance should be adjusted for the threshold prices valid for the month of importation; whereas these prices are not always known when the licence is issued; whereas rules must therefore be laid down to ensure in such case the smooth functioning of the system of advance fixing, bearing in mind the special administrative needs of certain Member States which do not allow, at the moment, for a standard method of application;

Whereas, to simplify administration, provision should be made for the security to be released in full when the total amount forfeit on a licence is negligible;

Whereas the measures provided for in this Regulation are in accordance with the Opinions of the Management Committees for Oils and Fats, for Cereals, for Poultrymeat and Eggs, for Sugar, for Milk and Milk Products, for Beef and Veal, for Processed Fruit and Vegetables, and for Wine;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be inserted after the second indent of Article 1 of Regulation (EEC) No 1373/70:

‘— Article 4a of Regulation No 142/67/EEC.’

Article 2

The following Article shall be added to Regulation (EEC) No 1373/70:

Article 7a

When the amounts resulting from the conversion of units of account to national currency to be entered on licence applications contain three or more decimal places, only the first two shall be given. In such cases, the second place shall be rounded up when the third place is 5 or more, and shall remain the same when the third place is less than 5.’

Article 3

The following Article shall be added to Regulation (EEC) No 1373/70:

Article 12a

1. When the levy has been the subject of an application for advance fixing and when, at the time of issue of the licence, the threshold price is not known for one or more months of validity of the licence, the temporary rate of levy for the

¹ OJ No L 148, 28.6.1968, p. 24.

² OJ No L 153, 1.7.1968, p. 8.

³ OJ No L 99, 5.5.1970, p. 1.

⁴ OJ No L 158, 20.7.1970, p. 1.

months in question shall be shown in section 19. This rate shall be calculated for those months according to the known facts and the threshold price applicable for the last months of the marketing year in progress. In section 20 of the licence the adjustment to be applied shall be stated.

2. When the licence or extract are used for imports into Germany or Italy, the responsible bodies of these Member States may require them to contain the adjusted rate or rates of levy. In that case, such rate or rates shall be stated in section 19, at the request of the licence holder or transferee, by the agency issuing the licence, as soon as the threshold price is known. This agency shall name the date and affix its seal.'

Article 4

The following shall be added to Article 16 (2) of Regulation (EEC) No 1373/70:

'Furthermore, if the total forfeit amount of the security is less than 2 units of account per licence, the Member State may release the entire security.'

Article 5

The German text of Regulation (EEC) No 1373/70 shall be amended as follows:

1. In Article 14 (1), 'die zuständigen Stellen der Mitgliedstaaten' shall be substituted for 'die Mitgliedstaaten.'
2. In Article 15 (4) at penultimate word of the first sentence 'Duplikat' shall be substituted for 'Zweitschrift'.
3. Section 31 of the titular holding's copy of the export licence shall read as follows:

'31 Zollverkehr
Zollpapier/Ausfuhrpapier
(Art. und Nr.)
oder
Teillizenz Nr. . . .
und Tag der Abschreibung'

4. Section 31 of the titular holding's copy of the extract of the export licence shall read as follows:

'31 Zollverkehr
Zollpapier/Ausfuhrpapier
(Art. und Nr.)
und Tag der Abschreibung'

Article 6

The French text of Regulation (EEC) No 1373/70 shall be amended as follows:

In the first sentence of Article 18 (1), 'l'organisme compétent de l'Etat membre émetteur du certificat' shall be substituted for 'l'Etat membre émetteur du certificat'.

Article 7

The Italian text of Regulation (EEC) No 1373/70 shall be amended as follows:

1. In the fourth indent of Article 1 'articolo 5 bis . . .' shall be substituted for 'articolo 15 bis . . .'
2. In the first sentence of Article 18 (1) 'l'organismo competente dello Stato membro emittente il titolo' shall be substituted for 'lo Stato membro emittente'.

Article 8

The Dutch text of Regulation (EEC) No 1373/70 shall be amended as follows:

1. In the last subparagraph of Article 5 (1) 'Aanvragen, welke voorwaarden inhouden, die niet door de communautaire regelingen zijn voorzien, worden afgewezen' shall be substituted for 'Aanvragen welke door de communautaire regelingen voorwaarden inhouden, die niet zijn voorzien, worden afgewezen.'
2. In the second subparagraph of Article 6 (2), 'Aanvragen van invoer- of uitvoercertificaten, waarin een verzoek om vaststelling vooraf vervat is' shall be substituted for 'Aanvragen van invoer- of uitvoercertificaten welke vergezeld gaan van een verzoek om vaststelling vooraf.'
3. In Article 15 (3) (a) and (b) 'geval van het exemplaar nr. 1 van het uittreksel of de uittreksels van' shall be substituted for 'geval van het exemplaar nr. 1 of de uittreksels van.'
4. In line 21 of the second subparagraph of Article 15 (3) (b) 'trole exemplaren, teruggezonden zijnde overeen' shall be substituted for 'trole-exemplaren teruggezonden, zijnde overeen.'
5. In the first sentence of Article 18 (1) 'de bevoegde instantie van de Lid-Staat van afgifte' shall be substituted for 'de Lid-Staat van afgifte.'

Article 9

This Regulation shall enter into force on 1 January 1971.

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

Done at Brussels, 23 December 1970.

For the Commission

The President

Franco M. MALFATTI
