

## REGULATION (EEC) No 837/72 OF THE COMMISSION

of 24 April 1972

laying down special provisions in respect of levies and refunds fixed in advance for cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 974/71<sup>1</sup> of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States, and in particular Article 6 thereof;

Whereas, to deal with the case of a Member State allowing the exchange rate of its currency to fluctuate by a margin wider than the one permitted by international rules, Regulation No 974/71/EEC introduced a system of compensatory amounts based on the difference between the official parity of that currency and the arithmetic mean of spot market rates of that currency against the US dollar during a reference period; whereas the compensatory amounts levied on imports and granted on exports cannot be fixed in advance;

Whereas the present system of compensatory amounts is likely to change considerably with the gradual return to a more stable monetary situation; whereas this may lead to a significant reduction in the compensatory amounts which would not be due either to a fall in spot market rates or in prices;

Whereas the Community market could be faced with serious difficulties if products for which the levy has been fixed in advance were imported and if only the levy fixed in advance and the new reduced compensatory amount were paid; whereas, to avoid these difficulties and any associated risk of speculation, equilibrium should be maintained by keeping the total import charge on these products as it was when the levy was fixed in advance;

Whereas, on the other hand, it might no longer be possible, in view of the reduced compensatory amounts, to effect exports for which the refund has been fixed in advance, since the calculations of the parties concerned were based on the granting of refunds fixed in advance and of these compensatory amounts which, in most cases, have not changed much over a relatively long period; whereas the adverse effects of this situation could also be avoided by maintaining the economic situation which faced the parties at the time of the advance fixing;

Whereas it is fair to give the parties concerned the opportunity of cancelling the advance fixing, while maintaining their obligation to import or export;

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*

1. As from the date on which an amendment to the provisions governing the calculation of the compensatory amounts introduced following the monetary crisis comes into effect and leads to a reduction or the abolition of these amounts for cereals:

- (a) where the levy has been fixed in advance before that date, the compensatory amount to be applied shall be that valid in the importing Member State on the day on which the levy for the product in question was fixed in advance;
- (b) where the export refund has been fixed in advance before that date, the compensatory amount to be applied shall be that valid in the exporting Member State on the day on which the refund for the product in question was fixed in advance.

2. However, any interested party who has obtained advance fixing and who is subject to the

<sup>1</sup> OJ No L 106, 12.5.1971, p. 1.

provisions of paragraph 1 shall, by written application made to the agency issuing the certificate within thirty days following the date on which the amendment referred to in paragraph 1 comes into effect, obtain cancellation of the advance fixing.

The application must be accompanied by the certificate and by any extracts from that certificate.

#### *Article 2*

1. Where the provisions of Article 1 (2) are involved, the agency issuing the certificate shall cancel the advance fixing on the certificate and extracts by deleting the endorsements appearing in Section 17 and by inserting one of the following endorsements in Section 20 of the import licence or Section 18 of the export licence as the case may be:

- 'fixation à l'avance annulée — application du règlement (CEE) no 837/72'
- 'Vorausfestsetzung annulliert gemäß Verordnung (EWG) Nr 837/72'
- 'fissazione in anticipo annullata — applicazione del regolamento (CEE) N. 837/72'
- 'Vaststelling vooraf geannuleerd volgens Verordening (EEC) nr 837/72'

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

Done at Brussels, 24 April 1972.

(advance fixing cancelled in accordance with Regulation (EEC) No 837/72).

This endorsement shall be followed by the date on which the application in writing is received and by the stamp of the issuing authority.

2. If, when importing, the interested party indicates that he intends to seek cancellation of the advance fixing of the levy, the agency which recovers the levy shall require that a deposit be lodged guaranteeing payment of the higher of the following sums: either the levy fixed in advance plus the compensatory amount valid on the day of advance fixing, or the levy valid on the day of importation plus the compensatory amount valid on that day.

The operation shall be considered to be in order on submission of the certificate or the extract endorsed in accordance with paragraph 1. If the certificate or extract endorsed in accordance with paragraph 1 has not been submitted to the competent authority within a period of six months from the day of importation, the deposit shall be forfeited.

#### *Article 3*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

*For the Commission*

*The President*

S. L. MANSCHOLT