

REGULATION (EEC) No 2042/75 OF THE COMMISSION

of 25 July 1975

on special detailed rules for the application of the system of import and export licences
for cereals and rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community;

Having regard to Council Regulation No 120/67/
EEC ⁽¹⁾ of 13 June 1967 on the common organization
of the market in cereals, as last amended by
Regulation (EEC) No 665/75 ⁽²⁾, and in particular
Articles 12 (2), 15 (5) and 16 (6) thereof;

Having regard to Council Regulation No 359/67/
EEC ⁽³⁾ of 25 July 1967 on the common organization
of the market in rice, as last amended by Regulation
(EEC) No 668/75 ⁽⁴⁾, and in particular Articles 10 (2),
13 (5) and 17 (6) thereof;

Whereas special detailed rules for the application of
the system of import and export licences established
for cereals and rice were laid down by Commission
Regulation (EEC) No 2637/70 ⁽⁵⁾ of 23 December
1970 on special detailed rules for the application of
the system of import and export licences and advance
fixing certificates for agricultural products, as last
amended by Regulation (EEC) No 1807/75 ⁽⁶⁾;

Whereas Regulation (EEC) No 2637/70 also lays
down special detailed rules for the application of the
system of import and export licences and advance
fixing certificates established for other products;
whereas that Regulation has been amended many
times and whereas experience has shown that its
composite nature can make it difficult to administer;
whereas, therefore, in the interests of clarity and
sound administration, the legislation applicable to
each sector should be consolidated and published in
the form of a separate Regulation;

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 72, 4. 3. 1975, p. 14.

⁽³⁾ OJ No 174, 31. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 72, 4. 3. 1975, p. 18.

⁽⁵⁾ OJ No L 283, 29. 12. 1970, p. 15.

⁽⁶⁾ OJ No L 184, 15. 7. 1975, p. 33.

Whereas this Regulation should comprise those
provisions peculiar to cereals, and rice which are
required for the application of the system of licences
and certificates in this sector;

Whereas such provisions either supplement or
derogate from the provisions of Commission
Regulation (EEC) No 193/75 ⁽⁷⁾ of 17 January 1975
laying down common detailed rules for the
application of the system of import and export
licences and advance fixing certificates for agricultural
products;

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

This Regulation lays down special detailed rules for
the application of the system of import and export
licences established by:

- Article 12 of Regulation No 120/67/EEC,
- Article 10 of Regulation No 359/67/EEC.

Article 2

The obligation to import or to export shall be
considered to have been fulfilled where the quantity
imported or exported falls by not more than 7%
below the quantity shown on the licence.

Article 3

1. When the application for an export licence is
submitted in connection with an invitation to tender
or public auction organized by the intervention
agencies under Article 5 or 6 of Regulation (EEC)

⁽⁷⁾ OJ No L 25, 31. 1. 1975, p. 10.

376/70, the licence shall be issued only for those quantities in respect of which the applicant has obtained a contract. The security for the balance of the application shall be released.

Section 18 of the licence shall contain one of the following endorsements:

- 'Valid for ... (quantity in figures and letters)'
- 'gyldig for ... (maengde i tal og bogstaver)'
- 'gültig für ... (Mengen in Zahlen und Worten)'
- 'valable pour ... (quantité en chiffres et en lettres)'
- 'valido per ... (quantitativo in cifre e in lettere)'
- 'geldig voor ... (hoeveelheid in cijfers en letters)'

The export licence shall be valid only in respect of a quantity not exceeding that shown in section 18.

2. Where, under an invitation to tender for cereals held by intervention agencies, a tender is to be valid only if accompanied by an application for an export licence together with an application for advance fixing of the export refund or levy for the destination in question, the country of destination shall be indicated in section 13 as the compulsory destination and the issue of the licence shall make it obligatory to export to that country.

Article 4

1. Where the export refund is fixed by tender, the rate of refund appearing in the statement of award of contract shall be entered in letters and figures in section 18 of the licence. This rate shall be expressed in the currency of the Member State in which the licence is issued and shall be preceded by one of the following forms of words:

- 'Tendered rate of basic export refund: ...'
- 'Tilslagssats for basiseksportrestititionen: ...'
- 'Zugeschlagener Satz der Grundaufuhrerstattung ...'
- 'Taux de la restitution de base à l'exportation adjudgé: ...'
- 'Tasso della restituzione di base all'exportazione aggiudicato ...'
- 'De gegunde basisrestitutie bij uitvoer ...'

2. Where the export levy is fixed by tender, the rate of levy appearing in the statement of award of contract shall be entered in letters and figures in section 18 of the licence. This rate shall be expressed

in the currency of the Member State in which the licence is issued and shall be preceded by one of the following forms of words:

- 'Tendered rate of export levy: ...'
- 'Tilslagssats for eksportafgiften: ...'
- 'Zugeschlagener Satz der Ausfuhrabschöpfung ...'
- 'Taux du prélèvement à l'exportation adjudgé: ...'
- 'Tasso del prelievo all'exportazione aggiudicato: ...'
- 'De gegunde heffing bij uitvoer ...'

3. When the licence referred to in paragraphs 1 and 2 concerns products of the rice sector, the rates to be used for the conversion of the amount of the refund or of the levy into the currency of the Member State where customs formalities are carried out shall be shown in section 18 of the licence to six significant figures.

'Significant figures' means:

- when the value of the conversion rate calculated is higher than one, all digits,
- when the value of the conversion rate is less than one, all digits after the decimal point, but excluding any zero or zeros between the decimal point and the first digit greater than zero.

Article 5

For products falling within Tariff subheading 11.01 E or 11.02 A V, the applicant may, in his application for an export licence, indicate products falling under two contiguous subdivisions of either of these subheadings. For products falling within Tariff subheading 23.07 B I containing less than 50 % by weight of milk products, the applicant may indicate in his application products of two subdivisions in any of the following combinations:

- 23.07 B I a) 1 and 23.07 B I b) 1, or
- 23.07 B I a) 2 and 23.07 B I b) 2, or
- 23.07 B I b) 1 and 23.07 B I c) 1, or
- 23.07 B I b) 2 and 23.07 B I c) 2.

The two subdivisions indicated in the application shall be entered on the export licence.

Article 6

Section 12 of a licence issued for exports under the terms of the food-aid convention shall contain one of the following endorsements:

'Food aid'

'fødevarehjælp'

'Nahrungsmittelhilfe'

'Aide alimentaire'

'Aiuto alimentare'

'Voedselhulp'

and section 13 shall contain the name of the country of destination. This licence shall be valid only for such an export.

Article 7

1. For the purposes of Article 3 (1) (b) of Regulation (EEC) No 1579/74, the import licence shall contain in section 20 one of the following endorsements:

'Levy to be adjusted where necessary in accordance with Article 3 (1) (b) of Regulation (EEC) No 1579/74';

'Eventuel ændring af afgiften i overensstemmelse med bestemmelserne i artikel 3, stk. 1, litra b) i forordning (EØF) nr. 1579/74';

'Abschöpfung ist gegebenenfalls gemäß den Bestimmungen von Artikel 3 Absatz 1 Buchstabe b) der Verordnung (EWG) Nr. 1579/74 zu berichtigen';

'Prélèvement à ajuster éventuellement conformément aux dispositions de l'article 3 paragraphe 1, sous b) du règlement (CEE) no 1579/74';

'Prelievo da adattare eventualmente in conformità delle disposizioni dell'articolo 3, paragrafo 1, lettera b), del regolamento (CEE) n. 1579/74';

'Heffing is eventueel aan te passen overeenkomstig de bepalingen van artikel 3, lid 1, sub b), van Verordening (EEG) Nr. 1579/74'.

2. For the purposes of the second subparagraph of Article 3 (4) of Regulation (EEC) No 1968/73, the second subparagraph of Article 3 (4) of Regulation (EEC) No 2737/73 and Article 4 (2) of Regulation (EEC) No 1981/74, the export licence shall be specially endorsed as follows:

— section 12 shall contain one of the following endorsements:

'Advance fixing of export levy requested'

'Forudfastsættelse af eksportafgiften er begæret'

'Vorausfestsetzung der Ausfuhrabschöpfung beantragt'

'Préfixation du prélèvement à l'exportation demandée'

'Fissazione in anticipo del prelievo all'esportazione richiesta'

'Vaststelling vooraf van de uitvoerheffing aangevraagd';

— in section 17 the words 'refund valid on ... fixed in advance' shall be deleted and replaced by the words set out in section 17 of the import licence;

— section 18 shall contain in letters and figures the rate(s) in national currency of the levy as fixed in advance.

In addition, for the purposes of Article 4 (2) of Regulation (EEC) No 1981/74, section 18 of the export licence shall contain one of the following endorsements:

'Export levy to be adjusted where necessary in accordance with Article 4 (2) of Regulation (EEC) No 1981/74'

'Eventuel ændring af eksportafgiften i overensstemmelse med bestemmelserne i artikel 4, stk. 2 i forordning (EØF) nr. 1981/74'

'Ausfuhrabschöpfung ist gegebenenfalls gemäß den Bestimmungen von Artikel 4 Absatz 2 der Verordnung (EWG) Nr. 1981/74 zu berichtigen'

'Prélèvement à l'exportation à ajuster éventuellement conformément aux dispositions de l'article 4 paragraphe 2 du règlement (CEE) n° 1981/74'

'Prelievo all'esportazione da adattare eventualmente in conformità delle disposizioni dell'articolo 4, paragrafo 2, del regolamento (CEE) n. 1981/74'

'Uitvoerheffing is eventueel aan te passen overeenkomstig de bepalingen van artikel 4, lid 2, van Verordening (EEG) Nr. 1981/74'

3. For the purposes of Article 3 (5) of Regulation (EEC) 1968/73 and Article 3 (5) of Regulation (EEC) No 2737/73 section 18 of the export licence shall contain one of the following endorsements:

'Export levy not applicable'

'Eksportafgift ikke anvendelig'

'Ausfuhrabschöpfung nicht anwendbar'

'Prélèvement à l'exportation non applicable'

'Prelievo all'esportazione non applicabile'

'Uitvoerheffing niet van toepassing'

Article 8

Import licences for products listed in Article 1 of Regulation No 120/67/EEC or in Article 1 of Regulation No 359/67/EEC shall be valid from their day of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 until the end of the period as prescribed in Annex I to this Regulation.

Article 9

Export licences for products listed in Article 1 of Regulation No 120/67/EEC or in Article 1 of Regulation No 359/67/EEC shall be valid from their day of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 until the end of the period as prescribed in Annex II to this Regulation.

Article 10

Where exportation is effected pursuant to an invitation to tender opened in an importing third country, an export licence for common wheat, rye, barley, maize, rice, wheat flour or rye flour shall be valid from its day of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 until the date by which the obligations arising under the contract are to be fulfilled.

However, the period of validity of such a licence may not exceed eight months following the month of issue of the licence within the meaning of Article 9 (1) of Regulation (EEC) No 193/75.

Article 11

1. In special cases, the period of validity of an export licence for common wheat, rye, barley, maize, rice, wheat flour and rye flour may be longer than that laid down in Article 9 where the licence is applied for in contemplation of a transaction requiring a longer period of validity.

2. In such cases, the applicant shall lodge with the competent authority an application for an export licence which includes an application for advance fixing of the export refund or levy applicable in respect of the intended destination on the date when such application is lodged, and also particulars of the minimum and maximum quantity that he intends to export and the minimum and maximum period necessary for carrying out the exportation, provided that such minimum quantity may not be less than 75 000 metric tons for common wheat, rye, barley,

maize, wheat flour and rye flour or 50 000 metric tons for rice. At the same time the applicant shall lodge a special security, calculated on the basis of the maximum quantity. The provisions of Article 12 (1) of this Regulation and of Article 5 of Regulation (EEC) No 193/75 shall apply to such security.

3. The Member State of the competent authority receiving the application shall notify the Commission, which shall decide thereon in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC and No 359/67/EEC and with particular reference to the quantity and to the economic aspects of the exportation envisaged. If the Commission allows the application it shall set a time limit within which the applicant concerned must submit the contract to the competent authority. The latter shall inform the applicant of the Commission's decision.

4. When the period of validity fixed for the licence is the same as that applied for, the applicant shall, within the time limit set in accordance with paragraph 3, submit to the competent authority a signed original of the contract, together with a copy thereof. This document shall specify at least the quantity contracted for, which must lie within the limits of the minimum and maximum indicated in the licence application, the destination, the period within which the exportation is to be carried out, which must lie within the minimum and maximum periods indicated as aforesaid, the price fixed for the duration of the contract and the terms of payment. The licence shall then be issued after conversion of the special security into a security as referred to in Article 12 (1) of Regulation No 120/67/EEC and in Article 10 (1) of Regulation No 359/67/EEC. The country of destination shall be indicated in section 13 and the licence shall make it obligatory to export to that country.

5. If the applicant has been unable to conclude such a contract, he shall so inform the competent authority within the time limit set for submission of the contract; the licence shall not be issued and the special security shall be released forthwith.

6. Except in case of *force majeure*, if the applicant does not comply with the provisions of paragraphs 4 and 5 the licence shall not be issued and the special security shall be forfeited.

7. When the period of validity fixed is different from that applied for, but is longer than that laid down in Article 9, the provisions of paragraphs 4, 5 and 6 shall apply. However, the applicant may within the time limit set for submission of the

contract cancel his application for a licence; in that case, the special security shall be released forthwith.

8. Where an extension of the period of validity provided for in Article 9 is refused, the licence shall not be issued and the special security shall be released forthwith.

9. When the special security is converted into a security as referred to in Article 12 (1) of Regulation No 120/67/EEC and in Article 10 (1) of Regulation No 359/67/EEC, the amount of that security shall be adjusted by reference to the quantity covered by the contract and the balance shall be released forthwith.

Article 12

1. The amount of the security for licences for the products listed in Article 1 of Regulation No 120/67/EEC and Article 1 of Regulation No 359/67/EEC shall be as follows:

- (a) 0.50 unit of account per metric ton for import and export licences in respect of which the import levy, export refund or export levy is not fixed in advance;
- (b) 3 units of account per metric ton for import licences in respect of which the import levy is fixed in advance;
- (c) 10 units of account per metric ton for export licences for products as specified in Article 1 (a), (b) and (c) of Regulation No 120/67/EEC in respect of which the export refund or levy is fixed in advance;
- (d) 8 units of account per metric ton for export licences for products as specified in Article 1 (d) of Regulation No 120/67/EEC and in Article 1 of Regulation No 359/67/EEC in respect of which the export refund or levy is fixed in advance.

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

Done at Brussels, 25 July 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

2. As regards both import and export licences the expressions '95%' and '5%' in Article 18 of Regulation (EEC) No 193/75 are to be read as, respectively, '93%' and '7%'.

Article 13

When the period of validity of a licence is extended and the amount of the import levy or export refund has been fixed in advance, the premium or corrective amount to be applied shall be that applicable, on the day when the original licence application was lodged, in respect of a transaction carried out during the last month of validity of the licence.

Article 14

1. Article 1, in so far as it concerns cereals and rice, and Articles 14 to 26 of Regulation (EEC) No 2637/70 are hereby repealed.

2. All references in Community instruments to one of the abovementioned Articles of Regulation (EEC) No 2637/70 shall be treated as references to the corresponding Article of this Regulation.

3. Regulations (EEC) No 3148/73 and (EEC) No 1223/74, with the exception of Article 2 of the latter, are hereby repealed.

Article 15

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply with effect from 1 September 1975.

ANNEX I

PERIOD OF VALIDITY OF IMPORT LICENCES

A. For Cereals

CCT heading No	Description of goods	Period of Validity
10.01 A	Common wheat and meslin	60 days
10.02	Rye	
10.03	Barley	
10.04	Oats	
10.05 B	Maize other than hybrid maize for sowing	
10.07	Buckwheat, millet, canary seed and grain sorghum; other cereals	
10.01 B	Durum wheat	60 days
11.01 A	Wheat or meslin flour	60 days
11.01 B	Rye flour	
11.02 A I	Wheat groats and meal (common wheat and durum wheat)	
	Other products listed in Article 1 of Regulation No 120/67/EEC	Until the end of the fourth month following that of issue

B. For Rice

10.06 A I a)	Round grain paddy rice	Until the end of the second month following that of issue
10.06 A II a)	Round grain husked rice	
10.06 B I a)	Round grain semi-milled rice	
10.06 B II a)	Round grain wholly milled rice	
10.06 A I b)	Long grain paddy rice	Until the end of the third month following that of issue
10.06 A II b)	Long grain husked rice	
10.06 B I b)	Long grain semi-milled rice	
10.06 B II b)	Long grain wholly milled rice	
10.06 C	Broken rice	Until the end of the third month following that of issue
11.01 F	Rice flour	Until the end of the fourth month following that of issue
11.02 A VI	Rice groats and meal	
11.02 E II e) 1	Flaked rice	
11.02 F VI	Rice pellets	
11.08 A II	Rice starch	

ANNEX II

PERIOD OF VALIDITY OF EXPORT LICENCES

A. For Cereals

CCT heading No	Description of goods	Period of Validity
10.01 A	Common wheat and meslin	90 days
10.02	Rye	
10.03	Barley	
10.04	Oats	
10.05 B	Maize other than hybrid maize for sowing	
10.07	Buckwheat, millet, canary seed and grain sorghum; other cereals	
10.01 B	Durum wheat	90 days
11.01 A	Wheat or meslin flour	Until the end of the fourth month following that of issue
11.01 B	Rye flour	
11.02 A I	Wheat groats and meal (common wheat and durum wheat)	
11.01 E	Maize flour	Until the end of the second month following that of issue
11.02 A V	Maize groats and meal	
11.07	Malt	Until the end of the eleventh month following that of issue
	Other products listed in Article 1 of Regulation No 120/67/EEC	Until the end of the third month following that of issue

B. For Rice

10.06 A I	Paddy rice	90 days
10.06 A II	Husked rice	
10.06 B	Semi-milled or wholly milled rice	
10.06 C	Broken rice	30 days
11.01 F	Rice flour	Until the end of the third month following that of issue
11.02 A VI	Rice groats and meal	
11.02 E II e) 1	Flaked rice	
11.02 F VI	Rice pellets	
11.08 A II	Rice starch	