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REGULATION (EEC) No 302/69 OF THE COUNCIL

of 18 February 1969

amending and supplementing certain provisions of Regulation (EEC) No 1052/68 on the import and export system for products processed from cereals and from rice

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC¹ of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 289/69,² and in particular Article 14 (3) and Article 23 (4) thereof;

Having regard to Council Regulation No 359/67/EEC³ of 25 July 1967 on the common organisation of the market in rice, as last amended by Regulation (EEC) No 1603/68,⁴ and in particular Article 12 (3) thereof;

Having regard to the proposal from the Commission;

Whereas the second subparagraph of Article 2 (1) of Council Regulation (EEC) No 1052/68⁵ of 23 July 1968 on the import and export system for products processed from cereals and from rice lays down the procedure for adjusting to the threshold price valid during the month of importation, the average of the levies on basic products used for calculating the levies on products processed from cereals; whereas for certain basic products the relevant average levy may be zero; whereas it should be stated that there is no reason for adjusting the levy on the basis of the threshold price valid for the month of importation since the fact that the world market price is higher than the threshold price adequately protects the Community market and makes it economically unnecessary to charge a levy;

Whereas Article 10 of Regulation (EEC) No 1052/68 set up a system of charges and subsidies for trade in

products processed from cereals between Italy and other Member States, in order to take account of the measures applied by Italy for reducing the levy in accordance with Article 23 (2) of Regulation No 120/67/EEC; whereas it should be provided, as for feed grain, that the exporting Member State may pay to the consignor who requests it the subsidy which Italy has to pay for delivery of products processed from cereals, it being for the exporting Member State to inform the Italian Republic of such payment;

Whereas the products processed from cereals listed in the Annex to Regulation (EEC) No 1052/68 fall within tariff headings Nos 11.01 and 11.02 only if they satisfy the conditions laid down in that Annex; whereas experience has shown that certain technical requirements should be revised and that their purpose should be more clearly defined;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be added to the second subparagraph of Article 2 (1) of Regulation (EEC) No 1052/68:

'However, that adjustment shall not be made if the average levy applicable during the first twenty-five days of the month preceding that of importation of the basic product is zero.'

Article 2

The second indent of Article 10 (1) of Regulation (EEC) No 1052/68 shall be supplemented by the following:

'... unless that subsidy has, at the request of the consignor, been paid to him by the exporting Member State which shall forthwith inform the Italian Republic thereof.'

¹ OJ No 117, 19.6.1967, p. 2269/67.

² OJ No L 41, 18.2.1969, p. 1.

³ OJ No 174, 31.7.1967, p. 1.

⁴ OJ No L 253, 16.10.1968, p. 5.

⁵ OJ No L 179, 25.7.1968, p. 8.

Article 3

The following shall be substituted for footnote 1 to the Annex to Regulation (EEC) No 1052/68:

'For purposes of distinguishing between products falling within tariff headings Nos 11.01 or 11.02 on the one hand and No 23.02 on the other, products falling within tariff headings Nos 11.01 and 11.02 shall be those which have both:

— a starch content exceeding 45% by weight referred to dry matter,

— an ash content by weight referred to dry matter not exceeding 1% for rice, 2.5% for wheat and rye, 3% for barley, 4% for buckwheat, 5% for oats and 2% for other cereals.

Cereal germ, whether milled or not, shall in all cases fall within tariff heading No 11.02.'

Article 4

This Regulation shall enter into force on 1 March 1969.

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

Done at Brussels, 18 February 1969.

For the Council

The President

J. P. BUCHLER
