

REGULATION (EEC) No 2435/70 OF THE COUNCIL

of 30 November 1970

amending Regulations Nos 140/67/EEC and 365/67/EEC on rules for the advance fixing of levies on cereals, rice and broken 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 2434/70,² and in particular Article 15 (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 2434/70, and in particular Article 13 (4) thereof;

Having regard to the proposal from the Commission;

Whereas, in pursuance of Article 7 (1) of Council Regulation No 140/67/EEC⁴ of 21 June 1967 on rules for the advance fixing of levies on cereals, and of Article 7 (1) of Council Regulation No 365/67/EEC⁵ of 25 July 1967 on rules for the advance fixing of levies on rice and broken rice, as amended by Regulation No 1018/67/EEC,⁶ the scale of premiums may be fixed at a higher level if in exceptional circumstances extraneous factors provoke major price variations on the market in cereals and rice which could not be foreseen; whereas the expression 'extraneous factors' cannot always be precisely defined and whereas there is thus a risk of having to exclude certain factors which ought also to entail the application of the provisions of these Articles; whereas in order to eliminate this risk the expression 'extraneous factors' should be replaced by a broader concept; whereas this amendment

entails further consequences for the application of Article 8 of Regulations No 140/67/EEC and No 365/67/EEC;

Whereas, as a result of the amendments to Article 15 of Regulation (EEC) No 120/67/EEC and to Article 13 of Regulation No 359/67/EEC by Regulation (EEC) No 2434/70, a statement of the expected month of importation is no longer required from the importer; whereas, therefore, the present provisions of Article 9 of Regulation No 140/67/EEC and of Article 9 of Regulation No 365/67/EEC no longer serve a useful purpose; whereas, however, the possibility of adopting detailed rules on the premium to be applied in exceptional cases should be envisaged;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for Article 7 of Regulation No 140/67/EEC:

'In exceptional cases where special circumstances cause considerable price fluctuations on the cereals market, which could not be foreseen in the light of supply and demand on the world market, the premium may be fixed at a level higher than that resulting from the provisions of the preceding Articles.

The premium shall not be increased by more than the difference between the c.i.f. price fixed for each product and the last c.i.f. price fixed for each product before prices began to be affected by the special circumstances mentioned in paragraph 1.'

Article 2

The following shall be substituted for Article 7 of Regulation (EEC) No 365/67:

'In exceptional cases where special circumstances cause considerable price fluctuations on the rice

¹ OJ No 117, 19.6.1967, p. 2269/67.

² OJ No L 262, 3.12.1970, p. 1.

³ OJ No 174, 31.7.1967, p. 1.

⁴ OJ No.125, 26.7.1967, p. 2456/67.

⁵ OJ No 174, 31.7.1967, p. 32.

⁶ OJ No 311, 21.12.1967, p. 12.

market, which could not be foreseen in the light of supply and demand on the world market, the premium may be fixed at a level higher than that resulting from the provisions of the preceding Articles.

The premium shall not be increased by more than the difference for each product between the c.i.f. price and the last c.i.f. price before the prices began to be affected by the special circumstances mentioned in paragraph 1 became apparent.'

Article 3

1. The following shall be substituted for Article 9 of Regulation No 140/67/EEC:

'Rules regarding the premium from the scale laid down to be applied in exceptional cases shall be

adopted as necessary, in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC.'

2. The following shall be substituted for Article 9 of Regulation (EEC) No 365/67/EEC:

'Rules regarding the premium from the scale laid down to be applied in exceptional cases shall be adopted as necessary, in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC.'

Article 4

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, 30 November 1970.

For the Council

The President

H. D. GRIESAU