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REGULATION (EEC) No 2085/68 OF THE COMMISSION

of 20 December 1968

on certain detailed rules for granting the production refund on broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 367/67/EEC¹ of 25 July 1967 fixing production refunds on maize groats and meal and broken rice used in the brewing industry, and in particular Article 3 thereof;

Having regard to Council Regulation No 371/67/EEC² of 25 July 1967 fixing production refunds on starches and quellmehl, and in particular Article 5 thereof;

Whereas Regulations Nos 367/67/EEC and 371/67/EEC fix the production refunds for broken rice used in the manufacture of starch or quellmehl or in the brewing industry where a levy is imposed on that product; whereas, since a levy has been charged since 6 December 1968, the production refund must be granted; whereas, therefore, uniform measures should be taken concerning both the point in time to be used for fixing the amount of the refund and the procedures for ensuring that it is properly applied;

Whereas broken rice is in a special position as a result of movements in world market prices for that product in relation to the prices fixed by Community rules and in particular to the threshold price and to the minimum supply price in the Community fixed at 8.30 units of account per quintal; whereas the production refund therefore varies within the limits of these two prices; whereas, in view of this particularity of production refunds on broken rice, the same point in time should be used in all Member States for calculating the refund;

Whereas, if the importer has made known his intention to deliver the imported broken rice to the industries concerned, the refunding to him of the

amount of the levy paid by him on the day of importation means that the broken rice used by those industries will not be affected by the levy so long as the c.i.f. price lies between the threshold price and 8.30 units of account per 100 kilogrammes;

Whereas account should also be taken of the use to which the producer puts Community-produced broken rice and, therefore, of the delivery of broken rice to one of the industries concerned;

Whereas, moreover, Community rules must also designate the Member State responsible for the payment of the refund where transactions involve the territory of several Member States, so as to prevent the divergence of provisions in force in those States from depriving the interested parties of the benefit of the refund; whereas the procedure for paying the production refund on broken rice intended for use in the brewing industry should correspond as closely as possible to that applying to maize for the manufacture of starch and of groats and meal; whereas, therefore, as in the case of starch and of maize groats and meal used in the brewing industry, the Member State importing or producing the broken rice must pay the production refund;

Whereas it would appear that the proof that broken rice is actually used by the Community brewing industry may be obtained from documents certifying the sale of the product to a brewery as well as from supervision of its use; whereas, where broken rice is used in a Member State other than that which is required to pay the refund, a method of administrative co-operation should be established which will provide the necessary safeguards;

Whereas, under the Community provisions laid down in this Regulation, Member States should take all appropriate measures to ensure the supervision provided for by Article 2 of Regulation No 367/67/EEC;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals;

¹ OJ No 174, 31.7.1967, p. 36.

² OJ No 174, 31.7.1967, p. 40.

HAS ADOPTED THIS REGULATION:

*Article 4**Article 1*

1. The amount of the production refund for imported broken rice used for the manufacture of starch or quellmehl or in the brewing industry shall be the same as that in force on the day on which the broken rice is imported.
2. The amount of the production refund for Community produced broken rice shall be that in force on the day of delivery to the starch, quellmehl or brewing industry.
3. Broken rice imported unprocessed and processed in the Community shall be treated in the same way as the broken rice referred to in paragraph 2.

Article 2

The production refund on broken rice used in the manufacture of starch or quellmehl or in the brewing industry shall be paid by the Member State in whose territory the broken rice is imported or produced.

The production refund shall be paid only if that Member State has ascertained that the broken rice has actually been used in one of the industries referred to in the preceding subparagraph.

Article 3

1. In order to receive payment of the refund, the importer shall declare at the time of importation that he intends to deliver the broken rice to one of the industries referred to in Article 2.
2. In order to receive payment of the refund, the producer of broken rice shall submit to the competent authorities an application to which must be appended his invoice to one of the industries referred to in Article 2 showing the date of delivery or a true copy stating the quantity of broken rice sold and indicating the exact business name of the undertaking in question.

If the broken rice is intended for use in a Member State other than the State required to pay the production refund:

- (a) the movement certificate DD4 issued for this product should include:
 - in part A a declaration by the exporter stating the net weight of the product and that it is intended for use in one of the industries referred to in Article 2,
 - in part B the stamp of the competent authority of the Member State which issued the certificate, certifying the declaration of the exporter;
- (b) the product shall be placed under customs or equivalent administrative control as soon as it enters the State in whose territory the manufacturing industry is situated and until the time of processing;
- (c) as soon as the broken rice covered by the certificate has been used by one of the industries referred to in Article 2, confirmation that it has been so used shall be entered in the 'Request for verification' section of the movement certificate DD 4 and this certificate shall be returned for verification to the customs authorities of the Member State which issued it, who shall forward it to the agency responsible for payment;
- (d) each Member State shall immediately inform the other Member States and the Commission of the authorities in addition to the customs authorities which are to apply this Article.

Article 5

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

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

Done at Brussels, 20 December 1968.

For the Council

The President

Jean REY