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REGULATION (EEC) No 2052/69 OF THE COUNCIL

of 17 October 1969

on the Community financing of expenditure arising from the implementation of the Food Aid Convention

(OJ L 263, 21.10.1969, p. 6)

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► M1 Regulation (EEC) No 1703/72 of the Council of 3 August 1972	L 180	1	8.8.1972

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).



**REGULATION (EEC) No 2052/69 OF THE COUNCIL
of 17 October 1969**

on the Community financing of expenditure arising from the implementation of the Food Aid Convention

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 200 (3) and 209 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Whereas Article 22a of Council Regulation No 120/67/EEC ⁽²⁾ of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1398/69 ⁽³⁾, provides for the implementation of the Food Aid Convention by making cereals or flours available within the Community or on the world market;

Whereas the conditions of eligibility should be laid down for the part of the expenditure arising from the implementation of the Food Aid Convention to be borne by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund;

Whereas for Community measures the financing of expenditure not taken over by the Guarantee Section must be ensured in proportion to the quantities in respect of which each Member State participates in each Community measure and whereas the necessary financial provisions should therefore be laid down,

HAS ADOPTED THIS REGULATION:

I. The financing of fob refunds

Article 1

1. In respect of transactions carried out in implementation of the Food Aid Convention, that part of the expenditure corresponding to the refund on exports to third countries, less costs incurred after delivery fob, shall be eligible for financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

2. The general rules and detailed rules of application for export refunds provided for in Article 16 of Regulation No 120/67/EEC shall be applicable by analogy to the transactions referred to in paragraph 1 of this Article.

Article 2

The price at which the intervention agency shall release the cereals for the purpose of implementing the Food Aid Convention shall be the intervention price ruling at the marketing centre where such cereals are in the month in which they are released.

If the cereals are in a place other than the marketing centre, the price shall be adjusted in accordance with the provisions laid down in pursuance of Article 7 (4) of Regulation No 120/67/EEC fixing the price at which the intervention agency must buy in the cereals.

Article 3

The expenditure referred to in Article 1 shall be the subject of applications for reimbursement submitted in accordance with Article 9 of

⁽¹⁾ OJ No C 17, 12.2.1969, p. 22.

⁽²⁾ OJ No 117, 19.6.1967, p. 2269/67.

⁽³⁾ OJ No L 179, 21.7.1969, p. 13.

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Council Regulation No 17/64/EEC ⁽¹⁾ of 5 February 1964 on the conditions for granting aid from the European Agricultural Guidance and Guarantee Fund, as last amended by Regulation (EEC) No 1892/68 ⁽²⁾, and of Decisions to grant aid from the fund taken by the Commission in accordance with Article 10 of that Regulation.

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However, expenditure relating to measures taken on or after 1 January 1971 shall be covered by Articles 4 and 5 of Council Regulation (EEC) No 729/70 ⁽³⁾ of 21 April 1970 on the financing of the Common Agricultural Policy.

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II. Financing of gifts in Community transactions

Article 4

▼M1

1. Expenditure not covered by Article 1 and relating to Community transactions arising from the implementation of the Food Aid Convention shall be financed by the Community and, pursuant to the Decisions taken by the Community institutions, shall include:

- (a) the value of the goods delivered fob, less the expenditure covered by Article 1;
- (b) in certain cases, as an exception, the expenditure covering all or part of the forwarding costs from the Community port to the port of destination, if the Community, following a unanimous Decision of the Council, gives an undertaking to that effect at the time of concluding the delivery contract.

2. However:

- (a) as regards the food aid measure in favour of the Republic of Rwanda under the 1970/71 Annual Programme, the forwarding costs between the unloading port and the place of destination shall also be financed by the Community. If appropriate, the Commission shall either, on the basis of the supporting documents submitted to it, refund such costs to the organization which has carried out the transaction, or pay a lump-sum contribution;
- (b) as regards the measures by way of the World Food Programme to be taken under the 1970/71 Annual Programme, forwarding costs from the cif stage and distribution costs shall also be financed by the Community. Such costs and the forwarding costs between the fob and cif stages shall be covered by a lump sum contribution to be paid by the Commission.

3. As regards measures in favour of the International Committee of the Red Cross, the Commission shall pay for the forwarding costs from the Community port to the port of destination, on the basis of supporting documents, where the Agreement concluded with the Community so provides.

4. Rules for the application of paragraph 1 of this Article shall, as necessary, be adopted in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC.

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Article 5

The expenditure referred to in Article 4 shall be covered by financial contributions from Member States calculated in respect of each Community transaction in proportion to the quantities which each Member State makes available.

⁽¹⁾ OJ No 34, 27.2.1964, p. 586/64.

⁽²⁾ OJ No L 289, 18.11.1968, p. 1.

⁽³⁾ OJ No L 94, 28.4.1970, p. 13.

▼M1

These provisions shall apply only in respect of expenditure arising under the 1968/69 Annual Programme.

▼B*Article 6***▼M1**

After completion of each annual programme of Community measures, Member States shall forward a statement of their expenditure to the Commission. That statement shall show for each Community measure:

- the expenditure effected under Article 4 (1) (a), broken down into quantities drawn from intervention stocks and quantities bought on the market, and
- where appropriate, the expenditure effected under Article 4 (1) (b).

The Commission shall, after consulting the Fund Committee and on the basis of the statements referred to in the preceding paragraph, determine the Community aid for all Community measures under each annual programme.

▼B*Article 7*

1. ►**M1** With a view to settlement of the expenditure referred to in Article 4 (1) the Commission shall, for the 1968/69 Annual Programme, open, in the name of each Member State an account which shall be:

- credited with the amounts to be repaid to that Member State pursuant to the Decision relating to that programme taken in accordance with the second paragraph of Article 6;
- debited with the contribution from that State, calculated in accordance with Article 5, towards the total amount of the expenditure referred to in Article 4 (1) for that programme. ◀

2. As soon as the transactions referred to in paragraph 1 have been completed, the Commission shall inform each Member State of the balance of its account before the end of the current financial year.

3. The accounts referred to in paragraph 1 shall be kept and made up in units of account.

4. The provisions of Articles 11 and 12 of the Financial Regulation⁽¹⁾ on the European Agricultural Guidance and Guarantee Fund, as amended by the Financial Regulation⁽²⁾, shall be applicable by analogy.

III. Final provisions*Article 8*

One year after the entry into force of this Regulation, the Commission shall present to the Council a report on its implementation accompanied, if appropriate, by proposals for amendment in the light of experience gained.

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

⁽¹⁾ OJ No 34, 27.2.1964, p. 599/64.

⁽²⁾ OJ No 258, 25.10.1967, p. 11.