

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1769 final

Brussels, 4 November 1974

Proposal for a  
REGULATION OF THE COUNCIL  
on the common organisation of the  
market in eggs

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Proposal for a  
REGULATION OF THE COUNCIL  
on the common organisation of the  
market in poultrymeat

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Proposal for a  
REGULATION OF THE COUNCIL  
laying down general rules for granting export  
refunds on poultrymeat and criteria for fixing  
the amount of such refunds

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Proposal for a  
REGULATION OF THE COUNCIL  
laying down general rules for granting export  
refunds on eggs and criteria for fixing the  
amount of such refunds

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(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUMCodification of the Regulations governing the organisation  
of the market in eggs and poultrymeat.

1. In its Memorandum on the Adjustment of the Common Agricultural Policy the Commission informed the Council that, in its view, "the publication of codified texts of the applicable acts relating to the common agricultural policy could well help to improve considerably accessibility of Community legislation in this field and thus facilitate its implementation by the official departments and the producers and dealers" (Doc. No COM (73) 1850 of 31 October 1973, sec. 28).
2. The European Parliament has since approved the measures to be taken in this connection (Resolution of 14 February 1974 - Council Doc. No 332/74 (ASS 211) of 20 February 1974).
3. The common organisation of the various agricultural markets is embodied mainly in the "basic regulations" for each product sector. The oldest basic regulation still applicable dates from 1966. These regulations, and the main implementing texts adopted by the Council, have more than once had to be amended. The amendments took the form of amending regulations which were published in the Official Journal of the Communities on dates determined by the day of their adoption. They are, therefore, scattered throughout the entire File of Official Journals.
4. All the texts relating to a specific sector also contain amendments which are no longer of any importance because they were subsequently amended or repealed, and temporary provisions which have in the meantime expired.
5. It is not surprising that, given the situation described under 3 and 4, the farming community has great difficulty in understanding Community rules. On several occasions members of COPA and national organisations have asked that this tangle of provisions, some of which are no longer applicable, should be straightened out, and that the provisions still in force be consolidated in a single text or rearranged.

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6. In the pigmeat sector, this of 'codified' - 1st recital Regulation 1035/72 codification has already begun. On 1974, the Commission addressed a proposal to this effect to the Council (doc. ). The aim is to form the amended Council Regulations into a coherent whole, inserting the necessary amendments to their form, but without any amendments to their substance. This is to eliminate from the outset any discussion concerning the actual content of the provisions at present in force when the codified text comes into use. This is the spirit and the context in which this proposal is being presented to the Council.

7. The procedure described above is the one followed when codification was introduced in the eggs and poultrymeat sector. The method employed here is also based on the method which was adopted by the Council in 1972 for the market in fruit and vegetables and which resulted in the adoption of Regulation (EEC) No. 1035/72<sup>(1)</sup>. The method involves consultation of the European Parliament with regard to the basic regulation. It does not preclude the devising of a more rapid method, however, in accordance with the proposal to that effect presented by the Commission to the Council.

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(1) OJ No L 188, 20 May 1972, p. 1

**Proposal for a  
REGULATION OF THE COUNCIL**

on the common organisation of the  
market in eggs.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas since their adoption the basic provisions concerning the organization of the market in eggs have been amended a number of times; whereas, by reason of their number, their complexity and their dispersal among various Official Journals, the relevant texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas they should therefore be consolidated in a single text ;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organisation of agricultural markets, which may take various forms depending on the product;

Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty; whereas, in the eggs sector, in order to stabilise markets and to ensure a fair standard of living for the agricultural community concerned, provision should be made for measures to facilitate the adjustment of supply to market requirements;

Whereas the creation of a single market for eggs involves the introduction of a single trading system at the external frontiers of the Community, this system to include levies and export refunds;

Whereas to achieve this aim it should as a general rule be sufficient to introduce, in respect of imports from third countries, levies which take account of the incidence on feeding costs of the difference between prices for feed grain within the Community and on the world market, and of the need to protect the Community processing industry;

Whereas it is necessary to avoid disturbances on the Community market caused

by offers made on the world market at abnormally low prices; whereas to this end sluice-gate prices should be fixed and levies should be increased by an additional amount when free-at-frontier offer prices are lower than those prices;

Whereas provision for a refund on exports to third countries equal to the difference between prices within the Community and on the world market would serve to safeguard Community participation in international trade in eggs; whereas in order to give Community exporters the necessary security as regards the stability of refunds, provision should be made to enable the refunds on eggs to be fixed in advance;

Whereas, in addition to the system described above, provision should be made for prohibiting when the situation on the market so requires the use of inward processing arrangements;

Whereas the levy system makes it possible to dispense with all other protective measures at the external frontiers of the Community; whereas, however, the levy machinery may in exceptional circumstances prove defective; whereas in such cases, so as not to leave the Community market without defence against disturbances which may arise therefrom after the import barriers which existed previously have been removed, the Community should be enabled to take all necessary measures without delay;

Whereas restrictions on free circulation resulting from the application of measures intended to prevent the spread of animal disease may cause difficulties on the market of one or more Member States; whereas it is necessary to make provision for the adoption of exceptional measures of market support to remedy such a situation;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between the Member States and the Commission within a Management Committee;

Whereas the establishment of a single market would be jeopardised by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by member states and the prohibition of those which are incompatible with the common market should be made to apply to eggs;

Whereas the common organization of the market in eggs must take appropriate account in appropriate manner and at the same time of the objectives set out in Articles 39 and 110 of the Treaty;

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HAS ADOPTED THIS REGULATION:

Article 1

1. The common organisation of the market in eggs shall cover the following products:

CCT heading No	Description of goods
(a) 04.05 A I	Poultry eggs in shell, fresh or preserved
(b) 04.05 B I	Eggs not in shell and egg yolks suitable for human consumption, fresh, dried or otherwise preserved, sweetened or not.

2. For the purposes of this Regulation:

(a) "eggs in shell" means poultry eggs in shell, fresh or preserved, other than eggs for hatching as defined in (b);

(b) "eggs for hatching" means poultry eggs for hatching;

(c) "whole products" means poultry eggs not in shell, suitable for human consumption :

- fresh or preserved, sweetened or not;
- dried, sweetened or not;

(d) "separated products" means poultry egg yolks, suitable for human consumption:

- fresh or preserved, sweetened or not;
- dried, sweetened or not;

(e) a "quarter" means a period of three months beginning on 1 February, 1 May, 1 August or 1 November.

Article 2

1. In order to encourage action by trade and joint trade organisations to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the following Community

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measures may be taken in respect of the products specified in Article 1(1):

- measures to promote better organisation of production, processing and marketing;
- measures to improve quality;
- measures to permit the establishment of short and long-term forecasts on the basis of the means of production used;
- measures to facilitate the recording of market price trends.

General rules concerning these measures shall be adopted in accordance with the procedure laid down in Article 43(2) of the Treaty.

2. For one or more of the products specified in Article 1(1), marketing standards shall be adopted. These standards may relate in particular to grading by quality and weight, packaging, storage, transport, presentation and marketing.

Standards, their scope and the general rules for their application shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

### Article 3

A levy, fixed in advance for each quarter in accordance with the procedure laid down in Article 17, shall be charged on imports into the Community of the products specified in Article 1(1).

### Article 4

1. The levy on eggs in shell shall be composed of:

- (a) one component equal to the difference between prices within the Community and on the world market for the quantity of feed grain required for the production in the Community of one kilogramme of eggs in shell.

The prices for feed grain within the Community shall be determined once a year for a period of twelve months beginning 1 August, on the basis of the threshold prices for such grain and the monthly increase thereof.

The prices for feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the

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quarter during which the said component is calculated.

However, when the levies applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain shall be taken into account only if at the same time a new sluice-gate price is being fixed.

- (b) one component equal to 7% of the average of the sluice-gate prices ruling for the four quarters preceding 1 May of each year.

This component shall be calculated once a year for a period of twelve months beginning 1 August.

2. The levy on eggs for hatching shall be calculated in the same way as the levy on eggs in shell. However, the quantity of feed grain to be used shall be that required for the production in the Community of one egg for hatching; the sluice-gate price shall be that applicable to eggs for hatching.

3. The Council, acting by a qualified majority on a proposal from the Commission shall:

- determine the quantity of feed grain required for the production of one kilogramme of eggs in shell and the quantity of feed grain required for the production of one egg for hatching, and the percentages of the various feed grains included in these quantities;
- adopt rules for the application of this Article.

#### Article 5

1. As regards the products specified in Article 1(1)(b), the levy shall be derived from the levy on eggs in shell as follows:

- in respect of whole products, on the basis of the quantity of eggs in shell used in the manufacture of one kilogramme of such products;
- in respect of separated products, on the basis of the quantity of eggs in shell used in the manufacture of one kilogramme of such products and of the average ratio between the market values of the egg constituents.

2. The coefficients expressing the quantities and the ratio mentioned in paragraph 1 shall be fixed in accordance with the procedure laid down in Article 17. The information used in fixing the coefficients shall be reconsidered at least once a year.



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Article 6

When a substantial price rise is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 7

1. Sluice-gate prices shall be fixed in advance for each quarter in accordance with the procedure laid down in Article 17.

2. The sluice-gate price for eggs in shell shall be composed of:

- (a) an amount equal to the price on the world market for the quantity of feed grain required for the production in third countries of one kilogramme of eggs in shell;
- (b) a standard amount representing other feeding costs and overhead costs of production and marketing.

The price for the quantity of feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the quarter during which the sluice-gate price is fixed.

However, when the sluice-gate price applicable from 1 November, 1 February and 1 May, is being fixed, trends in world market prices for feed grain shall be taken into account only if the price of the quantity of feed grain varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter. The information used in fixing the standard amount mentioned in (b) shall be reconsidered at least once a year.

3. The sluice-gate price for eggs for hatching shall be calculated in the same way as the sluice-gate price for eggs in shell; however, the price for the quantity of feed grain on the world market shall be the price for the quantity required for the production in third countries of one egg for hatching and the standard amount shall be the amount representing other feeding costs and overhead costs of production and marketing in respect of one egg for hatching.

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4. As regards the products specified in Article 1(1)(b), the sluice-gate prices shall be derived from the sluice-gate price for eggs in shell, account being taken of the depreciation in value of the basic material, of the coefficients fixed for such products under Article 5(2) and of a standard amount representing overhead costs of production and marketing fixed in accordance with the procedure laid down in Article 17.

5. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the application of this Article. 43(2)

#### Article 8

1. Where the free-at-frontier offer price for a product falls below the sluice-gate price, the levy on that product shall be increased by an additional amount equal to the difference between the sluice-gate price and the free-at-frontier offer price.

2. However, the levy shall not be increased by this additional amount as regards third countries which are prepared and in a position to guarantee that the price of imports into the Community of products originating in and coming from their territory will not be lower than the sluice-gate price for the product in question and that any deflection of trade will be avoided.

3. The free-at-frontier offer price shall be determined for all imports from all third countries.

However, if exports from one or more third countries are effected at abnormally low prices, lower than the prices ruling in other third countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.

Where additional amounts are required these shall be fixed in accordance with the same procedure.

#### Article 9

1. To the extent necessary to enable the products specified in Article 1(1) to be exported, in the state referred to therein or in the form of goods listed

in the Annex hereto, on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same for the whole Community. It may be varied according to use or destination.

The refund shall be granted on application by the party concerned.

When the refund is being fixed particular account shall be taken of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the granting and advance fixing of export refunds and criteria for fixing their amount.

Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 17. Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.

#### Article 10

To the extent necessary for the proper working of the common organisation of the market in eggs, the Council, acting by a qualified majority on a proposal from the Commission, may prohibit, in whole or in part, the use of inward processing arrangements:

- in respect of products specified in Article 1(1) which are intended for the manufacture of products specified in Article 1(1)(b); and
- in special cases, in respect of products specified in Article 1(1) which are intended for the manufacture of the goods listed in the Annex hereto.

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Article 11

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall form part of the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council acting by a qualified majority on a proposal from the Commission, the following shall be prohibited:

- the levying of any customs duty or charge having equivalent effect;
- the application of any quantitative restriction or measure having equivalent effect.

Any measure restricting the issue of import or export licences to a specified category of person shall be regarded as a measure having effect equivalent to a quantitative restriction.

Article 12

1. If by reason of imports or exports the Community market in one or more of the products specified in Article 1(1) experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph and define the cases in which and the limits within which Member States may take protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within twenty-four hours following receipt thereof.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may by a qualified majority amend or repeal the measures in question.

Article 13

Products as specified in Article 1(1) which are manufactured or obtained from products not coming within Articles 9(2) and 10(1) of the Treaty shall not be admitted to free circulation within the Community.

Article 14

In order to take account of any restrictions on free circulation imposed in consequence of measures to prevent the spread of animal disease, exceptional measures may be taken under the procedure provided for in Article 17 to support any market affected by such restrictions. Such measures may be taken only to the extent that and for such time as is strictly necessary for the support of that market.

Article 15

The Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 17.

Article 16

1. There is hereby established a Management Committee for Poultrymeat and Eggs (hereinafter called "the Committee"), consisting of representatives of the Member States with a representative of the Commission as Chairman.
2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148(2) of the Treaty. The Chairman shall not vote.

Article 17

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative

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or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its **opinion** on such measures within a time limit to be set by the Chairman according to the urgency of the **matter**. **Opinions** shall be adopted by a majority of forty-one votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may, **for not more than one month from the date of such communication, defer application of the measures which it has adopted.**

The Council, acting by a qualified majority may take a **differant decision**(2) within one month.

#### Article 18

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

#### Article 19

Save as otherwise provided in this Regulation, Articles 92 to 94 of the Treaty shall apply to the production of and trade in the products **specified in Article 1(1).**

#### Article 20

This Regulation shall be so applied that **account is taken, in appropriate manner and at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.**

#### Article 21

Should Italy have recourse to the provisions of Article 23 of Council Regulation No 120/67/EEC<sup>(1)</sup> of 13 June 1967 on the common organisation of the market in cereals, the Council, acting by a qualified majority on a proposal from the Commission, shall take the necessary measures to avoid distortions of competition.

Article 22

1. Council Regulation No 122/67/EEC<sup>(2)</sup> of 13 June 1967 on the common organisation of the market in eggs, as last amended by the Decision<sup>(3)</sup> of the Council of the European Communities of 1 January 1973 adjusting the documents concerning the accession of the new Member States to the European Communities, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be treated as references to this Regulation.

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

Done at Brussels,

For the Council  
The President

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(1) OJ No 117, 19.6.1967, p. 2269/67  
(2) OJ No 117, 19.6.1967, p. 2293/67  
(3) OJ No L 2, 1.2.1973, p. 1

## ANNEX

CCT heading No	Description of goods
18.06	Chocolate and other food preparations containing cocoa
19.03	Macaroni, spaghetti and similar products: A. Containing eggs
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
22.09	Spirituous beverages, : ex V. Other: - Containing egg or egg yolk
35.02 A	Albumins: II. Other: ex (a) Ovalbumins: 1. Dried (for example, in sheets, scales, flakes, powder) 2. Other



Proposal for a  
REGULATION OF THE COUNCIL

on the common organisation of the  
market in poultrymeat

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Articles 42 and 43 thereof ;

Having regard to the proposal from the Commission ;

Having regard to the Opinion of the European Parliament ;

Whereas since their adoption the basic provisions concerning the organisation of the market in poultrymeat have been amended a number of times; whereas, by reason of their number, their complexity and their dispersal among various Official Journals, the relevant texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas they should therefore be consolidated in a single text ;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organisation of agricultural markets, which may take various forms depending on the product ;

Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty; whereas, in the poultrymeat sector, in order to stabilise markets and to ensure a fair standard of living for the agricultural community concerned, provision should be made for measures to facilitate the adjustment of supply to market requirements ;

Whereas the creation of a single market for poultrymeat involves the introduction of a single trading system at the external frontiers of the Community, this system to include levies and export refunds ;

Whereas to achieve this aim it should as a general rule be sufficient to introduce in respect of imports from third countries levies which take account of the incidence on feeding costs of the difference between prices for feed grain within the Community and on the world market, and of the need to protect the Community processing industry ;

Whereas it is necessary to avoid disturbances on the Community market caused by offers made on the world market at abnormally low prices; whereas to this end sluice-gate prices should be fixed and levies should be increased by an additional amount when free-at-frontier offer prices are lower than those prices;

Whereas provision for a refund on exports to third countries equal to the difference between prices within the Community and on the world market would serve to safeguard Community participation in international trade in poultrymeat; whereas, in order to give Community exporters the necessary security as regards the stability of refunds, provision should be made to enable the refunds on poultrymeat to be fixed in advance;

Whereas, in addition to the system described above, provision should be made for prohibiting when the situation on the market so requires the use of inward processing arrangements ;

Whereas the levy system makes it possible to dispense with all other protective measures at the external frontiers of the Community prove defective; whereas in such cases, so as not to leave the Community market without defence against disturbances which may arise therefrom after the import barriers which existed previously have been removed, the Community should be enabled to take all necessary measures without delay;

Whereas restrictions on free circulation resulting from the application of measures intended to prevent the spread of animal disease may cause difficulties on the market of one or more Member States; whereas it is necessary to make provision for the adoption of exceptional measures of market support to remedy such a situation;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between the Member States and the Commission within a Management Committee;

Whereas the establishment of a single market would be jeopardised by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to poultrymeat;

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Whereas the common organisation of the market in poultrymeat must take account, in appropriate manner and at the same time, of the objectives set out in Articles 39 and 110 of the Treaty ;

HAS ADOPTED THIS REGULATION:

Article 1

1. The common organisation of the market in poultrymeat shall cover the following products:

CCT heading No	Description of goods
(a) 01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls
(b) 02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen
(c) 02.03	Poultry liver, fresh, chilled, frozen, salted or in brine
(d) 02.05	Pigfat free of lean meat and poultry fat (not rendered or solvent-extracted), fresh, chilled, frozen, salted, in brine, dried or smoked
(e) 15.01	Lard, other pigfat and C. Poultry fat, poultry fat, rendered or solvent-extracted B. Poultryfat
(f) 16.02 B I	Other prepared or preserved poultrymeat or poultry offal

2. For the purposes of this Regulation:

- (a) 'live poultry' means live fowls, ducks, geese, turkeys and guinea fowls each weighing more than 185 grammes;
- (b) 'chicks' means live fowls, ducks, geese, turkeys and guinea fowls each weighing not more than 185 grammes;
- (c) 'slaughtered poultry' means dead fowls, ducks, geese, turkeys and guinea fowls, whole, with or without offal;
- (d) 'derived products' means the following:
  - (1) products specified in paragraph 1(a), excluding chicks;
  - (2) products specified in paragraph 1(b), excluding slaughtered poultry and edible offals, known as 'poultry cuts';

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- (3) edible offals as specified in paragraph 1(b);
  - (4) products as specified in paragraph 1(c);
  - (5) products as specified in paragraph 1(d) and (e);
  - (6) products as specified in paragraph 1(f);
- (e) a 'quarter' means a period of three months beginning on 1 February, 1 May, 1 August or 1 November.

## Article 2

1. In order to encourage action by trade and joint trade organisations to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the following Community measures may be taken in respect of the products specified in Article 1(1);

- measures to promote better organisation of production, processing and marketing;
- measures to improve quality;
- measures to permit the establishment of short and long-term forecasts on the basis of the means of production used;
- measures to facilitate the recording of market price trends.

General rules concerning these measures shall be adopted in accordance with the procedure laid down in Article 43(2) of the Treaty.

2. Marketing standards:

- shall be adopted for one or more of the products specified in Article 1(1)(a);
- may be adopted for the products specified in Article 1(1)(a), (c), (d), (e) and (f).

These standards may relate in particular to grading by quality and weight, packaging, storage, transport, presentation and marking.

Standards, their scope and the general rules for their application shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

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Article 3

A levy, fixed in advance for each quarter in accordance with the procedure laid down in Article 17, shall be charged on imports into the Community of the products specified in Article 1(1).

Article 4

1. The levy on slaughtered poultry shall be composed of:

- (a) one component equal to the difference between prices within the Community and on the world market for the quantity of feed grain, varied according to kind of poultry, which is required for the production in the Community of one kilogramme of slaughtered poultry.

The prices for feed grain within the Community shall be determined once a year for a period of twelve months beginning 1 August, on the basis of the threshold prices for such grain and the monthly increase thereof.

The prices for feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the quarter during which the said component is calculated.

However, when the levies applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain shall be taken into account only if at the time a new sluice-gate price is being fixed.

- (b) one component equal to 7% of the average of the sluice-gate prices ruling for the four quarters preceding 1 May of each year.

This component shall be calculated once a year for a period of twelve months beginning 1 August.

2. The levy on chicks shall be calculated in the same way as the levy on slaughtered poultry. However, the quantity of feed grain to be used shall be that required for the production in the Community of one chick; the sluice-gate price shall be that applicable to chicks.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall:

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- determine the quantity of feed grain, varied according to kind of poultry, which is required for the production of one kilogramme of slaughtered poultry and the quantity of feed grain required for the production of one chick, and the percentages of the various feed grains included in these quantities;
- adopt rules for the application of this Article.

#### Article 5

1. As regards the products specified in Article 1(2)(d), the levy shall be derived from the levy on slaughtered poultry, on the basis of the weight ratio of these various products to slaughtered poultry and, where necessary, of the average ratio between their market values.
2. By way of derogation from the provisions of paragraph 1, for products falling within Common Customs Tariff heading Nos 02.03, 15.01 B and ex 16.02 B I. in respect of which the rate of duty has been bound within GATT, the levies shall be limited to the amount resulting from that binding.
3. The coefficients expressing the ratios mentioned in paragraph 1 shall be fixed in accordance with the procedure laid down in Article 17. The information used in fixing the coefficients shall be reconsidered at least once a year.

#### Article 6

When a substantial price rise is recorded on the Community market and this situation is likely to continue, thereby disturbing or threatening to disturb the market, the necessary measures may be taken.

The Council, acting by a qualified majority as provided in Article 13(2) of the Treaty, on a proposal from the Commission, shall adopt general rules for the application of this Article.

#### Article 7

1. Sluice-gate prices shall be fixed in advance for each quarter in accordance with the procedure laid down in Article 17.
2. The sluice-gate price for slaughtered poultry shall be composed of:

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- (a) an amount equal to the price on the world market for the quantity of feed grain, varied according to kind of poultry, which is required for the production in third countries of one kilogramme of slaughtered poultry;
- (b) a standard amount representing other feeding costs and overhead costs of production and marketing, varied according to kind of poultry.

The price for the quantity of feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the six months preceding the quarter during which the sluice-gate price is fixed.

However, when the sluice-gate price applicable from 1 November, 1 February and 1 May is being fixed, trends in world market prices for feed grain shall be taken into account only if the price of the quantity of feed grain varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter. The information used in fixing the standard amount mentioned in (b) shall be reconsidered at least once a year.

3. The sluice-gate price for chicks shall be calculated in the same way as the sluice-gate price for slaughtered poultry; however, the price for the quantity of feed grain on the world market shall be the price for the quantity required for the production in third countries of one chick and the standard amount shall be the amount representing other feeding costs and overhead costs of production and marketing in respect of one chick. The quantity of feed grain and the standard amount shall not be varied according to kind.

4. As regards the products specified in Article 1(2)(d), the sluice-gate prices shall be derived from the sluice-gate price for slaughtered poultry on the basis of the coefficients fixed for such products under Article 5(3).

5. The Council, acting by a qualified majority as provided for in Article 22(2) of the Treaty on a proposal from the Commission, shall adopt rules for the application of this Article.

#### Article 8

1. Where the free-at-frontier offer price for a product falls below the sluice-gate price, the levy on that product shall be increased by an additional amount equal to the difference between the sluice-gate price and the free-at-frontier offer price.

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2. However, the levy shall not be increased by this additional amount as regards third countries which are prepared and in a position to guarantee that the price for imports into the Community of products originating in and coming from their territory will not be lower than the sluice-gate price for the product in question and that any deflection of trade will be avoided.

3. The free-at-frontier offer price shall be determined for all imports from all third countries.

However, if exports from one or more third countries are effected at abnormally low prices, lower than the prices ruling in other third countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.

Where additional amounts are required these shall be fixed in accordance with the same procedure.

#### Article 9

1. To the extent necessary to enable the products specified in Article 1(1) to be exported on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund.

2. The refund shall be the same for the whole Community. It may be varied according to use or destination.

The refund shall be granted on application by the party concerned.

When the refund is being fixed particular account shall be taken of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the granting and advance fixing of export refunds and criteria for fixing their amount.



Refunds shall be fixed at regular intervals in accordance with the procedure laid down in Article 17. Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.

#### Article 10

To the extent necessary for the proper working of the common organisation of the market in poultrymeat, the Council, acting by a qualified majority and on a proposal from the Commission, may prohibit, in whole or in part, the use of inward processing arrangements in respect of products specified in Article 1(1) which are intended for the manufacture of other products specified in that paragraph.

#### Article 11

1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall form part of the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council acting by a qualified majority and on a proposal from the Commission, the following shall be prohibited:

- the levying of any customs duty or charge having equivalent effect;
- the application of any quantitative restriction or measure having equivalent effect.

restricting the issue of import or export licences to a specified category of person shall be regarded as a measure having effect equivalent to a quantitative restriction.

#### Article 12

1. If by reason of imports or exports the Community market in one or more of

the products specified in Article 1(1) experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph and define the cases in which and the limits within which Member States may take protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within twenty-four hours following receipt thereof.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. It may by qualified majority amend or repeal the measures in question.

#### Article 13

Products as specified in Article 1(1) are manufactured or obtained from products not coming within Articles 9(2) and 10(1) of the Treaty shall not be admitted to free circulation within the Community.

#### Article 14

In order to take account of any restrictions on free circulation imposed in consequence of measures to prevent the spread of animal disease, exceptional measures may be taken under the procedure provided for in Article 17 to support any market affected by such restrictions. Such measures may be taken only to the extent that and for such time as is strictly necessary for the support of that market.

#### Article 15

The Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication

and distribution of such information shall be adopted in accordance with the procedure laid down in Article 17.

Article 16

1. There is hereby established a Management Committee for Poultrymeat and Eggs (hereinafter called "the Committee"), consisting of representatives of the Member States with a representative of the Commission as Chairman.
2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148(2) of the Treaty. The Chairman shall not vote.

Article 17

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on such measures within a time-limit to be set by the Chairman according to the urgency of the matter. Opinions shall be adopted by a majority of forty-one votes.
3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event, the Commission may, for not more than one month from the date of such communication, defer application of the measures which it has adopted.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 18

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 19

Save as otherwise provided in this Regulation, Articles 92 to 94 of the Treaty shall apply to the production of and trade in the products specified in Article 1(1).

Article 20

This Regulation shall be so applied that account is taken in appropriate manner and at the same time of the objectives set out in Articles 39 and 110 of the Treaty.

Article 21

Should Italy have recourse to the provisions of Article 23 of Council Regulation No 120/67/EEC<sup>(1)</sup> of 13 June 1967 on the common organisation of the market in cereals, the Council, acting by a qualified majority on a proposal from the Commission, shall take the necessary measures to avoid distortions of competition.

Article 22

1. Council Regulation No 123/67/EEC<sup>(2)</sup> of 13 June 1967 on the common organisation of the market in poultrymeat, as last amended by the Decision<sup>(3)</sup> of the Council of the European Communities of 1 January 1973 adjusting the documents concerning the accession of the new Member States to the European Communities, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be treated as references to this Regulation.

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

Done at Brussels,

For the Council  
The President

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(1) OJ No 117, 19.6.1967, p. 2269/67  
(2) OJ No 117, 19.6.1967, p. 2301/67  
(3) OJ No L 2, 1.1.1973, p. 1

Proposal for a  
REGULATION OF THE COUNCIL

laying down general rules for granting export  
refunds on poultrymeat and criteria for  
fixing the amount of such refunds.

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THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No                      of                      on the  
common organisation of the market in poultrymeat, and in particular the fourth  
subparagraph of Article 9(2) thereof;

Having regard to the proposal from the Commission;

Whereas export refunds on products subject to the common organisation of the market  
in poultrymeat must be fixed in accordance with certain criteria **such that it**  
**is** possible to cover the difference between prices for those products within the  
Community and on the world market; whereas to this end the supply situation and  
prices for those products within the Community and the price situation on the  
world market must be taken into account;

Whereas the difference between prices within the Community and prices on the world  
market for the quantity of feed grain required for the production of one  
kilogramme of slaughtered poultry and for the production of one chick must also  
be taken into account; whereas **in the case of the products specified in Article**  
**1(1) of Regulation No                      the coefficients referred to in Article 5(3)**  
**of that Regulation should be taken into account;**

Whereas if price trends are to be noted prices must be determined in accordance  
with general principles; whereas to this end prices on third country markets  
and in countries of destination, producer prices recorded in third countries  
and free-at-Community-frontier prices should be taken into account when prices on  
the world market are being determined; whereas, in the absence of representative  
markets for poultrymeat products, prices ruling at the various marketing stages  
and on exportation should be used as a basis in determining Community prices;

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(1) See p.    of this O.J.

Whereas provision must be made for varying the amount of the refund according to the destination of the products, since markets in the countries of destination are at varying distances from Community markets and special conditions apply to imports in certain countries of destination

Whereas, to give Community exporters a measure of stability as regards the amount of the refund and certainty with regard to the list of products eligible for a refund, provision should be made for such list and amounts to remain valid for a relatively long period; whereas rules should also be laid down for the advance fixing of export refunds ;

Whereas it is necessary to fix refunds in advance only in certain cases; whereas any decision to do so should be taken in accordance with Article 17 of Regulation No ;

Whereas the possibility of fixing refunds in advance makes it necessary to take steps to ensure that in each case exportation is carried out as stated in the application; whereas to that end each applicant should receive a certificate requiring the goods in question to be exported within a given period ;

Whereas in order to avoid abuse the issue of such certificates should be conditional upon the provision of security, which should be forfeit if the goods are not exported within the period of validity of the certificate ;

Whereas experience gained in the various sectors where a common organisation of the market has been established and in respect of which there is provision for advance fixing of the refund has shown that in certain circumstances, and in particular where exporters have abnormal recourse to this system, there is a risk of difficulties arising on the market in question ;

Whereas in order to remedy such a situation it must be possible for measures to be taken rapidly; whereas provision should therefore be made for the Commission to adopt such measures after receiving the Opinion of the Management Committee or, in cases of urgency, without waiting for the latter to meet ;

Whereas, to avoid distortions of competition between individual Community traders, the administrative conditions under which they operate must be identical throughout the Community; whereas there does not appear to be any justification for granting a refund where the products in question are

imported from third countries and re-exported to third countries; whereas the reimbursement, under certain conditions, of the levy charged on importation is sufficient to allow these products to be placed on the world market again ;

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down rules for fixing and granting export refunds on the products specified in Article 1(1) of Regulation No

#### Article 2

The following shall be taken into account when refunds are being fixed:

- (a) the existing situation and the future trend with regard to:
  - prices and availabilities of poultrymeat products on the Community market;
  - prices for poultrymeat products on the world market;
- (b) the need to avoid disturbances which might lead to a prolonged imbalance between supply and demand on the Community market; and
- (c) the economic aspect of the proposed exports.

When the refund on the products specified in Article 1(1) of Regulation No is being calculated, account shall also be taken of the difference between prices within the Community and prices on the world market for the quantity of feed grain determined in accordance with the provisions of Article 4(1) of that Regulation, the coefficients referred to in Article 5(3) of that Regulation also being taken into account in the case of derived products.

#### Article 3

1. The following shall be taken into account when the price on the Community market is being determined:

- (a) prices ruling at the various marketing stages in the Community;
- (b) prices ruling on exportation.

2. The following shall be taken into account when the price on the world market is being determined:

- (a) prices ruling on third country markets;
- (b) the most favourable import prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken of any subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

Article 4

Where the world market situation or the specific requirements of certain markets make this necessary, the refund for the Community may in the case of the products specified in Article 1(1) of Regulation No 123/67/EEC be varied according to destination.

Article 5

1. The list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every three months.
2. The amount of the refund shall be that applicable on the day of exportation.
3. However, it may be decided that the refund shall on request be fixed in advance. In that case, where the applicant so requests when lodging an application for a certificate of advance fixing as provided for in Article 6 and provided that such request is made before 1300 hours, the export refund applicable on the day when he lodges such application shall apply to an export operation carried out at any time during the period of validity of the said certificate.
4. Where examination of the market situation shows that there are difficulties due to the application of the provisions concerning the advance fixing of the export refund, or that such difficulties may occur, a decision may be taken in accordance with the procedure laid down in Article 17 of Regulation No                      to suspend for no longer than is strictly necessary the application of those provisions.

In cases of extreme urgency, the Commission may, after examination of the situation, decide on the basis of all the information available to it to suspend advance fixing for a maximum of three working days.



Applications for certificates of advance fixing lodged during the period of suspension shall be rejected.

Article 6

1. The grant of the refund under the conditions provided for in Article 5(3) shall be conditional on the presentation of a certificate of advance fixing, which shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community.

The certificate of advance fixing shall be valid throughout the Community.

2. The issue of a certificate of advance fixing shall be conditional upon the provision of security guaranteeing that exportation will be carried out within the period of validity of the certificate. If the operation is not carried out, or only partially carried out within that period the security shall be wholly or partially forfeit.

Article 7

1. The refund shall be paid upon proof :

- that the products concerned have been exported from the Community, and
- except where Article 8 applies, that such products are of Community origin.

2. Where Article 4 applies, the refund shall be paid under the conditions laid down in paragraph 1, provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3, provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 17 of Regulation No .

Article 8

No export refund shall be granted on products as specified in Article 1(1) of Regulation No which are imported from third countries and re-exported to third countries, unless the exporter proves :

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- that the product to be exported and the product previously exported are one and the same, and
- that the levy was charged on importation.

In such cases the refund on each product shall be equal to whichever is the lower of the levy charged on importation and the refund applicable on the day of exportation.

Article 9

1. Council Regulation No 176/67/EEC<sup>(1)</sup> of 27 June 1967 laying down general rules for granting export refunds on poultrymeat and criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 2689/72<sup>(2)</sup>, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be treated as references to this Regulation.

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

Done at Brussels,

For the Council  
The President

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(1) OJ No 130, 28.6.1967, p. 2612/67  
(2) OJ No L 289, 27.12.1972, p. 41

## Proposal for a

REGULATION No            OF THE COUNCIL

laying down general rules for granting  
export refunds on eggs and criteria for  
fixing the amount of such refunds

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THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No            (1) of            on the common  
organisation of the market in eggs, and in particular the fourth subparagraph  
of Article 9(2) thereof;

Having regard to the proposal from the Commission;

Whereas export refunds on products subject to the common organisation of the market in eggs must be fixed in accordance with certain criteria such that it is possible to cover the difference between prices for those products within the Community and on the world market; whereas to this end the supply situation and prices for those products within the Community and the price situation on the world market must be taken into account;

Whereas the difference between prices within the Community and prices on the world market for the quantity of feed grain required for the production of one kilogramme of eggs in shell and for the production of one egg for hatching must also be taken into account; whereas in the case of the products specified in Article 1 (1)(b) of Regulation No            the coefficients referred to in Article 5 (2) of the Regulation should be taken into account;

Whereas if price trends are to be noted prices must be determined in accordance with general principles; whereas to this end prices on third country markets and in countries of destination, producer prices recorded in third countries and free-at-Community-frontier prices should be taken into account when prices on the world market are being determined; whereas, in the absence of representative markets for egg products, prices ruling at the various marketing stages and on exportation should be used as a basis in determining Community prices;

Whereas provision must be made for varying the amount of the refund according to the destination of the products, since markets in the countries of destination are at varying distances from Community markets and special conditions apply to imports in certain countries of destination;

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(1) See p.            of this OJ.

Whereas, to give Community exporters a measure of stability as regards the amount of the refund and certainty with regard to the list of products eligible for a refund, provision should be made for such list and amounts to remain valid for a relatively long period; whereas rules should also be laid down for the advance fixing of export refunds;

Whereas it is necessary to fix refunds in advance only in certain cases; whereas any decision to do so should be taken in accordance with Article 17 of Regulation No

Whereas the possibility of fixing refunds in advance makes it necessary to take steps to ensure that in each case exportation is carried out as stated in the application; whereas to that end each applicant should receive a certificate requiring the goods in question to be exported within a given period;

Whereas in order to avoid abuse the issue of such certificates should be conditional upon the provision of security, which should be forfeit if the goods are not exported within the period of validity of the certificate;

Whereas experience gained in the various sectors where a common organisation of the market has been established and in respect of which there is provision for advance fixing of the refund has shown that in certain circumstances, and in particular where supporters have abnormal recourse to this system, there is a risk of difficulties arising on the market in question;

Whereas in order to remedy such a situation it must be possible for measures to be taken rapidly; whereas provision should therefore be made for the Commission to adopt such measures after receiving the Opinion of the Management Committee or, in cases of urgency, without waiting for the latter to meet;

Whereas, to avoid distortions of competition between individual Community traders, the administrative conditions under which they operate must be identical throughout the Community; whereas there

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does not appear to be any justification for granting a refund where the products in question are imported from third countries and re-exported to third countries; whereas the reimbursement, under certain conditions, of the levy charged on importation is sufficient to allow these products to be placed on the world market again;

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down rules for fixing and granting export refunds on the products specified in Article 1 (1) of Regulation No

#### Article 2

The following shall be taken into account when refunds are being fixed:

- (a) the existing situation and the future trend with regard to:
  - prices and availabilities of egg products on the Community market;
  - prices for egg products on the world market;
- (b) the need to avoid disturbances which might lead to a prolonged imbalance between supply and demand on the Community market; and
- (c) the economic aspect of the proposed exports.

When the refund on the products specified in Article 1 (1) of Regulation No                      is being calculated, account shall also be taken of the difference between prices within the Community and prices on the world market for the quantity of feed grain as determined in accordance with the provisions of Article 4 (1)

of that Regulation, the coefficients referred to in Article 5 (2) of that Regulation also being taken into account in the case of derived products.

### Article 3

1. The following shall be taken into account when the price on the Community market is being determined:

- (a) prices ruling at the various marketing stages in the Community;
- (b) prices ruling on exportation.

2. The following shall be taken into account when the price on the world market is being determined:

- (a) prices ruling on third country markets;
- (b) the most favourable import prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken of any subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

### Article 4

Where the world market situation or the specific requirements of certain markets make this necessary, the refund for the Community may in the case of the products specified in Article 1 (1) of Regulation No                      be varied according to destination.

### Article 5

1. The list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every three months.

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2. The amount of the refund shall be that applicable on the day of exportation.

3. However, it may be decided that the refund shall on request be fixed in advance.

In that case, where the applicant so requests, when lodging on application for a certificate of advance fixing as provided for in Article 6 and provided that such request is made before 13.00 hours, the export refund applicable on the day when he lodges such application shall apply to an export operation carried out at any time during the period of validity of the said certificate.

4. Where examination of the market situation shows that there are difficulties due to the application of the provisions concerning the advance fixing of the export refund, or that such difficulties may occur, a decision may be taken in accordance with the procedure laid down in Article 17 of Regulation No to suspend for no longer than is strictly necessary the application of those provisions.

In cases of extreme urgency, the Commission may, after examination of the situation, decide on the basis of all the information available to it to suspend advance fixing for a maximum of three working days.

Applications for certificates of advance fixing lodged during the period of suspension shall be rejected.

#### Article 6

1. The grant of the refund under the conditions provided for in Article 5 (3) shall be conditional on the presentation of a certificate of advance fixing, which shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community.

The certificate of advance fixing shall be valid throughout the Community.

2. The issue of a certificate of advance fixing shall be conditional upon the provision of security guaranteeing that exportation will be carried out within the period of validity of the certificate. If the operation is not carried out, or only partially carried out, within that period the security shall be wholly or partially forfeited.

#### Article 7

1. The refund shall be paid upon proof:

- that the product concerned have been exported from the Community, and

- except where Article 8 applies, that such products are of Community origin.

2. Where Article 4 applies, the refund shall be paid under the conditions laid down in paragraph 1, provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3, provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 17 of Regulation No

#### Article 8

No export refund shall be granted on products as specified in Article 1 (1) of Regulation No which are imported from third countries and re-exported to third countries, unless the exporter proves:



- that the product to be exported and the product previously imported are one and the same, and
- that the levy was charged on importation.

In such cases the refund on each product shall be equal to whichever is the lower of the levy charged on importation and the refund applicable on the day of exportation.

#### Article 9

1. Council Regulation No 175/67/EEC<sup>(1)</sup> of 27 June 1967 laying down general rules for granting export refunds on eggs and criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 2683/72<sup>(2)</sup>, is hereby repealed.

2. All references to the Regulation repealed by paragraph 1 shall be treated as references to this Regulation.

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

Done at Brussels,

For the Council  
The President

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(1) OJ No 130, 28 June 1967, p. 2610/67  
(2) OJ No L 289, 27 December 1972, p. 33

Règlement 122/61/EEG J.O. 117

MODIFICATIONS :

- 830/68 dd. 28.6.1968 J.O. L 151
- L 406/70 dd. 6.3.1970 J.O. L 55
- L 1261/71 dd. 15.6.1971 J.O. L 132

Règlement 123/69/EEG J.O. 117

MODIFICATIONS :

- L 2727/71 dd. 20.12.1971 J.O. L 282
- L 2688/72 dd. 12.12.1972 J.O. L 289
- L 1261/71 dd. 15. 6.1971 J.O. L 132

Règlement 176/67/EEG J.O. 130

MODIFICATION :

- L 2689/72 J.O. L 289/72

Règlement 175/67/EEG J.O. 130

MODIFICATIONS :

- L 437/70 J.O. L 55
- L 2429/72 J.O. L 264
- L 2683/72 J.O. L 289

