

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 449 final

Brussels, 6 September 1979

Proposal for a
COUNCIL REGULATION

laying down general rules for paying in advance of
export an amount equal to the export refunds in
respect of agricultural products

(submitted to the Council by the Commission)

COM(79) 449 final

EXPLANATORY MEMORANDUM

Council Regulation (EEC) No 441/69 laying down additional general rules for granting export refunds provides that an amount equal to the export refund may be paid in advance of export in certain cases in respect of products to be exported either after processing or in their natural state.

The criteria laid down for the selection of products which after processing may benefit of the system have in practice created some difficulties because the necessary statistic information is not always available and the cost involved in making the information available is not considered justified. Therefore, the proposed Regulation lays down that all products and goods may benefit from the arrangements unless they are shown on a list adopted by the Commission in accordance with the Management Committee procedure.

The proposal contains, furthermore, minor technical amendments compared with the present system.

PROPOSAL

REGULATION (EEC)

OF THE COUNCIL

laying down general rules for paying in advance of export an amount equal to the export refunds in respect of agricultural products.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3138/76 ⁽²⁾, and in particular Article 16(5) thereof and the corresponding provisions of the other Regulations establishing a common organization of the market in respect of agricultural products,

Whereas Council Regulation (EEC) No 441/69 of 4 March 1969 laying down additional general rules for granting export refunds on products subject to a single price system, exported unprocessed or in the form of certain goods not covered by Annex II to the Treaty ⁽³⁾, as last amended by Regulation (EEC) No 269/78 ⁽⁴⁾, has been amended several times; whereas experience has shown certain amendments to be desirable; whereas in the interest of clarity it is advisable to consolidate the rules in question;

Whereas the Regulations laying down general rules for granting export refunds on agricultural products and the criteria for fixing the amount of such refunds provide that, in order for the export refund to be paid, proof must be furnished that such products have been exported from the Community;

.../...

(1) OJ No L 281, 1.11.1975, p. 1

(2) OJ No L 354, 24.12.1976, p. 1

(3) OJ No L 59, 10. 3.1969, p. 1

(4) OJ No L 40, 10. 2.1978, p. 7

Whereas, in order to ensure a balance between the use of Community basic products with a view to exporting processed products or goods listed in Annex B and C to Council Regulation (EEC) No 2682/72⁽⁵⁾, as last amended by Regulation (EEC) No 707/78⁽⁶⁾ to third countries and the use of basic products from such countries admitted under inward processing arrangements pursuant to Council Directive 69/73 of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect inward processing⁽⁷⁾, as last amended by the Act of Accession⁽⁸⁾ an amount equal to the export refund should be paid as soon as the Community basic products from which processed products or goods intended for export are obtained are placed under customs control;

Whereas products covered by a common market organization and imported from third countries may under certain conditions be brought under a bonded warehouse or a free zone procedure, collection of the import duties being suspended; whereas provision should be made for payment of an amount equal to the export refund as soon as Community products or goods intended for export are brought under such a procedure ;

Whereas the payment of an amount equal to the export refund does not in any way affect the conditions under which the right to an export refund is established; whereas a security should be lodged to guarantee the reimbursement of a sum not less than the amount paid where no right to the export refund is subsequently established or the products or goods treated under these arrangements are not actually exported from the Community within the set time limits;

HAS ADOPTED THIS REGULATION:

.../...

(5) OJ No L 289, 27.12.1972, p. 13

(6) OJ No L 94, 8.04.1978, p. 7

(7) OJ No L 58, 8. 3.1969, p. 1

(8) OJ No L 73, 27. 3.1972, p. 14

Article 1

This Regulation lays down general rules for paying in advance of export an amount equal to the export refunds on the products covered by the following Regulations establishing a common organization of the market in respect of agricultural products :

- Regulation No 136/66/EEC (oils and fats)
- Regulation (EEC) No 804/68 (milk and milk products)
- Regulation (EEC) No 805/68 (beef and veal)
- Regulation (EEC) No 727/70 (raw tobacco)
- Regulation (EEC) No 337/79 (wine)
- Regulation (EEC) No 1035/72 (fruit and vegetables)
- Regulation (EEC) No 3330/74 (sugar)
- Regulation (EEC) No 2727/75 (cereals)
- Regulation (EEC) No 2759/75 (pigmeat)
- Regulation (EEC) No 2771/75 (eggs)
- Regulation (EEC) No 2777/75 (poultry meat)
- Regulation (EEC) No 100/76 (fishery products)
- Regulation (EEC) No 1418/76 (rice)
- Regulation (EEC) No 516/77 (products processed from fruit and vegetables)

Article 2

For the purposes of this Regulation

- a) - "products" means the products referred to in Article 1
 - "basic products" means the products intended to be exported after processing into processed products or into goods
 - "processed products" means the products obtained from the processing of basic products and for which an export refund is applicable
- b) - "goods" means the goods listed in Annex B and C to Regulation (EEC) No 2682/72.

Article 3

1. The benefit of the arrangement provided for in this Article shall apply to processed products and goods obtained from basic products for which inward processing arrangements are not prohibited.
However, the arrangement shall not apply in exceptional cases where the processed products or the goods are obtained from basic products which can be disposed of without difficulty.
2. An amount equal to the export refund shall, at the request of the party concerned, be paid as soon as the basic products are placed under a customs control ensuring that the processed products or the goods will be exported within a set time limit.
3. As regards control procedures and the rate of yield, the basic products shall be subject to the same rules as apply in respect of inward processing to products of the same nature.
4. The export refund shall be, in the case of export
 - a) of a processed product, the refund applicable to the processed product;
 - b) of goods, the refund applicable to the basic product when exported as an ingredient of such goods.
5. The rate of the export refund shall, unless it is fixed in advance, be that in force on the day on which the basic products are brought under customs control.
6. Where the export refund is fixed in advance, the day on which the basic products are brought under customs control shall be the operative date for determining any adjustment to be made to the rate applicable.
7. Where the export refund varies according to use or destination, the rate to be applied shall be the lowest rate. However, if the use or destination is declared, the rate to be applied shall be that fixed for the use or destination for which the processed products or the goods are intended.

.../...

Article 4

1. The benefit of the arrangement provided for in this Article shall apply to products intended for export in their natural state or in the form of goods when the products or the goods are of a kind that can be stored.

However, the arrangements shall not apply in exceptional cases where the products or the goods can be disposed of without difficulty.

2. An amount equal to the export refund shall, at the request of the party concerned, be paid as soon as the products or goods have been brought under a customs warehousing or a free zone procedure with a view to their being exported within a set time limit.

3. Where the export refund varies according to use or destination, the rate to be applied shall be the lowest rate. However, if the use or destination is declared, the rate to be applied shall be that fixed for the use or destination for which the products or goods are intended.

Article 5

The benefit of the arrangements provided for in this Regulation shall be subject to the lodgement of a security equal to the amount paid plus a specified additional amount. This security shall be forfeited in whole or in part if the export requirements are not met or no right to the export refund is established.

Article 6

The competent authorities of the Member States may refuse to grant the benefit of the arrangements provided for in this Regulation :

- if the character of the transaction is not such as to guarantee that it will be effected in accordance with the provisions in force,
- to applicants who have committed serious infringements of the provisions established under the common agricultural policy.

Article 7

The basic products, products and goods which shall not benefit from the arrangements provided for in this Regulation shall be shown on a list to be established.

Article 8

Regulation (EEC) No 441/69 is hereby repealed with effect from 1 January 1980. It shall, however, remain applicable to products and goods which are taken under control before that date.

Article 9

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

It shall apply from 1 January 1980 to products and goods which are taken under control from that date.

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

FINANCIAL STATEMENT

Date : 20.6.1979

1. BUDGET HEADING : Titles 6 and 7 (refunds)

APPROPRIATIONS :

2. TITLE : draft Council Regulation laying down general rules for the payment before export of a sum equal to the export refund for agricultural products

3. LEGAL BASIS : Council R. 2727/75

4. AIMS OF PROJECT : replacement of R. 441/69 which caused certain problems in practice

5. FINANCIAL IMPLICATIONS

PERIOD OF 12 MONTHS

CURRENT FINANCIAL YEAR
(79)

FOLLOWING FINANCIAL YEAR
(80)

5.0 EXPENDITURE

- CHARGED TO THE EC BUDGET
(REFUNDS/~~XXXXXXXXXX~~)
- NATIONAL ADMINISTRATION
- OTHER

positive, but impossible to assess

positive, but impossible to assess

5.1 RECEIPTS

- OWN RESOURCES OF THE EC
(LEVIES/CUSTOMS DUTIES)
- NATIONAL

5.0.1 ESTIMATED EXPENDITURE
5.1.1 ESTIMATED RECEIPTS

5.2 METHOD OF CALCULATION

Assessment of the financial impact is not possible in the absence of the necessary statistical data (see explanatory memorandum).
However, there is a risk that the proposal would increase expenditure, since all the products in question qualify for the system.

6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ?

YES/NO

6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET ?

YES/NO

6.2 IS A SUPPLEMENTARY BUDGET BE NECESSARY ?

YES/NO

6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY ?

YES/NO

OBSERVATIONS :