

REGULATION (EEC) No 559/68 OF THE COMMISSION

of 6 May 1968

laying down detailed rules for the application of Regulation No 367/67/EEC fixing production refunds on maize groats and meal and broken rice used in the brewing industry

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;

Whereas Article 2 of Regulation No 367/67/EEC requires Member States to take all necessary measures to ensure that the above-mentioned refunds are limited to the quantities of maize groats and meal and of broken rice actually used by the brewing industry in the Community; whereas such measures should accord with any rules of application laid down in pursuance of Article 3 of that Regulation; whereas it is therefore necessary to adopt such rules as will ensure that the payment of the refund and the effectiveness of control are not hindered by divergent measures taken by Member States;

Whereas, moreover, a Community rule should 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 parties concerned of the benefit of the refund; whereas such refund was fixed for processed maize groats and meal and broken rice for the brewing industry in order to make such products competitive with maize starch which in respect of all uses qualifies for the production refund on maize for the manufacture of starch; whereas the latter was hitherto paid by the Member State in whose territory maize is actually used by the starch industry for the manufacture of starch; whereas, in view of the competitiveness between starch on the one hand and maize groats and meal

and broken rice on the other, it is necessary to ensure that the procedure for the payment of the production refund on maize and broken rice for the brewing industry corresponds as closely as possible with that applying to maize for the manufacture of starch; whereas, therefore, as in the case of starch, the Member State in which maize is processed must pay the production refund;

Whereas these problems arise at present only in respect of maize groats and meal, as broken rice does not qualify for a production refund because its price on the world market is higher than the Community price;

Whereas it would appear that the proof that maize groats and meal is actually used by the brewing industry in the Community may be obtained from documents certifying the sale of the product to a brewery, as well as from supervision of its actual use; whereas, where maize groats and meal are 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 any additional measures necessary to ensure the supervision required by Article 2 of Regulation No 367/67/EEC;

Whereas the Management Committee for Cereals has not delivered an Opinion within the time limit set by its Chairman;

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on maize used by the maize industry to manufacture groats and meal for the brewing industry, provided for in Article 1 of Regulation No 367/67/EEC, shall be paid by the

¹ OJ No 174, 31.7.1967, p. 36.

Member State on whose territory groats and meal are manufactured.

The production refund shall be paid only if that Member State has ascertained that the maize groats and meal have actually been used by the brewing industry.

Article 2

1. In order to receive payment of the refund, the maize grower shall submit to the competent authorities an application to which must be appended his invoice to a brewery, or a true copy, stating the quantity, expressed in net weight, of maize groats and meal sold and indicating the exact business name of the brewery.

Moreover, if the maize groats and meal are for use in a Member State other than the State required to pay the production refund:

(a) the movement certificate DD 4 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 brewery use;

— 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 a system of customs control or a system of administrative supervision providing equivalent safeguards as soon as it enters the Member State on whose territory the user brewery is situated and until the time of processing;

(c) as soon as the groats and meal covered by the certificate have been used by the brewery, confirmation that they have been so used shall be entered in the section 'Request for Verification' of movement certificate DD4 and this certificate shall be returned for verification to the customs authorities of the Member State which issued it, which 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 which, in addition to the customs authorities, are to apply this Article.

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

Done at Brussels, 6 May 1968.

For the Commission

The President

Jean REY