# COMMISSION REGULATION (EEC) No 3117/78

## of 29 December 1978

## fixing the rate of the refund applicable from 1 January 1979 to isoglucose exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1111/77 of 17 May 1977 laying down common provisions for isoglucose (1), as last amended by Regulation (EEC) No 1298/78 (2), and in particular the first sentence of the third subparagraph of Article 4 (2) and paragraph 5 thereof,

Whereas, pursuant to Article 4 of Regulation (EEC) No 1111/77, provision may be made for a refund on the export of isoglucose in the form of the goods shown in the Annex to that Regulation;

Whereas Council Regulation (EEC) No 2682/72 of 12 December 1972 laying down general rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds (3), as last amended by Regulation (EEC) No 707/78 (4), specifies that a rate of refund should be fixed and apply when isoglucose covered by Common Customs Tariff subheading 17.02 D I is exported in the form of goods listed in the Annex to Regulation (EEC) No 1111/77;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 2682/72, the rate of the refund must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

(a) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;

(b) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas, following the Judgment rendered by the Court of Justice of the European Communities in Cases 103/77, 125/77 and 145/77, there is uncertainty as to whether the production levy mentioned in Article 9 of Regulation (EEC) No 1111/77 is to be taken into account in the calculation of the refund; whereas it is therefore appropriate not to take the said levy into account in the calculation at present but to provide for the refund to be increased by an amount equal to that of the production levy, should there by one, in force at the time of export of the quantity of isoglucose in question;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Isoglucose,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rate of the refund applicable from 1 January 1979 to isoglucose of Common Customs Tariff subheading 17.02 D I exported in the form of goods listed in the Annex to Regulation (EEC) No 1111/77 is fixed as shown in the Annex hereto.

*Article 2*

The amount indicated in the Annex shall, at the request of the interested party, be increased by an amount equal to the production levy, should there be one, in force on the day of the completion of the customs export formalities in respect of the products shown in the Annex.

*Article 3*

This Regulation shall enter into force on 1 January 1979.

(1) OJ No L 134, 28. 5. 1977, p. 4.
(2) OJ No L 160, 17. 6. 1978, p. 9.
(3) OJ No L 289, 27. 12. 1972, p. 13.
(4) OJ No L 94, 8. 4. 1978, p. 7.

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

Done at Brussels, 29 December 1978.

*For the Commission*

Étienne DAVIGNON

*Member of the Commission*

*ANNEX*

**to the Commission Regulation of 29 December 1978 fixing the rate of the refund applicable from 1 January 1979 to isoglucose exported in the form of goods not covered by Annex II to the Treaty**

*(in u.a.)*

| CCT heading No | Description | Amount of refund for 100 kg of dry matter |
|---|---|---|
| 17.02 D I | Isoglucose | 12·82 |