27.3.69 Official Journal of the European Communities No L 74/3

REGULATION (EEC) No 551/69 OF THE COUNCIL

of 25 March 1969

amending Regulation (EEC) No 204/69 laying down general rules for granting export refunds on 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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC[1] of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 289/69,[2] and in particular Articles 16 (5) and 17 (3) thereof;

Having regard to Council Regulation No 122/67/EEC[3] of 13 June 1967 on the common organisation of the market in eggs, as amended by Regulation (EEC) No 830/68,[4] and in particular the fourth subparagraph of Article 9 (2) and Article 10 (3) thereof;

Having regard to Council Regulation No 359/67/EEC[5] of 25 July 1967 on the common organisation of the market in rice, as last amended by Regulation (EEC) No 1603/68,[6] and in particular Articles 17 (5) and 18 (3) thereof;

Having regard to Council Regulation No 1009/67/EEC[7] of 18 December 1967 on the common organisation of the market in sugar, as amended by Regulation (EEC) No 2100/68,[8] and in particular the fifth subparagraph of Article 17 (2) and Article 19 (3) thereof;

Having regard to Council Regulation (EEC) No 804/68[9] of 27 June 1968 on the common organisation of the market in milk and milk products, and in particular Articles 17 (3) and 18 (3) thereof:

Having regard to the proposal from the Commission:

Whereas the first subparagraph of Article 5 (2) of Council Regulation (EEC) No 204/69[10] of 28 January 1969 laying down general rules for granting export refunds on 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, makes provision for fixing the rate of the refund in advance at the request of the party concerned; whereas, in accordance with the second subparagraph of Article 5 (2), the rate of the refund thus fixed must be adjusted in accordance with the same rules as those applicable in the case of the advance fixing of the refund on the relevant basic products exported unprocessed; whereas these rules should be supplemented to take account of the provisions to be adopted during the period of validity of the advance fixing certificate, under special measures for the marketing of certain basic products;

Whereas, in view of the special conditions on the beer market, the second subparagraph of Article 5 (2) of Regulation (EEC) No 204/69 should also be amended to enable the corrective amount referred to in Article 16 (4) of Regulation No 120/67/EEC to be applied to barley exported in the form of beer;

Whereas Council Regulation No 189/66/EEC[11] of 24 November 1966 on glucose and lactose provided that the rules relating to glucose and glucose syrup and lactose and lactose syrup coming under Annex II to the Treaty should be extended to goods falling within sub-headings Nos 17.02 B I and 17.02 A I of the Common Customs Tariff respectively; whereas these goods are shown in Annex B to Regulation No 120/67/EEC or in the Annex to Regulation (EEC) No

[1] OJ No 117, 19.6.1967, p. 2269/67.
[2] OJ No L 41, 18.2.1969, p. 1.
[3] OJ No 117, 19.6.1967, p. 2293/67.
[4] OJ No L 151, 30.6.1968, p. 23.
[5] OJ No 174, 31.7.1967, p. 1.
[6] OJ No L 253, 16.10.1968, p. 5.
[7] OJ No 308, 18.12.1967, p. 1.
[8] OJ No L 309, 24.12.1968, p. 4.
[9] OJ No L 148, 26.6.1968, p. 13.
[10] OJ No L 29, 5.2.1969, p. 1.
[11] OJ No 218, 28.11.1966, p. 3713/66.

804/68; whereas, for the implementation of the refund provisions of these Regulations, Regulation No 189/66/EEC should continue to apply; whereas those goods shown in Annex C to Regulation (EEC) No 204/69 should therefore be deleted;

Whereas, in accordance with Article 3 (3) of Regulation (EEC) No 204/69, the quantity of basic products to be used in calculating the amount of the refund in respect of the goods shown in Annex C to that Regulation is that shown in that Annex against each of those goods;

Whereas, as the result of a clerical error, the quantity of sugar shown in Annex C in respect of sorbitol, other than in aqueous solution, falling within heading No 29.04 C III (b) 2 of the Common Customs Tariff, is 1106 kg instead of 106 kg; whereas this error should be corrected; whereas, moreover, the quality of the sugar (sucrose) on the basis of which the quantities shown in Annex C where fixed, should be specified;

HAS ADOPTED THIS REGULATION:

Article 1

The second subparagraph of Article 5 (2) of Regulation (EEC) No 204/69 shall be supplemented by the following:

'However, the rules concerning the corrective amount referred to in Article 16 (4) of Regulation No 120/67/EEC shall be applicable in respect of exports of barley in the form of beer.'

Article 2

Article 5 (2) of Regulation (EEC) No 204/69 shall be supplemented by the following subparagraph:

'Where, during the period of validity of a certificate as referred to in Article 6, measures are taken with a view either to making a basic product listed in Annex A available at a reduced price to manufacturers of certain goods, or to altering or abolishing existing provisions, the rate of the refund fixed in advance shall be adjusted on the basis of the lowest price for the relevant basic product between the day on which the application for the certificate is lodged and the day of exportation. However, where the applicant supplies proof that he purchased this basic product at a price calling for a higher refund, the rate of the refund fixed in advance shall be adjusted on the basis of the latter price, unless that price corresponds to the price on the basis of which the rate of the refund fixed in advance was calculated, in which case the latter rate shall be applicable.'

Article 3

Goods falling within sub-headings Nos 17.02 A I and 17.02 B I of the Common Customs Tariff are hereby deleted from Annex C to Regulation (EEC) No 204/69.

Article 4

Annex C to Regulation (EEC) No 204/69 shall be amended as follows:

(a) The heading 'White sugar' shall be substituted for the heading of the column 'Sugar (sucrose)';

(b) In the column amended as laid down under (a) in respect of sub-heading No 29.04 C III (b) of the Common Customs Tariff the figure 106 shall be substituted for the figure 1106.

Article 5

This Regulation shall enter into force on 1 April 1969.

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

Done at Brussels, 25 March 1969.

For the Council

The President

J. P. BUCHLER