No L 141/40 Official Journal of the European Communities 29.6.70

REGULATION (EEC) No 1232/70 OF THE COUNCIL

of 29 June 1970

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 2463/69,[2] and in particular Article 16 (5) 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 last amended by Regulation (EEC) No 436/70,[4] and in particular the fourth subparagraph of Article 9 (2) 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 2463/69, and in particular Article 17 (5) thereof;

Having regard to Council Regulation No 1009/67/EEC[6] of 18 December 1967 on the common organisation of the market in sugar, as last amended by Regulation (EEC) No 853/70,[7] and in particular the fifth subparagraph of Article 17 (2) thereof;

Having regard to Council Regulation No 804/68[8] of 27 June 1968 on the common organisation of the market in milk and milk products, as last amended by Regulation No 2622/69,[9] and in particular Article 17 (3) thereof;

Having regard to Council Regulation (EEC) No 1200/69[10] of 26 June 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, and in particular Article 2 thereof;

Having regard to the proposal from the Commission;

Whereas Article 3 (3) of Council Regulation (EEC) No 204/69[11] 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, as last amended by Regulation (EEC) No 489/70,[12] provides, for ease of administration, that for certain goods of simple and relatively constant composition, listed in Annex C to that Regulation, the quantity of basic products to be taken in calculating the amount of the refund shall be that shown in that Annex against each of those goods;

Whereas it may be that the goods in question are not manufactured exclusively from basic agricultural products, products processed from such products or from

[1] OJ No 117, 19.6.1967, p. 2269/67.
[2] OJ No L 312, 12.12.1969, p. 3.
[3] OJ No 117, 19.6.1967, p. 2293/67.
[4] OJ No L 55, 10.4.1970, p. 1.
[5] OJ No 174, 31.7.1967, p. 1.
[6] OJ No 308, 18.12.1967, p. 1.
[7] OJ No L 103, 13.5.1970, p. 2.
[8] OJ No L 148, 28.6.1968, p. 13.
[9] OJ No L 328, 30.12.1969, p. 8.
[10] OJ No L 155, 28.6.1969, p. 1.
[11] OJ No L 29, 5.2.1969, p. 1.
[12] OJ No L 62, 18.3.1970, p. 1.

assimilated products satisfying the conditions laid down in Article 9 (2) of the Treaty, but sometimes also from products covered by inward processing arrangements; whereas, in such cases, the amount of the refund must be calculated on the basis only of the quantities of products satisfying the conditions laid down in Article 9 (2) of the Treaty which have actually been used for the manufacture of those goods; whereas such quantities should be determined in accordance with the general rules laid down in Article 3 (1) and (2) of Regulation (EEC) No 204/69;

Whereas Article 4 (4) of Regulation (EEC) No 204/69 provides that, in respect of caseinates falling within sub-heading No 35.01 C of the Common Customs Tariff, if the world trade situation or the specific requirements of certain markets so require, the refund on those goods may be varied according to destination;

Whereas Article 2 of Regulation (EEC) No 1200/69 provides that the Council shall decide, before 1 July 1970, whether the power to vary the export refund should be withdrawn or maintained;

Whereas, in order to maintain the export outlets for caseins to certain third countries, Article 4 (4) of Regulation (EEC) No 204/69 should continue to be applied to such goods and Article 2 of Regulation (EEC) No 1200/69 should therefore be repealed, that Article serving no further purpose;

HAS ADOPTED THIS REGULATION:

Article 1

1. The following subparagraph shall be added to Article 3 (3) of Regulation (EEC) No 204/69:

'However, where the goods in question have been manufactured partly from basic products, products processed from such products, or from assimilated products, covered by inward processing arrangements, and partly from basic products, processed from such products or assimilated products, satisfying the conditions laid down in Article 9 (2) of the Treaty, the quantity of basic products to be taken for calculating the refund to be granted in respect of the latter class of products shall be determined in accordance with the provisions of paragraphs 1 and 2.'

2. The following shall be substituted for Article 8 (3) of Regulation (EEC) No 204/69:

'Except in the case mentioned in the second subparagraph of Article 3 (3), the provisions of paragraph 1 shall not apply to exports of goods listed in Annex C.'

Article 2

1. Article 4 (4) of Regulation (EEC) No 204/69 shall be maintained.

2. Article 2 of Regulation (EEC) No 1200/69 is hereby repealed.

Article 3

This Regulation shall enter into force on 1 July 1970.

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

Done at Luxembourg, 29 June 1970.

For the Council

The President

Ch. HÉGER