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REGULATION (EEC) No 1578/70 OF THE COMMISSION

of 4 August 1970

making special provision for the lowest rate of refund on exports of cheeses to third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68[1] of 27 June 1968 on the common organisation of the market in milk and milk products, as last amended by Regulation (EEC) No 1253/70,[2] and in particular Article 17 (4) thereof;

Having regard to Council Regulation (EEC) No 876/68[3] of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds, and in particular Article 6 (2) thereof;

Whereas, where the export refund is varied according to use or destination, Article 8 (2) of Commission Regulation No 1041/67/EEC[4] of 21 December 1967 on detailed rules for the application of export refunds on products subject to a single price system, as last amended by Regulation (EEC) No 2586/69[5] provides that the part of the refund calculated on the basis of the lowest rate of refund applicable on the day on which the customs formalities are completed must be paid as soon as proof is furnished that the product has left the geographical territory of the Community; whereas, in view of the special and relatively low rate of refund on exports to Zone D, application of the above rule would disturb normal trade with other third countries; whereas, therefore, an exception to the application of the provisions referred to above should be provided for;

Whereas the above-mentioned Zone D is defined in Commission Regulation (EEC) No 1098/68[6] of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products, as last amended by Regulation (EEC) No 1353/69[7];

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Milk and Milk Products;

HAS ADOPTED THIS REGULATION:

Article 1

When the lowest rate of refund within the meaning of Article 8 (2) of Regulation No 1041/67/EEC is determined, the export refunds on products falling within heading No 04.04 of the Common Customs Tariff to Zone D within the meaning of Regulation (EEC) No 1098/68 shall not be taken into account.

Article 2

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

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 143, 1.7.1970, p. 1.
[3] OJ No L 155, 3.7.1968, p. 1.
[4] OJ No L 314, 23.12.1967, p. 9.
[5] OJ No L 322, 24.12.1969, p. 3.
[6] OJ No L 184, 29.7.1968, p. 10.
[7] OJ No L 174, 16.7.1969, p. 10.

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

Done at Brussels, 4 August 1970.

For the Commission

The President

Franco M. MALFATTI