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# REGULATION (EEC) No 437/70 OF THE COUNCIL

**of 6 March 1970**

**supplementing Regulation No 175/67/EEC as regards general rules for the advance fixing of export refunds on eggs**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 122/67/EEC[1] of 13 June 1967 on the common organisation of the market in eggs, as last amended by Regulation (EEC) No 436/70,[2] and in particular the fourth subparagraph of Article 9 (2) thereof;

Having regard to the proposal from the Commission;

Whereas Council Regulation (EEC) No 436/70 of 6 March 1970 made it possible to fix export refunds in advance;

Whereas it is therefore necessary to supplement Council Regulation No 175/67/EEC[3] of 27 June 1967 laying down general rules for granting export refunds and criteria for fixing the amount of such refunds by general rules for the advance fixing of export refunds;

Whereas it is only necessary to fix refunds in advance in certain cases; whereas any decision to do so should be taken in accordance with Article 17 of Regulation No 122/67/EEC;

Whereas the possibility of fixing refunds in advance makes it necessary to take steps in each case which will ensure that exports correspond to the application lodged; whereas, to that end, each applicant should receive a certificate requiring the goods in question to be exported within a given period;

Whereas, in order to avoid abuses, the issue of such certificates should be conditional on the lodging of a deposit which would be forfeited if the goods are not exported within the period of validity of the certificate;

HAS ADOPTED THIS REGULATION:

*Article 1*

The following shall be substituted for Article 5 of Regulation No 175/67/EEC:

'*Article 5*

1. The list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every three months.

2. The refund shall be that applicable on the day of exportation.

3. However, for the products listed in Article 1 (1) (b) of Regulation No 122/67/EEC, as amended in that respect by Regulation (EEC) No 803/68,[4] it may be decided that the refund can be fixed in advance on request. In that case, the refund applicable on the day on which an application for the certificate referred to in Article 5a is lodged shall be applied to exports effected during the period of validity of that certificate.'

*Article 2*

The following Article 5a shall be inserted in Regulation No 175/67 EEC:

'*Article 5a*

1. The grant of the refund under the conditions provided for in Article 5 (3) shall be subject to

[1] OJ No 117, 19.6.1967, p. 2293/67.
[2] OJ No L 55, 10.3.1970, p. 1.
[3] OJ No 130, 28.6.1967, p. 2610/67.
[4] OJ No L 151, 30.6.1968, p. 23.

submission of an advance fixing certificate issued by Member States to any applicant irrespective of the place of his establishment in the Community.

From a date to be fixed by the Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, and from 1 July 1970 at the latest, the advance fixing certificate shall be valid in respect of exports from the Community. Until that date, such certificates shall be valid only in respect of exports from the Member State which issued them.

2. The issue of the advance fixing certificate shall be conditional on the lodging of a deposit guaranteeing that exportation is effected during the period of validity of the certificate; the deposit shall be forfeited in whole or in part if exportation is not effected, or is only partially effected, within that period.'

*Article 3*

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

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

Done at Brussels, 6 March 1970.

*For the Council*

*The President*

P. HARMEL