19.11.71 Official Journal of the European Communities No L 256/1

REGULATION (EEC) No 2469/71 OF THE COMMISSION

of 17 November 1971

amending Regulation (EEC) No 757/71 as regards the detailed rules governing the amount to be levied on exports of denatured skimmed milk powder or compound feeding-stuffs

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 1410/71,[2] and in particular Article 10 (3) thereof;

Whereas the second subparagraph of Article 2 (1) of Council Regulation (EEC) No 986/68[3] of 15 July 1968 laying down general rules for granting aid for skimmed milk and skimmed milk powder for use as feed, as last amended by Regulation (EEC) No 673/71,[4] provides that when skimmed milk or skimmed milk powder are exported in the form of denatured skimmed milk powder or compound feeding-stuffs, an amount equal to the aid is levied;

Whereas the detailed rules for charging the above-mentioned amount were laid down by Commission Regulation (EEC) No 757/71[5] of 7 April 1971 on special rules of application for granting aid for exports of skimmed milk powder for use as feed and skimmed milk processed into compound feeding-stuffs, as last amended by Regulation (EEC) No 1688/71[6];

Whereas the provisions of Article 3 of Regulation (EEC) No 757/71, which lay down special arrangements for co-operation between the Member States to ensure collection of the amount in question, may henceforth be replaced by applying the arrangements introduced by Commission Regulation (EEC) No 1279/71[7] of 17 June 1971 on the use of Community transit documents for the purpose of applying certain measures on the exportation of certain goods;

Whereas, where the products in question leave the territory of the Community during transport from one point in the Community to another, appropriate provisions should be made for collecting the amount in question where these products are not reintroduced into the Community;

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

The following shall be substituted for Article 3 of Regulation (EEC) No 757/71:

'*Article 3.*

1. The products listed in the Annex may be put into free circulation only in conformity with the provisions of Regulation (EEC) No 1279/71.

2. When the information given on the customs documents indicates that a product listed in the Annex will leave Community territory during transport between two points in the Community, an amount equal to that which would be levied on exportation shall be deposited at the customs office of departure in which the formalities required for the dispatch of the product are

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 148, 3.7.1971, p. 3.
[3] OJ No L 169, 18.7.1968, p. 4.
[4] OJ No L 77, 1.4.1971, p. 9.
[5] OJ No L 83, 8.4.1971, p. 53.
[6] OJ No L 174, 3.8.1971, p. 1.
[7] OJ No L 133, 19.6.1971, p. 32.

completed, or with another agency appointed for that purpose by the Member State to which that office is responsible, according to detailed rules to be determined by the competent authorities of that Member State.

3. The provisions of paragraph 2 shall not apply if the products in question are subject to the Community transit arrangements and if, under these arrangements, a security other than cash is given or an exemption from the obligation to give security is provided for because of the identity of the principal.'

Article 2

The following Article shall be inserted in Regulation (EEC) No 757/71:

'*Article 3a*

Where the products listed in the Annex and being transported under the conditions specified in Article 3 (2) are not reintroduced into the Community within the time limit laid down, they shall be deemed to be unauthorised exports to a third country from the Member State from which they were dispatched unless it is proved that they have perished as the result of *force majeure*.

In the case specified in the preceding subparagraph, the day on which the formalities required for the dispatch of the products are completed means the day of completion of the customs formalities referred to in Article 2.'

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, 17 November 1971.

For the Commission

The President

Franco M. MALFATTI