1.5.71 Official Journal of the European Communities No L 98/43

REGULATION (EEC) No 913/71 OF THE COMMISSION

of 30 April 1971

on the restriction of products to which the special rules for payment of the refund laid down in Regulation (EEC) No 441/69 are applicable

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);

Whereas it appears from the provisions of Article 2 of Council Regulation (EEC) No 441/69[3] of 4 March 1969 laying down additional general rules for granting export refunds on products subject to a single price system, exported unprocessed or in the form of certain goods not covered by Annex II to the Treaty, as last amended by Regulation (EEC) No 2644/70[4]; whereas the arrangements for advance payment of the refund contained in these provisions do not apply to products or goods manufactured from basic products which can be disposed of without difficulty; whereas butter is at present a case in point; whereas therefore, in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 441/69, these arrangements should not apply to the products listed in Annex I to this Regulation, if they are manufactured from butter;

Whereas Annex II to Regulation (EEC) No 441/69 lists the products or goods to which the special rules for payment of the refund laid down in that Regulation applies; whereas the second subparagraph of Article 3 (2) of that Regulation permits the Commission to review and if necessary to amend that list;

Whereas in accordance with the provisions of the first subparagraph of Article 3 (2) of Regulation (EEC) No 441/69, that list includes only products of a kind that can be stored and that cannot be sold on the world market at the time they are manufactured; whereas butter can be disposed of without difficulty on the world market under present conditions; whereas this product should not, therefore, appear on that list;

Whereas the Management Committee for Milk and Milk Products has not delivered an Opinion within the time limit set by its Chairman;

HAS ADOPTED THIS REGULATION:

Article 1

1. The following shall be substituted for the title of Annex I to Regulation (EEC) No 441/69;

'List provided for in Article 2[1].'

The following footnote shall be added to that Annex:

'(1) The provisions of Article 2 do not apply to butter falling within heading No 04.03 of the Common Customs Tariff and intended for export after processing into products or goods included in this list.'

2. The item 'ex 04.03 B — butter containing more than 99·5% of fat by weight' in Annex I to Regulation (EEC) No 441/69 shall be deleted.

Article 2

This Regulation shall enter into force on 1 May 1971. It shall not, however, be applicable to those products or goods which, at the date of entry into force of this Regulation, are subject to a special system of advance payment of the refund as laid down by Regulation (EEC) No 441/69, or for which an export licence has been issued prior to that date.

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[1] OJ No L 148, 29.6.1968, p. 13.
[2] OJ No L 143, 1.7.1970, p. 1.
[3] OJ No L 59, 10.3.1969, p. 3.
[4] OJ No L 270, 24.12.1970, p. 37.

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

Done at Brussels, 30 April 1971.

For the Commission

The President

Franco M. MALFATTI