23.2.72 Official Journal of the European Communities No L 47/9

REGULATION (EEC) No 369/72 OF THE COMMISSION

of 22 February 1972

amending Regulation (EEC) No 2637/70 as regards the period of validity of export licences for milk and milk products

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 organization of the market in milk and milk products, as last amended by Regulation (EEC) No 1410/71,[2] and in particular Articles 13 (3) and 17 (4) thereof;

Whereas the currrent market situation makes it possible to extend the period of validity of export licences for certain products; whereas, in the case of milk powder, a special period of validity should no longer be fixed for a product not put up in small packages for retail sale; whereas Article 35 of Commission Regulation (EEC) No 2637/70[3] of 23 December 1970 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as last amended by Regulation (EEC) No 161/72,[4] should therefore be amended;

Whereas it has proved necessary, at the same time, to lay down the detailed rules to be applied when the period of validity differs according to the presentation of a product;

Whereas, in the interests of clarity and in view of all the amendments which have been made, the text of Article 35 of Regulation (EEC) No 2637/70 as it now stands should be published in its entirety, and the period of validity of export licences should be fixed in the Annex to this Regulation;

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 35 of Regulation (EEC) No 2637/70:

'*Article 35*

1. An import licence shall be valid from its date of issue within the meaning of Article 8 (1) of Regulation (EEC) No 1373/70 until the end of the second month following that of issue.

2. An export licence issued in accordance with the provisions of Regulation (EEC) No 2683/70, with advance fixing of the refund, shall be valid from its date of issue within the meaning of Article 8 (1) of Regulation (EEC) No 1373/70 until the expiry of the period specified in the list annexed to this Regulation.

However, in certain cases provision may be made for a special period of validity.

Where, in the list in the Annex, provision is made for a period of validity of the export licence which differs according to the presentation of the product, section 12 "Special remarks" of the export licence shall contain the description of the product given under the corresponding heading in the list. Such licence shall be valid only for a product of that description.

Where, in the list in the Annex, a compulsory destination is laid down but the export licence for the product in question does not show the compulsory destination, exportation to a destination other than that compulsory destination shall be obligatory.

---

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 148, 3.7.1971, p. 3.
[3] OJ No L 283, 29.12.1970, p. 15.
[4] OJ No L 22, 26.1.1972, p. 10.

3. In the case of an export in connection with an invitation to tender opened in an importing third country or by the armed forces referred to in Article 36 (1), the export licence shall be valid from its date of issue within the meaning of Article 8 (1) of Regulation (EEC) No 1373/70 until the date by which any obligations under the award of that contract are to be fulfilled.

However, the period of validity of the licence may not exceed:

(a) 18 months following the month of issue within the meaning of Article 8 (1) of Regulation (EEC) No 1373/70, in the case of exports within the framework of an invitation to tender opened by the armed forces in accordance with Article 36 (1);

(b) in other cases:

— the period provided for in the list in the Annex, as regards exports of products falling within subheadings Nos 04.02 A II (a) 1, 04.02 A II (b) 1, 04.02 B I (b) 1 (aa) and 04.02 B I (b) 2 (aa) of the Common Customs Tariff;

— 12 months following the month of issue within the meaning of Article 8 (1) of Regulation (EEC) No 1373/70, as regards other products listed in Article 1 of Regulation (EEC) No 804/68.'

Article 2

The Annex to this Regulation shall be added to Regulation (EEC) No 2637/70.

Article 3

This Regulation shall enter into force on 24 February 1972.

However, the period of validity of licences issued before the entry into force of this Regulation shall not be affected by this Regulation.

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

Done at Brussels, 22 February 1972.

For the Commission

The President

Franco M. MALFATTI

ANNEX

List referred to in Article 35 (2)

Period of validity of export licences for milk and milk products

Period of validity	CCT heading No	Description of goods	Compulsory destination
(a) 30 days:	ex 04.01 B	In immediate packings of a net capacity exceeding 500 g	—
	04.02 A II (b)		—
	ex 04.02 A III (b)	In immediate packings of a net capacity exceeding 500 g and of a fat content exceeding 11% by weight	—
	04.02 B I (b) 2		—
	ex 04.02 B II (b)	In immediate packings of a net capacity exceeding 500 g and of a fat content exceeding 9·5% by weight	—
	04.03		—
	23.07 B I (a) 4		—
(b) 60 days:	04.02 A II (a) 1		—
	04.02 B I (b) 1 (aa)		—
	ex 04.04 E I (b) 1	Cheddar and Chester exported to Zone E	Zone E
(c) until the end of the third calendar month following that of issue of the licence:	The other products listed in Article 1 of Regulation (EEC) No 804/68		