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# REGULATION (EEC) No 676/72 OF THE COMMISSION

## of 29 March 1972

## laying down a special condition for payment of the refund on butter exported to destinations other than zone E

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 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, as amended by Regulation (EEC) No 2732/71,[4] and in particular Article 6 (3) thereof;

Whereas Article 4 (1) of Commission Regulation No 1041/67/EEC[5] 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 325/71,[6] makes provision whereby in certain cases, by reason of differences between the rate of the refund and that of the levy, or by reason of the nature of the exported products or of export markets, proof may be required, as an additional condition for payment of the refund, that the product in question has been imported into a third country;

Whereas prices are at a higher level on the British butter market than on the market in that product in other third countries; whereas, in order to take account of that fact, refunds on Community butter exported to zone E are fixed at a rate lower than those laid down for exports to other destinations; whereas, consequently, when the refund on butter for export to destinations other than zone E is fixed, it is specified that that refund applies only to products which are for consumption at these other destinations; whereas the rules for payment of the refund should therefore stipulate, in the case referred to above, that payment is conditional upon the production of proof that the product in question has been unloaded and put into free circulation;

Whereas, if these measures are to be applied, Commission Regulation (EEC) No 1368/69[7] of 17 July 1969 on special provisions relating to the lowest rate of the refund on butter exported to third countries should be repealed, since that Regulation provides that the refund fixed for butter exported to zone E would not be taken into consideration in determining the lowest rate of the refund within the meaning of Article 8 (2) of Regulation (EEC) No 1041/67/EEC;

Whereas Commission Regulation (EEC) No 1005/71[8] of 14 May 1971 laying down a special condition of payment of the refund on butter exported to zone E no longer serves any useful purpose in the present market situation and may consequently be repealed;

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. If a refund on butter for export to a destination other than zone E is fixed at a higher rate than that

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 148, 3.7.1971, p. 3.
[3] OJ No L 155, 3.7.1968, p. 1.
[4] OJ No L 282, 23.12.1971, p. 21.
[5] OJ No 314, 23.12.1967, p. 9.
[6] OJ No L 38, 16.2.1971, p. 16.
[7] OJ No L 177, 18.7.1969, p. 4.
[8] OJ No L 109, 15.5.1971, p. 20.

laid down for butter exported to zone E, the refund applicable to that other destination shall be paid, without prejudice to the application of Article 8 (2) of Regulation No 1041/67/EEC, only on production of proof that the butter has been discharged and put on the market at a destination other than zone E.

2. Proof shall be provided:

(a) as regards unloading, by production of a document issued in the country of destination by the authorities or bodies referred to in Article 8 (1) of Regulation No 1041/67/EEC;

(b) as regards putting into free circulation, by production of the customs document issued in the country of destination or of a copy thereof; if, however, in cases of export to State-trading countries, such a document or a copy thereof cannot be produced, the competent national services may accept any other appropriate document as proof.

*Article 2*

Regulations (EEC) Nos 1368/69 and 1005/71 are hereby repealed.

*Article 3*

This Regulation shall enter into force on 1 April 1972.

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

Done at Brussels, 29 March 1972.

*For the Commission*

*The President*

S. L. MANSHOLT