# REGULATION (EEC) No 1923/73 OF THE COMMISSION

## of 17 July 1973

## amending Regulation (EEC) No 2637/70 concerning export certificates 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 the Act (2) concerning the Conditions of Accession and the Adjustments to the Treaties and in particular Articles 13 (3) and 17 (4) thereof.

Whereas, in the Annex to Commission Regulation (EEC) No 2637/70 (3) of 23 December 1970, on the particular methods of applying the system of import, export and prefixation certificates for agricultural products, as last amended by Regulation (EEC) No 1702/73 (4), the length of validity of export certificates for skimmed-milk powder and animal feed stuffs based on skimmed-milk powder was fixed at 30 days with effect from 28 June 1973; whereas developments in the world protein markets have made it necessary to reduce this time limit further;

Whereas Article 17 (2) of Commission Regulation (EEC) No 1373/70 (5) of 10 July 1970, on the common methods of applying the system of import, export and prefixation certificates for agricultural products placed under a single price system, as last amended by Regulation (EEC) No 1796/73 (6), provides that if an export certificate was requested for an open invitation to tender in a third country and if, within 21 days following the final date for the placing of tenders, the interested party has not informed the agency to whom the certificate was delivered, the result of the invitation to tender, the certificate is not delivered and the deposit is not recovered;

Whereas the application of this provision proves to be inappropriate for milk and milk products due to the fact that in the majority of cases, the competent agencies of importing third countries do not decide to accept or reject tenders until after a delay which can extend for several months; whereas it is thus appropriate to make use of the possibility provided in Article 17 (6) of Regulation (EEC) No 1373/70 and not to apply the said provision for the abovementioned products; whereas there is a need to comply for this purpose, with the particular provisions of Regulation (EEC) No 2637/70;

Whereas, the amount of the deposit for export certificates applying to products falling within Common Customs Tariff subheading 04.01 A by virtue of Article 37 (2) of Regulation (EEC) No 2637/70 is apparently too high, on account of the value of the products in question; whereas it is appropriate from now on to reduce this deposit;

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*

In the Annex to Regulation (EEC) No 2637/70, the time limit of '30 days' set out in heading a) is replaced by that of '15 days'.

*Article 2*

The Article 35a following is inserted in Regulation (EEC) No 2637/70:

'*Article 35a*

When an export certificate is requested for one of the products set out in Article 1 of Regulation (EEC) No 804/68, for an open invitation to tender in an importing third country, the provisions of Article 17 (2) second and third lines of Regulation (EEC) No 1373/70 do not apply.'

*Article 3*

In Article 37 (2) of Regulation (EEC) No 2637/70, between the first and second hyphen, the following indent is inserted:

'— 0·25 unit of account for products falling under Common Customs Tariff subheading 04.01 A'.

*Article 4*

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

Article 2 is applicable to the export certificate delivered as from 8 July 1973.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 283, 29. 12. 1970, p. 15.
(4) OJ No L 173, 27. 6. 1973, p. 12.
(5) OJ No L 158, 20. 7. 1970, p. 1.
(6) OJ No L 183, 5. 7. 1973, p. 1.

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

Done at Brussels, 17 July 1973.

*For the Commission*

*The President*

François-Xavier ORTOLI