I

(Acts whose publication is obligatory)

REGULATION (EEC) No 2500/73 OF THE COMMISSION

of 13 September 1973

on the advance fixing of refunds and the period of validity of 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 the Annex to Commission Regulation (EEC) No 2637/70 (3) of 23 December 1970 on special 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 2312/73 (4), fixes the period of validity of export certificates for milk and milk products ; whereas the situation on the world market in oils and fats requires that the periods of validity of export certificates for butter be reduced ; whereas the abovementioned Annex should therefore be amended ;

Whereas Commission Regulation (EEC) No 2683/70 (5) of 29 December 1970 laying down special procedures for the advance fixing of export refunds on milk and milk products, as last amended by Regulation (EEC) No 767/73 (6), indicates the products for which refunds may not be fixed in advance when they are exported to certain destinations ; whereas milk production on the United States market has currently decreased and the market prices of various milk products are tending to rise ; whereas certain powdered milks and butter exported to the United States market should consequently be excluded from the products for which refunds may be fixed in advance ;

Whereas for the purposes of clarity Article 35 (2) and (3), the Annex to Regulation (EEC) No 2637/70 and Regulation (EEC) No 2683/70 should be included in a single text ;

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 refund for the products listed in Article 1 of Regulation (EEC) No 804/68, with the exception of those listed in Annex I of this Regulation and exported to the destination indicated therein, shall be fixed in advance when requested.

Article 2

1. Export certificates, issued as part of the advance fixing of refunds, shall be valid from the day of issue pursuant to Article 8 (1) of Regulation (EEC) No 1373/70 until the end of the periods fixed in Annex II of that Regulation.

2. Where in Annex II different periods of validity are shown for the export certificate, depending on

(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 237, 25. 8. 1973, p. 28.
(5) OJ No L 285, 31. 12. 1970, p. 36.
(6) OJ No L 77, 26. 3. 1973, p. 1.

the presentation of the product concerned, there shall be indicated in the export certificate under '12 : special details' the words 'valid for' followed by the description of the product given under the corresponding heading in Annex II. The certificate shall only be valid for this description.

3. Where a compulsory destination is fixed in Annex II, an export certificate issued for the product in question and not stating the compulsory destination renders it compulsory for the export to be made to a destination other than the said compulsory destination, without prejudice to the provisions of Article 1.

Article 3

In the case of an export in connection with an invitation to tender as referred to in the first paragraph of Article 35 (3) of Regulation (EEC) No 2637/70, the period of validity of the export certificate may not exceed the periods given in Annex III of this Regulation.

Article 4

In Article 35 of Regulation (EEC) No 2637/70 :

— paragraph 2 is replaced by the following :

'2. The period of validity of the export certificate shall be as fixed by Regulation (EEC) No 2500/73.

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

— the second subparagraph of paragraph 3 is replaced by the following :

'However, the period of validity of the certificate may not exceed the periods fixed by Regulation (EEC) No 2500/73'.

Article 5

Regulation (EEC) No 2683/70 is repealed.

Article 6

This Regulation shall enter into force on 14 September 1973.

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

Done at Brussels, 13 September 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX I

List of products and of the destinations for which advance fixing of refunds is excluded

CCT heading No	Description of product	Destination
04.02 A II b) 1		Zone E, Canada, Mexico, Puerto Rico
ex 04.02 A II b) 2	with a fat content not exceeding 11 % by weight	Zone E, Canada, Mexico, Puerto Rico
04.02 B I b) 2 aa)		Zone E, Canada, Mexico, Puerto Rico
ex 04.02 B I b) 2 bb)	with a fat content not exceeding 11 % by weight	Zone E, Canada, Mexico, Puerto Rico
ex 04.03	with a fat content not exceeding 99·5 % by weight	Zone E, Canada, Mexico, Puerto Rico
04.04		Zone D
ex 04.04 A II	Emmentaler and Gruyère	Liechtenstein, Switzerland
04.04 E I b) 2	Tilsit and Butterkäse	Liechtenstein, Switzerland
ex 04.04 E I b) 5	Edam, Fontal, Fontina, Gouda, Italico, Mimolette, Saint Paulin, and other cheeses with a water content by weight in the non fatty matter exceeding 52 % and not exceeding 67 %	Liechtenstein, Switzerland
ex 23.07 B	with a content of milk products of not less than 50 % by weight	Zone E, Canada, Mexico, Puerto Rico

ANNEX II

Period of validity of export certificates

Period of validity	CCT Heading No	Description of product	Compulsory destination (1)
(a) 15 days	04.02 A II b) 1		—
	ex 04.02 A II b) 2	with a fat content not exceeding 11 % by weight	—
	04.02 B I b) 2 aa)		—
	ex 04.02 B I b) 2 bb)	with a fat content not exceeding 11 % by weight	—
	ex 23.07 B	with a fat content of not less than 50 % by weight	—
(b) 30 days	ex 04.03	with a fat content not exceeding 99·5 % by weight	—
(c) until the end of the fifth month following the month in which the certificate was issued	the other products listed in Regulation (EEC) No 804/68	—	—

(1) See Article 2 (3). However, if advance fixing is excluded for certain products and certain destinations by Annex I the export licence issued for these products renders it compulsory for the export to be made to a destination other than that appearing in Annex I.

ANNEX III

Maximum period of validity of export certificates in the case of exports on the basis of an invitation to tender

Maximum period of validity	Description of product (CCT heading No)	Comments
(a) equal to the period of validity fixed in Annex II (1) :	04.02 A II a) 1 04.02 A II b) 1 04.02 B I b) 1 aa) 04.02 B I b) 2 aa)	excluding the exports covered by (c)
(b) until the end of the 12th month following that of its issue	the other products listed in Article 1 of Regulation (EEC) No 804/68	
(c) until the end of the 18th month following that of its issue :	all the products listed in Article 1 of Regulation (EEC) No 804/68, exported under an invitation to tender issued by the armed forces (Article 36 (1) of Regulation (EEC) No 2637/70)	

(1) Without prejudice to a special validity fixed according to Article 35 (2) (2) of Regulation (EEC) No 2637/70.