REGULATION (EEC) No 2786/73 OF THE COMMISSION
of 12 October 1973
amending the special provisions contained in Regulations (EEC) Nos 1324/68 and 1611/68 in respect of export of certain cheeses

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 the first sentence of Article 17 (4) thereof;

Whereas Regulation (EEC) No 1354/73 [3] amended the nomenclature of certain cheeses contained in Annex II to Council Regulation (EEC) No 823/68 [4] of 28 June 1968 determining the groups of products and the special provisions for calculating levies on milk and milk products; whereas, consequently, it is necessary to adapt Annex I to Commission Regulation (EEC) No 1324/68 [5] of 29 August 1968 laying down special conditions for the export of certain cheeses to Switzerland, as last amended by Regulation (EEC) No 767/73 [6];

Whereas in the case of processed cheeses falling within subheading 04.04 D II of the Common Customs Tariff and exported to Switzerland under the special system introduced by Commission Regulation (EEC) No 2074/73 [7] of 31 July 1973 establishing the special conditions for the export of processed cheeses to Switzerland, the refunds are, on account of that system, relatively low; whereas the application of Article 8 (2) of Commission Regulation No 1041/67/EEC [8] 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 131/73 [9], would hinder normal trade in the products concerned with third countries other than Switzerland; whereas, consequently, those products should be listed with the cheeses referred to in Article 1 of Commission Regulation (EEC) No 1611/68 [10] of 15 October 1968 making special provisions for the lowest rate of the refund applicable to exports of certain cheeses to third countries;

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

Annex I to Regulation (EEC) No 1324/68 is replaced by the Annex to this Regulation.

Article 2

Article 1 of Regulation (EEC) No 1611/68 is replaced by the following:

'*Article 1*

In the determination of the lowest rate of refund within the meaning of Article 8 (2) and the last indent of Article 9 (1) of Regulation No 1041/67/EEC, the refunds on exports to Switzerland:

— of the processed cheeses falling within subheading 04.04 D II of the Common Customs Tariff,

and

— the cheeses listed in Annex I to Regulation (EEC) No 1324/68

shall not be taken into account.'

Article 3

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

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

Done at Brussels, 12 October 1973.

For the Commission
The President
François-Xavier ORTOLI

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(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 141, 28. 5. 1973, p. 23.
(4) OJ No L 151, 30. 6. 1968, p. 3.
(5) OJ No L 215, 30. 8. 1968, p. 25.
(6) OJ No L 77, 26. 3. 1973, p. 1.
(7) OJ No L 211, 1. 8. 1973, p. 8.
(8) OJ No 314, 23. 12. 1967, p. 9.
(9) OJ No L 17, 20. 1. 1973, p. 19.
(10) OJ No L 252, 16. 10. 1968, p. 14.

ANNEX I

Subheading in Annex II to Regulation (EEC) No 823/68	Products
04.04 E I b) 2	Tilsit and Butterkäse
ex 04.04 E I b) 5	Danbo Edam Elbo Esrom Fontal Fontina Fynbo Galantine Gouda Havarti Italico Maribo Malbo Mimolette Samsø Saint-Paulin Tybo Other cheeses of a fat content by weight referred to dry matter exceeding 30 % and a water content by weight of the non-fatty matter exceeding 52 % but not exceeding 67 %