REGULATION (EEC) No 1384/74 OF THE COMMISSION

of 4 June 1974

amending Regulation (EEC) No 919/74 fixing the adjustments to be made to certain refunds fixed in advance 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 662/74 (2), and in particular Article 17 (4) thereof;

Whereas pursuant to the third subparagraph of Article 5 (3) of 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 last amended by Regulation (EEC) No 2429/72 (4), Regulation (EEC) No 919/74 (5) specifies adjustments to be made consequent upon the intervention prices fixed for the 1974/75 milk year by Council Regulation (EEC) No 663/74 (6) of 28 March 1974, to certain refunds fixed in advance for milk and milk products; whereas these adjustments were limited to refunds fixed in advance before 1 July 1973 for unprocessed products exported on or after 1 April 1974 in connection with an invitation to tender issued by armed forces stationed in the territory of a Member State but not coming under its flag;

Whereas, in view of the special situation of the market in condensed milk, which has not increased in price to the same extent as other milk products, this product should be added to the list of those in respect of which an adjustment may be made; whereas, however, this measure must be limited so as to apply only (i) to exports in connection with invitations to tender as referred to in Article 17 of Commission Regulation (EEC) No 1373/70 (7) of 10 July 1970 on common detailed rules for the application of the system for import and export licences and advance fixing certificates for agricultural products subject to a single price system, as last amended by Regulation (EEC) No 1796/73 (8), since Community traders were not in a position in such cases to provide for their contracts to be adjusted in the event of changes in the intervention prices, and (ii) to advance fixing carried out in this case before 1 December 1973, before which date it was not possible for the traders concerned to forecast how intervention prices would change;

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

Regulation (EEC) No 919/74 is amended as follows:

1. Article 1 (1) is replaced by the following:

'1. The following refunds shall, at the request of those concerned, be adjusted by the amounts specified in Annexes I and II to this Regulation:

(a) refunds fixed in advance before 1 July 1973 in connection with an invitation to tender issued by the armed forces referred to in Article 36 (1) of Regulation (EEC) No 2637/70, in respect of products listed in Annex I and exported on or after 1 April 1974;

(b) refunds fixed in advance before 1 December 1973, in connection with an invitation to tender as referred to in Article 17 of Regulation (EEC) No 1373/70, in respect of products listed in Annex II and exported on or after 1 April 1974.'

2. The heading to the Annex is amended to read 'Annex I'.

3. An Annex II as attached hereto is added.

Article 2

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

It shall be applicable from 1 April 1974.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 155, 30. 6. 1968, p. 1.
(4) OJ No L 264, 23. 11. 1972, p. 1.
(5) OJ No L 106, 19. 4. 1974, p. 34.
(6) OJ No L 85, 29. 3. 1974, p. 52.
(7) OJ No L 158, 20. 7. 1970, p. 1.
(8) 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, 4 June 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX II

List of adjustments applicable to refunds fixed in advance before 1 December 1973 for products exported unprocessed on or after 1 April 1974 in connection with an invitation to tender within the meaning of Article 17 of Regulation (EEC) No 1373/70

CCT heading No	Description of goods	Amount of adjustment in u.a./100 kg net weight
ex 04.02 A III a) 1	of a fat content by weight exceeding 7·4 %	+ 2·10
ex 04.02 B II a)	of a fat content by weight exceeding 6·9 % and of a non-fat dry lactic matter content by weight of not less than 15 %	+ 2·50