REGULATION (EEC) No 2171/74 OF THE COMMISSION

of 19 August 1974

amending Regulation (EEC) No 2500/73 on the advance fixing of refunds and the period of validity of export licences 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 Articles 13 (3) and 17 (4) thereof;

Whereas under Commission Regulation (EEC) No 2500/73 (3) of 13 September 1973 on the advance fixing of refunds and the period of validity of export licences for milk and milk products, as last amended by Regulation (EEC) No 1984/74 (4), the advance fixing of refunds is excluded in respect of exportation to Zone E, Canada, Mexico and Puerto Rico of milk powder with a fat content not exceeding 11 % by weight, and of butter; whereas a person who obtains an export licence for the products in question must, therefore, export to a destination other than those mentioned above;

Whereas these measures have been taken having regard to the situation on the United States market and in order to avoid deflection of trade via adjacent countries; whereas, if it is possible to ensure that the milk powder and butter exported to such adjacent countries will in fact be used for human consumption in that country and will not be re-exported, it is in the Community interest to enable exports to be made to such destinations on normal terms; whereas in the case of imports into Canada and Mexico such guarantees exist, in the form of certificates issued by, respectively, the Canadian governmental agency, 'The Canadian Dairy Commission', and the Mexican governmental agency, 'Compañía nacional de subsistencias populares' (Conasupo);

Whereas Regulation (EEC) No 2500/73 should therefore be amended so as to enable export licences issued for the products in question in connection with an advance fixing of a refund to be used also for exports to Canada or Mexico; whereas, payment of the refund must in such cases be subject to special conditions;

Whereas Article 3a of Regulation (EEC) No 2500/73 provides that the period of validity of export licences for certain milk products may be extended if the trader is bound by contract to export over a period extending beyond the expiry of the period of validity of his licence; whereas if the specific object of this provision is to be achieved it will be necessary to prohibit any transfer of an extended licence to another exporter and thus to amend Article 3a accordingly; whereas, moreover, all products falling within subheading 04.03 B of the Common Customs Tariff should be included in the list of products in respect of which the period of validity of export licences may be extended;

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 following paragraph is added to Article 3a of Regulation (EEC) No 2500/73:

'4. An export licence extended under this Article shall not be transferable under Article 3 of Regulation (EEC) No 1373/70.'

Article 2

The following is added to footnote (1) to Annex II to Regulation (EEC) No 2500/73:

'This provision shall not apply to export licences issued in respect of the following products and permitting exportation to Canada or Mexico:

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 258, 14. 9. 1973, p. 1.
(4) OJ No L 207, 29. 7. 1974, p. 26.

CCT heading No	Description of product
04.02 A II (b) 1	
ex 04.02 A II (b) 2	Of a fat content not exceeding 11 % by weight
04.02 B I (b) 2 (aa)	
ex 04.02 B I (b) 2 (bb)	Of a fat content not exceeding 11 % by weight
04.03	

In such cases, payment of the refund shall be subject to the production of :

(a) proof that the products in question have been unloaded and put into free circulation in Canada or Mexico ;

(b) a certificate issued by the Canadian Dairy Commission or the Compañía nacional de subsistencias populares (Conasupo) stating that the products are intended for human consumption in Canada or Mexico as the case may be and that they will not be re-exported.

The proof required under (a) shall be furnished :

— as regards unloading, by production of a document issued in Canada or Mexico by authorities or services as referred to in Article 8 (1) of Regulation No 1041/67/EEC ;

— as regards putting into free circulation, by production of the relevant customs document made out in Canada or Mexico or of a copy or photocopy of such document certified by the competent authorities :

Article 3

In Annex IV to Regulation (EEC) No 2500/73 :

— subheading 'ex 04.03 B' is replaced by subheading '04.03 B' ;

— the description of the product shown against subheading ex 04.03 B is deleted.

Article 4

This Regulation shall enter into force on 20 August 1974.

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

Done at Brussels, 19 August 1974.

For the Commission

The President

François-Xavier ORTOLI