REGULATION (EEC) No 2188/74 OF THE COMMISSION

of 21 August 1974

concerning the application of the lowest rate of refund on exports of 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;

Having regard to 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), and in particular Article 6 (2) thereof;

Whereas, where the export refund is varied according to destination, Article 8 (2) of Commission Regulation No 1041/67/EEC (5) 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 2110/74 (6), provides that a part of the refund calculated on the basis of the lowest rate of refund applicable on the date on which the customs export formalities are completed is to be paid as soon as proof is furnished that the product has left the geographical territory of the Community;

Whereas, under Article 2 of Council Regulation (EEC) No 441/69 (7) of 4 March 1969 laying down additional general rules for granting export refunds on products subject to a single price system, exported unprocessed or in the form of certain goods not covered by Annex II to the Treaty, as last amended by Regulation (EEC) No 1181/72 (8), the part of the refund corresponding to the lowest rate may be paid as soon as the product is placed under control as specified in that Regulation;

Whereas Article 5 (2) of Commission Regulation (EEC) No 269/73 (9) of 31 January 1973 laying down detailed rules for the application of the system of accession compensatory amounts, as last amended by Regulation (EEC) No 343/74 (10), provides that where the compensatory amount is higher than the lowest export refund applicable to the product in question, or where no refund is fixed for such product, payment of the refund is to be conditional *inter alia* on proof being furnished that the import formalities have been completed in the Member State of destination;

Whereas, for milk products, the lowest rate of refund within the meaning of the abovementioned provisions is at present determined by the fact that no refund is fixed for exports to the United States (Zone E); whereas in these circumstances application of the abovementioned rules would hinder normal trade; whereas exceptions should therefore be made to these rules where such a situation exists and measures introduced in the United States guarantee that products in respect of which a refund has been granted for export to other destinations are not exported to Zone E; whereas once this condition ceases to be fulfilled in respect of any product the exception must be discontinued in respect of that product;

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

1. The fact that no refund is fixed for the products shown in Annex I when exported to Zone E shall not be taken into account:

— for the purpose of determining the lowest rate of refund as referred to in Article 8 (2) of Regulation No 1041/67/EEC;

— for the purposes of Article 5 (2) of Regulation (EEC) No 269/73.

2. The fact that no refund is fixed for the products shown in Annex II when exported to Zone E shall not be taken into account for the purposes of the last subparagraph of Article 2 (4) of Regulation (EEC) No 441/69.

Article 2

This Regulation shall enter into force on 22 August 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, 3. 7. 1968, p. 1.
(4) OJ No L 264, 23. 11. 1972, p. 1.
(5) OJ No 314, 23. 12. 1967, p. 9.
(6) OJ No L 220, 10. 8. 1974, p. 1.
(7) OJ No L 59, 10. 3. 1969, p. 3.
(8) OJ No L 130, 7. 6. 1972, p. 15.
(9) OJ No L 30, 1. 2. 1973, p. 73.
(10) OJ No L 40, 12. 2. 1974, p. 4.

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

Done at Brussels, 21 August 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX I

List of products referred to in Article 1 (1)

CCT heading No	Description of product
04.01	
ex 04.02 A II a) 2	Of a fat content, by weight, exceeding 11 % but not exceeding 27 %
04.02 A II a) 3	
04.02 A II a) 4	
ex 04.02 A II b) 2	Of a fat content, by weight, exceeding 11 % but not exceeding 27 %
04.02 A II b) 3	
04.02 A II b) 4	
04.02 A III	
ex 04.02 B I b) 1 bb)	Of a fat content, by weight, exceeding 11 % but not exceeding 27 %
04.02 B I b) 1 cc)	
ex 04.02 B I b) 2 bb)	Of a fat content, by weight, exceeding 11 % but not exceeding 27 %
04.02 B I b) 2 cc)	
04.02 B II	
23.07 B I a) 3	
23.07 B I a) 4	
23.07 B II	

ANNEX II

List of products referred to in Article 1 (2)

CCT heading No	Description of product
ex 04.02 A II a) 2	Of a fat content, by weight, exceeding 11 % but not exceeding 27 %
04.02 A II a) 3	
04.02 A II a) 4	
ex 04.02 B I b) 1 bb)	Of a fat content, by weight, exceeding 11 % but not exceeding 27 %
04.02 B I b) 1 cc)	