REGULATION (EEC) No 2472/74 OF THE COMMISSION

of 30 September 1974

laying down special detailed rules for the export of skimmed-milk powder and butter to Canada and Mexico and amending Regulation (EEC) No 2500/73

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 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 (3) thereof;

Whereas, by reason of the situation on the United States market and to avoid deflection of trade via adjacent countries, the rate of export refund has been set so as to limit the possibility of exporting skimmed-milk powder and butter to those 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 those countries and will not be re-exported, it is in the Community interest to enable those products to be exported to such destinations on normal terms; whereas in the case of imports into Canada and Mexico such assurances exist, in the form of certificates issued by government agencies of those two countries, respectively the Canadian Dairy Commission and the *Compañia nacional de subsistencias populares (Conasupo)*; whereas payment of the refund must in such cases be subject to the special conditions already laid down in respect of advance fixing in Annex II to Commission Regulation (EEC) No 2500/73 (5) 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 2171/74 (6);

Whereas these special provisions must be brought into line with the new provisions of Commission Regulation No 1041/67/EEC (7) 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 (8); whereas, moreover, in the interests of clarity, the third subparagraph of Article 3a (2) of Regulation (EEC) No 2500/73 must be made more explicit;

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

In the case of products as specified in the Annex hereto exported to Canada or Mexico, payment of a refund shall be subject to production of:

(a) proof that the product in question has been put into free circulation in Canada or Mexico; such proof shall be furnished as provided in Article 8 (1) of Regulation No 1041/67/EEC;

(b) a certificate issued by the Canadian Dairy Commission or by the *Compañia nacional de subsistencias populares (Conasupo)* stating that the product will not be re-exported.

Article 2

1. Notwithstanding Article 1 of Regulation (EEC) No 2500/73, refunds in circumstances within Article 1 may be fixed in advance.

2. Section 13 of the application for an export licence and of the export licence itself shall contain particulars of the country of destination. The issue of such licence shall carry with it the obligation to export to that country.

3. The provisions of Regulation (EEC) No 2500/73 shall apply as regards the period of validity of the export of the export licence.

Article 3

Regulation (EEC) No 2500/73 is amended as follows:

1. The third subparagraph of Article 3a (2) is replaced by the following:

'Subject to the provisions of Article 18 of Regulation (EEC) No 1373/70, each licence may be

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 115, 3. 7. 1968, p. 1.
(4) OJ No L 264, 23. 11. 1972, p. 1.
(5) OJ No L 258, 14. 9. 1973, p. 1.
(6) OJ No L 229, 20. 8. 1974, p. 9.
(7) OJ No 314, 23. 12. 1967, p. 9.
(8) OJ No L 220, 10. 8. 1974, p. 1.

extended in respect of one contract and one country of destination only.'

2. The following note is added at the foot of Annex I:
'In the case of certain products exported to Canada and Mexico, special provisions are laid down in Article 2 of Regulation (EEC) No 2472/74.'

3. Footnote (1) to Annex II is replaced by the following:
'(1) See Article 2 (3). However, where an export licence is issued for a product in respect of which advance fixing is by Annex I excluded for certain destinations, then, subject to the provisions of Article 2 of Regulation (EEC) No 2472/74, the issue of such licence shall carry with it an obligation to export, to a destination other than as specified in Annex I.'

Article 4

This Regulation shall enter into force on 1 October 1974.

Article 1 shall apply to operations in respect of which customs export formalities are completed on or after 1 October 1974.

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

Done at Brussels, 30 September 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

List of products referred to in Article 1

CCT heading No	Description of product
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
04.03	