REGULATION (EEC) No 350/74 OF THE COMMISSION

of 12 February 1974

amending Regulation (EEC) No 1463/73 laying down detailed rules for the application of monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 974/71 [1] of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States, as last amended by Regulation (EEC) No 3450/73 [2], and in particular Article 6 thereof;

Whereas Article 4 (3) of Commission Regulation (EEC) No 1463/73 [3] of 30 May 1973 laying down detailed rules for the application of monetary compensatory amounts, as last amended by Regulation (EEC) No 3482/73 [4], stipulates that in trade with third countries import charges, export refunds and export levies expressed in units of account must be multiplied by a coefficient;

Whereas, pursuant to the last indent of Article 2 (1) of Council Regulation (EEC) No 986/68 [5] of 15 July 1968 laying down general rules for granting aid for skimmed milk and skimmed-milk powder for use as animal feed, as last amended by Regulation (EEC) No 1038/72 [6], an amount equal to the aid granted is charged on skimmed milk and skimmed-milk powder exported in the form of denatured skimmed-milk powder or compound feedingstuffs;

Whereas this charge constitutes in effect the reimbursement of aid previously granted; whereas the amount so charged cannot therefore be treated as an export levy since such levies are calculated on the basis of prices on the world market; whereas application of the coefficient is justified only where world market prices are taken into consideration;

Whereas, for the avoidance of doubt, it is necessary to clarify the situation and to specify that, with effect from the date on which the coefficient concerned first applied to export levies under Regulation (EEC) No 1463/73, the coefficient does not apply to the amount charged on export referred to above;

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 sentence is hereby added to Article 4 (3) of Regulation (EEC) No 1463/73 with effect from 14 August 1973:

'The amount charged, pursuant to the second indent of Article 2 (1) of Regulation (EEC) No 986/68, on skimmed milk and skimmed-milk powder exported in the form of denatured skimmed-milk powder or compound feedingstuffs shall not be regarded as an export levy for the purposes of this Regulation.'

Article 2

This Regulation shall enter into force on the day of 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 February 1974.

For the Commission

The President

François-Xavier ORTOLI

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(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 353, 22. 12. 1973, p. 25.
(3) OJ No L 146, 4. 6. 1973, p. 1.
(4) OJ No L 357, 28. 12. 1973, p. 15.
(5) OJ No L 169, 18. 7. 1968, p. 4.
(6) OJ No L 118, 20. 5. 1972, p. 21.