REGULATION (EEC) No 717/74 OF THE COMMISSION

of 29 March 1974

derogating from Regulation (EEC) No 2500/73 as regards the exportation of skimmed-milk powder to Mexico

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 3547/73 (4), the advance fixing of refunds is excluded in respect of skimmed-milk powder falling within subheading No 04.02 A II b) 1 of the Common Customs Tariff exported to Zone E, Canada, Mexico and Puerto Rico; whereas a person who obtains an export licence for the product in question must therefore export to a destination other than those as aforesaid;

Whereas that provision was made on account of the situation on the United States' market and to avoid deflection of trade via adjacent countries; whereas if it is possible to ensure that skimmed-milk powder exported to an adjacent country is actually 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 Mexico for which a certificate is issued by the Mexican government agency, 'Compañia Nacional de Subsistencias Populares' (CONASUPO), that condition is satisfied;

Whereas at present, however, no refund is fixed for the skimmed-milk powder in question; whereas, to avoid altering this situation, provision should be made for export licences which have already been issued for the product in question in connection with the advance fixing of refunds to be used, in derogation from Regulation (EEC) No 2500/73, for exportation to Mexico; whereas payment of the refund must in such cases be subject to special conditions;

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

By way of derogation from Regulation (EEC) No 2500/73, export licences issued within the meaning of Article 8 (1) of Regulation (EEC) No 1373/70 before 8 March 1974 in respect of products falling within subheading No 04.02 A II b) 1 of the Common Customs Tariff may be used for the exportation of such products to Mexico.

Article 2

1. If an export licence is used as provided in Article 1, payment of the refund shall be subject to production of:

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

(b) a certificate issued by the 'Compañia Nacional de Subsistencias Populares' (CONASUPO) stating that the products are intended for human consumption in Mexico and that they will not be re-exported.

2. The proof required under paragraph 1 (a) shall be furnished:

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

(b) as regards the putting into free circulation, by production of the relevant customs document made out in Mexico, or of a copy or photocopy of such document certified by the competent authorities.

Article 3

This Regulation shall enter into force on 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 258, 14. 9. 1973, p. 1.
(4) OJ No L 361, 29. 12. 1973, p. 32.

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

Done at Brussels, 29 March 1974.

For the Commission

The President

François-Xavier ORTOLI