# REGULATION (EEC) No 919/74 OF THE COMMISSION

## of 18 April 1974

## fixing the adjustments to be made to certain refunds fixed in advance 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 Article 17 (4) thereof ;

Whereas, under the third paragraph of Article 5 (3) of 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 2429/74 [4], it is possible for refunds fixed in advance to be adjusted where there is a change in the intervention prices and in certain aids ;

Whereas Council Regulation (EEC) No 663/74 [5] of 28 March 1974 fixed the new intervention prices applicable for milk and milk products for the milk marketing year 1974/75 ; whereas the new prices have not had sufficient influence on the level of market prices to justify a general adjustment of refunds fixed in advance ;

Whereas, nevertheless, provision should be made for the adjustment of refunds fixed in advance in respect of exports carried out in connection with an invitation to tender issued by armed forces stationed in the territory of a Member State but not coming under its flag, as referred to in Article 36 (1) of Commission Regulation (EEC) No 2637/70 [6] of 23 December 1970 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as last amended by Regulation (EEC) No 672/74 [7], since in respect of such exports it is possible for a long period of validity to be fixed for the licence, which may be of as much as 18 months, and which may not yet have expired on 1 April 1974 ; whereas, taking account of trends in market prices during recent months, adjustments should be limited to advance fixing carried out, in respect of such exports, before 1 July 1973, since delivery contracts with the armed forces are concluded during the first half of each year ;

Whereas Member States have notified the Commission of the products, listed in the Annex to this Regulation, in respect of which the refunds fixed in advance are, in accordance with the foregoing provisions, liable to be adjusted ;

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. Refunds fixed in advance before 1 July 1973, in connection with an invitation to tender issued by the armed forces referred to in Article 36 (1) of Regulation (EEC) No 2637/70 in respect of products listed in the Annex and exported on or after 1 April 1974, shall, at the request of the interested parties, be adjusted by the amounts fixed in that Annex.

2. The day to be taken into account for determining :

(i) the date of the advance fixing, shall be the day on which the application for the export licence was lodged, within the meaning of Article 8 (1) of Regulation (EEC) No 1373/70 ;

(ii) the date of exportation, shall be the day on which the customs formalities referred to in Article 8 (2) (b) of Regulation (EEC) No 1373/70 are completed.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall be applicable from 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 155, 30. 6. 1968, p. 1.
(4) OJ No L 264, 23. 11. 1972, p. 1.
(5) OJ No L 85, 29. 3. 1974, p. 52.
(6) OJ No L 283, 29. 12. 1970, p. 15.
(7) OJ No L 81, 27. 3. 1974, p. 9.

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

Done at Brussels, 18 April 1974.

*For the Commission*

*The President*

François-Xavier ORTOLI

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*ANNEX*

**List of adjustments applicable to refunds fixed in advance, before 1 July 1973, for products referred to in Article 1 of Regulation (EEC) No 804/68, exported unprocessed on or after 1 April 1974 in connection with an invitation to tender as referred to in Article 36 (1) of Regulation (EEC) No 2637/70**

| CCT heading Number | Description of goods | Amount of the adjustments u.a./100 kg net weight |
|---|---|---|
| ex 04.01 A I a) | Yoghourt, butter milk | + 0·97 |
| ex 04.01 A II | of a fat content, by weight : | |
| | — not exceeding 1·5 % | + 1·00 |
| | — exceeding 1·5 % but not exceeding 3 % | + 0·98 |
| | — exceeding 3 % | + 0·97 |
| ex 04.04 E I c) | — of a fat content, by weight referred to dry matter exceeding 70 % | + 4·17 |
| | — Cottage cheese | + 5·80 |