COMMISSION REGULATION (EEC) No 196/76

of 29 January 1976

laying down special rules governing the payment of the refund for skimmed-milk powder for use as feed in the country of destination

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 of 27 June 1968 on the common organization of the market in milk and milk products [1], as last amended by Regulation (EEC) No 740/75 [2], and in particular Articles 13 (3) and 17 (4) thereof,

Having regard to Council Regulation (EEC) No 876/68 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 [3], as last amended by Regulation (EEC) No 2429/72 [4], and in particular Article 6 (3) thereof,

Whereas, in view of the difference in the price of skimmed-milk powder according to its use in international trade, provision must be made for varying the level of the refund thereon according to whether it is intended for human consumption or for animal feed; whereas, therefore, the payment of the refund when the product is intended for animal feed should be subject to conditions additional to those laid down in Commission Regulations (EEC) No 192/75 of 17 January 1975 laying down detailed rules for the application of export refunds in respect of agricultural products [5] and (EEC) No 193/75 of 17 January 1975 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [6];

Whereas the application of the special system set up in this Regulation requires certain derogations from Commission Regulation (EEC) No 2044/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and the advance fixing of refunds in respect of milk and milk products [7], as last amended by Regulation (EEC) No 3207/75 [8];

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Where a refund is fixed for skimmed-milk powder falling within subheading 04.02 A II b) 1 of the Common Customs Tariff intended for animal feed in the country of destination, then, if the products have not been denatured in accordance with Regulation (EEC) No 990/72, such refund shall only be paid in accordance with the additional conditions laid down in this Regulation.

Article 2

1. The refund shall be fixed in advance.

2. The exporter shall, when lodging the application for the certificate of advance fixing, produce the contract of delivery, which shall at least include the following:

— the exporter's name and address,
— the quantity or quantities of the products to be delivered,
— the selling price,
— the delivery period,
— evidence that the product is intended exclusively for animal feed.

3. The application for the cerficiate of advance fixing and the certificate itself shall contain:

— in Section 12, one of the following endorsements:

valid for skimmed milk powder:

— not denatured in accordance with Regulation (EEC) No 990/72, and
— intended to be used for animal feed in the country of destination.

— in Section 13, the name of the country of destination; the issue of the certificate shall make it obligatory to export to that country.

Article 3

Payment of the refund shall be subject to the production of a certificate issued by an official organization of the country of destination, specified in a list to be established, certifying that the product imported will

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 74, 22. 3. 1975, p. 1.
[3] OJ No L 155, 3. 7. 1968, p. 1.
[4] OJ No L 264, 23. 11. 1972, p. 1.
[5] OJ No L 25, 31. 1. 1975, p. 1.
[6] OJ No L 25, 31. 1. 1975, p. 10.
[7] OJ No L 213, 11. 8. 1975, p. 15.
[8] OJ No L 318, 9. 12. 1975, p. 14.

be subject to a control to ensure that it will be used exclusively for animal feed and will not be reexported.

Article 4

By way of derogation from the provisions of Regulation (EEC) No 2044/75, a certificate of advance fixing issued in accordance with this Regulation shall be valid with effect from its actual day of issue until the end of the sixth month following that of issue.

Article 5

This Regulation shall enter into force on the third day following 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, 29 January 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission