COMMISSION REGULATION (EEC) No 438/76

of 27 February 1976

fixing the rates of the refunds applicable from 1 March 1976 to certain milk products exported in the form of goods not covered by Annex II to the Treaty

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 Article 17 (5) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c) and (e) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 2682/72 of 12 December 1972 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds [3], as amended by Regulation (EEC) No 3058/75 [4], specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 2682/72, the rate of the refund per 100 kg for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

(a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;

(b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;

(c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 2682/72 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates [5], as last amended by the Act of Accession [6]; whereas, pursuant to Article 1 (2) (b) of Regulation (EEC) No 2682/72, skimmed milk thus defined is assimilated to milk powder complying with the definition of the pilot products Group No 2 listed in Annex I to Council Regulation (EEC) No 823/68 of 28 June 1968 determining the groups of products and the special provisions for calculating levies on milk and milk products [7], as last amended by Regulation (EEC) No 823/75 [8]; whereas a rate of refund should be fixed for this milk powder;

Whereas Article 2 of Commission Regulation (EEC) No 756/70 of 24 April 1970 on granting aid for skimmed milk processed into casein or caseinates [9], as last amended by Regulation (EEC) No 2853/75 [10], fixes the aid per 100 kg of skimmed milk processed into casein or caseinates according to type;

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 289, 27. 12. 1972, p. 13.
(4) OJ No L 306, 26. 11. 1975, p. 3.
(5) OJ No L 169, 18. 7. 1968, p. 6.
(6) OJ No L 73, 27. 3. 1972, p. 14.
(7) OJ No L 151, 30. 6. 1968, p. 3.
(8) OJ No L 79, 28. 3. 1975, p. 3.
(9) OJ No L 91, 25. 4. 1970, p. 28.
(10) OJ No L 283, 1. 11. 1975, p. 56.

Whereas Commission Regulation (EEC) No 232/75 of 30 January 1975 on the sale of butter at reduced prices for use in the manufacture of pastry products and ice cream [1], as last amended by Regulation (EEC) No 379/76 [2], authorizes the delivery to industries manufacturing the goods falling within heading No 19.08 or subheadings 18.06 B and 21.07 C and 'ice mix' or subheadings 18.06 D and ex 21.07 of the Common Customs Tariff, of butter at a reduced price under a standing invitation to tender;

Whereas, according to Article 28 of Commission Regulation (EEC) No 1519/72 of 14 July 1972 concerning selling butter at a reduced price for the purpose of exporting certain mixtures of fats [3], as last amended by Regulation (EEC) No 2904/73 [4], no export refund can be granted for the butter incorporated in the products referred to in Article 19 of that Regulation;

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. Subject to the provisions of Article 28 of Regulation (EEC) No 1519/72 the rates of the refunds applicable from 1 March 1976 to the basic products appearing in Annex A to Regulation (EEC) No 2682/72 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 1976.

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

Done at Brussels, 27 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

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[1] OJ No L 24, 31. 1. 1975, p. 45.
[2] OJ No L 45, 21. 2. 1976, p. 28.
[3] OJ No L 162, 18. 7. 1972, p. 1.
[4] OJ No L 298, 26. 10. 1973, p. 23.

ANNEX

to the Commission Regulation of 27 February 1976 fixing the rates of the refunds applicable from 1 March 1976 to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(in u.a./100 kg)

CCT heading No	Description of goods	Rate of the refund
ex 04.02 A II	Powdered milk, obtained by the spray process, with a fat content of less than 1·5 % by weight and with a water content of less than 5 % by weight (PG 2) :	
	a) On exportation of goods of CCT heading No 35.01	—
	b) On exportation of 'ice mix' of CCT subheadings ex 18.06 D and ex 21.07	55·50
	c) On exportation of other goods	48·48
ex 04.02 A II	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3)	72·00
ex 04.02 A III	Concentrated milk, with a fat content by weight of 7·5 % and a content by weight in dry matter equal to 25 % (PG 4)	17·56
ex 04.03	Butter, with a fat content by weight of 82 % (PG 6) :	
	a) On exportation of goods of CCT heading No 19.08 or of subheadings 18.06 B and 21.07 C, and 'ice mix' of CCT subheadings ex 18.06 D and ex 21.07 manufactured under the conditions laid down in Article 6 of Regulation (EEC) No 232/75	—
	b) On exportation of other goods	93·40