COMMISSION REGULATION (EEC) No 518/76

of 8 March 1976

concerning the application of the lowest rate of refund on exports of milk products and repealing Regulation (EEC) No 2188/74

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 (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 (2) thereof,

Whereas, where the export refund varies according to destination, Article 11 (2) of Commission Regulation (EEC) No 192/75 of 17 January 1975 laying down detailed rules for the application of export refunds in respect of agricultural products (5), as last amended by Regulation (EEC) No 2818/75 (6), provides that a part of the refund calculated on the basis of the lowest rate of refund applicable on the date on which the customs export formalities are completed is to be paid on proof being furnished that the product has left the geographical territory of the Community;

Whereas, under Article 2 of Council Regulation (EEC) No 441/69 of 4 March 1969 laying down additional rules for granting export refunds on products subject to a single price system, exported unprocessed or in the form of certain goods not covered by Annex II to the Treaty (7), as last amended by Regulation (EEC) No 337/76 (8), the part of the refund corresponding to the lowest rate may be paid as soon as the product is placed under control as specified in that Regulation;

Whereas Article 5 (2) of Commission Regulation (EEC) No 269/73 of 31 January 1973 laying down detailed rules for the application of the system of accession compensatory amounts (9), as last amended by Regulation (EEC) No 121/75 (10), provides that where the compensatory amount is higher than the lowest export refund applicable to the product in question, or where no refund is fixed for such product, payment of the refund is to be conditional *inter alia* on proof being furnished that the import formalities have been completed in the Member State of destination;

Whereas, for certain milk products, the lowest rate of refund within the meaning of the above provisions is at present determined by the fact that no refund is fixed for exports to the United States (Zone E); whereas, in these circumstances, in order to prevent the application of the above rules hindering normal trade, Commission Regulation (EEC) No 2188/74 of 21 August 1974 concerning the application of the lowest rate of refund on exports of milk products (11), as amended by Regulation (EEC) No 489/75 (12), provides for exceptions to be made to these rules where such a situation exists and measures introduced in the United States guarantee that products in respect of which a refund has been granted for export to other destinations are not exported to Zone E; whereas experience acquired has shown that all the products listed in Annex I to Regulation (EEC) No 2188/74 should fall within this exception as regards the application of Articles 2 (4) and 3 (1) of Regulation (EEC) No 441/69;

Whereas, in the interests of clarity, Regulation (EEC) No 2188/74 should be repealed and replaced by a new text;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

(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 280, 31. 10. 1975, p. 31.
(7) OJ No L 59, 10. 3. 1969, p. 3.
(8) OJ No L 42, 18. 2. 1976, p. 12.
(9) OJ No L 30, 1. 2. 1973, p. 73.
(10) OJ No L 13, 18. 1. 1975, p. 23.
(11) OJ No L 231, 22. 8. 1974, p. 11.
(12) OJ No L 53, 28. 2. 1975, p. 30.

HAS ADOPTED THIS REGULATION:

Article 1

The fact that no refund is fixed for the products listed in the Annex when exported to Zone E shall not be taken into account:

— for the purpose of determining the lowest rate of refund as referred to in Article 11 (2) of Regulation (EEC) No 192/75,

— for the purposes of Article 5 (2) of Regulation (EEC) No 269/73,

— for the purposes of the last subparagraph of Article 2 (4) and for the purposes of Article 3 (1) of Regulation (EEC) No 441/69.

Article 2

Regulation (EEC) No 2188/74 is hereby repealed.

Article 3

This Regulation shall enter into force on the 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, 8 March 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

List of products specified in Article 1

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04.01
04.02
04.03
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