COMMISSION REGULATION (EEC) No 2034/79

of 18 September 1979

on the granting of the refund in respect of certain milk products containing added whey and/or added lactose

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 1761/78 (2), and in particular Article 17 (4) thereof,

Whereas footnotes (1), (2), (4) and (5) in the Annex to Commission Regulation (EEC) No 2033/79 of 18 September 1979 fixing the export refunds on milk and milk products (3) alter the method for calculating the refund for certain milk products containing added whey and/or added lactose; whereas for reasons of clarity it should be provided expressly that this alteration does not affect the refund fixed in advance for the products concerned before the entry into force of Regulation (EEC) No 2033/79, since, in such a case, the day on which the application for advance fixing is submitted is the operative date for determining in particular the characteristics of the product which are to be taken into consideration for the purpose of calculating the refund;

Whereas the same treatment should be accorded to the products concerned which have been exported, or for which the refund has been fixed in advance, during the period 14 July to 2 August 1979; whereas it is moreover appropriate to specify for this period the refund granted to products falling within subheading 04.02 A II b) of the Common Customs Tariff and denatured in accordance with the formula set out in Annex III to Commission Regulation (EEC) No 2054/76 (4), as last amended by Regulation (EEC) No 2949/78 (5); whereas footnote (6) in the Annex to Commission Regulation (EEC) No 1461/79 of 13 July 1979 fixing the export refunds on milk and milk products (6) must therefore be amended accordingly;

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

In the case of the refund for the part representing the added whey and/or added lactose of the products referred to in footnotes (1), (2), (4) and (5) to the Annex to Regulation (EEC) No 2033/79 and to the Annexes to subsequent Regulations fixing the export refunds on milk and milk products, the provisions of those footnotes shall not apply to products in respect of which the refund was fixed in advance before 19 September 1979.

Article 2

For the period 14 July to 2 August 1979, footnote (6) to the Annex to Regulation (EEC) No 1461/79 is amended to read as follows:

'(6) Products falling within subheading 04.02 A II b) of the Common Customs Tariff and denatured in accordance with Annex III to Regulation (EEC) No 2054/76 are also included.'

Article 3

This Regulation shall enter into force on 19 September 1979.

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

Done at Brussels, 18 September 1979.

For the Commission

Finn GUNDELACH

Vice-President

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 204, 28. 7. 1978, p. 6.
(3) See page 5 of this Official Journal.
(4) OJ No L 228, 20. 8. 1976, p. 17.
(5) OJ No L 351, 15. 12. 1978, p. 26.
(6) OJ No L 177, 14. 7. 1979, p. 13.