COMMISSION REGULATION (EEC) No 2989/80

of 19 November 1980

amending for the 16th time Regulation (EEC) No 2044/75 in respect of payment of the refund for butter and butteroil

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 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 the second subparagraph of Article 6 (2) and Article 6 (3) thereof,

Whereas Article 5 (7) of Commission Regulation (EEC) No 2044/75 (5), as last amended by Regulation (EEC) No 2826/80 (6), provides that payment of part of the refund is subject to provision of proof of arrival of the product at the destination ;

Whereas, in order to reinforce the guarantees of actual export to the destination in question, it proves necessary to increase the percentage of the refund for payment of which the abovementioned proof is required ;

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 204, 28. 7. 1978, p. 6.
(3) OJ No L 155, 3. 7. 1968, p. 1.
(4) OJ No L 264, 23. 11. 1972, p. 1.
(5) OJ No L 213, 11. 8. 1975, p. 15.
(6) OJ No L 292, 1. 11. 1980, p. 60.

HAS ADOPTED THIS REGULATION :

Article 1

In Article 5 (7) (a) and (b) of Regulation (EEC) No 2044/75 the percentage '85 %' is hereby replaced in each case by '75 %'.

Article 2

1. This Regulation shall apply only :

(a) to products in respect of which the customs formalities for export from the Community are completed as from the date of entry into force of this Regulation ;

(b) to products placed under the arrangements referred to in Article 5 of Regulation (EEC) No 565/80 as from the date of entry into force of this Regulation.

2. However, this Regulation shall not apply in the cases referred to in paragraph 1 (a) and (b) where a certificate with advanced fixing of the refund was actually delivered in the sense of Article 4 (2), last subparagraph of Regulation (EEC) No 2044/75 before the date of entry into force of this Regulation.

Where a certificate with advance fixing of the refund was applied for before the date of entry into force of this Regulation but was actually issued, within the meaning of the first subparagraph, after that date the party concerned may apply in writing to the competent agency within 30 days following the date of entry into force of this Regulation for cancellation of the said certificate, in which case the security provided shall be released.

Article 3

This Regulation shall enter into force on 20 November 1980.

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

Done at Brussels, 19 November 1980.

For the Commission

Finn GUNDELACH

Vice-President