COMMISSION REGULATION (EC) No 1829/94

of 26 July 1994

amending Regulation (EEC) No 3665/87 laying down common detailed rules for the application of the system of export refunds on agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 (EC) No 230/94 [2], and in particular Article 17 thereof, and to the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

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 (EC) No 776/94 [4], and in particular the second subparagraph of Article 6 (2) and Article 6 (3) thereof, and to the corresponding provisions of the other regulations laying down general rules for granting export refunds on agricultural products,

Whereas Article 47 (1) of Commission Regulation (EEC) No 3665/87 [5], as last amended by Regulation (EEC) No 2805/93 [6], explicitly lays down that the export refund is paid only on written application; whereas, given the increasing use of computerized procedures in the various administrative fields, it is desirable to authorize the presentation of refund applications in computerized form;

Whereas computerized procedures must be reliable and meet security criteria which guarantee the correct operation of the system; whereas the security criteria should include in particular measures for checking the source of data and for securing data against the risk of unauthorized access, loss, alteration or destruction; whereas, in order to guarantee the proper use of Community funds, the Commission should periodically approve the computerized procedures introduced by Member States; whereas confirmation of the reliability of procedures may be renewed each year when circumstances so dictate;

Whereas Commission Regulation (EEC) No 2454/93 [7], as last amended by Regulation (EC) No 1500/94 [8], lays down, in Articles 199 (2) and (3) and Articles 222, 223 and 224, provisions concerning the customs declarations made by means of computerized procedures; whereas these provisions should apply also to the special rules which provide for the electronic presentation of applications for payment of refunds;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 47, paragraph 1 Regulation (EEC) No 3665/87 is replaced by the following:

'1. The refund shall be paid only on application by the exporter and shall be paid only by the Member State in whose territory the export declaration was accepted.

Application for the refund shall be made either:

(a) in writing; Member States may prescribe a special form to be used for this purpose;

or

(b) using computerized systems, in accordance with detailed rules to be adopted by the competent authorities and after approval by the Commission.

For the purposes of this paragraph, Articles 199 (2) and (3) and Articles 222, 223 and 224 of Commission Regulation (EEC) No 2454/93 [*] shall apply, *mutatis mutandis.*

[*] OJ No L 253, 11. 10. 1993, p. 1.'

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 30, 3. 2. 1994, p. 1.
[3] OJ No L 155, 3. 7. 1968, p. 1.
[4] OJ No L 91, 8. 4. 1994, p. 6.
[5] OJ No L 351, 14. 12. 1987, p. 1.
[6] OJ No L 256, 14. 10. 1993, p. 7.
[7] OJ No L 253, 11. 10. 1993, p. 1.
[8] OJ No L 162, 30. 6. 1994, p. 1.

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

Done at Brussels, 26 July 1994.

For the Commission
René STEICHEN
Member of the Commission