

REGULATION (EEC) No 489/70 OF THE COUNCIL
of 17 March 1970

amending Regulation (EEC) No 204/69 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 the criteria for fixing the amount of such refunds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC¹ of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 2463/69,² and in particular Article 16 (5) thereof;

Having regard to Council Regulation No 122/67/EEC³ of 13 June 1967 on the common organisation of the market in eggs, as last amended by Regulation (EEC) No 436/70,⁴ and in particular the fourth subparagraph of Article 9 (2) thereof;

Having regard to Council Regulation No 359/67⁵ of 25 July 1967 on the common organisation of the market in rice, as last amended by Regulation (EEC) No 2463/69, and in particular Article 17 (5) thereof;

Having regard to Council Regulation No 1009/67⁶ of 18 December 1967 on the common organisation of the market in sugar, as last amended by Regulation (EEC) No 2485/69,⁷ and in particular the fifth subparagraph of Article 17 (2) thereof;

Having regard to Council Regulation (EEC) No 804/68⁸ of 27 June 1968 on the common organisation of the market in milk products, as last amended by Regulation (EEC) No 2622/69,⁹ and in particular Article 17 (3) thereof;

Having regard to the proposal from the Commission;

Whereas the regulations on the common organisation of the markets referred to above provide that, where it is necessary to allow the agricultural products in question to be exported in the form of certain processed goods not listed in Annex II to the Treaty, on the basis of the world market quotations or prices for those products, the difference between such quotations or prices and the prices within the Community may be covered by an export refund;

Whereas Article 4 (4) of Council Regulation (EEC) No 204/69¹⁰ of 28 January 1969 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 the criteria for fixing the amount of such refunds, as last amended by Regulation (EEC) No 2463/69, provides for the possibility of varying such refunds according to destination only in respect of exports of caseins and caseinates; whereas, account being taken of the specific requirements of certain markets for ovalbumin, such possibility should be extended to this commodity;

Whereas, under Article 5 (2) of Regulation (EEC) No 204/69, eggs and egg products falling within sub-headings Nos 04.05 AI (b) and ex 04.05 BI of the Common Customs Tariff respectively are excluded from the system for fixing the rate of the refund in advance; whereas the reason for this provision was the fact that Regulation No 122/67/EEC has not, until now, provided for the possibility of fixing the rate of the refund in advance for exports of these basic products; whereas that possibility was provided for by Council Regulation (EEC) No 436/70 of 6 March 1970 supplementing Regulation No 122/67/EEC with regard to the advance fixing of export refunds on eggs;

¹ OJ No L 117, 19.6.1967, p. 2269/67.

² OJ No L 312, 12.12.1969, p. 3.

³ OJ No 117, 19.6.1967, p. 2293/67.

⁴ OJ No L 55, 10.3.1970, p. 1.

⁵ OJ No 174, 31.7.1967, p. 1.

⁶ OJ No 308, 18.12.1967, p. 1.

⁷ OJ No L 314, 15.12.1969, p. 6.

⁸ OJ No L 148, 28.6.1968, p. 13.

⁹ OJ No L 328, 30.12.1969, p. 8.

¹⁰ OJ No L 29, 5.2.1969, p. 1.

Whereas, in order to provide Community exporters with a certain safeguard as regards the stability of the refunds required for exports of products falling within sub-heading No 04.05 A I (b) of the Common Customs Tariff in the form of ovalbumin, provision should be made for the system for fixing the rate of the refund in advance, laid down in Regulation (EEC) No 204/69, to be applied henceforth to the exports in question, in accordance with the procedure laid down in Article 17 of Regulation No 122/67/EEC.

Whereas an error has occurred in the German and Dutch texts of Article 9 of Regulation (EEC) No 204/69 and this error should be corrected;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for Article 4 (4) of Regulation (EEC) No 204/69:

'Where world trade in casein falling within sub-heading No 35.01 A, in caseinates falling within sub-heading No 35.01 C, or in ovalbumin falling within sub-heading No 35.02 A II (a) of the Common Customs Tariff or the specific requirements of certain markets so require, the refund on such goods may be varied according to destination.'

Article 2

The following shall be substituted for the first subparagraph of Article 5 (2) of Regulation (EEC) No 204/69:

'However, the rate of the refund:

- shall be fixed in advance in respect of the basic products listed in Annex A not falling within sub-headings No 04.05 A I (b) or ex 04.05 B I of the Common Customs Tariff;
- may be fixed in advance, in accordance with the procedure laid down in Article 17 of

Regulation No 122/67/EEC, in respect of basic products listed in Annex A falling within sub-heading No 04.05 A I (b) which are exported in the form of ovalbumin falling within sub-heading No ex 35.02 A II (a) of the Common Customs Tariff.

Where the rate of the refund is fixed in advance in a case where the refund is granted only on the application of the party concerned, the rate applicable on the day on which application was made for the certificate referred to in Article 6 shall be applied to an export to be effected during the period of validity of that certificate.'

Article 3

1. With effect from 1 April 1969, the German text of Article 9 of Regulation (EEC) No 204/69 shall be amended to the following:

'Die Erstattung nach Artikel 1 Absatz 1 für die dort gefaßten Erzeugnisse wird nicht gewährt bei Waren, die gemäß Artikel 10 Absatz 1 des Vertrages in den freien Verkehr gebracht worden sind und unverarbeitet oder nach Verarbeitung ausgeführt werden.'

2. With effect from 1 April 1969, the Dutch text of Article 9 of Regulation (EEC) No 204/69 shall be amended to the following:

'De restitutie, bedoeld in artikel 1, lid 1, voor de aldaar genoemde produkten, wordt niet verleend voor goederen die overeenkomstig artikel 10, lid 1, van het Verdrag in het vrije verkeer zijn gebracht en die, hetzij in onverwerkte toestand, hetzij na verwerking worden uitgevoerd.'

Article 4

This Regulation shall enter into force on the third 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, 17 March 1970.

For the Council

The President

Ch. HÉGER