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REGULATION (EEC) No 2689/72 OF THE COUNCIL
of 12 December 1972

**supplementing Regulation No 176/67/EEC as regards general rules for the
advance fixing of export refunds on poultrymeat**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 123/67/EEC¹ of 13 June 1967 on the common organisation of the market in poultrymeat, as last amended by Regulation (EEC) No 2688/72,² and in particular the fourth subparagraph of Article 9 (2) thereof;

Having regard to the proposal from the Commission;

Whereas Council Regulation (EEC) No 2688/72 of 12 December 1972 supplementing Regulation No 123/67/EEC on the advance fixing of export refunds on poultrymeat has made it possible to fix export refunds in advance in this sector;

Whereas it is therefore necessary to supplement Council Regulation No 176/67/EEC³ of 27 June laying down general rules for granting export refunds and criteria for fixing the amount of such refunds by rules for the advance fixing of export refunds;

Whereas it is only necessary to fix refunds in advance in certain cases; whereas any decision to do so should be taken in accordance with Article 17 of Regulation No 123/67/EEC;

Whereas the possibility of fixing refunds in advance makes it necessary to take steps to ensure that in each case the exports are carried out as stated in the application; whereas, to that end, each applicant should receive a certificate requiring the goods in question to be exported within a given period;

Whereas, in order to avoid abuse, the issue of such certificates should be conditional upon the lodging of a deposit which shall be forfeited if the goods are not exported within the period of validity of the certificate;

Whereas, for the different products covered by a common organisation of the market, in the interest of stable trading conditions, provision has been made for the advance fixing of the levy or the export refund; whereas, however, experience has shown that in certain circumstances and, in particular, in cases of abnormal resort to this system by the persons concerned, there was a threat of difficulties on the market in question;

Whereas, in order to remedy such a situation it must be possible for measures to be taken rapidly; whereas therefore, provision should be made for the Commission to adopt such measures after receiving the Opinion of the Management Committee or, in cases of urgency, without waiting for the latter to meet;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for Article 5 of Regulation No 176/67/EEC:

1. The list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every three months.
2. The amount of the refund shall be that applicable on the day of exportation.
3. However, it may be decided upon request that the refund can be fixed in advance. In that case the export refund

¹ OJ No 117, 19.6.1967, p. 2301/67.

² OJ No L 289, 27.12.1972, p. 40.

³ OJ No 130, 28.6.1967, p. 2612/67.

applicable on the day on which the application for the certificate is lodged shall be applied, if the party concerned so requests at the same time as the application for the certificate is made (the request to be made not later than 13.00 hours), to exports effected during the period of validity of the certificate.

4. When examination of the market situation shows that there are difficulties due to the application of the provisions concerning the advance fixing of the export refund, or that such difficulties may occur, a decision may be taken, in accordance with the procedure laid down in Article 17 of Regulation No 122/67/EEC, to suspend the application of these provisions for the period strictly necessary.

In cases of extreme urgency, the Commission may, after examination of the situation, decide on the basis of all the information available to it to suspend advance fixing for a maximum of three days.

Applications for certificates accompanied by applications for advance fixing lodged during the period of suspension shall be rejected.'

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

Done at Brussels, 12 December 1972.

Article 2

The following Article 5a shall be inserted in Regulation No 176/67/EEC:

'1. The grant of the refund under the conditions provided for in Article 5 (3) shall be subject to submission of an advance fixing certificate issued by Member States to any applicant irrespective of the place of his establishment in the Community.

The certificate of advance fixing shall be valid throughout the Community.

2. The issue of the certificates of advance fixing shall be conditional upon the lodging of a deposit guaranteeing that exportation shall be carried out within the period of validity of the certificate, if the operation is not carried out, or is only partially carried out within that period, the deposit shall be forfeited in whole or in part.'

Article 3

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

For the Council

The President

P. LARDINOIS