

No L 103/10

Official Journal of the European Communities

8.5.71

REGULATION (EEC) No 951/71 OF THE COMMISSION

of 7 May 1971

amending Regulation (EEC) No 1098/68 on detailed rules for the application of export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68¹ of 27 June 1968 on the common organisation of the market in milk and milk products, as last amended by Regulation (EEC) No 1253/70,² and in particular Article 17 (4) thereof;

Whereas Article 1 of Commission Regulation (EEC) No 1098/68³ of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products, as last amended by Regulation (EEC) No 1353/69⁴ provides that, when the refund is fixed for skimmed milk powder which has been denatured or processed into compound feeding-stuffs, account shall be taken of the aid granted for these products;

Whereas, in accordance with the second subparagraph of Article 2 (1) of Council Regulation (EEC) No 986/68⁵ of 15 July 1968 laying down general rules for granting aid for skimmed milk and milk powder for use as feed, as last amended by Regulation (EEC) No 673/71⁶ an amount equal to the aid is to be levied on exports of products listed in Article 1 of Regulation (EEC) No 1098/68; whereas the aid must therefore be disregarded in future when the refund is fixed; whereas Article 1 of Regulation (EEC) No 1098/68 serves no further purpose and can be repealed;

Whereas the second subparagraph of Article 2 (3) of Regulation (EEC) No 1098/68 provides that, for

products composed of milk and sugar, the refund fixed in advance shall be adjusted, in respect of the sucrose content, for any alteration in the intervention price for white sugar;

Whereas an automatic adjustment has not always proved necessary; whereas the refund fixed in advance cannot be adjusted unless, pursuant to Article 12 of Council Regulation (EEC) No 766/68⁷ of 18 June 1968 laying down general rules for granting export refunds on sugar, as last amended by Regulation (EEC) No 2488/69,⁸ a corresponding adjustment is provided for; whereas the second subparagraph of Article 2 (3) of Regulation (EEC) No 1098/68 should therefore be amended;

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

Article 1 of Regulation (EEC) No 1098/68 is hereby repealed.

Article 2

The following shall be substituted for the second subparagraph of Article 2 (3) of Regulation (EEC) No 1098/68:

'However, when the refund is fixed in advance, the basic amount shall be that applicable on the day when the application for an export licence

¹ OJ No L 148, 28.6.1968, p. 13.

² OJ No L 143, 1.7.1970, p. 1.

³ OJ No L 184, 29.7.1968, p. 10.

⁴ OJ No L 174, 16.7.1969, p. 10.

⁵ OJ No L 169, 18.7.1968, p. 4.

⁶ OJ No L 77, 1.4.1971, p. 9.

⁷ OJ No L 143, 25.6.1968, p. 6.

⁸ OJ No L 314, 15.12.1969, p. 12.

was lodged. When, in this case, the prices for sugar fixed on the basis of Regulation No 1009/67/EEC are altered during the period between the day when the application for an export licence was lodged and the day on which the goods are exported, the amount of the refund shall be adjusted if an adjustment is provided for

pursuant to Article 12 of Regulation (EEC) No 766/68.'

Article 3

This Regulation shall enter into force on the 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, 7 May 1971.

For the Commission

The President

Franco M. MALFATTI
