

24.12.69

Official Journal of the European Communities

No L 322/27

REGULATION (EEC) No 2586/69 OF THE COMMISSION

of 22 December 1969

amending Regulation No 1041/67/EEC on detailed rules for the application of export refunds on products subject to a single price system

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 136/66/EEC¹ of 22 September 1966 on the establishment of a common organisation of the market in oils and fats, as last amended by Regulation (EEC) No 2146/68,² and in particular Articles 18 (3) and 28 (3) thereof;

Having regard to Council Regulation No 162/66/EEC³ of 27 October 1966 on trade in oils and fats between the Community and Greece, and in particular Article 8 thereof;

Having regard to Council Regulation No 142/67/EEC⁴ of 21 June 1967 on export refunds on colza, rape and sunflower seeds, as last amended by Regulation (EEC) No 845/68,⁵ and in particular Articles 5 (3) and 6 thereof;

Having regard to Council Regulation No 171/67/EEC⁶ of 27 June 1967 on export refunds and levies on olive oil, as last amended by Regulation (EEC) No 18/69,⁷ and in particular Articles 8 (3) and 11 thereof;

Having regard to Council Regulation No 120/67/EEC⁸ of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 1396/69 and No 1398/69,⁹ and in particular Articles 16 (6) and 24 thereof;

Having regard to Council Regulation No 139/67/EEC¹⁰ of 21 June 1967 laying down general rules for granting export refunds on cereals and the criteria determining the amount of such refunds, and in particular Article 7 (3) thereof;

Having regard to Council Regulation (EEC) No 968/68¹¹ of 15 July 1968 on the system applicable to cereal-based compound feeding-stuffs, as last amended by Regulation (EEC) No 2196/69,¹² and in particular Article 7 (5) thereof;

Having regard to Council Regulation (EEC) No 1052/68¹³ of 23 July 1968 on the import and export system for products processed from cereals and from rice, as last amended by Regulation (EEC) No 302/69,¹⁴ and in particular Article 6 (5) thereof;

Having regard to Council Regulation No 121/67/EEC¹⁵ of 13 June 1967 on the common organisation of the market in pigmeat, as last amended by Regulation (EEC) No 1398/69, and in particular Articles 15 (6) and 22 thereof.

Having regard to Council Regulation No 177/67/EEC¹⁶ of 27 June 1967 laying down general rules for granting export refunds on pigmeat and the criteria for fixing the amount of such refunds, and in particular Article 6 (3) thereof;

Having regard to Council Regulation No 122/67/EEC¹⁷ of 13 June 1967 on the common organisation of the market in eggs, as amended by Regulation (EEC) No 830/68,¹⁸ and in particular Articles 9 (3) and 15 thereof;

¹ OJ No 172, 30.9.1966, p. 3025/66.

² OJ No L 314, 31.12.1968, p. 1.

³ OJ No 197, 29.10.1966, p. 3393/66.

⁴ OJ No 125, 26.6.1967, p. 2461/67.

⁵ OJ No L 152, 1.7.1968, p. 6.

⁶ OJ No 130, 28.6.1967, p. 2600/67.

⁷ OJ No L 3, 7.1.1969, p. 1.

⁸ OJ No 117, 19.6.1967, p. 2269/67.

⁹ OJ No L 179, 21.7.1969, p. 13.

¹⁰ OJ No L 125, 26.6.1967, p. 2453/67.

¹¹ OJ No L 166, 17.7.1968, p. 2.

¹² OJ No L 279, 6.11.1969, p. 1.

¹³ OJ No L 179, 25.7.1968, p. 8.

¹⁴ OJ No L 43, 20.2.1969, p. 1.

¹⁵ OJ No 117, 19.6.1967, p. 2283/67.

¹⁶ OJ No 130, 28.6.1967, p. 2614/67.

¹⁷ OJ No 117, 19.6.1967, p. 2293/67.

¹⁸ OJ No L 151, 30.6.1968, p. 23.

Having regard to Council Regulation No 175/67/EEC¹ of 27 June 1967 laying down general rules for granting export refunds on eggs and the criteria for fixing the amount of such refunds, and in particular Article 6 (3) thereof;

Having regard to Council Regulation No 123/67/EEC² of 13 June 1967 on the common organisation of the market in poultrymeat, and in particular Articles 9 (3) and 15 thereof;

Having regard to Council Regulation No 176/67/EEC³ of 27 June 1967 laying down general rules for granting export refunds on poultrymeat and the criteria for fixing the amount of such refunds, and in particular Article 6 (3) thereof;

Having regard to Council Regulation No 359/67/EEC⁴ of 25 July 1967 on the common organisation of the market in rice, as last amended by Regulation (EEC) No 1398/69, and in particular Articles 17 (6) and 25 thereof;

Having regard to Council Regulation No 366/67/EEC⁵ of 25 July 1967 laying down general rules for granting export refunds on rice and the criteria for fixing the amount of such refunds, as amended by Regulation No 1019/67/EEC,⁶ and in particular Article 6 thereof;

Having regard to Council Regulation No 1009/67/EEC⁷ of 18 December 1967 on the common organisation of the market in sugar, as last amended by Regulations (EEC) No 1393/69 and No 1398/69, and in particular Articles 17 (4) and 38 thereof;

Having regard to Council Regulation (EEC) No 766/68⁸ of 18 June 1968 laying down general rules for granting export refunds on sugar, as amended by Regulation (EEC) No 729/69,⁹ and in particular Article 14 (3) thereof;

Having regard to Council Regulation (EEC) No 804/68¹⁰ of 27 June 1968 on the common organisation of the market in milk and milk products, as last amended by Regulation (EEC) No 1398/69, and in particular Articles 17 (4) and 28 thereof;

Having regard to Council Regulation (EEC) No 876/68¹¹ of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and the criteria for fixing the amount of such refunds, and in particular Article 6 (3) thereof;

Having regard to Council Regulation (EEC) No 805/68¹² of 28 June 1968 on the common organisation of the market in beef and veal, as amended by Regulation (EEC) No 1398/69, and in particular Articles 18 (6) and 25 thereof;

Having regard to Council Regulation (EEC) No 885/68¹³ of 28 June 1968 laying down general rules for granting export refunds on beef and veal and the criteria for fixing the amount of such refunds, and in particular Article 6 (3) thereof;

Having regard to Council Regulation (EEC) No 865/68¹⁴ of 28 June 1968 on the common organisation of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 1906/69,¹⁵ and in particular Articles 3 (4) and 13 thereof;

Whereas Commission Regulation (EEC) No 2315/69¹⁶ of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures involving control of the use and/or destination of goods set up a procedure of administrative co-operation between Member States including in particular the use of a Community control document for the purposes of application of those measures; whereas this procedure should be substituted for that of the exit certificate established provisionally by Commission Regulation No 1041/67/EEC¹⁷ of 21 December 1967 on detailed rules for the application of export refunds on products subject to a single price system, as last amended by Regulation (EEC) No 1935/69,¹⁸ for the purposes of furnishing proof that the products have left the geographical territory of the Community or have reached their destination within the meaning of Article 2 of Regulation No 1041/67/EEC;

Whereas experience has shown that the provisions of Article 6a of Regulation No 1041/67/EEC are too strict; whereas they should be made more flexible;

Whereas in certain cases exit certificates can not be produced owing to circumstances beyond the control

¹ OJ No 130, 28.6.1967, p. 2610/67.

² OJ No 117, 19.6.1967, p. 2301/67.

³ OJ No 130, 28.6.1967, p. 2612/67.

⁴ OJ No 174, 31.7.1967, p. 1.

⁵ OJ No 174, 31.7.1967, p. 34.

⁶ OJ No 311, 21.12.1967, p. 13.

⁷ OJ No 308, 18.12.1967, p. 1.

⁸ OJ No L 143, 25.6.1968, p. 6.

⁹ OJ No L 96, 23.4.1969, p. 1.

¹⁰ OJ No L 148, 28.6.1968, p. 13.

¹¹ OJ No L 155, 3.7.1968, p. 1.

¹² OJ No L 148, 28.6.1968, p. 24.

¹³ OJ No L 156, 4.7.1968, p. 2.

¹⁴ OJ No L 153, 1.7.1968, p. 8.

¹⁵ OJ No L 247, 1.10.1969, p. 2.

¹⁶ OJ No L 295, 24.11.1969, p. 14.

¹⁷ OJ No 314, 23.12.1967, p. 9.

¹⁸ OJ No L 247, 1.10.1969, p. 51.

of the parties concerned, while all other requirements for the payment of refunds are satisfied; whereas this situation, in view of the novel character of the procedure introduced, may have been injurious to the exporters concerned;

Whereas in such special cases other kinds of proof should be accepted if they offer equivalent assurances;

Whereas the measures laid down in this Regulation are in accordance with the Opinion of the Management Committees for Oils and Fats, for Cereals, for Pigmeat, for Sugar, for Milk and Milk Products, for Beef and Veal, for Products Processed from Fruit and Vegetables and for Poultrymeat and Eggs;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for Article 5 of Regulation No 1041/67/EEC:

1. If before leaving the geographical territory of the Community or before reaching one of the destinations listed in Article 2, a product for which customs export formalities have been completed crosses Community territory other than that of the Member State in whose territory such formalities took place, proof that the product has left the geographical territory of the Community or reached the intended destination shall be furnished by the production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69.

2. In the part of the control copy entitled "Special Remarks", sections 101, 103, 104 and,

where necessary, 105 shall be completed. Section 104 shall be completed by deleting what does not apply and by showing, where necessary, the intended destination within the meaning of Article 2.'

Article 2

The following shall be substituted for Article 6a of Regulation No 1041/67/EEC:

'No refund shall be granted if the amount thereof for an application, whether it covers one or more export declarations, does not exceed 10 units of account.'

Article 3

Where the provisions of Article 10 (2) of Regulation No 1041/67/EEC were not fulfilled because, owing to circumstances beyond the control of the applicant, the exit certificate which was required until the entry into force of this Regulation could not be produced, the competent national authorities may recognize other documents as equivalent to the exit certificate. Member States shall inform the Commission of the measures taken in application of this provision.

Article 4

This Regulation shall enter into force on 1 January 1970. However, Article 5 of Regulation No 1041/67/EEC may continue to be applied until 28 February 1970 in the form valid on 31 December 1969.

Export licences issued before 1 March 1970 remain subject to the provisions applicable prior to that date.

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

Done at Brussels, 22 December 1969.

For the Commission

The President

Jean REY