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**REGULATION (EEC) No 2686/72 OF THE COUNCIL
of 12 December 1972**

**supplementing Regulation No 177/67/EEC on the general rules for the advance
fixing of export refunds on pigmeat**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 121/67/EEC¹ of 13 June 1967 on the common organisation of the market in pigmeat, as last amended by Regulation (EEC) No 2685/72,² and in particular Article 15 (4) thereof;

Having regard to the proposal from the Commission;

Whereas Council Regulation (EEC) No 2685/72 of 12 December 1972 supplementing Regulation No 121/67/EEC on the advance fixing of export refunds on pigmeat enabled refunds in the sector concerned to be fixed in advance;

Whereas it is therefore necessary to supplement Council Regulation No 177/67/EEC³ of 27 June 1967 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds, with rules for the advance fixing of export refunds;

Whereas it is only necessary to fix refunds in advance in certain cases; whereas such a decision should be taken in accordance with Article 24 of Regulation No 121/67/EEC;

Whereas the possibility of fixing refunds in advance makes it necessary to take steps to ensure that in every 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

Article 5 of Regulation No 177/67/EEC shall be replaced by the following:

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 be fixed in advance. In such a case, the export refund 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

¹ OJ No 117, 19.6.1967, p. 2283/67.

² OJ No L 132, 18.6.1971, p. 1.

³ OJ No 130, 28.6.1967, p. 2614/67.

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 24 of Regulation No 121/67/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 application for advance fixing lodged during the period of suspension shall be rejected.'

Article 2

The following Article 5 (a) shall be inserted in Regulation No 177/67/EEC:

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

Done at Brussels, 12 December 1972.

'1. The granting of the refund under the conditions laid down in Article 5 (3) shall be conditional on the presentation of a certificate of advance fixing issued by Member States to applicants, irrespective of their place of establishment in the Community.

Such certificates shall be valid throughout the Community.

2. The issue of a certificate of advance fixing shall be conditional upon the lodging of a deposit guaranteeing that the exportation shall be carried out within the period of validity of the certificate; if the operation is not carried out, or 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