

COMMISSION REGULATION (EEC) No 1743/76

of 20 July 1976

amending Regulation (EEC) No 677/76 laying down detailed rules for the application of the system for compulsory purchase of skimmed-milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 563/76 of 15 March 1976 on the compulsory purchase of skimmed-milk powder held by intervention agencies for use in feedingstuffs⁽¹⁾ and in particular Article 9 (1) thereof,

Whereas Article 10 (1) (f) of Commission Regulation (EEC) No 677/76 of 26 March 1976 laying down detailed rules for the application of the system for compulsory purchase of skimmed-milk powder provided for in Regulation (EEC) No 563/76⁽²⁾, as last amended by Regulation (EEC) No 1110/76⁽³⁾, provides for the release of the security on production of proof that the protein productions in question, with the exception in particular of compound feedingstuffs, have been exported;

Whereas this exception creates distortions of competition to the detriment of exporters of such feedingstuffs; whereas, in order to correct this fault, provision should be made for the security to be released, under certain conditions, for exports of such products also, with the exclusion of those which contain only a very small quantity of the products referred to in Articles 2 and 3 of Regulation (EEC) No 563/76;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

Article 10 (1) (f) of Regulation (EEC) No 677/76 is amended to read as follows:

(f) on the production of proof that products as specified in Articles 2 and 3 of Regulation (EEC) No 563/76 have left the geographical territory of the Community, with the exception of:

- products as specified in Article 2 (a) of Regulation (EEC) No 563/76 in respect of which a refund has been applied for,
- products as specified in Article 1 (g) of Regulation (EEC) No 804/68⁽¹⁾,
- preparations and animal feed falling within subheadings 23.07 B and C of the

Common Customs Tariff containing non-proteinic nitrogenous compounds as specified in Annexes I and II to the Council Directive of 23 November 1970 concerning additives in feedingstuffs⁽²⁾,

With regard to products falling within subheadings 23.07 B and C of the Common Customs Tariff other than those referred to in the second and third indents above, the security shall be released only:

- where they contain not less than 20 % by weight of raw protein calculated on a dry matter basis or,
- where they contain not less than 80 % of dehydrated fodder.

The exporter shall be required to declare the raw protein and dehydrated fodder content of the products referred to above at the time of exportation.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 270, 14. 12. 1970, p. 1.

Article 2

To Article 11 (2) (b) of Regulation (EEC) No 677/76 a further subparagraph as follows is added:

'However, in the case of products falling within subheadings 23.07 B and C of the Common Customs Tariff, than in so far as their export gives entitlement to the release of the security, the amount released shall be equal to four units of account per metric ton of product exported. Where the content by weight of raw protein calculated on a dry matter basis is equal to or greater than 40 %, the amount of the security which is released shall be equal to six units of account per metric ton of exported product. The amounts of the security released shall be multiplied by the coefficients referred to in Article 9 (5).'

Article 3

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

It shall apply to operations in respect of which customs export formalities are completed on or after that date.

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 18.

⁽²⁾ OJ No L 81, 27. 3. 1976, p. 23.

⁽³⁾ OJ No L 126, 14. 5. 1976, p. 25.

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

Done at Brussels, 20 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission
