

COMMISSION REGULATION (EEC) No 369/85**of 13 February 1985****amending Regulation (EEC) No 2729/81 as regards the transferability of rights arising from an export licence in the milk and milk products sector and repealing Regulation (EEC) No 664/83**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1557/84 ⁽²⁾, and in particular Articles 13 (3) and 17 (4) thereof,

Whereas the special rules implementing the system of import and export licences and the advance-fixing of refunds in respect of milk and milk products were laid down in Commission Regulation (EEC) No 2729/81 ⁽³⁾, as last amended by Regulation (EEC) No 1994/84 ⁽⁴⁾; whereas Article 10 (2) of the said Regulation lays down that by way of derogation from Article 9 (1) of Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products ⁽⁵⁾, as last amended by Regulation (EEC) No 1994/84, the rights arising from an export licence with advance-fixing of the refund for products falling within subheading 04.02 A II b) and heading No 04.03 of the Common Customs Tariff shall not be transferable;

Whereas the said derogation was temporarily suspended until 31 March 1985 by Commission Regulation (EEC) No 664/83 ⁽⁶⁾ as amended by Regulation

(EEC) No 180/84 ⁽⁷⁾, on the grounds that the non-transferability of rights had adverse effects on trade;

Whereas the experience acquired has shown that this suspension has not given rise to problems of a speculative nature; whereas, by contrast, suspension has had a positive effect on trade; whereas provision should be made for the transferability of the rights arising from an export licence;

Whereas, for reasons of clarity, Regulation (EEC) No 664/83 should be repealed;

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Article 10 (2) of Regulation (EEC) No 2729/81 is hereby repealed.

Article 2

Regulation (EEC) No 664/83 is hereby repealed.

Article 3

This Regulation shall enter into force on the third 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, 13 February 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 6.

⁽³⁾ OJ No L 272, 26. 9. 1981, p. 19.

⁽⁴⁾ OJ No L 186, 13. 7. 1984, p. 17.

⁽⁵⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽⁶⁾ OJ No L 78, 24. 3. 1983, p. 13.

⁽⁷⁾ OJ No L 21, 26. 1. 1984, p. 14.