

COMMISSION REGULATION (EC) No 1814/2005**of 7 November 2005****amending Regulation (EC) No 580/2004, establishing a tender procedure concerning export refunds for certain milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 26(3) and Article 31(14) thereof,

Whereas:

- (1) Article 6 of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽²⁾ lays down the terms of validity of export licences, including those issued in respect of Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽³⁾ and Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning skimmed milk powder ⁽⁴⁾.
- (2) By way of derogation from Article 6 of Regulation (EC) No 174/1999, Article 8 of Commission Regulation (EC)

No 580/2004 ⁽⁵⁾, fixes the day from which export licences are valid.

- (3) The scope of Article 6 of Regulation (EC) No 174/1999 in conjunction with Article 8 of Regulation (EC) No 580/2004 has at times been misinterpreted. To avoid any possible grounds for such misinterpretation, Article 8 of the latter Regulation should be amended.
- (4) 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

In Article 8(1) of Regulation (EC) No 580/2004, point (d) is replaced by the following:

- '(d) the period of validity of the export licence referred to in Article 6 of that Regulation shall start on the closing date for the submission of tenders.'

Article 2

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

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

Done at Brussels, 7 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1513/2005 (OJ L 241, 17.9.2005, p. 45).

⁽³⁾ OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 1239/2005 (OJ L 200, 30.7.2005, p. 32).

⁽⁴⁾ OJ L 90, 27.3.2004, p. 67. Regulation as last amended by Regulation (EC) No 1239/2005.

⁽⁵⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).