

COMMISSION REGULATION (EEC) No 1110/76

of 13 May 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 8 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 Council Regulation (EEC) No 563/76⁽²⁾, as last amended by Regulation (EEC) No 902/76⁽³⁾, provides that in the case of dehydrated fodder, the document referred to in Article 6 of Regulation (EEC) No 563/76 is to be submitted, or the security is to be provided, at the latest at the time the fodder leaves the dehydration plant ;

Whereas the methods of marketing dehydrated fodder have made observance of the said time limit difficult ; whereas the time limit should be extended to avoid this problem ;

Whereas certain dehydration plants use the fodder on agricultural holdings which belong to them or deliver it to their members ; whereas, in such cases, dehydration constitutes the best method of obtaining the maximum from fodder produced and used by farmers ; whereas, under those circumstances, the security should be released in respect of quantities not marketed by the dehydration plants ;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the management committees concerned,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 677/76 is hereby amended as set out in the following Articles.

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 18.

⁽²⁾ OJ No L 81, 27. 3. 1976, p. 23.

⁽³⁾ OJ No L 104, 21. 4. 1976, p. 8.

Article 2

Article 8 (c) is amended to read as follows :

- '(c) for the products listed in Article 1 (b) of Regulation (EEC) No 1067/74 at the latest on the fifteenth day following the end of the month during which they left the dehydration plant, save for those quantities in respect of which the proof referred to in Article 10 (1) (g) was furnished before that date.'

Article 3

Paragraph 3 of Article 9 is deleted.

Article 4

1. Article 10 (1) (d) and (e) is amended to read as follows :

- '(d) for products falling within heading No 12.02 and subheadings 12.01 B and 23.04 B of the Common Customs Tariff and intended for human consumption, on production of proof that they have reached such a stage of processing or preparation that they can be used only for that purpose ;
- (e) for products falling within heading No 12.02 and subheadings 12.01 B and 23.04 B of the Common Customs Tariff and used in the chemical or pharmaceutical industry, on production of proof that they have reached such a stage of processing that they can be used only for that purpose ;'

2. There shall be added to Article 10 (1) the following subparagraph :

- '(g) for the products listed in Article 1 (b) of Regulation (EEC) No 1067/74, subject to the limit
- of the average of the quantities which left the dehydration plant and were not marketed during the 1974/75 and 1975/76 marketing years, or
 - in the case of undertakings which began their activities with effect from the 1975/76 marketing year, of the quantities which left those undertakings and were not marketed during the marketing year ;

on production of proof that the products in question have left the undertaking and have not been marketed. In the case of new dehydration plants, the Member State concerned shall determine the maximum quantity on the basis of the herds on the holding or holdings using the fodder.'

3. Article 10 (3) and (4) is amended to read as follows :

'3. The security may be released, at the request of the party concerned, in instalments which are proportional to the quantities of products for which proof of one of the matters referred to in paragraph 1 (b), (c), (d), (e), (f) and (g) has been furnished or in respect of which the party concerned has renounced his right to put into free circulation.

4. The security shall be forfeit where the party concerned :

- (a) has not renounced his right to put into free circulation, or
- (b) except in the case of *force majeure*, has not furnished proof of one of the matters referred to in paragraph 1 (b), (c), (d), (e), (f) and (g) within six months following the expiry of the 'protein certificate', or within nine months of the provision of the security for products referred to in Article 2 of Council Regulation (EEC) No 563/76.'

Article 5

The second indent of Article 11 (1) is amended to read as follows :

'— in respect of products referred to in Article 10 (1) (e), one of the following :

'Intended for the chemical or pharmaceutical industry (Commission Regulation (EEC) No 677/76)',

'Destiné à l'industrie chimique ou pharmaceutique (règlement (CEE) n° 677/76 de la Commission)',

'Bestemt til kemisk eller farmaceutisk industri (Kommissionens forordning (EØF) nr. 677/76)',

'Bestimmt für die chemische oder pharmazeutische Industrie (Verordnung (EWG) Nr. 677/76 der Kommission)',

'Destinato all'industria chimica o farmaceutica (regolamento (CEE) n. 677/76 della Commissione)',

'Bestemd voor de chemische of farmaceutische nijverheid (verordening (EEG) nr. 677/76 van de Commissie)'

Article 6

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

However, Article 4 (2) shall apply with effect from 1 April 1976.

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

Done at Brussels, 13 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission