

REGULATION (EEC) No 1992/73 OF THE COMMISSION
of 20 July 1973

amending Regulation (EEC) No 1519/72 as regards the procedure relating to the giving of security and the application of a monetary compensatory amount

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 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act ⁽²⁾ on the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 6 (7) thereof ;

Having regard to Council Regulation (EEC) No 985/68 ⁽³⁾ of 15 July 1968 laying down general rules for intervention on the market in butter and cream, as last amended by Regulation (EEC) No 2714/72 ⁽⁴⁾, and in particular Article 7a thereof ;

Whereas under Article 15 (1) of Commission Regulation (EEC) No 1519/72 ⁽⁵⁾ of 14 July 1972 on the sale by tender of butter at reduced prices for the exportation of certain fat compounds, as last amended by Regulation (EEC) No 1467/73 ⁽⁶⁾, the processing and exportation security should be given to the intervention agency from which the butter is taken over ; whereas it has become evident that the delay in releasing the security could be reduced by simplifying the procedure relating to the giving of security and by amending the customs documents accompanying the product ; whereas provisions should therefore be made for the security to be given to the intervention agency of the Member State on whose territory the processing operations take place, and Articles 16, 24 and 25 relating to the customs documents should be amended accordingly ;

Whereas due to the increase in the selling price of butter it appears opportune to apply a monetary compensatory amount whose level takes account of the selling price of butter in relation to the intervention price of butter ;

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 15 of Regulation (EEC) No 1519/72 is replaced by the following :

'1. The successful tenderer shall, in accordance with Article 8 (2), give to the intervention agency of the Member State on whose territory the processing operations referred to in Article 19 takes place, before taking over each quantity of butter, the processing and exportation security provided for in Article 10.

2. Where the security is given in a Member State other than the selling Member State, the intervention agency receiving the security shall submit immediately to the intervention agency of the selling Member State a certificate showing the amount of the security given, the corresponding quantities of butter and the date of the Decision awarding the contract.

3. With regard to butter sold by the intervention agencies of the new Member States, when the operations referred to in Article 19 take place in the Member State in which the butter is removed from storage the amount of the processing and exportation security may be reduced, at the request of the successful tenderer, by an amount equal to the accession compensatory amount applicable to the butter concerned in exchanges between the new Member States concerned and the Community as originally constituted.

The intervention agency concerned shall comply with such a request only if it takes the necessary steps to ensure that all the butter to which the request relates is processed in accordance with Article 19 (2) on its territory.'

Article 2

Article 16 (1) of Regulation (EEC) No 1519/72 is replaced by the following :

'When the payment provided for in Article 14 (2) has been made and the processing and exportation security provided for in Article 15

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 169 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 139, 17. 6. 1972, p. 18.

⁽⁵⁾ OJ No L 162, 18. 7. 1972, p. 1.

⁽⁶⁾ OJ No L 146, 4. 6. 1973, p. 15.

has been given and, in the case referred to in Article 15 (2), the certificate referred to in that paragraph has been received, the intervention agency shall issue a removal order, indicating :

- (a) the quantity for which the conditions specified at the beginning of the paragraph have been satisfied ;
- (b) the cold storage depot in which it is stored ;
- (c) the final date for taking over the butter.

Article 3

Article 24 of Regulation (EEC) No 1519/72 is replaced by the following :

'Article 24

Where the processing operations listed in Article 19 take place in a Member State other than the selling Member State, the following rules shall apply :

1. One or more control copies as referred to in Article 1 of Regulation (EEC) No 2315/69 shall be issued in the selling Member State.

Sections 101, 103, 104 and 106 on the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 shall be completed :

- (a) Section 104 shall be completed by deleting what does not apply and adding one of the following statements at the second indent :

- "destiné à être transformé puis conditionné en emballages métalliques, soit hermétiquement fermés d'un contenu de 2,5 kg au maximum, soit d'un contenu de 200 kg au maximum (Règlement (CEE) n° 1519/72)" ;

- "bestimmt zur Verarbeitung und zur Verpackung entweder in luftdicht verschlossenen Metallverpackungen mit einem Nettoinhalt von höchstens 2,5 kg oder in Metallverpackungen mit einem Nettoinhalt von höchstens 200 kg (Verordnung (EWG) Nr. 1519/72)" ;

- "destinato ad essere trasformato e, in seguito, condizionato in imballaggi metallici, o ermeticamente chiusi di un contenuto massimo di 2,5 kg oppure di un contenuto massimo di 200 kg (regolamento (CEE) n. 1519/72)" ;

- "bestemd om te worden verwerkt en nadien te worden verpakt in metalen verpakkingen, hetzij luchtdicht gesloten met een inhoud van hoogstens 2,5 kg, hetzij met een inhoud van hoogstens 200 kg (Verordening (EEG) nr. 1519/72)" ;

- "destined to be processed then packed in metal containers, either hermetically sealed and containing a maximum of 2.5 kg, or containing a maximum of 200 kg (Regulation (EEC) No 1519/72)" ;

- "bestemt til forarbejdning og derefter pakning i hermetisk lukkede metaldåser med et nettoindhold af højst, 2,5 kg eller i metalbeholdere med et nettoindhold af højst 200 kg (forordning EØF nr 1519/72)" ;

- (b) Section 106 shall contain the date on which the butter was taken over and one of the following statements :

- "le produit transformé et conditionné doit faire l'objet de la délivrance d'un ou de plusieurs documents d'exportation" ;

- "für das verarbeitete und verpackte Erzeugnis sind ein oder mehrere Ausfuhrdokumente auszustellen" ;

- "il prodotto trasformato e condizionato deve essere oggetto del rilascio di più documenti di esportazione" ;

- "voor het verwerkte en verpakte produkt moeten één of meer uitvoerdocumenten worden verstrekt" ;

- "for the processed packed product one or more export documents must be made out" ;

- "for det forarbejdede og pakkede produkt skal der udstedes et eller flere udførselsdokumenter" ;

- (c) The reference number of the export document or documents shall be indicated under "Remarks" in the section entitled "Control as to use and/or destination".

2. The export document or documents shall be issued by the customs office which supervised or arranged for supervision of the processing and packing.

The export document or documents shall contain the following statements and information :

- (a) — "destiné à l'exportation au titre du règlement (CEE) n° 1519/72" ;

- “zur Ausfuhr gemäß der Verordnung (EWG) Nr. 1519/72 bestimmt” ;
 - “destinato all'esportazione ai sensi del regolamento (CEE) n. 1519/72” ;
 - “bestemd voor uitvoer krachtens Verordening (EEG) nr. 1529/72” ;
 - “for export pursuant to Regulation (EEC) No 1519/72” ;
 - “bestemt til udførsel i henhold til forordning (EØF) nr. 1519/72” ;
- (b) the weight of the butter used to produce the quantity of processed products indicated on the document ;
- (c) the date on which the butter was taken over ;
- (d) the number of the control copy issued by the office of departure and the name of the office.’

Article 4

Article 25 (2) of Regulation (EEC) No 1519/72 is replaced by the following :

‘2. Except in cases of *force majeure*, the processing and exportation security provided for in Article 15 shall be released only for the quantities in respect of which the buyer has furnished to the intervention agency :

- (a) supporting documents from which it can be established that the conditions laid down in Articles 19, 22 and 23 have been satisfied, when the processing takes place in the selling Member States ;
- (b) the export documents referred to in Article 24 (2) when the processing takes place in another Member State.

Article 3, excepting the second indent of paragraph (1) thereof, and Article 4 of Regulation No 1041/67/EEC shall apply by analogy to the provisions of Article 23.’

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

Done at Brussels, 20 July 1973.

Article 5

At the request of the parties concerned, the obligations entered into pursuant to the second indent of Article 6 of Regulation (EEC) No 1519/72 in respect of previous partial invitations to tender shall be adapted to meet the requirements of the preceding Articles.

Article 6

Article 27 of Regulation (EEC) No 1519/72 is replaced by the following :

‘Article 27

As regards butter and butter processed into the products referred to in Article 19 :

- (a) the compensatory amounts fixed pursuant to Regulation (EEC) No 974/71 shall be multiplied by the coefficient 0.2 ; the Commission may, if necessary, alter this coefficient ;
- (b) the compensatory amounts provided for in the Accession Treaty shall not be applicable.’

Article 7

In footnote 4 of Annex V of Commission Regulation (EEC) No 1469/73 of 30 May 1973 fixing the monetary compensatory amounts as well as certain rates necessary for their application, as last amended by Regulation (EEC) No 1961/73 :

1. The following first hyphen is added :

‘in Regulation (EEC) No 1519/72 (OJ No L 162, 18. 7. 1972), a coefficient of 0.2 is applied to this amount’ ;

2. In the third hyphen, the phrase ‘1519/72 (OJ No L 162, 18. 7. 1972)’ is deleted.

Article 8

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

For the Commission

The President

François-Xavier ORTOLI