

## I

(Acts whose publication is obligatory)

REGULATION (EEC) No 349/73 OF THE COMMISSION  
of 31 January 1973  
on the sale at reduced prices of intervention butter for direct consumption as  
concentrated butter

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the Euro-  
pean Economic Community ;

Having regard to Council Regulation (EEC) No 804/  
68 <sup>(1)</sup> of 27 June 1968 on the common organization  
of the market in milk and milk products, as last  
amended by the Act <sup>(2)</sup> annexed to Treaty <sup>(3)</sup> on the  
Accession of new Member States to the European  
Economic Community and the European Atomic  
Energy Community, signed at Brussels on 22 Janu-  
ary 1972, and in particular Article 6 (7) and Article  
28 thereof ;

Having regard to Council Regulation (EEC) No 985/  
68 <sup>(4)</sup> 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 <sup>(5)</sup>,  
and in particular Article 7 (a) thereof ;

Having regard to Council Regulation (EEC) No 233/  
73 of 31 January 1973 laying down general rules for  
the system of compensatory amounts for milk and  
milk products <sup>(6)</sup> ;

Whereas a feature of the market in butter in the  
Community is the existence of stocks built up as a  
result of intervention on the market in butter made  
pursuant to Article 6 (1) and (2) of Regulation  
(EEC) No 804/68 ;

Whereas it will not be possible to dispose of these  
stocks of butter on normal terms during the present  
marketing year ; whereas storage should not be pro-

longed because of the high costs involved ; whereas  
measures should therefore be adopted to facilitate  
disposal of the butter ;

Whereas nutritional habits in certain Member States  
make it possible to sell butter at reduced prices for  
direct consumption as concentrated butter ; whereas  
experience has shown however that a disadvantage  
of such an operation is that butter may not be put  
to the intended use and result in disturbances on the  
market in butter ; whereas provision should there-  
fore be made for this measure to be taken at the  
request of a Member State which considers itself in  
a position to lead it to a successful conclusion ;  
whereas this measure should be limited to quantities  
which can normally be disposed of for direct con-  
sumption during the period in question ;

Whereas if this operation is extended only to butter  
in public storage, the removal of butter from private  
storage might be compromised ; whereas for this  
reason, butter which has been the subject of a storage  
contract in accordance with Article 9 (2) of Regula-  
tion (EEC) No 985/68 should also be marketed as  
part of the operation in question ;

Whereas the amount of the reduction in the sale  
price of butter or the amount of aid must be such as  
to permit an increase in the consumption of butter ;  
whereas provision should be made for the price  
reduction to be reflected down to the retail stage ;

Whereas it is necessary to ensure at all marketing  
stages the possibility of differentiating between but-  
ter sold under the conditions provided for in this  
Regulation and other butter ; whereas to that end,  
provisions should be made concerning the compo-  
sition, the possibility of differentiating between the

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(3)</sup> OJ No L 73, 27. 3. 1972, p. 5.

<sup>(4)</sup> OJ No L 169, 18. 7. 1968, p. 1.

<sup>(5)</sup> OJ No L 291, 28. 12. 1972, p. 15.

<sup>(6)</sup> OJ No L 28, 1. 2. 1973, p. 37.

concentrated butter and other butter and the packing of concentrated butter in small packets; whereas to ensure the smooth functioning of the operation, a time limit should be set for packing;

Whereas a control system should be set up to ensure that the butter is not used for any purpose other than that for which it was intended; whereas the provisions laid down to that effect by Commission Regulation (EEC) No 1259/72<sup>(1)</sup> of 16 June 1972 on the disposal of butter at reduced prices to certain Community processing undertakings, as last amended by Regulation (EEC) No 2815/72<sup>(2)</sup> should be resorted to.

Whereas the value of the concentrated butter should be taken into account as regards the compensatory amounts fixed under Regulation (EEC) No 974/71;

Whereas Commission Regulation (EEC) No 2561/72<sup>(3)</sup> of 6 December 1972 on the marketing of intervention butter at reduced prices for direct consumption as concentrated butter provided the possibility of making such sales; whereas, in view of the traditions of certain Member States, another possibility should be added to the two methods laid down for the composition of concentrated butter; whereas moreover, as a result of the enlargement of the Community, Regulation (EEC) No 2561/72 should be republished;

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

Member States may, at their request, be authorized:

- (a) To sell at reduced prices butter which has been bought in under Article 6 (1) of Regulation (EEC) No 804/68 and taken into storage at a date to be specified; the butter may be sold in the natural state or after transformation into concentrated butter mentioned in Article 5;

- (b) To grant aid for butter which during the 1972/73 milk year was the subject of a storage contract under Article 8 (2) of Regulation (EEC) No 985/68,

for the purpose of the direct consumption in the Community as concentrated butter of a quantity to be specified of the butter in question.

#### Article 2

1. Butter covered by Article 1 (a) shall be sold ex-cold storage depot at 76 units of account per 100 kg.
2. It shall be sold in quantities of not less than 5 metric tons.
3. Delivery shall be taken not more than 12 days after the day on which the contract of sale was concluded.

Before taking delivery the buyer shall;

- pay the purchase price of the butter;
- lodge a processing security of 110 units of account per 100 kg.

Except in cases of *force majeure*, if the buyer has not taken delivery of the butter within the prescribed time limit, the sale shall be cancelled in respect of the remaining quantities.

#### Article 3

1. Butter removed from storage referred to in Article 1 (b) shall benefit from an aid of 110 units of account per 100 kg.
2. The signatory to the storage contract shall inform the intervention agency with which he concluded the contract, of the quantities of butter which he intends to remove from storage, specifying its characteristics in the manner determined by the intervention agency.

The intervention agency shall without delay issue an acknowledgement of receipt.

#### Article 4

1. The butter must be concentrated and put up, in accordance with Article 5, in the Member State where it was removed from storage, hereinafter called the 'destocking Member State'.
2. These operations must be carried out in an establishment approved for that purpose by the Member State.
3. Packing must take place within a maximum of four weeks from the day:

<sup>(1)</sup> OJ No L 139, 17. 6. 1972, p. 18.

<sup>(2)</sup> OJ No L 297, 30. 12. 1972, p. 3.

<sup>(3)</sup> OJ No L 274, 7. 12. 1972, p. 12.

- on which delivery was taken in accordance with Article 2 (3), as regards the butter covered by Article 1 (a);
- on which the person in question receives the acknowledgement of receipt provided for in Article 3 (2) as regards butter covered by Article 1 (b).

#### Article 5

##### 1. Concentrated butter must :

- contain at least 95 % butyric fats ;
- have been the subject of the incorporation provided for in paragraph 2 ;
- be marketed in slabs of not more than 250 g, wrapped in paper bearing, on the upper surface and in letters at least five mm high, one or more of the following statements :

'Beurre concentré pour la cuisine',

'Butterreinfett',

'Burro concentrato da cucina',

'Braadboter' or 'Boterconcentraat voor keukengebruik',

'Concentrated butter for cooking',

'Koncentreret smør til husholdningsbrug'.

##### 2. During the melting of the butter there shall be incorporated per 100 kg of butter used : either

- 2 kg of C<sub>18</sub> and/or C<sub>18</sub> fatty acid monoglycerides 90 % at least pure calculated in monoglycerides on the product ready to be incorporated, or
- 1 kg of pelargonic acid triglycerides (triglycerides of n — nonanoic acid) at least 95 % pure calculated in triglycerides on the product ready to be incorporated, or
- if the concentrated butter contains at least 99 % butyric fats, 15 gr of stigmaterol (C<sub>29</sub>H<sub>48</sub>O =  $\Delta$ -5-22-stigmastene-3-beta-ol) at least 95 % pure calculated on the product ready to be incorporated.

The competent agency shall ensure that the quality and characteristics, in particular the degree of purity, of the products to be incorporated into the melted butter have been observed.

#### Article 6

1. Any person who holds the butter or the concentrated butter must keep records showing for each delivery the name and address of buyers of the butter or the concentrated butter and the quantities purchased.

2. Where the butter is resold, the obligations concerning processing, putting up and the final intended use of the butter shall be mentioned in the contract of sale.

Such contract must be made in writing and specify that the buyer is aware of the penalties imposed by the Member State in question, for breaches of the aforesaid obligations.

3. As regards retail trade, only the quantities bought need be recorded.

#### Article 7

1. The butter covered by Article 1 shall remain in its original wrappings until it is processed into concentrated butter.

It shall be accompanied by a list of the packets, enabling the butter to be identified and specifying the date on which it was removed from storage.

2. The wrappings of butter removed from storage shall bear one or more of the following statements in letters at least 2 centimeters high :

'Beurre destiné à être transformé en beurre concentré (règlement (CEE) n° 349/73)',

'Butter zur Verarbeitung zu Butterreinfett (Verordnung (EWG) Nr. 349/73)',

'Burro destinato ad essere trasformato in burro concentrato (regolamento (CEE) n. 349/73)',

'Boter bestemd voor verwerking tot braadboter (Verordening (EEG) nr. 349/73)',

or

'Boter bestemd voor verwerking tot boterconcentraat voor keukengebruik (Verordening (EEG) nr 349/73)',

'Butter for processing into concentrated butter (Regulation (EEC) No 349/73)',

'Smør bestemt til forarbejdning til koncentreret smør (forordning (EØF) nr. 349/73)'.

3. The concentrated butter put up in slabs shall be delivered and remain until the retail stage in wrapping bearing one or more of the following statements :

'Beurre concentré pour la cuisine (règlement (CEE) no 349/73)',

'Butterreinfett (Verordnung (EWG) Nr. 349/73)',

'Burro concentrato (regolamento (CEE) n. 349/73)',

'Braadboter (Verordening) (EEG) nr. 349/73)',

or

'Boterconcentraat voor keukengebruik (Verordening (EEG) nr. 349/73)',

'Concentrated butter for cooking (Regulation (EEC) No 349/73)',

'Koncentereret smør til husholdningsbrug (Forordning (EØF) nr. 349/73)'.

#### Article 8

1. From the moment it leaves storage and until it is processed into concentrated butter, the butter shall be subject to customs or equivalent administrative control.

2. During the processing and packing specified in Article 5, the Member State concerned shall carry out an on the spot inspection throughout the whole operation.

3. At the end of the inspection, the agency in question shall issue a certificate if it establishes that :

- the conditions of processing and putting up, and
- the conditions laid down in Article 6, where the concentrated butter is to be consumed in the destocking Member State,

have been met.

#### Article 9

Where the concentrated butter is exported to a Member State other than the destocking Member State, spaces 101, 103 and 104 of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69 shall be filled in. Space 104 shall be completed by deleting what does not apply and by making in the second indent, one of the following statements :

'Beurre concentré à prix réduit pour la consommation directe (règlement (CEE) n° 349/73)',

'Butterreinfett zu herabgesetzten Preisen für den unmittelbaren Verbrauch (Verordnung (EWG) Nr. 349/73)',

'Burro concentrato a prezzo ridotto per il consumo diretto (regolamento (CEE) n. 349/73)',

'Boterconcentraat aan verlaagde prijs voor rechtstreeks verbruik (Verordening (EEG) nr. 349/73)',

'Concentrated butter at reduced price for direct consumption (Regulation (EEC) No 349/73)',

'Koncentereret smør tilnedsat pris til umiddelbart forbrug (forordning (EØF) nr 349/73)',

#### Article 10

1. The processing security provided for in the second indent of Article 2 (3), shall be lodged, at the choice of the Member State, either in the form of a cheque made out to the intervention agency, or in the form of a guarantee fulfilling the criteria laid down by the Member State concerned.

2. Except in the case of *force majeure*, the security shall be released only in respect of quantities for which the buyer has supplied the intervention agency with the certificate provided for in Article 8 (3) or, in the case envisaged in Article 9, this certificate and the control copy.

3. The security shall be released forthwith.

#### Article 11

The aid referred to in Article 3 (1) shall be paid to the signatory to the storage contract only on presentation of the documents referred to in Article 10 (2).

#### Article 12

The Member States shall adopt all necessary provisions for the amount of the price reduction or the amount of aid to be reflected at the retail stage. To this end, they shall fix a maximum retail price for concentrated butter, the amount of which shall be shown on the wrappings of the slabs together with the statement referred to in Article 5 (1). However, the Member States may in place of this obligation adopt other administrative provisions having equivalent effect.

#### Article 13

The Member States shall communicate to the Commission on Tuesday of each week :

- the quantities of the butter covered by Article 1 (a) which have been the subject of sale contracts :
- the quantities of the butter covered by Article 1 (b) for which the Member State has issued acknowledgements of receipt.

*Article 14*

1. The compensatory amounts applicable to concentrated butter shall be equal to those fixed pursuant to Regulation (EEC) No 974/71, weighted by the coefficient 0.4.

Where necessary, the Commission may alter this coefficient.

2. The compensatory amounts provided for in the Act annexed to the Accession Treaty shall not be applied to butter sold under the head of this Regulation.

*Article 15*

1. Regulation (EEC) No 2561/72 is repealed.

2. It shall remain applicable to authorizations granted and to contracts signed before this Regulation enters into force. However, on application from

the parties concerned, a contract of sale signed before the date on which this Regulation enters into force shall be adjusted in line with the third inset of Article 5 (2).

*Article 16*

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

This Regulation shall apply from 1 February 1973.

2. It shall apply until 31 March 1973.

From that date :

— no delivery of butter covered by Article 1 (a) may be accepted ;

— no acknowledgement of receipt for the butter covered in Article 1 (b) may be issued by the intervention agencies.

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

Done at Brussels, 31 January 1973.

*For the Commission*

*The President*

François-Xavier ORTOLI

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