12.6.70 Official Journal of the European Communities No 128/3

REGULATION (EEC) No 1094/70 OF THE COUNCIL

of 8 June 1970

adopting general rules for the application of Articles 11 and 12 (1) of Regulation (EEC) No 1975/69 introducing a system of premiums for slaughtering cows and for withholding milk and milk products from the market

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to Council Regulation (EEC) No 805/68[1] of 27 June 1968 on the common organisation of the market in beef and veal, as last amended by Regulation (EEC) No 2463/69[2];

Having regard to Council Regulation (EEC) No 1975/69[3] of 6 October 1969 introducing a system of premiums for slaughtering cows and for withholding milk and milk products from the market, and in particular Article 13 (3) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[4];

Whereas under Article 13 (3) of Regulation (EEC) No 1975/69 general rules for the application of Articles 11 and 12 (1) of that Regulation must be adopted;

Whereas Article 11 of Regulation (EEC) No 1975/69 provides for the recovery of the premium paid where the undertakings referred to in Article 2 (a) and in Article 6 of that Regulation have not been fulfilled, and whereas it is necessary to determine responsibility for the possible financial consequences resulting from failure to fulfil these undertakings;

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall take the necessary measures, in accordance with national provisions imposed by law, regulation or administrative action, to recover the sums paid where the undertakings referred to in Articles 2 (a) and 6 of Regulation (EEC) No 1975/69 have not been fulfilled.

Member States shall inform the Commission of the measures taken to that end and in particular of the state of administrative and judicial proceedings.

2. Where the full amount of the sums referred to in paragraph 1 of this Article is not recovered, the financial consequences shall be borne in equal parts by the Community and the Member State concerned, except those financial consequences which result from irregularities or negligence attributable to the authorities or agencies of the Member State, and which shall then become the total responsibility of the Member State.

3. Sums recovered in pursuance of the provisions of Article 11 of Regulation (EEC) No 1975/69 shall be paid back to the national offices or agencies which paid them out, one half being credited by them against the contributions of the Guidance Section of the European Agricultural Guidance and Guarantee Fund.

Article 2

1. Requests for reimbursement as provided for in Article 12 of Regulation (EEC) No 1975/69 shall cover all the expenditure incurred during a calendar

[1] OJ No L 148, 28.6.1968, p. 24.
[2] OJ No L 312, 12.12.1969, p. 3.
[3] OJ No L 252, 8.11.1969, p. 1.
[4] OJ No C 40, 3.4.1970, p. 4.

year by a Member State and shall be presented to the Commission before 30 June of the following year.

2. The Commission shall act on these requests in consultation with the Fund Committee before the end of the current year.

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 Luxembourg, 8 June 1970.

For the Council

The President

Ch. HÉGER