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REGULATION (EEC) No 316/70 OF THE COMMISSION

of 20 February 1970

amending Regulations (EEC) Nos 559/68, 2085/68 and 446/69 as regards document T 1/T 2 No 5 in Community trade in certain cereals and products processed from cereals and from rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC[1] of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 2463/69[2];

Having regard to Council Regulation No 359/67/EEC[3] of 25 July 1967 on the common organisation of the market in rice;

Having regard to Council Regulation No 367/67/EEC[4] of 25 July 1967 fixing production refunds on maize groats and meal and broken rice used in the brewing industry, and in particular Article 3 thereof, as last amended by Council Regulation No 852/67/EEC[5] of 14 November 1967 on the production refund on broken rice used in the manufacture of starch and quellmehl and in the brewing industry;

Having regard to Council Regulation No 371/67/EEC[6] of 25 July 1967 fixing production refunds on starches and quellmehl, and in particular Article 5 thereof, as last amended by Regulation No 852/67/EEC;

Whereas Commission Regulation (EEC) No 446/69[7] of 10 March 1969 fixing the procedure for notifying Italy of the payment of subsidies for feed grain by the exporting Member State provides for the use of movement certificate DD4 where certain consignments are despatched to Italy to show that the exporting Member State is paying the subsidies referred to in Article 1 of Regulation (EEC) No 446/69;

Whereas Commission Regulation No 367/67/EEC provides that all necessary measures shall be taken to ensure that production refunds are limited to the quantities of maize groats and meal and of broken rice actually used by the brewing industry in the Community; whereas to provide for such a limitation Commission Regulation (EEC) No 559/68[8] of 6 May 1968 laying down detailed rules for the application of Regulation No 367/67/EEC and Commission Regulation (EEC) No 2085/68[9] of 20 December 1968 on certain detailed rules for granting the production refund on broken rice provide for the use of movement certificate DD4 in intra-Community trade to show that those products are used in the brewing industry in the importing Member State;

Whereas the Commission Decision of 19 December 1969[10] on adaptation of the methods of administrative co-operation introduced for the purpose of applying Article 9 (2) of the EEC Treaty to the new rules applicable in the fields of Community transit repeals the Decisions which introduced movement certificate DD4; whereas Commission Regulation (EEC) No 2315/69[11] of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or the destination of goods establishes a special Community transit document for verifying whether the use or destination of the products or goods has been as intended; whereas in these circumstances it has

[1] OJ No 117, 19.6.1967, p. 2269/67.
[2] OJ No L 312, 12.12.1969, p. 3.
[3] OJ No 174, 31.7.1967, p. 1.
[4] OJ No 174, 31.7.1967, p. 36.
[5] OJ No 278, 17.11.1967, p. 1.
[6] OJ No 174, 31.7.1967, p. 40.
[7] OJ No L 60, 11.3.1969, p. 6.
[8] OJ No L 106, 7.5.1968, p. 6.
[9] OJ No L 307, 21.12.1968, p. 11.
[10] OJ No L 13, 19.1.1970, p. 13.
[11] OJ No L 295, 24.11.1969, p. 14.

proved necessary, with regard to products processed from cereals and from rice, to amend the provisions of Regulations (EEC) Nos 559/68 and 2085/68 as regards, in particular, methods of administrative co-operation on Community trade in maize groats and meal and broken rice for use in the brewing industry and in broken rice for the manufacture of starch and quellmehl; whereas in this and the cereals sector Regulation (EEC) No 446/69 should also be amended;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for Article 2 (2) of Regulation (EEC) No 559/68:

'Moreover, if the maize groats and meal are for use in a Member State other than the State required to pay the production refund, their use in the brewing industry must be substantiated by production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69:

— Sections 101, 103 and 104 of the copy shall be completed;

— Section 104 shall be completed by deletion of the words not applicable and insertion of one of the following statements under the second indent:

— bestemd voor verwerking in de brouwerij, overeenkomstig de beschikkingen van Verordening (EEG) nr. 559/68

— destiné à l'utilisation en brasserie, conformément aux dispositions du règlement (CEE) n° 559/68

— destinato alla fabbricazione della birra, conformemente alle disposizioni del regolamento (CEE) n. 559/68

— bestimmt zur Verwendung in der Brauereiindustrie, gemäß der Bestimmungen der Verordnung (EWG) Nr. 559/68

(for use in the brewing industry, pursuant to Regulation (EEC) No 559/68)

— In the space reserved for verification of use and/or destination, the quantity of maize groats and meal actually used in the brewing industry shall be shown under the heading "Remarks".'

Article 2

The following shall be substituted for Article 4 of Regulation (EEC) No 2085/68:

'If the broken rice is intended for use in a Member State other than the State required to pay the production refund, its use in one of the industries referred to in Article 2 must be substantiated by production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69:

— Sections 101, 103 and 104 of the copy shall be completed;

— Section 104 shall be completed by deletion of the words not applicable and insertion of one of the following statements under the second indent:

— bestemd voor de produktie van zetmeel, van quellmehl of voor verwerking in de brouwerij, overeenkomstig de beschikkingen van Verordening (EEG) nr. 2085/68

— destiné à la fabrication d'amidon, de quellmehl ou à l'utilisation en brasserie, conformément aux dispositions du règlement (CEE) n° 2085/68

— destinato alla fabbricazione di amido, di quellmehl o della birra, conformemente alle disposizioni del regolamento (CEE) n. 2085/68

— bestimmt zur Erzeugung von Stärke, Quellmehl oder für die Verwendung in der Brauerei, gemäß den Bestimmungen der Verordnung (EEG) Nr. 2085/68

(for the manufacture of starch or quellmehl or for use in the brewing industry, pursuant to Regulation (EEC) No 2085/68)

— In the space reserved for verification of use and/or destination the quantity of broken rice actually used for the manufacture of starch, quellmehl or in the brewing industry shall be shown under the heading "Remarks".'

Article 3

The following shall be substituted for Article 1 of Regulation (EEC) No 446/69:

'The Member State which, pursuant to Article 23 (1) or (2) of Regulation No 120/67/EEC, Article 6a of Regulation No 172/67/EEC or Article 10 of Regulation (EEC) No 1052/68, pays the sender the subsidies provided for in those Articles shall enter one of the following statements, in addition to the description of the goods and the entry in Italian, in Section 31 of

document T 2 referred to in Article 39 of Regulation (EEC) No 542/69 or document T 2 L referred to in Article 1 of Regulation (EEC) No 2313/69 accompanying the cereals or the processed products qualifying for that subsidy:

— la sovvenzione prevista all'articolo 23 del regolamento n. 120/67/CEE o all'articolo 6 *bis* del regolamento n. 172/67/CEE o all'articolo 10 del regolamento (CEE) n. 1052/68 sarà pagata dallo Stato membro di provenienza

— la subvention prévue à l'article 23 du règlement n° 120/67/CEE ou article 6 *bis* du règlement n° 172/67/CEE ou article 10 du règlement (CEE) n° 1052/68 sera payée par l'État membre de provenance

— Die in Artikel 23 der Verordnung Nr. 120/67/EWG oder in Artikel 6a der Verordnung Nr. 172/67/EWG oder in Artikel 10 der Verordnung (EWG) Nr. 1052/68 vorgesehene Subvention wird von dem Herkunfts-Mitgliedstaat gezahlt

— De in artikel 23 van Verordening nr. 120/67/EEG, of artikel 6 *bis* van Verordening nr. 172/67/EEG of artikel 10 van Verordening (EEG) nr. 1052/68 bedoelde subsidie zal worden betaald door de Lid-Staat van herkomst

(the subsidy provided for in Article 23 of Regulation No 120/67/EEC, Article 6a of Regulation No 172/67/EEC or Article 10 of Regulation (EEC) No 1052/68 to be paid by the exporting Member State).'

Article 4

This Regulation shall enter into force on 1 March 1970.

Movement certificates DD4 issued before the date laid down in the preceding subparagraph shall remain subject to the provisions applying before that date.

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

Done at Brussels, 20 February 1970.

For the Commission

The President

Jean REY