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REGULATION (EEC) No 332/70 OF THE COMMISSION

of 23 February 1970

amending several Regulations on milk and milk products as regards the use of Community transit documents

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 organisation of the market in milk and milk products, as last amended by Regulation (EEC) No 2622/69,[2] and in particular Article 6 (7), Article 7 (5) and Article 10 (3) 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 1211/69,[4] and in particular Article 7a thereof;

Whereas several Commission Regulations relating to butter and skim milk powder provide that for intra-Community trade a special endorsement must be made on movement certificate DD 4 in order to distinguish between butter and skimmed milk powder must be submitted, in a Member State, to the system of control laid down by each of those Regulations, and butter and skimmed milk powder which does not have to undergo such a control;

Whereas the Commission Decision of 19 December 1969[5] 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 field of Community transit, revokes the Decisions which established movement certificate DD 4; whereas Council Regulation (EEC) No 542/69[6] of 18 March 1969 on Community transit introduced a document to permit movement of goods under the internal Community transit procedure; whereas Commission Regulation (EEC) No 2313/69[7] of 19 November 1969 created a Community internal transit document for the purpose of proving the Community nature of the goods to which they refer; whereas Commission Regulation (EEC) No 2315/69[8] of 19 November 1969 on the use of Community transit documents for the purposes of applying Community measures for verifying the use and/or destination of goods established a special copy of the Community transit document for the purpose of proving that the products or goods have been put to the intended use or reached the intended destination;

Whereas, consequently, the following instruments should be amended:

— Commission Regulation (EEC) No 1106/68[9] of 27 July 1968 on detailed rules for granting aid for skimmed milk powder for use as feed and skimmed milk processed into compound feedingstuffs, as last amended by Regulation (EEC) No 2567/69[10];

— Commission Regulation (EEC) No 685/69[11] of 14 April 1969 on detailed rules of application for intervention on the market in butter and cream, as last amended by Regulation (EEC) No 1273/69[12];

— Commission Regulation (EEC) No 789/69[13] of 28 April 1969 on the sale of butter at reduced prices to certain exporting processing industries manufacturing blended fats, as last amended by Regulation (EEC) No 255/70[14];

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 328, 30.12.1969, p. 8.
[3] OJ No L 169, 18.7.1968, p. 1.
[4] OJ No L 155, 28.6.1969, p. 13.
[5] OJ No L 13, 19.1.1970, p. 13.
[6] OJ No L 77, 29.3.1969, p. 1.
[7] OJ No L 295, 24.11.1969, p. 8.
[8] OJ No L 295, 24.11.1969, p. 14.
[9] OJ No L 184, 29.7.1968, p. 26.
[10] OJ No L 321, 23.12.1969, p. 26.
[11] OJ No L 90, 15.4.1969, p. 12.
[12] OJ No L 161, 3.7.1969, p. 9.
[13] OJ No L 102, 30.4.1969, p. 1.
[14] OJ No L 34, 12.2.1970, p. 11.

— Commission Regulation (EEC) No 1033/69[1] of 3 June 1969 on the sale of butter by tender at reduced prices to certain exporting processing industries, as last amended by Regulation (EEC) No 2181/69[2];

— Commission Regulation (EEC) No 1285/69[3] of 3 July 1969 on provisions for a standing tendering procedure in respect of skimmed milk powder intended for processing into compound feeding-stuffs for pigs or poultry and held by intervention agencies, as last amended by Regulation (EEC) No 2482/69[4];

— Commission Regulation (EEC) No 1390/69[5] of 18 July 1969 on making butter available at a reduced price to certain Community processing undertakings, as last amended by Regulation (EEC) No 2665/69[6];

— Commission Regulation (EEC) No 1416/69[7] of 22 July 1969 on the sale of butter at a reduced price to non-profit-making institutions and organisations;

— Commission Regulation (EEC) No 1417/69[8] of 22 July 1969 on the sale of butter at a reduced price to the army and similar forces;

— Commission Regulation (EEC) No 1489/69[9] of 29 July 1969 on the sale by intervention agencies of butter exceeding a certain age for processing, as last amended by Regulation (EEC) No 2510/69[10];

— Commission Regulation (EEC) No 1732/69[11] of 1 September 1969 on standing tendering procedures for the disposal of fats derived from milk for the manufacture of blended fats, as last amended by Regulation (EEC) No 2308/69[12];

— Commission Regulation (EEC) No 2186/69[13] of 7 November 1969 on a standing tendering procedure in respect of skimmed milk powder to be sold by the Belgian, German, French and Netherlands intervention agencies and exported to third countries in the form of processed goods, as amended by Regulation (EEC) No 2284/69[14];

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

The following shall be substituted for Article 7 of Regulation (EEC) No 1106/68:

'*Article 7*

Where a Member State (hereinafter called the "exporting Member State") makes use of the authorisation provided for in the second subparagraph of Article 3 (1) of Regulation (EEC) No 986/68 and when the skimmed milk powder manufactured in that Member State is to be sent to another Member State (hereinafter called the "importing Member State") to be denatured or processed into compound feeding-stuffs in the territory of the latter State, the following provisions shall apply:

1. Aid shall be given by the forwarding Member State only when the skim milk powder has been placed by the importing Member State under customs control or equivalent administrative control involving the lodging of a deposit equal in amount to the aid granted under Community provisions in the forwarding Member State.

2. Proof of control by the importing Member State shall be the control copy provided for in Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second indent one of the following statements:

"destiné à être mis sous contrôle en vue d'être dénaturé ou transformé conformément au règlement (CEE) n° 1106/68"

"zwecks Denaturierung oder Verarbeitung gemäß Verordnung (EWG) Nr. 1106/58 unter Kontrolle zu stellen"

"da sottoporre a controllo ai fini della denaturazione o della trasformazione a norma del regolamento (CEE) n. 1106/68"

"bestemd om onder controle te worden gesteld ten einde te worden gedenatureerd of te worden verwerkt overeenkomstig Verordening (EEG) nr. 1106/68".

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[1] OJ No L 136, 6.6.1969, p. 1.
[2] OJ No L 276, 1.11.1969, p. 49.
[3] OJ No L 162, 4.7.1969, p. 22.
[4] OJ No L 312, 12.12.1969, p. 39.
[5] OJ No L 178, 19.7.1969, p. 25.
[6] OJ No L 329, 31.12.1969, p. 58.
[7] OJ No L 182, 24.7.1969, p. 16.
[8] OJ No L 182, 24.7.1969, p. 18.
[9] OJ No L 186, 30.7.1969, p. 12.
[10] OJ No L 316, 17.12.1969, p. 14.
[11] OJ No L 222, 2.9.1969, p. 1.
[12] OJ No L 293, 21.11.1969, p. 29.
[13] OJ No L 281, 8.11.1969, p. 13.
[14] OJ No L 290, 18.11.1969, p. 7.

(to be placed under control with a view to denaturing or processing under Regulation (EEC) No 1106/68).

3. Except in cases of *force majeure*, the deposit referred to in paragraph 1 shall be returned only for the quantities of skimmed milk powder in respect of which the processor who applies the provisions of Article 6 furnishes proof that those quantities have been denatured or processed in accordance with the provisions of Article 2 to 5.

The deposit shall be returned without delay.

In cases of *force majeure*, the intervention agency shall decide on the measures which it judges necessary in the light of the circumstances invoked.'

Article 2

1. The following shall be substituted for Article 19 (2) of Regulation (EEC) No 685/69:

'2. Where the processing is carried out in a Member State other than the selling Member State, proof of such processing shall be the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second indent one of the following statements:

"destiné à la transformation au titre du règlement (CEE) nº 685/69"

"zur Verarbeitung gemäß Verordnung (EWG) Nr. 685/69 bestimmt"

"destinato alla trasformazione a norma del regolamento (CEE) n. 685/69"

"bestemd voor verwerking volgens Verordening (EEG) nr. 586/69".

(for processing in accordance with Regulation (EEC) No 685/69).'

2. In the last sentence of Article 21 (3) of Regulation (EEC) No 685/69, the words 'the control copy mentioned in Article 19 (2)' shall be substituted for the words 'the certificate mentioned in Article 19 (2) (c)'.

Article 3

1. The following shall be substituted for Article 3 (4) of Regulation (EEC) No 789/79:

'4. Where processing or incorporation of butter referred to in Article 2 (2) is carried out in a Member State other than the selling Member State, proof of export after processing or incorporation shall in accordance with the provisions of Article 2 (2) be the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second indent one of the following statements:

(a) if the butter is intended for export after the processing referred to in the first indent of Article 2 (2) (a):

"destiné à l'exportation après transformation au titre du règlement (CEE) nº 789/69"

"zur Ausfuhr nach Verarbeitung gemäß Verordnung (EWG) Nr. 789/69 bestimmt"

"destinato all'esportazione a norma del regolamento (CEE) n. 789/69 dopo trasformazione"

"bestemd om na verwerking overeenkomstig Verordening (EEG) nr. 789/69 te worden uitgevoerd".

(for export after processing in accordance with Regulation (EEC) No 789/69).

(b) if the butter is intended for export after the incorporation referred to in the second indent of Article 2 (2) (a):

"destiné à l'exportation après incorporation au titre du règlement (CEE) nº 789/69"

"zur Ausfuhr nach Beimischung gemäß Verordnung (EWG) Nr. 789/69"

"destinato all'esportazione a norma del regolamento (CEE) n. 789/69 dopo incorporazione"

"bestemd om na bijmenging overeenkomstig Verordening (EEG) nr. 789/68 te worden uitgevoerd".

(for export after incorporation in accordance with Regulation (EEC) No 789/69).'

2. Article 5 of Regulation (EEC) No 789/69 is hereby repealed.

3. The following shall be substituted for Article 6 (1) (b) of Regulation (EEC) No 789/69:

'(b) proof of export after processing or incorporation, furnished by the control copy

referred to in Article 3 (4), when processing or incorporation of the butter is carried out in another Member State.'

Article 4

1. The following shall be substituted for Article 17 of Regulation (EEC) No 1033/69:

'*Article 17*

Where processing of the butter is carried out in a Member State other than the selling Member State, proof of export after processing, in accordance with the provisions of Article 3, shall be the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second one of the following statements:

"destiné à l'exportation après transformation au titre du règlement (CEE) n° 1033/69"

"zur Ausfuhr nach Verarbeitung gemäß Verordnung (EWG) Nr. 1033/69 bestimmt"

"destinato all'esportazione dopo trasformazione a norma del regolamento (CEE) n. 1033/69"

"bestemd om na verwerking overeenkomstig Verordening (EEG) nr. 1033/69 te worden uitgevoerd".

(for export after processing in accordance with Regulation (EEC) No 1033/69).'

2. The following shall be substituted for Article 18 (2) (b) of Regulation (EEC) No 1033/69:

'(b) proof of export after processing, furnished by the control copy referred to in Article 17, where processing takes place in another Member State.'

Article 5

1. Article 18 of Regulation (EEC) No 1285/69 is hereby repealed.

2. The following shall be substituted for Article 19 of Regulation (EEC) No 1285/69:

'*Article 19*

Where the processing of skimmed milk powder is carried out in a Member State other than the selling Member State, proof of processing shall be the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second indent one of the following statements:

(a) if the skimmed milk powder is to be processed into compound feeding-stuffs within the meaning of Article 2 (2) (a):

"destinés à la transformation en aliments composés au sens de l'article 2 paragraphe 2 sous a) du règlement (CEE) n° 1285/69"

"zur Verarbeitung zu Mischfutter im Sinne des Artikels 2 Absatz 2 Buchstabe a) der Verordnung (EWG) Nr. 1285/69 bestimmt"

"destinato alla trasformazione in alimenti composti ai sensi dell'articolo 2 paragrafo 2 lettera a) del regolamento (CEE) n. 1285/69"

"bestemd voor verwerking tot mengvoeder in de zin van artikel 2, lid 2, onder a), van Verordening (EEG) nr. 1285/69".

(for processing into compound feeding-stuffs within the meaning of Article 2 (2) (a) of Regulation (EEC) No 1285/69).

(b) if the skimmed milk powder is to be processed into compound feeding-stuffs within the meaning of Article 2 (2) (b):

"destinés à la transformation en aliments composés au sens de l'article 2 paragraphe 2 sous b) du règlement (CEE) n° 1285/69"

"zur Verarbeitung zu Mischfutter im Sinne des Artikels 2 Absatz 2 Buchstabe b) der Verordnung (EWG) Nr. 1285/69 bestimmt"

"destinato alla trasformazione in alimenti composti ai sensi dell'articolo 2 paragrafo 2 lettera b) del regolamento (CEE) n. 1285/69"

"bestemd voor verwerking tot mengvoeder in de zin van artikel 2, lid 2, onder b), van Verordening (EEG) nr. 1285/69".

(for processing into compound feeding-stuffs within the meaning of Article 2 (2) (b) of Regulation (EEC) No 1285/69).'

3. The following shall be substituted for Article 20 (2) of Regulation (EEC) No 1285/69:

'2. Except in cases of *force majeure*, the processing deposit referred to in Article 14 shall be returned only for quantities in respect of which the purchaser has, where necessary, paid the

storage costs referred to in Article 15 (3) and presented to the intervention agency:

(a) supporting documents establishing that those quantities have been processed in accordance with the provisions either of Article 2 (2) (a) or of Article 2 (2) (b), as the case may be, if that processing is carried out in a selling Member State;

(b) proof of processing, furnished by the control copy referred to in Article 19, if such processing takes place in another Member State.'

Article 6

1. The following shall be substituted for Article 6 of Regulation (EEC) No 1390/69:

'*Article 6*

Where incorporation or processing of butter or concentrated butter is carried out in a Member State other than the selling Member State, the following rules shall apply:

1. Proof of processing shall be the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second indent one of the following statements:

(a) if the butter or concentrated butter is intended for processing after the incorporation referred to in Article 2 (a):

"destiné à la transformation au titre de l'article 2 du règlement (CEE) n° 1390/69"

"zur Verarbeitung gemäß Artikel 2 der Verordnung (EWG) Nr. 1390/69 bestimmt"

"destinato alla trasformazione a norma dell'articolo 2 del regolamento (CEE) n. 1390/69"

"bestemd voor verwerking overeenkomstig artikel 2 van Verordening (EEG) nr. 1390/69".

(for processing in accordance with Article 2 of Regulation (EEC) No 1390/69).

(b) If the butter is intended for processing without the incorporation referred to in Article 2 (a):

"destiné à la transformation au titre de l'article 8 du règlement (CEE) n° 1390/69"

"zur Verarbeitung gemäß Artikel 8 der Verordnung (EWG) Nr. 1390/69 bestimmt"

"destinato alla trasformazione a norma dell'articolo 8 del regolamento (CEE) n. 1390/69"

"bestemd voor verwerking overeenkomstig artikel 8 van Verordening (EEG) nr. 1390/69".

(for processing in accordance with Article 8 of Regulation (EEC) No 1390/69).

2. The selling intervention agency shall, without delay, communicate to the Member State on whose territory such incorporation or processing takes place the quantities of butter purchased by each of the undertakings concerned.'

2. Article 9 of Regulation (EEC) No 1390/69 is hereby repealed.

3. The following shall be substituted for Article 10 (1) (b) of Regulation (EEC) No 1390/69:

'(b) proof of processing, furnished by the control copy referred to in Article 6 (1), when processing takes place in another Member State.'

Article 7

The following shall be substituted for Article 4 (2) of Regulation (EEC) No 1416/69:

'2. Documents T 2 of T 2 L—as the case may be—referred to respectively in Article 39 of Regulation (EEC) No 542/69 and in Article 1 of Regulation (EEC) No 2313/69, shall include at Section 31, in addition to the description of the goods, one of the following statements:

"vendu au titre du règlement (CEE) n° 1416/69"

"verkauft gemäß Verordnung (EWG) Nr. 1416/69"

"venduto a norma del regolamento (CEE) n. 1416/69"

"verkocht overeenkomstig Verordening (EEG) nr. 1416/69".

(sold in accordance with Regulation (EEC) No 1416/69).'

Article 8

The following text shall be substituted for item 2 of Article 4 of Regulation (EEC) No 1417/69:

'2. Where the purchase is made by a representative, documents T 2 and T 2 L—as the case may be—referred to respectively in Article 39 of Regulation (EEC) No 542/69 and in Article 1 of Regulation (EEC) No 2313/69, shall include at Section 31, in addition to the description of the goods, one of the following statements:

"vendu au titre du règlement (CEE) n° 1417/69"

"verkauft gemäß Verordnung (EWG) Nr. 1417/69"

"venduto a norma del regolamento (CEE) n. 1417/69"

"verkocht overeenkomstig Verordening (EEG) nr. 1417/69".

(sold in accordance with Regulation (EEC) No 1417/69).'

Article 9

1. The following shall be substituted for Article 3 (2) and (3) of Regulation (EEC) No 1489/69:

'2. Where processing of the butter is carried out in a Member State other than the selling Member State, proof of such processing shall be the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Section 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second indent one of the following statements:

"destiné à la transformation au titre du règlement (CEE) n° 1489/69"

"zur Verarbeitung gemäß Verordnung (EWG) Nr. 1489/69 bestimmt"

"destinato alla trasformazione a norma del regolamento (CEE) n. 1489/69"

"bestemd voor verwerking volgens Verordening (EEG) nr. 1489/69".

(for processing in accordance with Regulation (EEC) No 1489/69).'

2. The following shall be substituted for Article 5 (1) of Regulation (EEC) No 1489/69:

'1. Except in cases of *force majeure*, the deposit shall be returned only for those quantities in respect of which the purchaser has presented to the intervention agency:

(a) documents establishing that those quantities were processed in accordance with the provisions of Article 3 (1), where that processing is carried out in the selling Member State;

(b) proof of processing, furnished by the control copy referred to in Article 3 (2), where such processing is carried out in another Member State.'

Article 10

1. The following shall be substituted for Article 19 of Regulation (EEC) No 1732/69:

'*Article 19*

Where processing of the butter is carried out in a Member State other than the selling Member State, proof of processing shall be the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second indent one of the following statements:

"destiné à la transformation au titre du règlement (CEE) n° 1723/69"

"zur Verarbeitung gemäß Verordnung (EWG) Nr. 1723/69 bestimmt"

"destinato alla trasformazione a norma del regolamento (CEE) n. 1723/69"

"bestemd voor verwerking volgens Verordening (EEG) nr. 1723/69".

(for processing in accordance with Regulation (EEC) No 1723/69).'

2. The following shall be substituted for Article 20 (2):

'2. Except in cases of *force majeure*, the processing deposit referred to in Article 14 shall be returned only for those quantities in respect of which the purchaser has presented to the intervention agency:

(a) supporting documents establishing that those quantities were processed in accordance with Article 3 (a) and (b), when such processing is carried out in the selling Member State;

(b) proof of processing, furnished by the control copy referred to in Article 19, when such processing is carried out in another Member State.'

Article 11

1. The following shall be substituted for Article 15 of Regulation (EEC) No 2186/69:

'*Article 15*

Where processing of skimmed milk powder is carried out in a Member State other than the selling Member State, proof of export after processing shall be the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and inserting in the second indent one of the following statements:

(a) if the skimmed milk powder is for processing into the products referred to in the first indent of Article 3 (a);

"destiné à l'exportation après transformation au sens de l'article 3 sous a) premier tiret du règlement (CEE) n° 2186/69"

"zur Ausfuhr nach Verarbeitung im Sinne des Artikels 3 Buchstabe a) erster Gedankenstrich der Verordnung (EWG) Nr. 2186/69 bestimmt"

"destinato all'esportazione dopo trasformazione ai sensi dell'articolo 3 lettera a) primo trattino del regolamento (CEE) n. 2186/69"

"bestemd voor uitvoer na verwerking tot mengvoeder in de zin van artikel 3, onder a), eerste treepje, volgens Verordening (EEG) nr. 2186/69".

(for export after processing within the meaning of the first indent of Article 3 (a) of Regulation (EEC) No 2186/69).

(b) if the skimmed milk powder is for processing into the products referred to in the second indent of Article 3 (a):

"destiné à l'exportation après transformation au sens de l'article 3 sous a) deuxième tiret du règlement (CEE) n° 2186/69"

"zur Ausfuhr nach Verarbeitung im Sinne des Artikels 3 Buchstabe a) zweiter Gedankenstrich der Verordnung (EWG) Nr. 2186/69 bestimmt"

"destinato all'esportazione dopo trasformazione ai sensi dell'articolo 3 lettera a) secondo trattino del regolamento (CEE) n. 2186/69"

"bestemd voor uitvoer na verwerking tot mengvoeder in de zin van artikel 3, onder a), tweede streepje, volgens Verordening (EEG) nr. 2186/69".

(for export after processing within the meaning of the second indent of Article 3 (a) of Regulation (EEC) No 2186/69).'

2. Article 16 of Regulation (EEC) No 2186/69 is hereby revoked.

3. The following shall be substituted for Article 17 (2):

'2. Except in cases of *force majeure,* the processing deposit referred to in Article 12 shall be returned only in respect of the quantities for which the purchaser has, where appropriate, paid the storage expenses referred to in Article 13 (3) and presented to the intervention agency;

(a) supporting documents establishing that the quantities were exported either in the form of products appearing in Article 3 (a) first indent or in the form of products appearing in Article 3 (a) second indent, as the case may be, when processing is carried out in the selling Member State;

(b) proof of export after processing, furnished by the control copy referred to in Article 15, when processing is carried out in another Member State.'

Article 12

This Regulation shall enter into force on 1 March 1970.

Movement certificates DD 4 issued before the date referred to in the preceding paragraph shall remain subject to the provisions applicable before that date.

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

Done at Brussels, 23 February 1970.

For the Commission

The President

Jean REY