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REGULATION (EEC) No 2161/72 OF THE COMMISSION

of 10 October 1972

amending Regulation (EEC) No 1259/72 on the disposal of butter at a reduced price to certain Community processing undertakings

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 Regulation (EEC) No 1411/71,[2] 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 1075/71,[4] and in particular Article 7a thereof;

Whereas Commission Regulation (EEC) No 1259/72[5] of 16 June 1972 on the disposal of butter at a reduced price to certain Community processing undertakings, as amended by Regulation (EEC) No 1716/72,[6] provides, as final use of butter sold, for its processing into products falling within heading No 18.06 B, 19.08 and 21.07 C of the Common Customs Tariff; whereas it has been found that the butter in question can also be disposed of for processing into ice mix falling within subheading Nos 18.06 D and 21.07 F of the Common Customs Tariff; whereas Regulation (EEC) No 1259/72 should therefore be extended to apply to such products; whereas, moreover, a colouring matter should be added to the list of ingredients already provided for so that butter which has undergone concentration and incorporation may be used more easily;

Whereas the first subparagraph of Article 6 (2) of Regulation (EEC) No 1259/72 provides that a successful tenderer who satisfies certain requirements may process the butter he has purchased direct into products falling within tariff heading No 18.06 B, 19.08 or 21.07 C without concentrating the butter or incorporating an ingredient as provided for in subparagraphs 1 (a) and (b) of the same Article; whereas, to ensure that this direct processing is effected only by the undertaking in whose name the offer was made, the German text of that subparagraph should be clarified;

Whereas, pursuant to Article 17 of Regulation (EEC) No 1259/72, the control copy provided for in Article 1 of Commission Regulation (EEC) No 2315/69[7] of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods, as amended by Regulation (EEC) No 595/71,[8] is used where the operations specified in Article 6 (1) (a), (b) and (c) of Regulation (EEC) No 1259/72 are carried out in a Member State other than the selling Member State; whereas experience has shown that these provisions must be clarified to take account of butter which is sold, processed and undergoes the incorporation referred to in Article 6 (1) (a), (b) and (c) and the final processing referred to in (c) in different Member States;

Whereas the Management Committee for Milk and Milk Products has not delivered an Opinion within the time limit set by its Chairman;

HAS ADOPTED THIS REGULATION:

Article 1

Article 6 of Regulation (EEC) No 1259/72 shall be amended as follows:

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 148, 3.7.1971, p. 4.
[3] OJ No L 169, 18.7.1968, p. 1.
[4] OJ No L 116, 28.5.1971, p. 1.
[5] OJ No L 139, 17.6.1972, p. 18.
[6] OJ No L 181, 9.8.1972, p. 10.
[7] OJ No L 295, 24.11.1969, p. 14.
[8] OJ No L 69, 23.3.1971, p. 7.

1. In subparagraph 1 (b), the following shall be substituted for subparagraphs (bb) *et seq:*

'(bb) or:

— 20 g of ethyl ester of beta-apo-8'-carotenic acid, in the form of a compound soluble in butyric fat, and

— 600 g of a compound containing at least 60% of betasitosterol, the remaining part consisting mainly of betasitosterol isomers;

(cc) or:

— 250 g of refined granulated or powdered sugar, and

— 600 g of a compound containing at least 60% of betasitosterol, the remaining part consisting mainly of betasitosterol isomers.

In the latter case, the final product must have a minimum fat content of 79·8%.

Each Member State may decide that only one or two of the following products shall be used in its territory:

— the product resulting from the incorporation specified under (aa),

— the product resulting from the incorporation specified under (bb),

— the product resulting from the incorporation specified under (cc).

The Member States shall, as soon as they avail themselves of the option provided for in the preceding subparagraph, inform the Commission of the process they have chosen.'

2. The following shall be substituted for subparagraph 1 (c):

'(c) to have the products referred to under (b) processed only into

— products falling within heading No 19.08 of the Common Customs Tariff, or

— edible ices falling within subheading Nos ex 18.06 B and ex 21.07 C of the Common Customs Tariff, of a milkfat content of less than 15%, or

— powder for the preparation of edible ices falling within subheading Nos ex 18.06 D or ex 21.07 F of the Common Customs Tariff, of a milkfat content of less than 32% and suitable for consumption without any treatment other than the addition of water and refrigeration.

Processing into the products listed above shall take place in the Community within 120 days from the day of removal from storage referred to in Article 13 (2).'

3. In the German text of Regulation (EEC) No 1259/72, 'zu verarbeiten' shall be substituted for 'verarbeiten zu lassen' in the first subparagraph of Article 6 (2).

Article 2

1. In Article 15 of Regulation (EEC) No 1259/72, 'into one of the products listed in Article 6 (1) (c)' shall be substituted for 'into products falling within subheading Nos 18.06 B, 19.08, and 21.07 C of the Common Customs Tariff'.

2. The following shall be substituted for the endorsements listed in Article 16 (2) of Regulation (EEC) No 1259/72:

'Beurre concentré destiné à la transformation en un des produits visés à l'article 6 paragraph 1 sous (c) du règlement (CEE) nº 1259/72',

'Butterfett zur Verarbeitung zu einem der in Artikel 6 Absatz 1 Buchstabe (c) der Verordnung (EWG) Nr. 1259/72 genannten Erzeugnisse',

'Burro concentrato destinato alla trasformazione in uno dei prodotti di cui all'articolo 6 paragrafo 1 lettera (c) del regolamento (CEE) n. 1259/72',

'Boterconcentraat bestemd voor verwerking tot een van de bij artikel 6, lid 1, sub (c), van Verordening (EEG) nr. 1259/72 bedoelde produkten',

(Concentrated butter for processing into one of the products listed in Article 6 (1) (c) of Regulation (EEC) No 1259/72).

Article 3

The following shall be substituted for Article 17 of Regulation (EEC) No 1259/72:

'*Article 17*

1. Where the operations specified in Article 6 (1) (a) and (b) or the processing specified in Article 6 (1) (c) take place in a Member State other than the selling Member State, the following rules shall be applied:

Sections 101, 103, 104 and 106 of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69 shall be completed. Section 106 shall specify the date on which the party concerned took the butter over. Section 104 shall

be completed by deleting what does not apply and by adding one of the following endorsements under the second indent:

(a) in the case of butter treated in accordance with Article 6 (1) (a) and (b) in a Member State other than the selling Member State:

"Beurre destiné:

1. à être concentré et à subir une incorporation,
2. puis à être transformé en un des produits visés à l'article 6 paragraphe 1 sous (c) du règlement (CEE) n° 1259/72";

"Butter bestimmt:

1. zur Verarbeitung zu Butterfett und zur Beimischung,
2. alsdann zur Verarbeitung zu einem der in Artikel 6 Absatz 1 Buchstabe (c) der Verordnung (EWG) Nr. 1259/72 genannten Erzeugnisse";

"Burro destinato:

1. ad essere concentrato ed essere oggetto di una incorporazione,
2. in seguito alla trasformazione in uno dei prodotti di cui all'articolo 6 paragrafo 1 lettera (c) del regolamento (CEE) n. 1259/72";

"Boter bestemd:

1. voor verwerking tot botercontentraat en ter bijmenging.
2. vervolgens voor verwerking tot een van de in artikel 6, lid 1, sub (c), van Verordening (EEG) nr. 1259/72 genoemde produkten",

(Butter intended:

1. for concentration and incorporation;
2. for processing thereafter into one of the products listed in Article 6 (1) (c) of Regulation (EEC) No 1259/72).

The processing referred to at 2 may be supervised by one or more customs offices other than that which supervised the processing referred to at 1. In this case the customs office which controls the processing referred to at 1 shall send the control copy to the office of exit specifying that it has controlled only the processing referred to at 1 and shall issue one or, at the request of the parties concerned, several copies of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69 of which sections 101, 103, 104 and 106 have been completed. Section 103 shall state the net weight resulting from the processing referred to at 1, for which the new control copy or each of the new copies is issued; section 104 shall contain one of the endorsements listed in (b) below; section 106 shall state:

— the weight of the butter used to produce the quantity of concentrated butter specified in section 103;

— the number of the control copy from the exit office, and the name of the office;

— the date on which the party concerned took the butter over.

The customs office which supervised the processing referred to at 2 shall endorse the control copy from the office which supervised the processing referred to at 1 and send it via the latter office to the office of exit from the selling Member State.

(b) in the case of butter treated in accordance with Article 6 (1) (a) and (b) in the selling Member State which is to be treated in accordance with Article 6 (1) (c) in another Member State:

"Beurre concentré destiné à être transformé en l'un des produits visés à l'article 6 paragraphe 1 sous (c) du règlement (CEE) n° 1259/72",

"Butterfett zur Verarbeitung zu einem der in Artikel 6 Absatz 1 Buchstabe (c) der Verordnung (EWG) Nr. 1259/72 genannten Erzeugnisse",

"Burro concentrato destinato alla transformazione in uno dei prodotti di cui all'articolo 6 paragrafo 1 lettera (c) del regolamento (CEE) n. 1259/72",

"Boterconcentraat bestemd voor verwerking tot een van de in artikel 6, lid 1, sub (c), van Verordening (EEG) nr. 1259/72 genoemde produkten",

(Concentrated butter for processing into one of the products listed in Article 6 (1) (c) of Regulation (EEC) No 1259/72).

2. In the case of butter to be processed under the conditions laid down in Article 6 (2) in a Member State other than the selling Member State, the following rules shall be applied:

Sections 101, 103 and 104 of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69 shall be completed. Section 106 shall specify the date on which the party concerned took the butter over. Section 109 shall be completed by deleting what does not apply and by adding one of the following endorsements under the second indent:

"Beurre destiné à la transformation au titre de l'article 6 paragraphe 2 du règlement (CEE) n° 1259/72",

"Butter zur Verarbeitung gemäß Artikel 6 Absatz 2 der Verordnung (EWG) Nr. 1259/72",

"Burro destinato alla trasformazione a norma dell'articolo 6 paragrafo 2 del regolamento (CEE) n. 1259/72",

"Boter bestemd voor verwerking overeenkomstig artikel 6, lid 2, van Verordening (EEG) nr. 1259/72",

(Butter for processing under Article 6 (2) of Regulation (EEC) No 1259/72).'

Article 4

This Regulation shall enter into force on 11 October 1972.

However, at the request of the parties concerned, obligations assumed under Article 6 of Regulation (EEC) No 1259/72 and arising from individual invitations to tender issued before 11 October 1972 shall be revised in line with Article 1 of this Regulation. In this case, the provisions of this Regulation shall apply.

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

Done at Brussels, 10 October 1972.

For the Commission

The President

S. L. MANSHOLT