28.11.72 Official Journal of the European Communities No L 267/13

REGULATION (EEC) No 2474/72 OF THE COMMISSION

of 27 November 1972

on the sale at a reduced price of intervention butter for direct consumption in the Community

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 particular Articles 6(7) and 28 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 the situation on the Community butter market is marked by large stocks built up following intervention under 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 prolonged storage should be avoided in view of the high cost involved; whereas steps should therefore be taken to facilitate disposal of this butter;

Whereas the butter could be disposed of by selling it at a reduced price for direct consumption; whereas, if this operation were confined to butter in public storage, it would make it difficult to run down stocks in private storage; whereas, therefore butter which has been the subject of storage contracts under Article 9(2) of Regulation (EEC) No 985/68 should be placed on the market once more as part of this operation;

Whereas the amount of the reduction in the selling price of the butter or the amount of the aid should be such as to ensure that additional quantities are disposed of;

Whereas butter sold under this Regulation should be clearly distinguished from other butter at all marketing stages; whereas, to this end, provision should be made requiring the butter to be put up in small packets; whereas a time limit for packing should be fixed to ensure that the operation proceeds smoothly;

Whereas a system of supervision should be set up to ensure that the butter is not diverted from its destination; whereas the keeping of stock records at all marketing stages, the giving of a security and, in the case of butter from private storage, the condition that aid shall be paid only if certain requirements are met would contribute to this end; whereas, in the case of butter sold for consumption in a Member State other than that in which it was stored, use should be made of the control copy provided for in Commission Regulation (EEC) No 2315/69 [5] 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;

Whereas certain details should be communicated to the Commission at regular intervals to enable it to follow the progress of the operation;

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

Under the conditions laid down in this Regulation:

(a) intervention agencies shall sell to any interested party butter bought in under Article 6 (1) of Regulation (EEC) No 804/68 and put into storage during the month of June 1972;

(b) butter which during the 1972/73 marketing year was the subject of a storage contract under Article 8(2) of Regulation (EEC) No 985/68 may be removed from storage.

[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 295, 24.11.1969, p. 14.

Article 2

1. Butter covered by Article 1(a) shall be sold ex-cold-storage-depot at 163 u.a./100 kg.

2. It shall be sold in lots of not less than five metric tons.

3. It shall be taken over not later than 12 days after the contract of sale is concluded.

Before taking it over, the purchaser shall:

- pay the purchase price of the butter; and
- give a packing security of 23 u.a./100 kg.

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

Article 3

1. Butter covered by Article 1(b) shall qualify for an aid of 23 u.a./100 kg.

2. The person who concluded the storage contract shall inform the intervention agency with which he concluded the contract of the quantities of butter he proposes to remove from storage and shall specifiy its characteristics in the manner determined by the intervention agency.

The agency shall without delay issue an acknowledgement of receipt.

Article 4

1. The butter shall be used exclusively for direct consumption, unprocessed, in the Community.

2. The butter shall be marketed in packets weighing not more than 500 g, bearing on the upper surface one or more of the following in letters at least 5 mm high:

- 'Molkereibutter aus Beständen der Interventionsstelle'
- 'Beurre d'intervention'
- 'Burro di ammasso comunitario'
- 'Koelhuisboter' or 'Interventieboter'

(Intervention butter).

However, Member States may fix the maximum weight at 250 g.

3. The butter shall be packed at an establishment approved for the purpose by the relevant Member State within four weeks following the day on which:

- the butter was taken over, in the case of butter covered by Article 1 (a);
- the person concerned received the acknowledgement of receipt required under Article 3 (2), in the case of butter covered by Article 1 (b).

Article 5

1. The butter shall remain in its original packing until it is put up in small packets.

It shall be accompanied by a list of the packages enabling the butter to be identified and specifying the date of removal from storage.

2. Packages containing loose butter or butter in small packets shall bear one or more of the following in letters at least 2 cm high:

- 'Butter zu herabgesetzten Preisen (Verordnung (EWG) Nr. 2474/72)'
- 'Beurre à prix réduit (règlement (CEE) no 2474/72)'
- 'Burro a prezzo ridotto (regolamento (CEE) n. 2474/72)'
- 'Boter tegen verlaagde prijs (Verordening (EEG) nr. 2474/72)'

(Reduced price butter (Regulation (EEC) No 2474/72)).

Article 6

1. If the butter is resold, the requirements imposed as regards packing and use shall be incorporated in the contract of sale. Such contract shall be made in writing and shall specify that the purchaser is aware of the penalties imposed by the relevant Member State in respect of breaches of the aforesaid obligations.

2. Holders of butter shall keep stock records setting out in respect of each delivery the name and address of the purchaser and the quantity purchased.

3. However, at the retail stage a record of quantities purchased shall suffice.

Article 7

Where the butter is marketed in the Member State in which it was stored, hereinafter referred to as the 'Member State of storage', the intervention agency shall upon receipt of proof that the butter has been packed in accordance with Article 4 and that the obligations imposed by Article 6 have been discharged, issue a certificate to that effect.

Article 8

Where the butter is dispatched to a Member State other than that in which the butter was stored, the following rules shall apply:

1. The butter shall be packed either in the Member State of storage or in the Member State in which the butter is marketed.
2. Sections 101, 103 and 104 of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69 shall be completed. Section 104 shall be completed by deleting what does not apply and by adding one of the following phrases under the second indent:

(a) for butter packed in the Member State of storage:

- 'Butter zu herabgesetzten Preisen für den direkten Verbrauch (Verordnung (EWG) Nr. 2474/72)'
- 'Beurre à prix réduit pour la consommation directe (règlement (CEE) no. 2474/72)'
- 'Burro a prezzo ridotto per il consumo diretto (regolamento (CEE) nr. 2474/72)'
- 'Boter regen verlaagde prijs voor onmiddellijk verbruik (Verordening (EEG) nr. 2474/72)'

(Reduced-price butter for direct consumption (Regulation (EEC) No 2474/72),

(b) for butter not packed in the Member State of storage:

- 'Butter zur besonderen Abpackung für den direkten Verbrauch (Verordnung (EWG) Nr. 2474/72)'
- 'Beurre destiné à un conditionnement particulier pour la consommation directe (règlement (CEE) no. 2474/72)'
- 'Burro destinato a un condizionamento particolare per il consumo diretto (regolamento (CEE) n. 2474/72)'
- 'Boter bestemd voor een bijzondere verpakking voor onmiddellijk verbruik (Verordening (EEG) nr. 2474/72'

(Butter to be specially packed for direct consumption (Regulation (EEC) No 2474/72)).

Article 9

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

2. Except in case of *force majeure,* the security shall be released only for quantities in respect of which the purchaser furnishes to the competent agency the certificate provided for in Article 7 or the control copy specified in Article 8 as the case may be.

3. The security shall be released immediately.

Article 10

The aid provided for in Article 3 (1) shall be paid to the person who concluded the storage contract only on production of the certificate provided for in Article 7 or of the control copy referred to in Article 8 and in respect of the quantities specified in such certificate or copy.

Article 11

The Member States shall take all necessary steps to ensure that the incidence of the price reduction or aid is felt at the retail stage. To this end, Member States shall fix a maximum retail price which shall be indicated on the packing of the butter along with the inscription provided for in Article 4. However, Member States may in place of this obligation adopt other administrative provisions having equivalent effect.

Article 12

Member States shall inform the Commission on Tuesday of each week:

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

Article 13

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

2. It shall remain applicable until 31 March 1973.

After that date:

- no further butter shall be taken over under Article 1 (a);
- no further acknowledgements of receipt shall be issued by intervention agencies for butter covered by Article 1 (b).

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

Done at Brussels, 27 November 1972.

For the Commission

The President

S. L. MANSHOLT