REGULATION (EEC) No 1910/73 OF THE COMMISSION

of 13 July 1973

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 the Act (2) concerning the Conditions of Accession and the Adjustments to the Treaties, 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 2714/72 (4), and in particular Article 7 (a) thereof;

Whereas the minimum selling prices and the security fixed pursuant to Article 9 of 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 last amended by Regulation (EEC) No 1237/73 (6) applied up to the present, only to butter having a butterfat content by weight of not less than 82 % which alone was offered for tender;

Whereas, in certain Member States, there will, in the future, be stocks of butter, bought in under the second subparagraph of Article 1 (5) of Regulation (EEC) No 985/68, with a butterfat content, by weight, of 80 % or more but less than 82 %;

Whereas, in order to avoid distortion of competition provision should be made for minimum selling prices to be fixed for this butter lower than those fixed for butter with a fat content, by weight, of not less than 82 %, and, detailed rules should therefore be laid down for the submission of tenders, the award of contracts and the lodging of the processing security;

Whereas, in order to avoid butter processed into products falling within heading No 19.08 of the Common Customs Tariff, being directed from its final destination, it has proved necessary to define such processing more precisely;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1259/72 is amended as follows:

1. The provisions of Article 3 (1) (b) are replaced by the following:

   '(b) the quantities of butter for sale in each depot, specifying, where appropriate, any quantities of butter held in stock with a fat content, by weight, of less than 82 %'

2. Article 6 (a) is inserted as follows:

   '*Article 6 (a)*

   Further processing of the products referred to in Article 6 (1) (c) shall be allowed where such products fall within the heading referred to in that Article without, at an intermediate stage of such processing, resulting in a product which falls within any other heading.'

3. In Article 7 (2)

   — the provisions of (b) and (c) shall be replaced by the following:

   '(b) the quantity to which the tender relates, specifying the fat content of the butter when the intervention agency concerned has offered for sale butter of a fat content less than 82 %;

   (c) the price offered per metric ton of the butter having the fat content required, disregarding the price reduction provided for in the second subparagraph of Article 11 (2), exclusive of internal taxes, ex-cold storage depot in which the butter is held, expressed in the currency of the Member State in which the invitation to tender is opened;'

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 169, 18. 7. 1968, p. 1.
(4) OJ No L 291, 28. 12. 1972, p. 15.
(5) OJ No L 139, 17. 6. 1972, p. 18.
(6) OJ No L 128, 15. 5. 1973, p. 1.

— the following subparagraph is added :

'A tender may be made only for butter having the same fat content (either equal to or more than 82 %, or less than 82 %).'

4. Article 9 (1) is replaced by the following :

'1. In the light of the tender received in response to each individual invitation to tender and in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, a minimum selling price shall be fixed, which may vary according to fat content of the butter, or a decision shall be taken not to proceed with the invitation to tender.'

5. The following subparagraph is added to Article 12 (1) :

'With regard to butter sold by the intervention agencies of the new Member States, where the processes referred to in Article 6 (1) or (2) take place in the Member State where the butter is removed from store, the amount of the processing security may be reduced, at the request of the successfull tenderer, by an amount equal to the accession compensatory amount to the butter concerned in trade between the new Member State in question and Community as originally constituted ;

The intervention agency concerned may accept such a request only if it takes the necessary measures to ensure that the butter or the butteroil which is the subject of the request is used in its entirety in accordance with Article 6 (1) (c) and in its territory.'

This Regulation shall enter into force on the 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 Brussels, 13 July 1973.

For the Commission

The President

François-Xavier ORTOLI