REGULATION (EEC) No 470/73 OF THE COMMISSION

of 31 January 1973

laying down general rules for the application of the compensatory amounts applicable to colza and rape seed produced in the new Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty [1] concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972;

Having regard to the Act [2] concerning the conditions of Accession and the Adjustments to the Treaties, hereinafter called 'the Act';

Having regard to Council Regulation (EEC) No 230/73 [3] of 31 January 1973 on compensatory amounts for colza and rape seed, and in particular Article 2 thereof;

Whereas Council Regulation No 230/73 introduced compensatory amounts by which must be reduced the subsidy and the refund applying to seeds harvested in the United Kingdom and Denmark; whereas in order to ensure that the system aforesaid is applied correctly the administrative provisions must be laid down whereby it can be established in which Member State seed marketed within the Community has been harvested; whereas this object can be achieved by using for this purpose the document established by Commission Regulation No 2315/69 [4] of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and for destination of goods;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Oils and Fats.

HAS ADOPTED THIS REGULATION:

Article 1

When the seeds harvested in the United Kingdom or in Denmark are the subject of trade between Member States there shall be drawn up in the Member State where the seeds have been harvested, after they have been weighed, the control copy referred to in Article 1 of Regulation (EEC) No 2315/69, Section 31 of which shall contain, in addition to the description of the goods, one of the following endorsements:

'Seed harvested in .....'

'Graines récoltées en .....'

'Ölsaaten geerntet in .....'

'Semi raccolti in .....'

'Zaden geoogst in .....'

'Frø høstet i .....'

The following sections of the control copy shall be completed:

a) section 103;

b) section 104, by deleting what does not apply and by inserting one of the following:

'Intended to be processed for the production of oil or to be rendered ineligible for subsidy within the meaning of Article 31 of Regulation (EEC) No 1204/72 [5].'

'Destiné à être transformé en vue de la production d'huile ou à être mis en condition de ne pas pouvoir bénéficier de l'aide au sens de l'article 31 du règlement (CEE) nº 1204/72.'

'Dazu bestimmt, zur Gewinnung von Öl verarbeitet zu werden, oder in den Zustand versetzt zu werden, daß die Beihilfe in Sinne von Artikel 31 der Verordnung (EWG) Nr. 1204/72, nicht mehr beansprucht werden kann.'

[1] OJ No L 73, 27. 3. 1972, p. 5.
[2] OJ No L 73, 27. 3. 1972, p. 14.
[3] OJ No L 28, 1. 2. 1973, p. 1.
[4] OJ No L 295, 24. 11. 1969, p. 14.
[5] OJ No L 133, 10. 6. 1972, p. 1.

'Destinato ad essere trasformato per la produzione di olio e ad essere messo in condizione di non poter beneficiare dell'integrazione ai sensi dell' articolo 31 del regolamento (CEE) n. 1204/72.'

'Bestemd om met het oog op de olieproduktie te worden verwerkt of om in een zodanige staat te worden gebracht dat zij niet meer voor de steun in aanmerking kunnen komen in de zin van artikel 31 van Verordening (EEG) nr. 1204/72.'

'Bestemt til forarbejdning med henblik på fremstilling af olie eller til at blive behandlet således, at de ikke kan opnå sådan støtte som nævnt i artikel 31 i forordning (EØF) nr. 1204/72.'

The net weight of the product which has been inspected shall be inserted in the 'control of use end/or destination' section on the back of the copy under 'remarks'.

Article 2

1. The control copy referred to in Article 1 of Regulation (EEC) No 2315/69 shall be accompanied by a deposit of:

— 1·5 unit of account per 100 kg net for seed harvested in Denmark;

— 6·5 units of account per 100 kg net for seed harvested in the United Kingdom.

2. The applicant shall choose whether the deposit is to be lodged in cash or in the form of a guarantee given by an establishment which meets the criteria laid down by the Member State which issued the copy.

Article 3

The deposit shall be released when proof has been furnished that the seeds in question have been disposed of in one of the ways referred to in Article 1 above.

This proof may be given only by producing the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 completed in accordance with Article 1 of this Regulation.

Article 4

1. This deposit shall be forfeited in whole if, within nine months of its being lodged, no proof has been furnished that the seeds have been disposed of in one of the ways referred to in Article 1 above.

2. The deposit shall be forfeited in part if, within the period referred to in paragraph 1, the proof referred to in that paragraph is furnished for a quantity of seeds which is more than 2% less than the quantity for which the deposit was lodged.

The amount of the deposit to be retained shall be calculated on the basis of the difference between the quantity for which a deposit was lodged less 2% and the quantity for which the abovementioned proof is given.

Article 5

Where the quantity which comes under control at the oil mill or which is exported exceeds by more than 2% the quantity indicated in section 103 of the control copy, the additional quantity shall be treated as being imported from third countries.

Article 6

For the purposes of applying Articles 4 and 5, the net weight shown in section 103 of the control copy shall be compared with the net weight indicated in that copy in accordance with the last subparagraph of Article 1.

Article 7

Articles 1 to 6 shall not apply to colza and rape seed harvested in Denmark or in the United Kingdom, provided that such seed:

— is recognized by the legislation of the Member State of origin as seed for sowing or:

— has been denatured by a Community process.

Article 8

Colza and rape seed despatched from Member States of the Community as originally constituted or from Ireland to the United Kingdom or Denmark, which are not accompanied by a copy of the control document referred to in Article 27 (2) of Commission Regulation (EEC) No 1204/72 [1] of 7 June 1972 on detailed rules for applying a system of aid for oilseeds, or by a copy of the document referred to in Article 1 of this Regulation, shall qualify for :

— the aid referred to in Article 27 of Council Regulation 136/66/EEC [2] of 22 September 1966 on the establishment of a common organization of the

[1] OJ No L 133, 10. 6. 1972, p. 1.
[2] OJ No 172, 30. 9. 1966, p. 3025/66.

market in oils and fats, if they are processed for oil production in Denmark or the United Kingdom;

— the rebate referred to in Article 28 of that Regulation if exported from Denmark or the United Kingdom to third countries.

Article 9

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

It shall be applicable from 1 February 1973.

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

Done at Brussels, 31 January 1973.

For the Commission

The President

François-Xavier ORTOLI