REGULATION (EEC) No 808/73 OF THE COMMISSION

of 26 March 1973

amending Regulation (EEC) No 1519/72 on the sale by tender of butter at reduced prices for the exportation of certain fat compounds

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) annexed to the Treaty (3) 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, and in particular Articles 6 (7) and 28 thereof ;

Having regard to Council Regulation (EEC) No 985/68 (4) 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 (5), and in particular Article 7a thereof ;

Whereas experience has shown that the scope of the application of Commission Regulation (EEC) No 1519/72 (6) of 14 July 1972, as last amended by Regulation (EEC) No 554/73 (7), may be extended by making provision for the export of butter after it has been processed into a product, packed in small packages, which contains at least 99·8 % of butyric fat, but does not contain the substances referred to in Article 19 (2) of that Regulation ; whereas it is accordingly essential to insist upon proof of the unloading of the product and of its entry for home use in a third country which offers the necessary and pertinent guarantees ;

Whereas the measures provided for by 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 1519/72 is supplemented by the following Article 30a :

'*Article 30a*

1. Notwithstanding the second indent of Article 6, and Article 19, the operations referred to in Article 19 (2) need not be carried out if the tenderer undertakes to export the product containing at least 99·8 % of butyric fat within three months from the date on which he took over the butter and to furnish proof that that product, packaged in accordance, with paragrapah 4 (c), has been unloaded and has been entered for home use in a specified third country.

2. Proof shall be furnished :

(a) of the unloading, by production of a document issued in the country of destination by the authorities or bodies referred to in Article 8 (1) of Regulation No 1041/67/EEC ;

(b) of the entry for home use by production of a customs document or a copy thereof, drawn up in the country of destination ; however, where such a document, or copy thereof, cannot be furnished because the exportation was to a state-trading-country, the competent national authorities may accept any other appropriate document as proof.

3. Third countries which should benefit from the application of this Article shall be specified on the basis of the guarantees offered by them for the purpose.

4. Notwithstanding Articles 7 (2) (c), 9, 10, 22, 24 (2) and 25 (2) (c), in cases where paragraph (1) applies, the following provisions shall have effect :

(a) the tender shall state that the intended use is that prescribed in this Article and shall designate the country of destination.

(b) a minimum selling price and a separate amount as processing and exportation deposit may be fixed in accordance with Articles 9 and 10 in respect of the intended use.

(c) the product referred to in paragraph 1 shall be exported in metal containers, hermetically sealed, of a maximum capacity of 2·5 kg which in turn shall be placed in cartons capable of holding several containers. The cartons and

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No L 116, 28. 5. 1971, p. 1.
(5) OJ No L 291, 28. 12. 1972, p. 15.
(6) OJ No L 162, 18. 7. 1972, p. 1.
(7) OJ No L 54, 27. 2. 1973, p. 25.

metal containers shall bear a description to be determined according to which third countries may have been approved under paragraph 3.

(d) Section 104 of the control copy referred to in Article 24 (2) shall bear one of the following statements :

'for export to . . . . . (third country indicated in the tender) pursuant to Article 30a of Regulation (EEC) No 1519/72 after processing' ;

'nach Verarbeitung zur Ausfuhr nach . . . . . (im Angebot genanntes Drittland) gemäß Artikel 30a der Verordnung (EWG) Nr. 1519/72 bestimmt' ;

'destiné à l'exportation vers . . . . . (pays tiers indiqué dans l'offre) au titre de l'article 30 bis du règlement (CEE) n° 1519/72 après transformation' ;

'destinato all'esportazione verso . . . . . (paese terzo indicato nell'offerta) ai sensi dell'articolo 30 bis del regolamento (CEE) n. 1519/72 dopo trasformazione' ;

'bestemd voor uitvoer naar . . . . . (het in de aanbieding genoemde derde land) krachtens artikel 30 bis van Verordening (EEG) nr. 1519/72 na verwerking' ;

'bestemt til udførsel til . . . . . (det i budet anførte tredjeland) i henhold til artikel 30 a i forordning (EØF) nr. 1519/72 efter forarbejdning'.

(e) the processing and exportation deposit shall be released only for the quantities of the product in respect of which the buyer furnishes the proof required under paragraph 2 of their unloading and entry for home use in the third country designated in the tender. Article 25 (2) (a) and (b) shall apply.'

Article 2

1. Upon request of interested parties, undertakings entered into pursuant to the second indent of Article 6 of Regulation (EEC) No 1519/72 in respect of individual invitations to tender issued before 14 March 1973 shall be adapted to conform to Article 1, if the specified use to be made of the butter was in accordance with Article 19 (2) (a) of Regulation (EEC) No 1519/72.

2. Member States shall notify the Commission of the quantities and destinations in respect of which the adaptation has been requested.

Article 3

This Regulation shall enter into force on the day following that of 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, 26 March 1973.

For the Commission

The President

François-Xavier ORTOLI