REGULATION (EEC) No 1067/74 OF THE COUNCIL
of 30 April 1974
on the common organization of the market in dehydrated fodder

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof ;

Having regard to the proposal from the Commission ;

Having regard to the Opinion of the European Parliament ;

Having regard to the Opinion of the Economic and Social Committee ;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of agricultural markets, which may take various forms, depending on the product concerned ;

Whereas the production of dehydrated fodder is of particular importance as regards animal feeding ; whereas the situation of the market in these products is characterized by production which is clearly low in view of the potential outlets in the Community ; whereas appropriate measures should therefore be taken to ensure a better supply of the Community market in proteins ; whereas this objective can be attained by granting an aid to green fodder drying plants ;

Whereas the validity of this system of aid should however be limited to a period sufficient to permit its effectiveness to be assessed ;

Whereas, to ensure that drying plants are regularly supplied and to enable growers to benefit from the system of aid the granting of the aid should in certain cases be made subject to the conclusion of contracts between these growers and the aforementioned drying plants ;

Whereas the common organization of the market in dehydrated fodder involves the introduction of a single trading system at the external frontiers of the Community ; whereas the Common Customs Tariff automatically applies from 1 January 1970 pursuant to the Treaty, and this system makes it possible to dispense with all other protective measures ; whereas the Community should be enabled to take all necessary measures without delay so as not to leave the market without defence against disturbances which may arise due to imports or exports ;

Whereas the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to dehydrated fodder ;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close cooperation between Member States and the Commission within a Management Committee ;

Whereas, taking account of the establishment of a common organization of the market in dehydrated fodder, the Annex to Council Regulation (EEC) No 827/68 [1] of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty, as last amended by Regulation (EEC) No 1014/73 [2], should be adopted,

HAS ADOPTED THIS REGULATION :

Article 1

A common organization of the market in dehydrated fodder shall be established and shall cover the following products :

CCT heading No	Description of goods
12.10 ex B	Lucerne, sainfoin, clover, lupins, vetches and similar forage products, dehydrated, by artificial heat-drying, except hay and kale forage

Article 2

The marketing year for dehydrated fodder shall begin on 1 April of each year and end on 31 March of the following year. However, the 1974/75 marketing year shall begin on 15 May 1974.

(1) OJ No L 151, 30. 6. 1968, p. 16.
(2) OJ No L 106, 20. 4. 1973, p. 1.

TITLE I

Production aid

Article 3

1. Under the conditions laid down in this Title, aid shall be granted for the production of the dehydrated fodder referred to in Article 1, obtained from produce harvested within the Community.

2. The production aid shall be granted only to drying plants which :

— produce dehydrated fodder meeting a minimum quality requirement,

— satisfy the requirements for establishing entitlement to aid, and

— have concluded contracts with producers of fodder for dehydration or dehydrate their own crops or, in the case of cooperative groups, those of their members.

3. The production shall be paid by the Member State in which the dehydrated fodder is produced.

4. The Council, acting by a qualified majority on a proposal by the Commission, shall determine :

— the criteria for determining the minimum quality requirement,

— the conditions referred to in the second indent of paragraph 2,

— the criteria according to which the contracts referred to in paragraph 2 are to be concluded.

5. Detailed rules for the application of this Article and in particular as regards the standard provisions with which the contracts referred to in paragraph 2 must comply, shall be adopted in accordance with the procedure laid down in Article 12.

Article 4

1. The amount of aid shall be fixed taking into account the need to improve the Community supply of dehydrated fodder.

2. This aid, of uniform amount throughout the Community, shall be fixed before 1 August each year, for the next marketing year.

However, the amount of aid for the 1974/75 marketing year shall be fixed before 15 May 1974.

3. The amount of the aid shall be fixed in accordance with the procedure laid down in Article 43 (2) of the Treaty.

4. General rules concerning verification of entitlement to the aid, shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 12.

Article 5

The system of aid provided for under this title shall apply until the end of the 1977/78 marketing year. Before the end of that year, the Council, acting by a qualified majority on a proposal from the Commission, shall decide whether to maintain and, if necessary, alter this system.

TITLE II

Trade with third countries

Article 6

Save as otherwise provided in this Regulation or where derogation therefrom is decided by the Council acting by a qualified majority on a proposal from the Commission, the following shall be prohibited in trade with third countries :

— the levying of any charge having equivalent effect to a customs duty ;

— the application of any quantitative restriction or measure having equivalent effect.

Article 7

1. If as a result of imports or exports the Community market in the products listed in Article 1 experiences, or is threatened with, serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt detailed rules for the application of this paragraph and define the cases where and the limits within which Member States may take protective measures.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures. The measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within twenty-four hours following receipt of the request.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the date of their communication. The Council shall meet without delay and may, by a qualified majority, amend or repeal the said measures.

TITLE III

General provisions

Article 8

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to production of and trade in the products referred to in Article 1.

Article 9

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 12.

Article 10

The provisions governing the financing of the common agricultural policy shall apply to the market in the products listed in Article 1 from the date on which this Regulation enters into force.

Article 11

1. A Management Committee for Dried Fodder (hereinafter called the 'Committee') shall be established, consisting of representatives of Member States with a representative of the Commission as Chairman.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 12

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its Opinion on such measures within a time limit to be set by the Chairman according to the urgency of the questions under consideration. An opinion shall be adopted by a majority of forty-one votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 13

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 14

This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

Article 15

In the Annex to Council Regulation (EEC) No 827/68, subheading 12.10 ex B shall read as follows :

'ex B. others, except lucerne, sainfoin, clover, lupins, vetches and similar forage products, dehydrated by artificial heat drying.'

Article 16

This Regulation shall enter into force on 1 May 1974.

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

Done at Luxembourg, 30 April 1974.

For the Council

The President

J. ERTL