REGULATION (EEC) No 1370/74 OF THE COMMISSION

of 31 May 1974

laying down detailed rules for applying the system of aid for dehydrated fodder for the 1974/75 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 1067/74 [1] of 30 April 1974 on the common organization of the market in dehydrated fodder, and in particular Articles 3 (5) and 4 (5) thereof ;

Whereas having regard to the conditions laid down in Article 1 of Council Regulation (EEC) No 1192/74 [2] of 13 May 1974 on aid for dehydrated fodder the minimum quality laid down for such products, expressed in terms of moisture and protein content, should be that recorded on the Community market ; whereas, taking commercial practices into account, the moisture content should be differenciated according to the processes of manufacture ;

Whereas Article 5 of Regulation (EEC) No 1192/74 provides that Member States shall set up a supervisory system in order to verify, for each drying plant, whether the conditions set out in that Regulation have been complied with and whether the plants' output of dehydrated fodder meeting the minimum quality requirement corresponds to the quantity for which aid has been requested ; whereas, consequently, the accounts of drying plants, declarations of area and applications for aid must include the minimum details necessary for such verification ; whereas, the other documentary evidence which may be required of drying plants for the purposes of such verification should also be indicated ;

Whereas, in order to facilitate verification of the entitlement to aid and so that Member States may know the estimated volume of production, provision should be made specifying a date by which contracts concluded between drying plants and farmers are to be lodged ;

Whereas in order to facilitate the marketing of fodder for dehydration it should be provided that each contract must be concluded in writing and, indicate in particular the date and period for which it is concluded and the names and addresses of the contracting parties ;

Whereas to simplify the application of the aid system the Member States should be allowed to specify a minimum quantity in respect of which an application for aid may be made ;

Whereas the proper operation of the system requires that uniform provisions for the payment of aid be laid down ;

Whereas the period of application of this Regulation should be limited to a period sufficient to permit its effectiveness to be assessed ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Dehydrated Fodder.

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down for the 1974/75 marketing year detailed rules for the application of the system of aid for dehydrated fodder.

Article 2

1. The maximum moisture content as referred to in subparagraph (a) of Article 1 of Regulation (EEC) No 1192/74 shall be :

— 12 % for dehydrated fodders which have undergone a milling process ;

— 14 % for the other dehydrated fodders.

2. The minimum crude protein content as referred to in subparagraph (b), Article 1 of the aforementioned Regulation shall be 14 %.

Article 3

1. In addition to the details referred to in Article 2 (a) of Regulation (EEC) No 1192/74, the stock accounts of drying plants must include at least details of the quantities and the quality of dehydrated fodder entering the plant.

2. Where a drying plant dehydrates likewise products other than fodders it shall keep separate accounts in respect of these other dehydrating activities.

[1] OJ No L 120, 1. 5. 1974, p. 5.
[2] OJ No L 131, 14. 5. 1974, p. 1.

Article 4

1. The other documentary evidence to be supplied by drying plants shall be as follows :

(a) for all drying plants :

— details permitting the determination of the production capacity of the plant,

— details of the fuel stocks held in the plant at the beginning of the production period,

— invoices for the purchase of fuel and the meter reading of consumption of electricity during the production period,

— details of fuel stocks held at the end of that period,

— details of the number of hours worked by the staff of the plant ;

(b) for drying plants which sell their own output, the invoices in respect of their sales of dehydrated fodder, with details in particular of :

— the quantity and the quality of fodder sold,

— the name and address of the purchaser ;

(c) for plants processing for their members fodder produced by those members, the delivery orders in respect of the processed fodder, with details in particular of :

— the quantity and quality of the processed fodder delivered,

— the names of the persons to who such fodder was delivered ;

(d) for plants processing farmers' fodder supplied by those farmers, invoices in respect of their processing charges, with details in particular of :

— the quantity and the quality of dehydrated fodder produced,

— the names of the farmers concerned ;

(e) for drying plants using the fodder on farms which belong to them :

— details of the number of live-stock on such farms at the beginning of the marketing year,

— details of any changes in such live-stock numbers during the marketing year.

2. The documentary evidence referred to in paragraph 1 shall be supplied by the plant at the request of the body responsible for verification of entitlement to aid.

Article 5

The declaration of areas referred to in Article 3 of Regulation (EEC) No 1192/74 shall be submitted before 31 July 1974.

Each declaration shall include at least the following :

— particulars of the area in hectares and ares and broken down by crop ;

— the cadastral register number of the areas or a reference recognized as equivalent by the body responsible for the verification of the areas.

Article 6

Drying plants shall lodge with the body responsible for verification of the entitlement to aid not later than one month after the date on which they are concluded, contracts as referred to in Article 4 (1) of Regulation (EEC) No 1192/74.

Article 7

1. Contracts shall be concluded in writing. They shall be made in respect of a particular crop area or of an estimated quantity of fodder.

2. In addition to the provisions specified in Article 4 (2) of Regulation (EEC) No 1192/74, each contract shall include *inter alia* the following :

(a) the names, forenames and addresses of the contracting parties ;

(b) the date on which it is concluded ;

(c) the term for which it is concluded ;

(d) the type or types of crop concerned ;

(e) where the contract is in respect of a particular area, the particulars necessary for the identification of the area concerned.

Article 8

For the purpose of this Regulation, the dehydrated fodder considered as leaving the drying plant are those which :

— leave that enterprise as such ;

— are blended, within that enterprise, with other raw materials with a view to the manufacture of compound food for animals.

Article 9

1. For the purposes of Article 5 (2) of Regulation (EEC) No 1192/74 the maximum quantity which

may be represented by any one sample shall be 100 metric tons of dehydrated products and sampling shall be carried out in accordance with a standard Community method.

However, until Community provisions are adopted in this matter, Member States shall use a method of their choice, to be notified to the Commision not later than 31 July 1974.

2. The determination of moisture and crude protein content shall be carried out in accordance with the method laid down in the Community provisions establishing Community methods of analysis for the official control of feedingstuffs.

Article 10

Aid shall be granted to drying plants on applications to be submitted not later than 31 May 1975. The Member States may determine the minimum quantity required for each application.

Article 11

Every application for aid shall contain at least the following :

— the name, forename, address and signature of the applicant ;

— the quantity in respect of which application for aid is made ;

— the date or dates on which each quantity left the plant.

Article 12

The Member State concerned shall pay the amount of the aid within 180 days following receipt of the application.

Article 13

Member States shall inform the other Member States and the Commission, before 30 June 1974 of the provisions adopted by them for the purposes of the verification provided for in Article 5 (1) of Regulation (EEC) No 1192/74. Where such provisions are not adequate for the purposes of that paragraph, the amendments which the Member State concerned must make to them shall be decided under the procedure laid down in Article 12 of Regulation (EEC) No 1067/74.

Article 14

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, 31 May 1974.

For the Commission

The President

François-Xavier ORTOLI