REGULATION (EEC) No 2035/74 OF THE COMMISSION

of 31 July 1974

on the sale at reduced prices of certain beef and veal and preserves thereof held by intervention agencies to certain institutions and bodies of a social character

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 805/68 (1) of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 1855/74 (2), and in particular Article 7 (3) thereof;

Whereas a distinctive feature of the situation on the Community beef and veal market is the existence of stocks built up as a result of intervention buying, and whereas it is appropriate to avoid prolonging this storage because of the high costs which result;

Whereas the disposal of this meat presents certain difficulties on a market disturbed by excess supply; whereas arrangements should therefore be made for special sales of a kind likely to cause as little interference as possible with the normal disposal of meat on the market; whereas the sale at reduced prices to institutions and bodies of a social character is a measure of the kind required and capable of proving effective if operated over a sufficiently long period;

Whereas it is appropriate to sell the products at prices fixed in advance or a flat-rate basis in accordance with the provisions laid down in the Commission Regulation (EEC) No 216/69 (3) of 4 February 1969 on detailed rules of application for the disposal of frozen beef and veal bought in by intervention agencies; whereas in order to ensure that products purchased reach their appointed destination detailed rules as to control should be laid down and provision made for a special deposit; whereas it is moreover desirable to specify minimum selling quantities adapted to the requirements of prospective purchasers;

Whereas in the case of products to be delivered in a Member State other than that where they are held in store, special rules should be laid down, including in particular a provision for the use of the control copy provided for in Commission Regulation (EEC) 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/or destination of goods, as amended by Regulation (EEC) No 595/71 (5);

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. Every Member State may authorize institutions and bodies situated on its territory which so request to purchase, out of stocks held by the intervention agencies and at reduced prices fixed in advance on a flat-rate basis, hindquarters of adult bovine animals, boned meat or preserves of beef or veal. A request from such institution or body shall be accompanied by a written undertaking to use the products concerned only for the benefit of the persons for whose needs it is responsible.

2. Sales shall be carried out in accordance with the provisions of Regulation (EEC) No 216/69 and of this Regulation.

3. Member States which avail themselves of the power provided for in paragraph 1 shall prepare a list of the institutions and bodies as referred to in that paragraph. Such lists, which shall contain the name and address of each institution or body and particulars as to the approximate number of persons for which it is responsible, shall be sent to the Commission, as shall any amendments thereto.

4. The intervention agencies shall sell the products held by them to any institution or body appearing on one of the lists referred to in paragraph 3 which so requests. Any institution or body wishing to purchase products from an intervention agency situated in another Member State shall present a certificate issued by the competent authority in its own Member State. The selling intervention agency shall endorse on such certificate the quantity of products sold.

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 195, 18. 7. 1974, p. 14.
(3) OJ No L 28, 5. 2. 1969, p. 10.
(4) OJ No L 295, 24. 11. 1969, p. 14.
(5) OJ No L 69, 23. 3. 1971, p. 7.

5. Such sale shall not give entitlements to the issue of import licences or advance fixing certificates as referred to in Commission Regulation (EEC) No 1790/74 [1] of 9 July 1974 linking the importation of beef and veal to the sale of meat held by the intervention agencies. Intervention agencies shall enter on the original of each contract of sale one of the following endorsements :

'No linked sale permitted'
'Jumelage exclu'
'Koblingstransaktioner udelukket'
'Kopplung ausgeschlossen'
'Abbinamento non ammesso'
'Koppeling uitgesloten'.

Article 2

The Member States shall through their competent authorities take the necessary measures to ensure that products sold under this Regulation reach their proper destination as specified in the undertaking provided for in the second subparagraph of Article 1 (1).

Article 3

By way of derogation from Article 2 (2) of Regulation (EEC) No 216/69, the minimum quantity which may be sold shall be 500 kilogrammes for hindquarters and 250 kilogrammes for the other products.

Article 4

1. Any institution or body appearing on a list as referred to in Article 1 (3) may purchase through an agent or other intermediary. In such cases the agent or intermediary shall when presenting the request for delivery from the institution or body that he represents furnish proof of his authority to purchase the quantity requested.

Agents and intermediaries may, to the extent required to meet the needs of the institutions or bodies concerned, store and where necessary bone and cut the products purchased by them.

2. The agents, intermediaries, institutions and bodies referred to in the preceding paragraphs shall keep up-to-date accounts whereby the destination and use of the products concerned may be verified ; in particular it must be possible to verify that the quantity of products purchased corresponds to that consumed.

Article 5

The products shall be delivered ex-store.

They shall from the time they are delivered until they reach their destination be subject to administrative control by the competent authorities of the Member State on whose territory they are for the time being situated.

Article 6

1. By way of derogation from Article 4 (1) of Regulation (EEC) No 216/69 the amount of the security required shall be 15 units of account per 100 kg for hindquarters and 20 units of account per 100 kg for the other products.

2. The security shall be discharged only in respect of those quantities as regards which a certificate declaring that the product has reached the recipient institution or body is produced to the competent agency.

100 kilogrammes of boned meat shall correspond to 130 kilogrammes of bone-in meat.

3. In cases of *force majeure* the competent agency shall take whatever action it considers necessary in view of the circumstances invoked.

Article 7

Where the institution or body as referred to in Article 1 is located in a Member State — hereinafter called 'Member State of destination' — other than that where the product was held by the intervention agency, proof that the product has been delivered to its appointed destination shall be furnished by production of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69.

Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting as appropriate and by entering in the space against the second indent one of the following endorsements :

'intended for an institution or body of a social character — Regulation (EEC) No 2035/74',
'destiné à institution ou collectivité à caractère social — règlement (CEE) n° 2035/74',
'für eine soziale Einrichtung gemäß Verordnung (EWG) Nr. 2035/74 bestimmt',
'destinato a istituzione o ente a carattere sociale a norma del regolamento (CEE) n. 2035/74',
'bestemd voor sociale instelling — Verordening (EEG) nr. 2035/74',
'bestemt til institutioner eller organer med socialt formål — forordning (EØF) nr. 2035/74'.

Article 8

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

[1] OJ No L 187, 11. 7. 1974, p. 21.

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

Done at Brussels, 31 July 1974.

For the Commission

The President

François-Xavier ORTOLI