REGULATION (EEC) No 1885/75 OF THE COMMISSION

of 23 July 1975

amending Regulation (EEC) No 832/75 laying down detailed rules for the application of the system of aid for dehydrated fodder

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, as amended by Regulation (EEC) No 1420/75 [2], and in particular Articles 3 (5) and 4 (5) thereof;

Whereas Regulation (EEC) No 1420/75 has extended the field of application of Regulation (EEC) No 1067/74 to dehydrated products obtained from potatoes; whereas, in order to ensure that an effective check is kept upon entitlement to aid, it is necessary to specify when such products are to be regarded as leaving the drying plant in the event of their being mixed with other dehydrated fodder;

Whereas some potatoes are not sold directly be the producers to the drying plants before their dehydration; whereas, on the other hand, in order to ensure that the producers may benefit from the aid system, Article 3 of Regulation (EEC) No 1067/74 lays down that in certain cases the aid shall be granted only to drying plants which have concluded contracts with producers of fodder for dehydration; whereas, in order to avoid excluding from the scope of the aid dehydrated products obtained from the potatoes referred to above, it should be provided that contracts may be concluded by producers with persons authorized in that behalf by the drying plants;

Whereas, in order to ensure that the system of aid shall be applied only to products eligible therefor, the expression 'unfit for human consumption' as used in Article I (a) of Regulation (EEC) No 1067/74 should be defined;

Whereas Article 6a of Council Regulation (EEC) No 1192/74 [3] of 13 May 1974 on aid for dehydrated fodder, as last amended by Regulation (EEC) No 1421/75 [4], lays down that where a Member State grants a national aid for fresh potatoes the amount of the aid referred to in Article 3 of Regulation (EEC) No 1067/74 shall be reduced by the effect on the dehydrated product of the amount granted as national aid; whereas the proper functioning of the Community aid system requires that such national measures be communicated in good time to the Commission;

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

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 832/75 [5] of 26 March 1975 is hereby amended with effect from 1 July 1975 in accordance with the following Articles.

Article 2

1. The following provision is added to Article 2 (2).

'c) in the case of products as specified in Article 1 (a) of Regulation (EEC) No 1067/74, it has been mixed within that plant with products as specified in Article 1 (b) of that Regulation.'

2. New paragraphs 4 and 5 as follows are added to Article 2:

'4. The determination of the weight of the dehydrated fodder and the drawing of samples shall be carried out as near as possible to the time at which it leaves the plant.

5. The products specified in Article 1 (a) of Regulation (EEC) No 1067/74 shall be regarded as "unfit for human consumption" when they are obtained from potatoes with their peels.'

Article 3

Article 3 is amended to read as follows:

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

(1) OJ No L 120, 1. 5. 1974, p. 2.
(2) OJ No L 141, 3. 6. 1975, p. 1.
(3) OJ No L 131, 14. 5. 1974, p. 1.
(4) OJ No L 141, 3. 6. 1975, p. 3.
(5) OJ No L 79, 28. 3. 1975, p. 42.

— 12 % for products as specified in Article 1 (b) of Regulation (EEC) No 1067/74 which have undergone a milling process,

— 14 % for other dehydrated fodder.

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

Article 4

The following subparagraph is added to Article 4 (1):

'Separate stock accounts shall be kept in respect of each of the products of subheadings ex 07.04 B, ex 11.05 and ex 12. 10 B of the Common Customs Tariff set out in Article 1 of Regulation (EEC) No 1067/74.'

Article 5

Article 5 (1) (e) is amended to read as follows:

'(e) in the case of drying plants using, on farms which belong to them, fodder dried by them:

— details of the number of livestock on such farms on 1 April of each year,

— details of any change in such livestock numbers in the course of the following 12 months.'

Article 6

A new paragraph as follows is added to Article 7:

'In the case of potatoes, contracts concluded with producers by natural or legal persons other than drying plants shall be regarded as equivalent to contracts as aforesaid, provided that such persons are authorized by a drying plant to conclude such contracts on its behalf.'

Article 7

The following is added to Article 8 (2):

'f) where the contract is concluded by a person acting on behalf of a drying plant, the name and address of the drying plant concerned.'

Article 8

Article 9 (3) is amended to read as follows:

'3. However, where fodder leaves in quantities:

— of less than 500 metric tons in the case of products as specified in Article 1 (a) of Regulation (EEC) No 1067/74,

— of less than 100 metric tons in the case of products as specified in Article 1 (b) of the said Regulation,

the fodder leaving during a period to be fixed by the Member States shall be regarded as a single lot in so far as the overall quantity of such fodder does not exeed as the case may be 500 or 100 metric tons.

Each sample must be representative of the quantities concerned.'

Article 9

Article 10 is amended to read as follows:

'*Article 10*

1. Aid shall be granted to drying plants in respect of the dehydrated fodder leaving them in the course of the marketing year, on applications to be submitted:

— not later than 31 August following the end of the marketing year in the case of products as specified in Article 1 (a) of Regulation (EEC) No 1067/74,

— not later than 31 May following the end of the marketing year in the case of products as specified in Article 1 (b) of the said Regulation.

2. Member States may prescribe a minimum quantity per application.'

Article 10

There is added an Article 13a as follows:

'*Article 13a*

In cases where a Member State grants for fresh potatoes a national aid as referred to in Article 6a of Regulation (EEC) No 1192/74, the Member State concerned shall so inform the Commission in good time before applying such aid. The amount whereby the aid referred to in Article 3 of Regulation (EEC) No 1067/74 is to be reduced, and also other detailed rules for the application of Article 6a of Regulation (EEC) No 1192/74, shall be adopted in accordance with the procedure laid down in Article 12 of the said Regulation (EEC) No 1067/74.'

Article 11

This Regulation shall enter into force on the day 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, 23 July 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission