REGULATION (EEC) No 232/75 OF THE COMMISSION

of 30 January 1975

on the sale of butter at reduced prices for use in the manufacture of pastry products and ice cream

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 Regulation (EEC) No 662/74 (2), and in particular Articles 6 (7) and 28 thereof;

Having regard to Council Regulation (EEC) No 985/68 (3) 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 (4), and in particular Article 7a thereof;

Whereas the situation on the Community butter market is marked by large stocks following intervention under Article 6 (1) of Regulation (EEC) No 804/68;

Whereas it will not be possible to dispose of all these stocks of butter on normal terms; whereas prolonged storage should be avoided because of the high cost involved; whereas measures should therefore be adopted to facilitate disposal of the butter;

Whereas the sale of butter at reduced prices to certain Community processing undertakings for use in the manufacture of pastry products and ice cream constitutes such a measure; whereas, to ensure that all purchasers have equal access to the butter and to keep a check on the quantities disposed of, the standing tendering procedure should be followed;

Whereas a system of supervision should be set up to ensure that the butter is not diverted from its destination; whereas this supervision must operate from the time the butter is removed from storage until it is processed; whereas in addition to the provision of a security stock records of all stages of marketing, the incorporation of an indicator in butter intended for processing may contribute to this end;

Whereas on account of experience gained in the operation of Commission Regulation (EEC) No 1259/72 (5) of 16 June 1972 on the disposal of butter at a reduced price to certain Community processing undertakings, as last amended by Regulation (EEC) No 2819/74 (6), and in view of the trend of prices for competing fats, it should be made possible for different minimum prices to be fixed for pastry products on the one hand and for ice cream on the other by providing that different denaturing agents be employed depending on the use to which the butter is to be put and by adapting the relevant supervisory measures;

Whereas Regulation (EEC) No 1259/72 has been amended frequently, and sometimes substantially; whereas, therefore, in the interests of clarity and efficient administration the Regulations involved should be consolidated;

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

HAS ADOPTED THIS REGULATION:

Article 1

Butter bought in under Article 6 (1) of Regulation (EEC) No 804/68 and taken into storage before 1 June 1974 shall be sold under the conditions described hereinafter.

Article 2

The butter shall be sold by means of a standing invitation to tender opened by each intervention agency for the quantity of butter in question held by it.

Article 3

1. The intervention agency shall give notice of invitation to tender, indicating in particular:

(a) the location of the coldstore or stores where the butter is held;

(b) the quantity of butter for sale in each depot, indicating separately where appropriate, the quantity of butter of a fat content of less than 82 %:

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 169, 18. 7. 1968, p. 1.
(4) OJ No L 291, 28. 12. 1972, p. 15.
(5) OJ No L 139, 17. 6. 1972, p. 18.
(6) OJ No L 301, 9. 11. 1974, p. 21.

(c) the closing date and address for the submission of tenders.

2. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* at least eight days before the first closing date for the submission of tenders. In addition, the intervention agency may publish notices elsewhere.

Article 4

1. During the period of validity of the standing invitation to tender, the intervention agency shall issue individual invitations to tender. Each individual invitation to tender shall cover such part of the butter specified in Article 1 as is still available.

2. The period for the submission of tenders shall expire each second and fourth Tuesday of the month, at 12 noon, except for the fourth Tuesday in December. If the Tuesday is a public holiday, the period shall be extended to 12 noon on the following working day.

Article 5

1. The intervention agency shall update and make available to prospective tenderers on request the list provided for in Article 3 (1) (b) of the quantity of butter for sale by tender in each coldstore. The intervention agency shall also publish the updated lists at regular intervals in an appropriate form to be specified in the notice of invitation to tender provided for in Article 3.

2. The intervention agency shall take the measures necessary to enable prospective tenderers to examine at their own expense, before tendering, samples of the butter for sale.

Article 6

1. A tenderer may not take part in the invitation to tender unless he gives a written undertaking :

(a) to have all the butter awarded processed into concentrated butter of a fat content of not less than 99·8 %, in an establishment approved by the Member State in whose territory the processing is carried out and to obtain a minimum quantity of 100 kg of concentrated butter from :

— 122·5 kg of original butter, where the fat content of the butter sold is 82 % or more,

— 125·5 kg of original butter, where the fat content of the butter sold is less than 82 % ;

(b) in the course of this processing and in the same establishment, to have incorporated per metric ton of concentrated butter, to the exclusion of all other products and in such a way as to ensure uniform diffusion of the ingredients :

— if the concentrated butter is to be processed into formula A products as specified in the first indent of subparagraph (c) : the products indicated in Annex I,

— if the concentrated butter is to be processed into formula B products as specified in the second indent of subparagraph (c) : the products indicated in Annex II.

The relevant intervention agency shall make sure that the requirements as to the quality and characteristics, in particular the degree of purity, of the products to be incorporated in the butter have been satisfied.

Every Member State may decide that the following products are not used in its territory :

— if the concentrated butter is to be processed into formula A products : one or two of the products resulting from the incorporation specified in Annex I under I, II or III

and/or

one of these products for which the particular possibility referred to in Annex I under I (bb), II (bb) and III (bb) has been used,

— if the concentrated butter is to be processed into formula B products : one or two of the products resulting from the incorporation specified in Annex II under I, II or III.

If a Member State avails itself of the option provided for in the preceding subparagraph, it shall forthwith inform the Commission of the process or processes chosen ;

(c) to have the products referred to in (b) processed in accordance with the indications in the tender, only into :

— formula A :

products falling within heading No 19.08 of the Common Customs Tariff or

— formula B :

edible ices falling within subheadings ex 18.06 B and ex 21.07 C of the Common Customs Tariff, containing less than 20 % by weight of milkfat,

or

excluding yoghourt powder for the preparation of edible ices falling within subheading ex 18.06 D or ex 21.07 F of the Common Customs Tariff, containing 33 % or less by weight of milkfat and one or more flavourings and emulsifying or stabilizing agents, which is

suitable for consumption without any treatment other than the addition of water and refrigeration ;

(d) to carry out within the Community processing as specified in (a) and (b) within two months of the day on which the butter was taken over as specified in Article 13 (2) and to process within the Community into the products specified in (c) within six months of the day on which the butter was taken over ;

(e) to keep stock records showing, for each delivery, the quantity sold, the name and address of the purchaser of the product obtained as a result of the processing provided for in (a) and (b) and the use to which it is to be put (formula A or formula B) ;

(f) to include in the contract of sale, in the case of any subsequent resale of such product, the requirements laid down in (c) and (d).

2. However, any processor giving a written undertaking to process, in accordance with the use specified in his tender (formula A or formula B), all the butter awarded into products specified in paragraph 1 (c) within six months of the day of removal from storage referred to in Article 13 (2) and to use at least five metric tons of that butter for that purpose in one month, may submit a tender without giving the undertakings required under paragraph 1 (a), (b) and (c).

In such case, the Member State in whose territory the processing takes place shall carry out on-the-spot supervision throughout the operations in a manner which it shall determine. The costs of such supervision shall be borne by the undertaking concerned.

3. Further processing of the products specified in paragraph 1 (c) shall be permitted only if the products obtained fall within one of the tariff headings referred to in that paragraph and if no product falling within any other heading is produced at an intermediate stage of such processing.

Article 7

1. Tenders, which shall be in writing, shall be submitted either by delivery by hand to the intervention agency against acknowledgement of receipt or by registered letter addressed to the intervention agency. Intervention agencies may authorize the use of telex.

2. The tender shall indicate :

(a) the name and address of the tenderer ;

(b) the quantity to which the tender relates, specifying the fat content of the butter where the intervention agency concerned has offered for sale butter of a fat content of less than 82 % ;

(c) the use to which the butter is to be put (formula A or formula B, as defined in Article 6 (1) (c)) ;

(d) the price offered per metric ton of butter having the fat content required, exclusive of the price reduction provided for in the second subparagraph of Article 11 (2) and of internal taxes, ex coldstore in which the butter is held, expressed in the currency of the Member State in which the invitation to tender is opened ;

(e) the coldstore in question and possibly an additional store.

A tender relating to several stores, independently of the possible additional store, shall be considered to comprise as many tenders as there are coldstores mentioned.

Tenders shall relate only to butter of uniform fat content (82 % or more, or less than 82 %) intended for the same use (formula A or formula B).

3. A tender shall not be valid unless it relates to at least five metric tons. However, if the quantity available in a store is less than five metric tons, the available quantity shall constitute the minimum quantity for tender.

4. A tender shall not be valid unless :

(a) it is accompanied by the written undertakings referred to in Article 6 (1) and, where appropriate, (2) ;

(b) the tender includes a declaration to the effect that he agrees to forgo any claim as to the quality and characteristics of any butter sold to him ;

(c) proof is furnished that before expiry of the period set for the submission of tenders, the tenderer has given the tendering security referred to in Article 8 in respect of the relevant individual invitation to tender.

5. A tender may stipulate that it is not to be regarded as having been submitted unless the contract is awarded in respect of the entire quantity indicated in the tender.

A tender may stipulate that it is not to be regarded as having been submitted unless the contract is awarded in respect of a specific quantity indicated in the tender.

6. A tender may not be withdrawn.

Article 8

1. The tendering security shall be 10 units of account per metric ton.

2. It shall take the form, according to the preference of the Member State, either of a cheque made out to the intervention agency, or of a guarantee satisfying criteria laid down by the Member State concerned.

Article 9

1. In the light of the tenders received in response to each individual invitation to tender and in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, a minimum selling price shall be fixed which may be varied according to the use to which the butter is to be put (formula A or formula B) as defined in Article 6 (1) (c) and according to the fat content of the butter.

A decision may be taken in respect of the invitation to tender, to make no award.

2. At the same time as the minimum selling prices are fixed and under the same procedure, the securities required under Article 12 shall be fixed per 100 kg by reference to the difference between the market price of butter and the minimum prices.

Article 10

1. A tender shall be rejected if the price offered is lower than the minimum price fixed for the individual invitation to tender, account being taken of the proposed use and the fat content of the butter in question.

2. Subject as provided in paragraph 1, the contract shall be awarded to the tenderer who departs most from the minimum price fixed for butter to be used for the purpose specified in the tender.

If the quantity available in the store in question is not exhausted by this award, the contract for the remaining quantity shall be awarded to the other tenderers according to the price offered, starting with the price differing most from the relevant minimum price.

3. Where acceptance of a tender would lead to a contract being awarded for more butter than is available at the coldstore in question, the contract shall be awarded to the tenderer concerned only in respect of the quantity available.

4. Where acceptance of several tenders offering the same price for butter to be put to the same purpose, or differing by the same amount from the relevant minimum price, would lead to contracts being awarded in excess of the quantity available, the award shall be made by drawing lots.

5. Rights and obligations arising in connection with the invitation to tender shall not be transferable.

Article 11

1. Every tenderer shall immediately be notified by the intervention agency of the result of his participation in an individual invitation to tender.

2. The successful tenderer shall, before taking over any quantity of butter, pay the intervention agency an amount corresponding to his tender for the quantity which he intends to remove from store.

However, in the case of successful tenderers who have undertaken to conform to the provisions of Article 6 (1) (a), (b) and (c), the price shall be reduced by 10 units of account per 100 kg.

Article 12

1. Before taking over each quantity, the successful tenderer shall give the processing security referred to in Article 9 (2).

With regard to butter sold by intervention agencies of the new Member States, where the processing referred to in Article 6 (1) or (2) takes place in the Member State where the butter is removed from store, the amount of the processing security may be reduced, at the request of the successful tenderer, by an amount equal to the accession compensatory amount applicable to the butter concerned in trade between the new Member State in question and the Community as originally constituted.

The intervention agency concerned may accede to such a request only if it takes the necessary measures to ensure that the butter or butteroil in question is used in its entirety as provided in Article 6 (1) (c) in its territory.

2. The processing security shall be given as provided in Article 8 (2).

3. Where the processing described in Article 6 (1) (a) and (b) takes place in a Member State other than that of sale, the processing security shall be lodged with the intervention agency of the Member State in which the processing takes place.

Where such is the case, the intervention agency which receives the processing security shall forthwith forward to the intervention agency of the Member State of sale an attestation specifying in particular the amount of the security, the quantity of butter involved, the use to which it is to be put (formula A or formula B) and the date on which the contract was awarded.

Article 13

1. When the payment provided for in Article 11 (2) has been made and the processing security required under Article 12 has been given, the intervention agency shall issue a removal order indicating :

(a) the quantity in respect of which the conditions specified at the beginning of this paragraph have been satisfied ;

(b) the coldstore in question ;

(c) the final date for taking over the butter ;

(d) the closing date for the submission of tenders in response to the individual invitation to tender as a result of which the butter was sold.

2. The successful tenderer shall take over the butter awarded to him within 30 days of receiving the notification provided for in Article 11 (1). The butter may be taken over in stages.

Except in cases of *force majeure*, if the successful tenderer has not taken over the butter within the period prescribed the sale shall be cancelled in respect of the remaining quantities.

Article 14

The butter shall be delivered by the intervention agency in packings bearing one or more of the following endorsements in letters at least 1 cm high :

'Butter for processing (Regulation (EEC) No 232/75)' ;

'Beurre destiné à la transformation (règlement (CEE) n° 232/75)' ;

'Zur Verarbeitung bestimmte Butter (Verordnung (EWG) Nr. 232/75)' ;

'Burro destinato alla trasformazione (regolamento (CEE) n. 232/75)' ;

'Boter voor verwerking (Verordening (EEG) nr. 232/75)' ;

'Smør bestemt til forarbejdning (forordning (EØF) nr. 232/75)',

and an indication of the use to which the butter is to be put (formula A or formula B).

Article 15

From the time of its removal from store and until it is processed into one of the products specified in the two indents of Article 6 (1) (c), the butter shall be subject to customs or equivalent administrative control.

Article 16

1. Throughout processing and incorporation in accordance with Article 6 (1) (a) and (b), the Member State in whose territory the operations take place shall carry out on-the-spot supervision.

2. If the operations provided for in Article 6 (1) (a) and (b) and the processing provided for in (c) of that paragraph are not carried out in the same place, the concentrated butter shall be put up in blocks weighing not less than 10 kg.

The packages shall bear, in letters at least 1 cm high, an indication as to the use (formula A or formula B) to which the butter is to be put and one or more of the following endorsements :

'Concentrated butter for processing into one of the products specified in Article 6 (1) (c) of Regulation (EEC) No 232/75' ;

'Beurre concentré destiné à la transformation en un des produits visés à l'article 6 paragraphe 1 sous (c) du règlement (CEE) n° 232/75' ;

'Butterfett zur Verarbeitung zu einem der in Artikel 6 Absatz 1 Buchstabe c) der Verordnung (EWG) Nr. 232/75 genannten Erzeugnisse' ;

'Burro concentrato destinato alla trasformazione in uno dei prodotti di cui all'articolo 6, paragrafo 1, lettera (c), del regolamento (CEE) n. 232/75' ;

'Boterconcentraat bestemd voor verwerking tot een van de bij artikel 6, lid 1, sub (c), van Verordening (EEG) nr. 232/75 bedoelde produkten' ;

'Koncentreret smør bestemt til forarbejdning til et af de produkter, som er nævnt i artikel 6, stk. 1, litra c) i forordning (EØF) nr. 232/75'.

The concentrated butter may also be transported by tanker or container vehicle ; in such case, the above-mentioned endorsements shall be marked on the tank or the vehicle in letters at least 5 cm high.

Article 17

1. Where the operations referred to in Article 6 (1) (a) and (b) and/or the processing referred to in Article 6 (1) (c) take place in a Member State other than that of sale, the rules referred to in Annex III shall apply.

2. In the case of butter to be processed in accordance with Article 6 (2) in a Member State other than that of sale, the rules referred to in Annex IV shall apply.

Article 18

1. Except in cases of *force majeure*, the tendering security shall be released only for the quantity :

(a) in respect of which the tenderer :

— has not withdrawn the tender before the award of the contract, and

— has, within the period prescribed, paid the amount corresponding to the tender, provided for in Article 11 (2), and given the processing security provided for in Article 12, or

(b) in respect of which the tender has not been accepted.

2. Except in cases of *force majeure* and save as otherwise provided in Article 19 (2) the processing security provided for in Article 12 shall be released only for quantities in respect of which the successful tenderer has furnished proof that the conditions laid down in Article 6 have been fulfilled.

Such proof shall be furnished depending on the circumstances, as follows :

(a) where operations provided for in subparagraphs (a) (b) and (c) of Article 6 (1) or in Article 6 (2) are carried out in the Member State of sale, proof shall be furnished by the production of a document specified by the Member State of sale ;

(b) where operations provided for in Article 6 (1) (a) and (b) are carried out in the Member State of sale, and operations provided for in Article 6 (1) (c) are carried out in another Member State, or the operation provided for in Article 6 (2) is carried out in a Member State other than that of sale, proof shall be furnished by the control copy or copies referred to in Annexes III (II) and IV ;

(c) where operations provided for in Article 6 (1) (a) (b) and (c) are all carried out in a single Member State which is not the Member State of sale, proof shall be furnished by the production of a document specified by the Member State in which the processing has taken place ;

(d) where operations provided for in Article 6 (1) (a) and (b) are carried out in a Member State other than that of sale and the operation provided for in Article 6 (1) (c) is carried out in a Member State other than that in which the operations provided for in Article 6 (1) (a) and (b) have been carried out, proof shall be furnished by the control copy or copies referred to in Annex III (I) (cc).

3. Member States may provide that the proof required under paragraph 2 is to be regarded as having furnished if the seller submits a statement from the final user in which the letter :

— confirms his undertaking, which appears in the contract of sale, to process the products specified in Article 6 (1) (b) into one of the products specified in Article 6 (1) (c) as stated in the tender (formula A or formula B) within the prescribed period, and

— states that he is aware of the sanctions he may incur, which are to be determined by the Member State concerned, if it transpires that he has not fulfilled the obligations which he has entered into.

Member States shall determine a maximun quantity in respect of which such statement may be given and inform the Commission of this maximum quantity if they make use of the abovementioned possibility.

Article 19

1. In cases of *force majeure* the intervention agency shall determine the measures necessary in view of the circumstances invoked.

2. In all cases which cannot be regarded as cases of *force majeure* where

— the aggregate of the periods prescribed in Article 6 (1) (d) or the period prescribed in the first subparagraph of Article 6 (2) for processing has been exceeded by no more than 30 days, and

— the period or periods were exceeded for reasons other than serious negligence on the part of the person concerned,

the amount of the processing security to be retained shall, if the person concerned submits a reasoned application to that effect, be only two units of account per metric ton for each day by which the prescribed period or periods have been exceeded.

Such application shall be considered only if it is lodged with the intervention agency concerned within 30 days of the day on which the period or periods in question expire.

3. Member States shall inform the Commission each quarter of the cases in which they have applied paragraph 1 or 2, specifying the circumstances invoked, the quantity involved and the measures taken.

Article 20

When that part of the butter and concentrated butter specified in Article 6 (1) (a) and (b) which consists of butter is sold pursuant to this Regulation :

(a) the compensatory amounts fixed pursuant to Regulation (EEC) No 974/71 shall be multiplied by the coefficient 0·5 ; however, in the case of the United Kingdom the coefficient shall be 0·8 :

(b) the compensatory amounts provided for in the Act annexed to the Accession Treaty shall not be applicable.

Article 21

Regulation (EEC) No 1259/72 is hereby repealed. However, it shall continue to apply in respect of butter sold before the entry into force of this Regulation.

Article 22

This Regulation shall enter into force on 1 February 1975.

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

Done at Brussels, 30 January 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX I

Products to be incorporated into the concentrated butter (per metric ton) where such concentrated butter is to be processed into formula A products

(first indent of Article 6 (1) (b))

I. Either :

(aa) 250 g of 4 hydroxy-3 methoxybenzaldehyde obtained either from vanilla or from synthetic vanillin ; or

100 g of 4 hydroxy-3 methoxybenzaldehyde obtained exclusively from vanilla beans or integral extracts thereof (1), and

(bb) 11 kg of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0·3 %, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part ; or

150 g of stigmasterol ($C_{29}H_{48}O = \Delta$-5·22-stigmastene-3-beta-ol), at least 95 % pure, calculated on the product ready for incorporation ;

II. or :

(aa) 20 g of ethyl ester of beta-apo-8'-carotenic acid, in the form of a compound soluble in the milkfat, and

(bb) 11 kg of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0·3 %, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part ; or

150 g of stigmasterol ($C_{29}H_{48}O = \Delta$-5·22-stigmastene-3-beta-ol), at least 95 % pure, calculated on the product ready for incorporation ;

III. or :

(aa) 250 kg of refined granulated or powdered sugar, and

(bb) 11 kg of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0·3 %, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part (2) ; or

150 g of stigmasterol ($C_{29}H_{48}O = \Delta$-5·22-stigmastene-3-beta-ol) at least 95 % pure, calculated on the product ready for incorporation (3).

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(1) The method of analysis by means of which compliance with this provision is checked is to be the method applied by the official agencies of the Member State in which processing into finished products takes place.
(2) In this case, the final product will have a minimum fat content of 79·1 %.
(3) In this case, the final product will have a minimum fat content of 79·8 %.

ANNEX II

Products to be incorporated into the concentrated butter (per metric ton) where such concentrated butter is to be processed into formula B products

(second indent of Article 6 (1) (b))

I. Either :

(aa) 250 g of 4 hydroxy-3 methoxybenzaldehyde obtained either from vanilla or from synthetic vanillin ; or

100 g of 4 hydroxy-3 methoxybenzaldehyde obtained exclusively from vanilla beans or integral extracts thereof (1) and

(bb) 600 g of a compound containing at least 80 % of sitosterol ($C_{29}H_{50}O = \Delta$-5-stigmastene-3-beta-ol), whereby the remainder must not contain measurable quantities of stigmasterol ;

II. or :

— 20 g of ethyl ester of beta-apo-8'-carotenic acid, in the form of a compound soluble in the milkfat,

and

— 600 g of a compound containing at least 80 % of sitosterol ($C_{29}H_{50}O = \Delta$-5-stigmastene-3-beta-ol), whereby the remainder must not contain measurable quantities of stigmasterol ;

III. or (2) :

— 250 g of refined granulated or powdered sugar,

and

— 600 g of a compound containing at least 80 % of sitosterol ($C_{29}H_{50}O = \Delta$-5-stigmastene-3-beta-ol), whereby the remainder must not contain measurable quantities of stigmasterol.

(1) The method of analysis by means of which compliance with this provision is checked is to be the method applied by the official agencies of the Member State in which processing into finished products takes place.

(2) In this case, the final product will have a minimum fat content of 79·8 %.

ANNEX III

Rules referred to in Article 17 (1)

Sections 101, 103, 104 and 106 of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69 shall be completed.

I. In the case of butter which is to undergo the operations described in Article 6 (1) (a) and (b) in a Member State other than that of sale :

(aa) Section 104 shall be completed by deleting what does not apply and by entering against the second indent the use to which the butter is to be put (formula A or formula B) and one of the following endorsements :

— 'Butter intended for concentration and incorporation in accordance with Article 6 (1) (a) and (b) of Regulation (EEC) No 232/75',

— 'Beurre destiné à être concentré et a subir une incorporation conformément à l'article 6 paragraphe 1 sous a) et b) du règlement (CEE) n° 232/75',

— 'Butter zur Verarbeitung zu Butterfett und zur Beimischung gemäß Artikel 6 Absatz 1 Buchstaben a) und b) der Verordnung (EWG) Nr. 232/75',

— 'Burro destinato ad essere concentrato ed essere oggetto di una incorporazione in conformità dell'articolo 6, paragrafo 1, lettere a) e b), del regolamento (CEE) n. 232/75',

— 'Boter bestemd voor verwerking tot boterconcentraat en voor bijmenging overeenkomstig artikel 6, lid 1, sub a) en b) van Verordening (EEG) nr. 232/75',

— 'Smør bestemt til forarbejdning til koncentreret smør og til iblanding i henhold til artikel 6, stk. 1, litra a) og b), i forordning (EØF) nr. 232/75'.

(bb) In section 106 shall be entered :

— the closing date for the submission of tenders in response to the individual invitation to tender as a result of which the butter was sold,

— the date on which the tenderer took over the butter, and

— one of the following endorsements :

— 'in the case of butter which has undergone processing as specified in section 104, either :

— one or more new No 5 control copies should be issued if the butter is to be sent to another Member State,

— otherwise, the butter must be subject to customs or equivalent administrative control.',

— 'le beurre ayant subi la transformation visée dans la case 104 doit faire l'objet :

— soit de la délivrance d'un ou de plusieurs nouveaux exemplaires de contrôle n° 5, s'il doit être expédié vers un autre État membre,

— soit d'un contrôle douanier ou d'un contrôle administratif présentant des garanties équivalentes dans le cas centraire.',

— 'für die Butter, die wie in Feld 104 angegeben verarbeitet worden ist,

— sind entweder ein oder mehrere neue Kontrollexemplare Nr. 5 zu erteilen, wenn sie in einen anderen Mitgliedstaat versandt wird,

— oder ist andernfalls eine Zollkontrolle oder eine Verwaltungskontrolle mit gleichwertiger Sicherheit durchzuführen.',

— 'il burro che ha subito la trasformazione di cui alla casella 104 deve essere oggetto :

— o del rilascio di uno o di più nuovi esemplari di controllo n. 5, se deve essere spedito verso un altro Stato membro,

— ovvero di un controllo doganale o di un controllo amministrativo che presenti garanzie equivalenti nel caso contrario.',

— 'voor de boter die de in vak 104 bedoelde verwerking heeft ondergaan :

— moeten of één of meer nieuwe controle-exemplaren nr. 5 worden afgegeven, indien zij wordt vervoerd naar een andere Lid-Staat,

— of moet in het tegenovergestelde geval een douanecontrole of een administratieve controle met gelijke waarborg plaatsvinden.',

— 'for smør, der har været genstand for den i rubrik 104 nævnte forarbejdning, skal der :

— enten udstedes et eller flere nye kontroleksemplarer nr. 5, hvis det skal sendes til en anden medlemsstat,

— eller i modsat fald foretages en toldkontrol eller en administrativ kontrol, der giver tilsvarende sikkerhed.'.

The number(s) of the new control copy or copies or the national document(s) shall be entered under 'Remarks' in the 'Control as to use and/or destination' section of the form.

(cc) The new control copy or copies shall be filled in by the customs office which supervised the operations described in Article 6 (1) (a) and (b).

Sections 101, 103, 104 and 106 shall be completed. One of the endorsements shown in (II) below shall be entered in section 104. Section 106 shall specify :

— the weight of butter used to produce the quantity of concentrated butter entered in section 103,

— the number of the control copy issued by the office of departure and the name of the office,

— the closing date for the submission of tenders in response to the individual invitation to tender as a result of which the butter was sold,

— the date on which the butter was taken over,

— the incorporation effected, using one of the following expressions, as appropriate :

— 'product 19.08 (vanilla/enanthic acid)' or 'product 19.08 (vanilla/stigmasterol)', in the case of products resulting from incorporation as specified in Annex I (I),

— 'product 19.08 (carotene/enanthic acid)' or 'product 19.08 (carotene/stigmasterol)', in the case of products resulting from incorporation as specified in Annex I (II),

— 'product 19.08 (sugar/enanthic acid)' or 'product (sugar/stigmasterol)', in the case of products resulting from incorporation as specified in Annex I (III),

— 'product 18.06 — 21.07 (vanilla/sitosterol)' in the case of products resulting from incorporation as specified in Annex II (I),

— 'product 18.06 — 21.07 (carotene/sitosterol)' in the case of products resulting from incorporation as specified in Annex II (II),

— 'product 18.06 — 21.07 (sugar/sitosterol)' in the case of products resulting from incorporation as specified in Annex II (III).

If national documents are used, whether one or more than one, they shall include the endorsements provided for in sections 103, 104 and 106 of the control copy referred to above.

II. In the case of butter which has undergone the operations described in Article 6 (1) (a) and (b) in the Member State of sale and which is to be processed in accordance with Article 6 (1) (c) in another Member State, section 104 shall be completed by deleting what does not apply and by entering against the second indent the use to which the butter is to be put (formula A or formula B) and one of the following endorsements :

— 'Concentrated butter for processing into one of the products specified in Article 6 (1) (c) of Regulation (EEC) No 232/75',

— 'beurre concentré destiné à être transformé en l'un des produits visés à l'article 6 paragraphe 1 sous c) du règlement (CEE) nº 232/75',

— 'Butterfett zur Verarbeitung zu einem der in Artikel 6 Absatz 1 Buchstabe c) der Verordnung (EWG) Nr. 232/75 genannten Erzeugnisse',

— 'Burro concentrato destinato ad essere trasformato in uno dei prodotti di cui all'articolo 6, paragrafo 1, lettera c), del regolamento (CEE) n. 232/75',

— 'Boterconcentraat bestemd voor verwerking tot één van de in artikel 6, lid 1, sub c), van Verordening (EEG) nr. 232/75 genoemde produkten',

— 'Koncentreret smør bestemt til forarbejdning til et af de i artikel 6, stk. 1, litra c), i forordning (EØF) nr. 232/75 nævnte produkter'.

In section 106 shall be entered :

— the closing date for the submission of tenders in response to the individual to tender as a result of which the butter was sold,

— the date on which the successful tenderer took over the butter,

— the incorporation effected, using one of the following expressions, as appropriate :

  — 'product 19.08 (vanilla/enanthic acid)' or

    'product 19.08 (vanilla/stigmasterol)', in the case of products resulting from incorporation as specified in Annex I (I),

  — 'product 19.08 (carotene/enanthic acid)' or

    'product 19.08 (carotene/stigmasterol)', in the case of products resulting from incorporation as specified in Annex I (II),

  — 'product 19.08 (sugar/enanthic acid)' or

    'product 19.08 (sugar/stigmasterol)' in the case of products resulting from incorporation as specified in Annex I (III),

  — 'product 18.06 — 21.07 (vanilla/sitosterol)' in the case of products resulting from incorporation as specified in Annex II (I),

  — 'product 18.06 — 21.07 (carotene/sitosterol)' in the case of products resulting from incorporation as specified in Annex II (II),

  — 'product 18.06 — 21.07 (sugar/sitosterol)' in the case of products resulting from incorporation as specified in Annex II (III).

ANNEX IV

Rules referred to in Article 17 (2)

I. Sections 101, 103, 104 and 106 of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69 shall be completed.

II. Section 104 shall be completed by deleting what does not apply and by entering against the second indent the use to which the butter is to be put (formula A or formula B) and one of the following endorsements :

'Butter for processing under Article 6 (2) of Regulation (EEC) No 232/75',

'Beurre destiné à la transformation au titre de l'article 6 paragraphe 2 du règlement (CEE) nº 232/75',

'Butter zur Verarbeitung gemäß Artikel 6 Absatz 2 der Verordnung (EWG) Nr. 232/75',

'Burro destinato alla trasformazione a norma dell'articolo 6, paragrafo 2, del regolamento (CEE) n. 232/75',

'Boter bestemd voor verwerking overeenkomstig artikel 6, lid 2, van Verordening (EEG) nr. 232/75',

'Smør bestemt til forarbejdning i henhold til artikel 6, stk. 2 i forordning (EØF) nr. 232/75'.

III. In section 106 shall be entered :

— the closing date for the submission of tenders in response to the individual invitation to tender as a result of which the butter was sold,

— the date on which the successful tenderer took over the butter.