COMMISSION REGULATION (EEC) No 2612/76

of 27 October 1976

amending Regulation (EEC) No 677/76 laying down detailed rules for the application of the system for compulsory purchase of skimmed-milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 563/76 of 15 March 1976 on the compulsory purchase of skimmed-milk powder held by intervention agencies for use in animal feed (1), and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EEC) No 677/76 of 26 March 1976 laying down rules for the application of the system for compulsory purchase of skimmed-milk powder provided for in Regulation (EEC) No 563/76 (2), as last amended by Regulation (EEC) No 2462/76 (3), provides in Article 8 that for dehydrated fodder the document provided for in Article 6 of Regulation (EEC) No 563/76 is to be submitted, or the security provided, at the latest on the fifteenth day following the end of the month in which it left the dehydration plant; whereas, in view of the administrative difficulties encountered in certain Member States, that time limit has not always been observed; whereas the time limit in question should therefore be altered;

Whereas towards the end of the system in question there is a danger that the operations giving rise to the provision of a security, and in particular the imports of protein products, may slow down; whereas in order to avoid a possible shortage of these products in the Community, the release of the securities provided during the last days of the system should be provided for;

Whereas under Article 10 (2) of Regulation (EEC) No 677/76, the Member States may authorize the import of products with a view to processing them under a system of customs control if these products are intended to be exported wholly or in part in the form of compensatory products; whereas provision should be made, firstly, for the competent authorities to carry out a control of the quantities admitted under the above system where such an authorization has been given and, secondly, for the measures to be applied where it has not been possible for the goods subject to the above system to be presented for customs clearance;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 677/76 is hereby amended as shown in the following Articles.

Article 2

The following subparagraph is added at the end of Article 8 (c):

'However, the time limit provided for above shall apply for the first time on 15 August 1976.'

Article 3

The following text is added to Article 10 (1):

'h) without prejudice to the provisions of the foregoing paragraphs, on production of the proof that it has been provided after 25 October 1976.'

Article 4

The second subparagraph of Article 10 (2) is amended to read as follows:

'Where the products referred to in the first subparagraph are put into free circulation, either unchanged or after processing, any 'protein certificate' applicable to the product actually put into free circulation shall be submitted.

When the system laid down in Article 3 of Regulation (EEC) No 563/76 comes to an end, Member States shall carry out a control on the quantities authorized under the system laid down in the first subparagraph. Where, at this control, the holder of the authorization referred to in the first subparagraph is unable to present again to the competent authorities the products which should still come under the abovementioned system, either unchanged or after processing, without prejudice to national measures, the holder of the authorization must deliver to the competent authorities the document provided for in Article 6 of Regulation (EEC) No 563/76 certifying the sale and denaturing of a quantity of skimmed-milk powder corresponding to the security which should have

(1) OJ No L 67, 15. 3. 1976, p. 18.
(2) OJ No L 81, 27. 3. 1976, p. 23.
(3) OJ No L 279, 9. 10. 1976, p. 25.

been provided for the issue of a 'protein certificate' for that quantity of products which should have been presented again. In the event of the above document not being delivered within the period provided for in paragraph 4, an amount equivalent to the amount of the security must be paid by the holder, without prejudice to any outstanding arrears of interest due. The amount thus received by the authorities shall be considered as security which is forfeited within the meaning of Article 10 (2) of Regulation (EEC) No 563/76.'

Article 5

In the first indent of Article 12 the date of 10 October 1976 is replaced by 29 October 1976.

Article 6

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, 27 October 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission