COMMISSION REGULATION (EEC) No 677/76

of 26 March 1976

laying down detailed rules for the application of the system for compulsory purchase of skimmed-milk powder provided for in Council Regulation (EEC) No 563/76

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 feedingstuffs (1), and in particular Article 9 (1) thereof,

Whereas pursuant to Article 3 thereof every putting into free circulation within the Community of the products referred to in Article 3 (1) shall be subject to the presentation of a protein certificate, the issue of which shall be subject to the provision of a security or the presentation of the document referred to in Article 6 thereof;

Whereas the period of validity of the protein certificates should be determined on the basis of commercial practices;

Whereas, to ensure that the system of certificates functions properly, they should only be valid in the Member State of issue;

Whereas, in the interests of administrative simplicity, the import forms, the certificates and their extracts set out in Annex I to Commission Regulation (EEC) No 193/75 of 17 January 1975 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (2), as last amended by Regulation (EEC) No 499/76 (3), should be used in the case of applications for protein certificates; whereas, therefore, certain provisions of that Regulation should be applied in the case of protein certificates;

Whereas, furthermore, there should be special provisions to take into account the characteristics of the system of protein certificates;

Whereas, to ensure that the system of giving a security works correctly in the case of the products referred to in Article 2 of Regulation (EEC) No 563/76, the time limit for the provision of this security and for the submission of the document referred to in Article 6 thereof should be laid down for the different products;

Whereas the rates of the security should be fixed at levels which permit the proper functioning of the system set up by Regulation (EEC) No 563/76; whereas, in order to ease the work of the administrating agencies, the security should not be demanded where its amount only corresponds to a minimal quantity of powdered milk;

Whereas in some cases the products subject to the system of compulsory purchase of skimmed-milk powder are intended for purposes other than animal feed; whereas in such cases the security should be released on presentation of proof that the product has been used for one of these other purposes; whereas, in order to maintain traditional export outlets, the security should also be released when the product is exported outside the Community;

Whereas certain products are by their nature intended exclusively for uses other than animal feed and in such cases the security should be fixed at zero;

Whereas certain operations involve small quantities and, for administrative simplicity, should be exempted from the requirement to submit protein certificates;

Whereas the provisions of Regulation (EEC) No 563/76 should not adversely affect those who applied before 19 March 1976 for an import licence with advance fixing of the levy; whereas, therefore, they should be permitted to obtain the cancellation of this advance fixing and the certificate attesting it;

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

1. The 'protein certificate' provided for in Article 3 (1) of Regulation (EEC) No 563/76 shall authorize the putting into free circulation, under the certificate, of the net quantity of the product stated in the certificate, during the period of validity thereof.

(1) OJ No L 67, 15. 3. 1976, p. 18.
(2) OJ No L 25, 31. 1. 1975, p. 10.
(3) OJ No L 59, 6. 3. 1976, p. 18.

2. The 'protein certificate' shall be valid for three months from its date of issue.

3. The 'protein certificate' shall not be transferable. It shall only be valid in the Member State of issue.

For the purposes of this paragraph, the BLEU shall be regarded as a single Member State.

Article 2

Applications for 'protein certificates', 'protein certificates' and extracts therefrom shall be drawn up on forms conforming to the corresponding specimens relating to imports set out in Annex I to Regulation (EEC) No 193/75.

Article 3

1. Articles :

— 4 (1),
— 5 (1) third subparagraph, 5 (4) first subparagraph,
— 8,
— 9 (1),
— 10 (1) second paragraph, 10 (2), (3),
— 11,
— 12,
— 13 (2), (3), (4), (5), (6) and
— 15

of Regulation (EEC) No 193/75 shall apply to 'protein certificates', applications therefor and extracts therefrom.

2. No 'protein certificate' shall be required in respect of the putting into free circulation of products :

— in immediate packagings with a net content not exceeding 5 kg, or
— in such quantities as require the issue of a certificate without any security under the first inset of Article 9 (2).

Article 4

1. No application for a 'protein certificate' shall be accepted unless :

— a security has been given in favour of, or proof that such security has been given is furnished to, the competent agency on the day the application is submitted, or
— the application is accompanied by the document referred to in Article 6 of Regulation (EEC) No 563/76 or by an extract therefrom certifying that a quantity of skimmed-milk powder corresponding to the amount of the security which has not been provided has been purchased and denatured.

2. Applications for 'protein certificates', 'protein certificates' and extracts therefrom shall bear in Section 12 one of the following endorsements :

'protein certificate',
'valid in ... (Member State of issue)'.

This endorsement shall be either written or underlined in red on the original of the certificate and of the extract.

3. Applications for 'protein certificates' shall be drawn up for a complete subheading of the Common Customs Tariff.

However, where several rates of security are fixed for products falling within the same subheading of the Common Customs Tariff, applications for certificates and certificates shall bear in Section 7 the description of the products in respect of which the same rate of security is fixed and the word 'ex' shall be inserted before the number of the Common Customs Tariff indicated in Section 8.

In the case referred to in the previous subparagraph, if the application is not completed in accordance with the dispositions laid down in that subparagraph, it shall be refused.

4. Sections 13, 14 and 15 shall not be used for applications for 'protein certificates'.

5. Sections 3b, 4b, 13, 14, 15, 17, 18, 19, 23 and 24 shall not be used for 'protein certificates'. In Section 22, the figure '0' shall be inserted.

Article 5

1. 'Protein certificates' shall be drawn up at least in duplicate. The first copy, called 'Titular Holder's Copy' and marked 'No 1', shall be issued without delay to the applicant and the second, called 'Issuing Agency's Copy' and marked 'No 2' shall be retained by the issuing agency.

2. Copy No 1 of the 'protein certificate' shall be submitted to the office where the customs import formalities for putting into free circulation are completed.

3. After attribution of the quantity and endorsement by the office referred to in the preceding paragraph, Copy No 1 of the 'protein certificate' shall be returned to the party concerned.

Article 6

1. On application by the titular holder of the 'protein certificate' and submission of Copy No 1 of the document, one or more extracts therefrom may be issued by the competent agencies of the Member States.

2. Where an extract of the 'protein certificate' is issued, the issuing agency shall attribute the quantity for which the extract has been issued on Copy No 1 of the certificate.

The word 'extract' shall be entered beside the attributed quantity shown on Copy No 1 of the 'protein certificate'.

Article 7

1. The right to put products into free circulation under the 'protein certificate' shall be considered to have been exercised on the day which the customs formalities for putting into free circulation are completed.

2. For the purposes of this Regulation the day on which the customs formalities for putting into free circulation are completed means the day on which the customs authorities accept the document by which the declarant states his intention to put the products in question into free circulation or, where the products may be put into free circulation without such statement of intention, the day on which the products are put into free circulation.

Article 8

In the case of the products listed in Article 2 of Regulation (EEC) No 563/76, the document referred to in Article 6 thereof shall be submitted, or the security shall be provided :

(a) for colza, rape and sunflower seeds, at the latest at the time of lodging the application for the ID part of the Community aid certificate ;

(b) for linseed and soya beans, at the latest at the time of lodging the application for aid ;

(c) for the products listed in Article 1 (b) of Regulation (EEC) No 1067/74, at the latest at the time of leaving the dehydration plant.

Article 9

1. The rate of the security referred to in Articles 2 and 3 of Regulation (EEC) No 563/76 for each product shall be that set out in the Annex.

2. Where the amount of the security following the application of the rates referred to in paragraph 1 is :

— 6·75 units of account or less, no security shall be provided ;

— 13·50 units of account or less but over 6·75 units of account, the amount shall be fixed at 13·50 units of account.

Where the amount of the security following the application of the rates referred to in paragraph 1 is not a multiple of 13·50 units of account, it shall be adjusted :

(a) to the nearest higher multiple, if the gap between the amount of the security and the nearest higher multiple is less than 6·75 units of account, or

(b) to 13·50 units of account or to the nearest lower multiple, if the gap between the said amount and the nearest higher multiple is 6·75 units of account or more.

3. However, as regards the products referred to in Article 2 (c) of Regulation (EEC) No 563/76, where in any Member State, during a period of one month, the total of the amounts of the security following the application of the rates referred to in paragraph 1 exceeds 54 units of account in respect of any one party concerned, that party shall submit the document referred to in Article 6 thereof or provide a security equal to the sum of the abovementioned amounts.

4. A security amounting to 54 units of account shall correspond to an obligation to purchase 100 kg of skimmed-milk powder, not including the weight of the denaturing agent.

Article 10

1. The security shall be released :

(a) in respect of quantities for which the party concerned renounces his right to put into free circulation ; in this event the 'protein certificate' or extract therefrom shall be returned by the party concerned to the issuing agency ; or

(b) on presentation of the document provided for in Article 6 of Regulation (EEC) No 563/76 certifying that a quantity of skimmed-milk powder corresponding to the amount of the security has been purchased and denatured ;

(c) for linseed and soya beans, harvested in the Community, intended for sowing and certified to be for that purpose ;

(d) for groundnuts intended for human consumption, on production of proof that they have reached such a stage of processing or preparation that they can only be used for that purpose ;

(e) for soya used to produce soya flour intended for human consumption for the chemical or pharmaceutical industry, on production of proof that it has reached such a stage of processing that it can only be used for that purpose ;

(f) on production of proof that products of the same kind as those referred to in Articles 2 and 3 of Regulation (EEC) No 563/76 have left the geographical territory of the Community, with the exception of products falling within subheadings 23.07 B and C of the Common Customs Tariff and the products referred to in Article 2 (a) of Regulation (EEC) No 563/76 in respect of which a refund has been applied for.

2. The competent authorities of the Member States may authorize the import of the products referred to in Article 3 (1) of Regulation (EEC) No 563/76 with a view to processing them under a system of customs control if these products are intended to be exported outside the customs territory of the Community wholly or in part in the form of compensatory products.

The processing of the products shall be carried out in accordance with the same rules as those laid down :

— in Articles 2 (3) and (4), 4 to 6, 9 to 21, 24, 31 and 32 of Council Directive 69/73/EEC of 4 March 1969 [1] ;

[1] OJ No L 58, 8. 3. 1969, p. 1.

— in the Directives implementing the Articles last referred to.

When the products referred to in the first subparagraph are put into free circulation, either unchanged or after processing, the 'protein certificate' shall be submitted which applies, as appropriate, to the product which is in fact put into free circulation.

3. The security may be released at the request of the party concerned in instalments which are proportional to the quantities of products for which proof of one of the matters referred to in paragraph 1 (b), (c), (d), (e) and (f) has been furnished or in respect of which the party concerned has renounced his right to put into free circulation.

4. The security shall be forfeit where the party concerned :

(a) has not renounced his right to put into free circulation, or

(b) except in the case of *force majeure*, has not furnished proof of one of the matters referred to in paragraph 1 (b), (c), (d), (e) and (f) within six months following the expiry of the 'protein certificate', or within nine months of the provision of the security for products referred to in Article 2 of Council Regulation (EEC) No 563/76.

Article 11

1. When products are used in a accordance with Article 10 (1) (d) and (e) in a Member State other than in which the security has been provided, proof of use or processing or, where appropriate, of preparation shall be furnished by the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 [1].

Among the special endorsements on the control copy, Sections 101, 103 and 104 shall be completed.

Section 104 shall be completed, deleting where necessary, and adding :

— in respect of products referred to in Article 10 (1) (d) :

'Intended for processing and/or preparation (Commission Regulation (EEC) No 677/76)',

'Bestemt til forarbejdning og/eller forberedelse (Kommissionens forordning (EØF) nr. 677/76)',

'Bestimmt zur Verarbeitung und/oder Aufbereitung (Verordnung (EWG) Nr. 677/76 der Kommission)',

'Destiné à être transformé et/ou conditionné (règlement (CEE) n° 677/76 de la Commission)',

'Destinato ad essere trasformato e/o condizionato (regolamento (CEE) n. 677/76 della Commissione)',

'Bestemd om te worden verwerkt en/of bereid (Verordening (EEG) nr. 677/76 van de Commissie)' ;

— in respect of products referred to in Article 10 (1) (e) :

'Intended for human consumption or for the chemical or pharmaceutical industry (Commission Regulation (EEC) No 677/76)',

'Bestemt til konsum eller kemisk eller farmaceutisk industri (Kommissionens forordning (EØF) nr. 677/76)',

'Bestimmt für menschliche Ernährung oder für die chemische oder pharmazeutische Industrie (Verordnung (EWG) Nr. 677/76 der Kommission)',

'Destiné à l'alimentation humaine ou à l'industrie chimique ou pharmaceutique (règlement (CEE) n° 677/76 de la Commission)',

'Destinato all'alimentazione umana o all'industria chimica o farmaceutica (regolamento (CEE) n. 677/76 della Commissione)',

'Bestemd voor menselijke voeding of voor de scheikundige of farmaceutische nijverheid (Verordening (EEG) nr. 677/76 van de Commissie)'.

2. Where Article 10 (1) (f) applies :

(a) proof of departure from the geographical territory of the Community by a Member State other than that of the territory of which the customs export formalities were completed shall be furnished by production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 ; the following sections of the control copy shall be completed :

— 101 and 103,

— 104, with any necessary delection, and

— 106, with one of the following endorsements :

'Products for export without refund (Commission Regulation (EEC) No 677/76)',

'Varer der udføres uden restitution (Kommissionens forordning (EØF) nr. 677/76)',

'Erzeugnisse ohne Erstattung auszuführen (Verordnung (EWG) Nr. 677/76 der Kommission)',

'Produits à exporter sans restitution (règlement (CEE) n° 677/76 de la Commission)',

'Prodotti da esportare senza restituzione (regolamento (CEE) n. 677/76 della Commissione)',

'Produkten uit te voeren zonder restitutie (Verordening (EEG) nr. 677/76 van de Commissie)'.

The endorsement appearing in Section 106 shall be authenticated by the stamp of the office of departure.

[1] OJ No L 295, 24. 11. 1969, p. 14.

The control copy shall be retained by the agency to which the interested party submits the document to obtain the release of the security;

(b) the quantity of products exported shall give entitlement to the release of that amount of the security equal to that obtained by applying to the quantity the rate of the security valid for the product in accordance with the Annex;

(c) where the products exported fall within a Common Customs Tariff subheading for which several rates of security are fixed in accordance with the Annex, the control copy shall contain the description of the product corresponding to the rate of security in question.

Article 12

Where the 'protein certificate' is not submitted to the issuing agency within six months of expiry, the quantities of products for which the certificate was issued shall be regarded as having been put into free circulation, except for those quantities which have not been attributed wholly or in part for which the holder submits one or more extracts of the certificate.

Article 13

Any interested party, who, before 19 March 1976, applied for an import licence with advance fixing of the levy for products falling within subheading 23.07 B of the Common Customs Tariff shall, on request, obtain cancellation of the advance fixing and the certificate attesting it.

Article 14

This Regulation shall enter into force on 1 April 1976.

However, in respect of the putting into free circulation of the products referred to in Article 3 (1) of Regulation (EEC) No 563/76, it shall apply with effect from 19 March 1976.

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

Done at Brussels, 26 March 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Level of securities

CCT heading No	Description of products	Security (u.a./metric ton)
12.01	B. Others, with the exception of castor beans :	
	— Soya beans	20·3
	— Linseed	16·7
	— Cotton seed	12·9
	— Groundnuts	12·4
	— Colza and rape seed	11·9
	— Sunflower seed	10·5
	— Poppy seed, beech, camelina, illipes, mowrah, bassia, karite, purghera, croton and mustard	0
	— Others	7·8
12.02	Flour or meals of oil seeds or oleaginous fruit, non-defatted (with the exception of mustard and castor bean flour) :	
	A. Of soya beans	20·3
	B. Others :	
	— Linseed flour or meal	16·7
	— Cotton seed flour or meal	12·9
	— Groundnut flour or meal	12·4
	— Colza and rape seed flour or meal	11·9
	— Sunflower flour or meal	10·5
	— Other flour or meals	7·8
12.10	B. Others	4·5
23.03	A. II. Residues from the manufacture of starch from maize (excluding concentrated steeping liquors) of a protein content not exceeding 40 % by weight calculated on the dry product	4·5
23.04	B. Others, with the exception of castor bean cakes :	
	— Oil cakes :	
	— Of soya and linseed	27·0
	— Of groundnut, cotton and sunflower seed	24·3
	— Other oil cakes	21·6
	— Other residues resulting from the extraction of vegetable oils	4·5
23.07	B. Others containing, separately or together, even when mixed with other products, starch, glucose or glucose syrup, falling within subheadings 17.02 B and 17.05 B, and milk products	27·0
	C. Not specified or included	27·0