# COMMISSION REGULATION (EEC) No 902/76

## of 20 April 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 feedingstuffs [1], and in particular Article 9 (1) thereof,

Whereas Article 10 of 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 Regulation (EEC) No 563/76 [2], as last amended by Regulation (EEC) No 746/76 [3], lays down the conditions for the release of the security referred to in Articles 2 and 3 of Regulation (EEC) No 563/76;

Whereas the abovementioned Article 10 provides for the release of this security in respect of certain oil seeds intended for human consumption; whereas this provision should be extended to cover all types of oil seeds and subproducts thereof intended for human consumption;

Whereas Article 10 should also be supplemented by providing for the release of this security in respect of products intended for use in the chemical or pharmaceutical industry;

Whereas, for the sake of equity, provision should also be made for the release of the security provided in respect of products imported as from 19 March and exported before 1 April 1976;

Whereas the relevant Mangement Committees have not delivered opinions within the time limits set by their Chairmen,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

The following paragraph is added to Article 2:

'Applications for certificates may, however, be addressed to the competent body by telegram or by telex. In such case, they may be accepted only if they include all the information which should have appeared on the form if the latter had been used. The Member States may in addition require the telegram or telex message to be followed by an application complying with the provisions of the preceding paragraph.'

*Article 3*

Article 4 (2) is amended as follows:

'2. Applications for "protein certificates", the certificates themselves and extracts therefrom shall bear in Section 12 the following endorsement:

"protein certificate
valid in ... (Member States of issue)".

This endorsement shall be written in red or underlined in red on the original of the "protein certificate".'

*Article 4*

1. Article 10 (1) (c), (d), (e) and (f) is amended as follows:

'(c) for linseed and soya beans harvested in the Community and certified for sowing;

(d) for oil seeds and products falling within subheading 23.04 B of the Common Customs Tariff, 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 oil seeds and products falling within subheading 23.04 B of the Common Customs Tariff, which are used in the chemical or pharmaceutical industry, on production of proof that they have reached such a stage of processing that they can only be used for that purpose;

[1] OJ No L 67, 15. 3. 1976, p. 18.
[2] OJ No L 81, 27. 3. 1976, p. 23.
[3] OJ No L 86, 1. 4. 1976, p. 45.

(f) on production of proof that products 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 products referred to in Article 2 (a) of Regulation (EEC) No 563/76 in respect of which a refund has been applied for.'

2. In Article 10 (2) the following subparagraph is inserted after the second subparagraph :

'When the provisions of this paragraph are applied, the competent authorities shall secure the necessary measures of control.'

*Article 5*

The words 'except in the case of *force majeure*' are inserted at the beginning of Article 12.

*Article 6*

Article 14 is amended as follows :

'This Regulation shall enter into force on 1 April 1976. However, it shall apply with effect from 19 March 1976 in respect of :

— the putting into free circulation of the products referred to in Article 3 (1) of Regulation (EEC) No 563/76 and

— the release of the security provided in respect of these products in the cases referred to in Article 10 (1) (f) of this Regulation, on production of proof that a security has been provided in respect of these products.'

*Article 7*

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, 20 April 1976.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*