COMMISSION REGULATION (EEC) No 263/79

of 12 February 1979

amending Regulations (EEC) No 1687/76, (EEC) No 1036/78 and (EEC) No 182/79 in respect of butter sold at reduced prices for use in the manufacture of foodstuffs

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 of 27 June 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No 1761/78 (2), and in particular Articles 6 (7) and 17 (4) thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream (3), as last amended by Regulation (EEC) No 2714/72 (4), and in particular Article 7a thereof,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuations for the currencies of certain Member States (5), as last amended by Regulation (EEC) No 557/76 (6), and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 262/79 of 12 February 1979 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice-cream and other foodstuffs (7) has replaced Commission Regulation (EEC) No 232/75 (8), as last amended by Regulation (EEC) No 86/79 (9), and has, moreover, extended the range of products for the manufacture of which butter sold at reduced prices is intended;

Whereas the adoption of a new Regulation necessitates the amendment of:

— Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destination of products from intervention (10), as last amended by Regulation (EEC) No 1665/78 (11);

— Commission Regulation (EEC) No 1036/78 of 19 May 1978 fixing the monetary compensatory amounts and certain coefficients and rates for their application (12), as last amended by Regulation (EEC) No 131/79 (13); and

— Commission Regulation (EEC) No 182/79 of 31 January 1979 fixing the rates of the refunds applicable from 1 February 1979 to certain milk products exported in the form of goods not covered by Annex II to the Treaty (14);

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

In the Annex to Regulation (EEC) No 1687/76, under II 'Products subject to a use and/or destination other than that mentioned under I':

— paragraph 7 is deleted; it shall, however, remain applicable to butter which was sold before this Regulation came into force;

— a new paragraph 17, as set out in the Annex to this Regulation, is added.

Article 2

The following indent is added to Annex I, Part 5, Note 4, of Regulation (EEC) No 1036/78:

'— in Regulation (EEC) No 262/79 (OJ No L 41, 16. 2. 1979) the amount shall be multiplied:

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 204, 28. 7. 1978, p. 6.
(3) OJ No L 169, 18. 7. 1968, p. 1.
(4) OJ No L 291, 28. 12. 1972, p. 15.
(5) OJ No L 106, 12. 5. 1971, p. 1.
(6) OJ No L 67, 15. 3. 1976, p. 1.
(7) See page 1 of this Official Journal.
(8) OJ No L 24, 31. 1. 1975, p. 45.
(9) OJ No L 13, 19. 1. 1979, p. 18.
(10) OJ No L 190, 14. 7. 1976, p. 1.
(11) OJ No L 192, 15. 7. 1978, p. 49.
(12) OJ No L 133, 22. 5. 1978, p. 1.
(13) OJ No L 19, 26. 1. 1979, p. 19.
(14) OJ No L 26, 1. 2. 1979, p. 38.

— by the coefficient 0·33 where the butter is to be used in formula A or formula C products,

— by the coefficient 0·53 where the butter is to be used in formula B products.'

Article 3

In the Annex to Regulation (EEC) No 182/79, in respect of Common Customs Tariff heading No ex 04.03, point (a) in the column headed 'Description' is amended to read as follows :

'(a) on exportation of the following goods manufactured under the conditions laid down in Article 6 of Regulation (EEC) No 232/75 and Articles 4 and 5 of Regulation (EEC) No 262/79 :

— goods falling within Common Customs Tariff heading No 19.08 or subheadings 18.06 B and 21.07 C ;

— powdered preparations for making ice-cream and similar edible products called "ice-mix" falling within Common Customs Tariff subheading 18.06 D and heading No 21.07 ;

— raw doughs and powdered preparations falling within Common Customs Tariff subheading 19.02 B II b).'

Article 4

This Regulation shall enter into force on 5 March 1979.

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

Done at Brussels, 12 February 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

New paragraph 17 to be added to Section II 'Products subject to a use and/or destination other than that mentioned under I' of the Annex to Regulation (EEC) No 1687/76

17. Commission Regulation (EEC) No 262/79 of 12 February 1979 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice-cream and other foodstuffs (1) :

A. Butter intended for concentration and incorporation into pastry products, ice-cream and other foodstuffs :

(a) On the dispatch of butter :

— Section 104 : 'Butter for concentration and subsequent processing (Regulation (EEC) No 262/79)',

'smør til smørfedt og efterfølgende forarbejdning (forordning (EØF) nr. 262/79)' ;

'Butter zur Verarbeitung in Butterfett und zur Weiterverarbeitung (Verordnung (EWG) Nr. 262/79)',

'beurre destiné à la concentration et à la transformation ultérieure (règlement (CEE) n° 262/79)',

'burro destinato alla trasformazione in burro concentrato e successivamente alla trasformazione (regolamento (CEE) n. 262/79)',

'boter bestemd voor boterconcentraat en verdere verwerking (Verordening (EEG) nr. 262/79)',

— Section 106 : 1. The closing date for the submission of tenders in response to the individual invitation to tender under which the butter was sold.

2. For butter intended for processing into products falling within heading No 19.08 and/or subheading 19.02 B II b) of the Common Customs Tariff, the words 'formula A' and/or 'formula C'.

For butter intended for processing into products falling within subheadings 18.06 B and 18.06 D or heading No 21.07 of the Common Customs Tariff, the words 'formula B' ;

(b) On the dispatch of concentrated butter :

— Section 104 : 'Concentrated butter for processing (Regulation (EEC) No 262/79)',

'Smørfedt til forarbejdning (forordning (EØF) nr. 262/79)',

'Butterfett zur Verarbeitung (Verordnung (EWG) Nr. 262/79)',

'beurre concentré destiné à la transformation (règlement (CEE) n° 262/79)',

'burro concentrato destinato alla trasformazione (regolamento (CEE) n. 262/79)',

'Boterconcentraat bestemd voor verwerking (Verordening (EEG) nr. 262/79)',

— Section 106 : 1. The closing date for the submission of tenders in response to the individual invitation to tender under which the butter was sold.

2. The weight of butter used to produce the quantity of concentrated butter indicated in Section 103.

3. The type of incorporation carried out, using one of the following expressions, as appropriate :

(a) for butter concentrated in accordance with Annex I (V) of Regulation (EEC) No 262/79 and intended for processing into products falling within subheading 19.02 B II b) or heading No 19.08 of the Common Customs Tariff :

'product 19.02-19.08 (monoglycerides, tocopherols / enanthic acid)' or 'product 19.02 (monoglycerides, tocopherols / stigmasterol)' ;

(1) OJ No L 41, 16. 2. 1979, p. 1.

(b) for concentrated butter intended for processing into raw dough falling within subheading 19.02 B II b) or into products falling within heading No 19.08 of the Common Customs Tariff :

'product 19.02-19.08 (vanilla / enanthic acid)' or 'product 19.02-19.08 (vanilla / Stigmasterol)', in the case of products resulting from incorporation as specified in Annex I (I) to Regulation (EEC) No 262/79,

'product 19.02-19.08 (carotene / enanthic acid)' or 'product 19.02-19.08 (carotene / stigmasterol)' in the case of products resulting from incorporation as specified in Annex I (II) to Regulation (EEC) No 262/79,

'product 19.02-19.08 (sugar / enanthic acid)' or 'product 19.02-19.08 (sugar / stigmasterol)', in the case of products resulting from incorporation as specified in Annex I (III) to Regulation (EEC) No 262/79,

'product 19.02-19.08 (skimmed-milk powder, sugar / enanthic acid)' or 'product 19.02-19.08 (skimmed-milk powder, sugar / stigmasterol)', in the case of products resulting from incorporation as specified in Annex I (IV) to Regulation (EEC) No 262/79 ;

(c) for concentrated butter intended for processing into products falling within heading Nos 18.06 or 21.07 :

'product 18.06-21.07 (vanilla / sitosterol)' in the case of products resulting from incorporation as specified in Annex II (I) to Regulation (EEC) No 262/79,

'product 18.06-21.07 (carotene / sitosterol)', in the case of products resulting from incorporation as specified in Annex II (II) to Regulation (EEC) No 262/79,

'product 18.06-21.07 (sugar / sitosterol)', in the case of products resulting from incorporation as specified in Annex II (III) to Regulation (EEC) No 262/79.

B. Butter for processing direct into pastry products or ice-cream :

— Section 104 : 'Butter for processing (Article 10 (2) of Regulation (EEC) No 262/79)',

'smør til forarbejdning (artikel 10 stk. 2 i forordning (EØF) nr. 262/79)',

'Butter zur Verarbeitung (Artikel 10 Absatz 2 der Verordnung (EWG) Nr. 262/79)',

'beurre destiné à la transformation (article 10 paragraphe 2 du règlement (CEE) n° 262/79)',

'burro destinato alla trasformazione (articolo 10, paragrafo 2, del regolamento (CEE) n. 262/79)',

'boter bestemd voor verwerking (artikel 10, lid 2, van Verordening (EEG) nr. 262/79)',

— Section 106 : 1. The closing date for the submission of tenders in response to the individual invitation to tender under which the butter was sold.

2. The butter intended for processing into products falling within heading No 19.08 of the Common Customs Tariff, the words 'formula A'.

For butter intended for processing into products falling within subheadings 18.06 B, 18.06 D or 21.07 of the Common Customs Tariff, the words 'formula B'.