COMMISSION REGULATION (EEC) No 3463/85

of 9 December 1985

amending Regulation (EEC) No 2329/85 laying down detailed rules for the application of the special measures for soya beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans (1), and in particular Article 2 (8) thereof,

Having regard to Council Regulation (EEC) No 2194/85 of 25 July 1985 adopting general rules concerning special measures for soya beans (2), and in particular Article 9 thereof,

Whereas Article 4 (2) of Regulation (EEC) No 2194/85 provides that where the first purchaser is a person other than the processor, he must deliver or sell to a processor the soya beans in respect of which an application for aid has been lodged ; whereas, for the 1985/86 marketing year certain first purchasers have undertaken to deliver or sell the products to an intermediary who delivers or sells to a processor ; whereas the intervention of the said intermediary during the marketing year in question should be permitted and the conditions governing such intervention defined ;

Whereas Article 4 of Regulation (EEC) No 2194/85 and Article 12 of Commission Regulation (EEC) No 2329/85 (3) provide for the granting of the aid and the release of a security when the soya beans are processed, delivered or sold within six months following the lodging of the application for aid ; whereas experience shows that, in certain cases, compliance with this time limit raises difficulties ; whereas the said period should therefore be extended ;

Whereas detailed rules should be laid down governing intra-Community trade in soya beans produced in the Community ; whereas Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure (4), as last amended by Regulation (EEC) No 1209/85 (5), defined the procedures and documents which are compatible with the control of the products in question ; whereas the use of such procedures and documents should be more clearly defined ; whereas sufficient time should be allowed for the implementation of these measures ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2329/85 is hereby amended as follows :

1. The following paragraph 3 is added to Article 9 :

'3. For the 1985/86 marketing year Member States may permit an intermediary, whether a natural or legal person, to purchase the soya bans from the first purchaser and resell them to the processor on condition that correspondence between the quantity of beans sold by the first puchaser and that sold or delivered to the processor can be verified to the satisfaction of the Member State concerned.

In such cases a declaration similar to that referred to in paragraph 2 shall be drawn up, without the information required under (f), between the first purchaser and the intermediary.'

2. In Article 12 (2), the words 'sixth month' are replaced by the words 'eighth month'.

3. Article 14 is replaced by the following :

'*Article 14*

1. Where the first purchaser is other than the processor and is established in the Member State of production, and where the beans are sold or delivered by the first purchaser to a processor established in another Member State, proof of sale or delivery to a processor be considered to be furnished by production of the Control Copy T No 5 referred to in Article 10 of Regulation (EEC) No 223/77.

The following additional boxes of the control copy T No 5 must be completed :

(a) Box 103 ;

(b) Box 104 by deleting as appropriate and entering one of the following statements :

'Varer, der skal stilles til rådighed for en forarbejdningsvirksomhed — forordning (EØF) nr. 2329/85, artikel 14, stk. 1',

'Zur Verarbeitung bestimmtes Erzeugnis — Verordnung (EWG) Nr. 2329/85 Artikel 14, Absatz 1',

'Εμπορεύματα που πρέπει να τεθούν στη διάθεση μεταποιητή — Άρθρο 14 παραγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2329/85'.

(1) OJ No L 151, 10. 6. 1985, p. 15.
(2) OJ No L 204, 2. 8. 1985, p. 1.
(3) OJ No L 218, 15. 8. 1985, p. 16.
(4) OJ No L 38, 9. 2. 1977, p. 20.
(5) OJ No L 124, 9. 5. 1985, p. 19.

'Goods to be put at the disposal of a processor — Regulation (EEC) No 2329/85, Article 14 (1)',

'Marchandises à mettre à la disposition d'un transformateur — article 14 paragraphe 1 du règlement (CEE) n° 2329/85',

'Merci destinate ad essere vendute ad un trasformatore — Regolamento (CEE) n° 2329/85, articolo 14, paragrafo 1',

'Aan een verwerker ter beschikking te stellen goederen — Verordening (EEG) nr. 2329/85, artikel 14, lid 1',

2. Where the first purchaser is the processor and is established in a Member State other than the Member State of production, proof of processng of the beans shall furnished by the production of Control Copy T No 5 referred to in Article 10 of Regulation (EEC) No 223/77.

The following additional boxes of the Control Copy T No 5 must be completed :

(a) box 103,

(b) box 104 by deleting as appropriate and entering one of the following statements :

'Bestemt til forarbeijdning til fremstilling af olie eller med henblik på anden anvendelse inden for konsum eller foder i overensstemmelse med artikel 3, litra a), i forordning (EØF) nr. 2194/85.'

'Bestimmt zur Verarbeitung für die Ölgewinnung oder für andere Nahrungs- oder Futtermittelzwecke gemäß Artikel 3 Buchstabe a) der Verordnung (EWG) Nr. 2194/85.'

'Προοριζόμενο να μεταποιηθεί για την παραγωγή ελαιολάδου ή για άλλες χρήσεις στην ανθρώπινη διατροφή ή στη διατροφή ζώων, σύμφωνα με τις διατάξεις του άρθρου 3, σημείο α) του κανονισμού (ΕΟΚ) αριθ. 2194/85.'

'For processing into oil or other uses in human or animal foods, in accordance with the provisions of Article 3 (a) of Regulation (EEC) No 2194/85.'

'Destiné à être transformé pour la production d'huile ou en vue d'autres utilisations dans l'alimentation humaine ou animale, conformément aux dispositions de l'article 3 point a) du règlement (CEE) n° 2194/85.'

'Destinato ad essere trasformato per la produzione d'olio o per altre utilizzazioni nell'alimentazione umana o animale, in conformità del disposto dell'articolo 3, lettera a), del regolamento (CEE) n. 2194/85.'

'Bestemd om te worden verwerkt met het oog op de produktie van olie of voor ander gebruik in menselijke voeding of diervoeding overeenkomstig het bepaalde in artikel 3, sub a), van Verordening (EEG) nr. 2194/85.'

In the section headed 'control as to use and/or destination' on the back of the control copy, the endorsement showing the date of completion of processing will be given only after the checks provided for in Article 13 (2) of Regulaton (EEC) No 2329/85 have been carried out. In addition, the net weight of the beans as recorded on delivery and the moisture and impurities contents must be stated under 'remarks'.

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

However, Article 1 (1) shall apply with effect from 1 September 1985 and Article 1 (3) shall apply from 1 January 1986.

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

Done at Brussels, 9 December 1985.

For the Commission

Frans ANDRIESSEN

Vice-President