COMMISSION REGULATION (EEC) No 1233/93

of 19 May 1993

amending Regulation (EEC) No 585/93 and Regulation (EEC) No 619/93 on promotional and publicity measures in respect of milk and milk products and on improving the quality of milk in the Community respectively

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2073/92 of 30 June 1992 on promoting consumption in the Community and expanding the markets for milk and milk products [1], and in particular Article 4 thereof,

Whereas Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products [2] as last amended by Regulation (EEC) No 1374/92 [3], which laid down, in particular, specific measures to help expand the markets for milk, was repealed with effect from 1 April 1993 by Council Regulation (EEC) No 1029/93 [4]; whereas Council Regulation (EEC) No 2073/92 has the same objective in this respect as Regulation (EEC) No 1079/77;

Whereas Regulations (EEC) No 585/93 [5] and (EEC) No 619/93 [6] lay down rules for promotion measures and quality improvement, respectively, financed from the co-responsibility levy; whereas economic operators have been encountering difficulties in lodging the securities referred to in Articles 5 and 7 of the said Regulations before signing the contract; whereas these difficulties can be alleviated by permitting the said securities to be lodged, subject to certain conditions, after the contract has been signed;

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

Regulation (EEC) No 585/93 is hereby amended as follows:

1. Article 5 (3) is replaced by the following:

'3. The contract shall take effect only after the lodging of a security equal to 15 % of the maximum amount of the Community funding intended to ensure that the contract is carried out.

Where the security is not lodged within two weeks following the date of conclusion of a contract, the contract shall become void and without legal effect.';

2. Article 7 (2) is replaced by the following:

'2. For this purpose each contractor shall, before the payment provided for in paragraph 1 takes place, lodge a security equal to 120 % of the Community financing with the competent authority.'

Article 2

Regulation (EEC) No 619/93 is hereby amended as follows:

1. Article 5 (4) is replaced by the following:

'4. The contract shall take effect only after the lodging of a security equal to 15 % of the maximum amount of the Community funding intended to ensure that the contract is carried out.

Where the security is not lodged within two weeks following the date of conclusion of a contract, the contract shall become null and void and without legal effect.';

2. Article 7 (2) is replaced by the following:

'2. For this purpose each contractor shall, before the payment provided for in paragraph 1 takes place, lodge a security equal to 120 % of the Community financing with the competent authority.'

Article 3

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

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[1] OJ No L 215, 30. 7. 1992, p. 67.
[2] OJ No L 131, 26. 5. 1977, p. 6.
[3] OJ No L 147, 29. 5. 1992, p. 3.
[4] OJ No L 108, 1. 5. 1993, p. 4.
[5] OJ No L 61, 13. 3. 1993, p. 26.
[6] OJ No L 66, 18. 3. 1993, p. 24.

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

Done at Brussels, 19 May 1993.

For the Commission
René STEICHEN
Member of the Commission