COMMISSION REGULATION (EC) No 1794/97

of 17 September 1997

amending for the fourth time Regulation (EC) No 785/95 laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organization of the market in dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 603/95 of 21 February 1995 on the common organisation of the market in dried fodder [1], as last amended by Regulation (EC) No 1347/95 [2], and in particular Article 18 thereof,

Whereas Article 8 of Commission Regulation (EC) No 785/95 laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organization of the market in dried fodder [3], as last amended by Regulation (EC) No 629/97 [4], provides that the contracts and delivery declarations for the raw materials supplied to the processing undertakings are to be drawn up not later than 14 September following the beginning of the marketing year in question and that the processing undertakings are to submit to the competent authority a copy of those contracts and delivery declarations not later than 15 September following the beginning of the marketing year in question;

Whereas those provisions, dictated by a concern to enable the competent authorities of the Member States to make checks to satisfy themselves that the parcels from which the raw materials originate are eligible, have proved to be too restrictive, in particular where weather conditions enable the products in question to be processed after the aforementioned dates;

Whereas, as a result, provision should be made for the possibility for undertakings to draw up and submit the contracts and delivery declarations until 28 and 30 November of each marketing year respectively; whereas, since the cross-checks provided for in the integrated administration and control system as regards the eligibility of parcels are to be applied from 15 September, acceptance by the competent authorities of contracts and delivery declarations submitted after that date should be made subject to ad hoc checks carried out by those authorities in order to establish the eligibility of the parcels of origin indicated;

Whereas, in view of the new deadlines provided for above, the deadlines referred to in Article 8 (4) and (5) of Regulation (EC) No 785/95 should no longer be deemed to be strict; whereas, as a result, the second subparagraph of Article 8 (5) should be deleted;

Whereas the Management Committee for Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Article 8 of Regulation (EC) No 785/95 is hereby amended as follows:

1. The second subparagraph of paragraph 5 is deleted.

2. The following paragraph 6 is added:

'6. Without prejudice to paragraphs 4 and 5, the contracts and delivery declarations may be drawn up until 28 November and be submitted to the competent authority until 30 November following the beginning of the marketing year in question. The competent authority can in no case accept the said documents after that date.

In that case their execution for the purposes of the processing of the raw materials concerned may not take place until the competent authority, after having verified that the parcel or parcels indicated in the aforementioned contracts and/or delivery declarations are not included in the aid accounting under other Community aid schemes, and after having consulted the database provided for in Article 2 of Regulation (EEC) No 3508/92 (*), as last amended by Regulation (EC) No 820/97 (**), shall confirm in writing to the processing undertaking its formal agreement to execution of the contracts or delivery declarations.

(*) OJ L 355, 5. 12. 1992, p. 1.
(**) OJ L 117, 7. 5. 1997, p. 1.'

Article 2

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

(1) OJ L 63, 21. 3. 1995, p. 1.
(2) OJ L 131, 15. 6. 1995, p. 1.
(3) OJ L 79, 7. 4. 1995, p. 5.
(4) OJ L 96, 11. 4. 1997, p. 4.

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

Done at Brussels, 17 September 1997.

For the Commission

Franz FISCHLER

Member of the Commission