

COMMISSION REGULATION (EEC) No 2561/72

of 6 December 1972

on the sale at a reduced price of intervention butter for direct consumption as concentrated butter

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 1411/71 ⁽²⁾, and in particular Articles 6 (7) and 28 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 1075/71 ⁽⁴⁾, and in particular Article 7a thereof,

Whereas the situation on the Community butter market is marked by stocks built up following intervention under Article 6 (1) and (2) of Regulation (EEC) No 804/68;

Whereas it will not be possible to dispose of these stocks on normal terms during the present marketing year; whereas prolonged storage should be avoided in view of the high cost involved; whereas steps should therefore be taken to facilitate disposal of this butter;

Whereas eating habits in certain Member States make it possible to sell butter at a reduced price for direct consumption as concentrated butter; whereas experience has shown however that a disadvantage of such an operation is that butter may be diverted from its destination and lead to market disturbances; whereas provision should therefore be made for this measure to be taken at the request of any Member

State which considers itself in a position to lead it to a successful conclusion; whereas this measure should be limited to quantities which could normally be disposed of for direct consumption during the period in question;

Whereas, if this operation were confined to butter in public storage, it would make it difficult to run down stocks in private storage; whereas, therefore, butter which has been the subject of a storage contract under Article 9 (2) of Regulation (EEC) No 985/68 should be placed on the market once more as part of this operation;

Whereas the amount of the reduction in the sale price of butter or the amount of aid must be such as to permit an increase in butter consumption; whereas provision should be made for the price reduction to be reflected down to the retail stage;

Whereas butter sold under this Regulation should be clearly distinguished from other butter at all marketing stages; whereas to that end, rules should be laid down concerning composition, the possibility of distinguishing the concentrated butter from other butters and the packing of the concentrated butter in small packets; whereas, to ensure the smooth functioning of the operation a time limit should be set for packing;

Whereas a system of supervision should be set up to ensure that the butter is not diverted from its destination; whereas the provisions to that effect contained in Commission Regulation (EEC) No 1259/72 of 16 June 1972 on the disposal of butter at reduced prices to certain Community processing undertakings ⁽⁵⁾ should be taken over;

Whereas the value of the concentrated butter should be taken into account in connection with the compensatory amounts fixed pursuant to Regulation (EEC) No 974/71;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 148, 3. 7. 1971, p. 4.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 116, 28. 5. 1971, p. 1.

⁽⁵⁾ OJ No L 139, 17. 6. 1972, p. 18.

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

Member States may, at their request, be authorized:

- (a) to sell at a reduced price butter bought in under Article 6 (1) of Regulation (EEC) No 804/68 and put into storage before a date to be determined;
- (b) to grant aid for butter which during the 1972/73 marketing year was the subject of a storage contract under Article 8 (2) of Regulation (EEC) No 985/68,

to ensure the disposal for direct consumption in the Community, in the form of concentrated butter, of a quantity of this butter still to be specified.

Article 2

1. Butter covered by Article 1 (a) shall be sold ex-cold-storage-depot at 76 units of account per 100 kilogrammes.
2. It shall be sold in lots of not less than five metric tons.
3. It shall be taken over not later than 12 days after the day on which the the contract of sale is concluded.

Before taking it over, the purchaser shall:

- pay the purchase price of the butter;
- give a processing security of 110 units of account per 100 kg.

Except in cases of *force majeure*, if the buyer has not taken delivery of the butter within the specified time limit, the sale shall be cancelled in respect of the remaining quantities.

Article 3

1. Butter covered by Article 1 (b) shall benefit from an aid of 110 units of account per 100 kg.
2. The person who concluded the storage contract shall inform the intervention agency with which he concluded the contract of the quantities of butter he proposes to remove from storage and shall specify its characteristics in the manner determined by the intervention agency.

The intervention agency shall without delay issue an acknowledgement of receipt.

Article 4

1. The butter must be concentrated and put up, in accordance with Article 5, in the Member State in which it was removed from storage, hereinafter called 'the Member State of removal from storage'.
2. These operations must be carried out in an establishment approved for that purpose by the Member State.
3. Packing must take place within a maximum period of four weeks following the day:
 - on which the butter was taken over in accordance with Article 2 (3), in the case of butter covered by Article 1 (a);
 - on which the person concerned received the acknowledgement of receipt required under Article 3 (2), in the case of butter covered by Article 1 (b).

Article 5

1. Concentrated butter must:
 - contain at least 95% butyric fats;
 - have been the subject of the incorporation provided for in paragraph 2;
 - be marketed in slabs of not more than 250 grammes, wrapped in paper bearing on the upper surface one or more of the following in letters at least 5 mm high:
 - 'Beurre concentré pour la cuisine',
 - 'Butterreinfett',
 - 'Burro concentrato da cucina',
 - 'Braadboter' or 'Boterconcentraat voor keukengebruik'.
 (Concentrated butter for cooking).
2. During rendering the following shall be incorporated per 100 kg of butter:
 - either:
 - 2 kg of C₁₆ and/or C₁₈ fatty acid monoglycerides at least 90% pure calculated in monoglycerides on the product ready for incorporation,
 - or
 - 1 kg of pelargonic acid triglycerides (triglycerides of n—nonanoic acid) at least 95% pure calculated in triglycerides on the product ready for incorporation.

The competent agency shall ensure that the quality and characteristics, in particular the degree of purity, of the products to be incorporated into the rendered butter have been observed.

Article 6

1. Holders of the butter or concentrated butter shall keep stock records setting out in respect of each delivery the name and address of purchasers of the butter or the concentrated butter and the quantity purchased.

2. If the butter is resold, the requirements imposed as regards processing, putting up and use shall be incorporated in the contract of sale.

Such contract shall be made in writing and shall specify that the purchaser is aware of the penalties imposed by the relevant Member State in respect of breaches of the aforesaid obligations.

3. At the retail stage a record of quantities purchased shall suffice.

Article 7

1. The butter covered by Article 1 shall remain in its original packing until it is processed into concentrated butter.

It shall be accompanied by a list of the packages enabling the butter to be identified and specifying the date of removal from storage.

2. Packages containing butter removed from storage shall bear one or more of the following in letters at least 2 cm high:

'Beurre destiné à être transformé en beurre concentré (règlement (CEE) n° 2561/72)',

'Butter zur Verarbeitung zu Butterreinfett (Verordnung (EWG) Nr. 2561/72)',

'Burro destinato ad essere trasformato in burro concentrato (regolamento (CEE) n. 2561/72)',

'Boter bestemd voor verwerking tot braadboter (Verordening (EEG) nr. 2561/72)' or

'Boter bestemd voor verwerking tot boterconcentraat voor keukengebruik (Verordening (EEG) nr. 2561/72)'.

(Butter for processing into concentrated butter (Regulation (EEC) No 2561/72)).

3. The concentrated butter put up in slabs shall be delivered and remain until the retail stage in packings bearing one or more of the following:

'Beurre concentré pour la cuisine (règlement (CEE) n° 2561/72)',

'Butterreinfett (Verordnung (EWG) Nr. 2561/72)',

'Burro concentrato (regolamento (CEE) n. 2561/72)',

'Braadboter (Verordening (EEG) nr. 2561/72)' or

'Boterconcentraat voor keukengebruik (Verordening (EEG) nr. 2561/72)'.

(Concentrated butter for cooking (Regulation (EEC) No 2561/72)).

Article 8

1. From the time of its removal from storage and until it is processed into concentrated butter, the butter shall be subject to customs or equivalent administrative control.

2. During the processing and packing specified in Article 5, the Member State concerned shall carry out an on-the-spot inspection throughout the whole operation.

3. When the inspection has been carried out, the agency in question shall issue a certificate if it establishes that:

— the conditions of processing and putting up, and
— where the concentrated butter is to be consumed in the Member State, of removal from storage,

the conditions laid down in Article 6, have been met.

Article 9

Where the concentrated butter is dispatched to a Member State other than the Member State of removal from storage, sections 101, 103 and 104 of the control copy provided for in Article 1 of Regulation (EEC) No 2315/69 shall be completed. Section 104 shall be completed by deleting what does not apply and by adding one of the following phrases under the second indent:

'Beurre concentré à prix réduit pour la consommation directe (règlement (CEE) n° 2561/72)',

'Butterreinfett zu verbilligtem Preis für den unmittelbaren Verbrauch (Verordnung (EWG) Nr. 2561/72)',

'Burro concentrato a prezzo ridotto per il consumo diretto (regolamento (CEE) n. 2561/72)',

'Boterconcentraat tegen verlaagde prijs voor rechtstreeks verbruik (Verordening (EEG) nr. 2561/72)'.

(Reduced-price concentrated butter for direct consumption (Regulation (EEC) No 2561/72)).

Article 10

1. The processing security provided for in the second indent of Article 2 (3) shall, at the discretion of the Member State, be given in the form of a cheque made out to the intervention agency, or in the form of a guarantee meeting criteria laid down by the Member State concerned.

2. Except in cases of *force majeure*, the security shall be released only for quantities in respect of which the certificate provided for in Article 8 (3) or, which the purchaser furnishes the competent agency in the case covered by Article 9, this certificate together with the control copy.

3. The security shall be released immediately.

Article 11

The aid referred to in Article 3 (1) shall be paid to the person who concluded the storage contract only on production of the documents referred to in Article 10 (2).

Article 12

The Member States shall take all necessary steps to ensure that the incidence of the price reduction or aid is felt at the retail stage.

To this end, Member States shall fix a maximum retail price for concentrated butter which shall be indicated on the packing of the slabs together with the phase referred to in Article 5 (1). However, Member States may in place of this obligation adopt other administrative provisions having equivalent effect.

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

Done at Brussels, 6 December 1972.

Article 13

Member States shall inform the Commission on Tuesday of each week of:

- the quantities of butter covered by Article 1 (a) which have been the subject of contracts of sale;
- the quantities of butter covered by Article 1 (b) in respect of which the Member State has issued acknowledgements of receipt.

Article 14

The compensatory amounts applicable to concentrated butter shall be equal to those fixed pursuant to Regulation (EEC) No 974/71, multiplied by 0.4.

Where necessary, the Commission may alter this coefficient.

Article 15

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

2. It shall apply until 31 March 1973.

From that date:

- no further butter shall be taken over under Article 1 (a);
- no further acknowledgements of receipt shall be issued by intervention agencies for the butter covered by Article 1 (b).

For the Commission

The President

S. L. MANSOLT