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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1526/78**of 30 June 1978****laying down detailed rules for the application of the special measures for peas
and field beans used in the feeding of animals**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1119/78 of 22 May 1978 laying down special measures
for peas and field beans used in the feeding of
animals⁽¹⁾, and in particular Article 2 (6), the second
subparagraph of Article 3 and Article 5 thereof,

Whereas, in view of the normal fluctuations of world
market prices, the average world market price for soya
cakes should be determined at least once a month;

Whereas provision should be made for adjusting offers
and quotations to compensate for any differences in
presentation, quality, conditions and place of delivery
compared with the product for which the average
world market price must be fixed;

Whereas the information which needs to be included
in the declarations of areas shown in order to identify
those areas, should be specified; whereas, however, it
is not possible to require such a declaration for areas
which have already been sown;

Whereas Article 2 of Regulation (EEC) No 1119/78
provides that the standard conditions which contracts
concluded by feedingstuffs manufacturers must
contain are to be determined;

Whereas, in order to facilitate checks on entitlement
to aid, the contract must show the quantity in respect
of which it is concluded or the area on which the
product concerned has been sown, together with the
price paid or to be paid to the farmer; whereas, for
the same reason, provision should be made for
lodging the contracts before a certain date;

Whereas Article 11 of Council Regulation (EEC) No
1418/78 of 19 June 1978 laying down general rules
regarding the special measures for peas and field
beans used in animal feed⁽²⁾, provides that the
producer Member States are to make random on-farm
checks to determine that the areas indicated in the
declarations are accurate; whereas, in order to be effec-
tive, this check must cover a representative number of
declarations;

Whereas, it is necessary to specify the information
which Member States must give each other to identify
areas on which peas and field beans used in a Member
State other than the producing State have been
grown;

Whereas Article 12 of Regulation (EEC) No 1418/78
provides that Member States are to check the delivery
of products to feedingstuffs manufacturers and their
use; whereas, to ensure the effectiveness of such
checks, the term 'feedingstuffs manufacturer' should
be defined and the checking procedure laid down;

Whereas the stock records of the manufacturers
should be used as a basis for this check;

Whereas, in order to facilitate the marketing of peas
and field beans, the amount of aid applicable should
be that in force on the day when the feedingstuffs
manufacturers ask the competent agency to check the
products at the factory;

Whereas, to ensure the efficient functioning of the aid
system, provision should be made for the Member
States to issue a certificate stating the quantity entitled
to aid and the amount thereof; whereas, for adminis-
trative reasons, provision should be made for the peas
and field beans to be incorporated in feedingstuffs
within a certain period;

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 8.

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 5.

Whereas, in order to ensure the uniform application of the aid system, the method of payment should be defined ;

Whereas it is necessary to specify the minimum frequency with which the aid should be fixed ; whereas it appears sufficient to apply aid once a month ;

Whereas the system at present in force in France provides for payment by the manufacturer of a minimum price slightly lower than that fixed in Council Regulation (EEC) No 1120/78 of 22 May 1978⁽¹⁾ ; whereas it appears fair to derogate from the latter minimum price in respect of products delivered under contracts concluded before the entry into force of the Community system ;

Whereas, if Community aid were fixed at a lower level than national aid, abolition of that aid would be prejudicial to manufacturers who had concluded contracts before the entry into force of the Community system ;

Whereas France should be authorized, subject to certain conditions, to retain its national aid for the 1978/79 marketing year ;

Whereas, in view of the delay to the starting date of the 1978/79 marketing year, the implementation at that date of the system provided for in this Regulation could meet with certain difficulties ; whereas, to overcome those problems, the Member States should be authorized to take, for a limited period, measures derogating from those provided for in this Regulation ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Dried Fodder,

HAS ADOPTED THIS REGULATION :

Article 1

For the purposes of this Regulation :

1. 'feedingstuffs manufacturer' shall mean any undertaking possessing the necessary equipment for milling peas and field beans and for incorporating them in feedingstuffs ;
2. 'producer' shall mean any natural or legal person growing peas or field beans for use in the manufacture of feedingstuffs ;
3. 'buyers' shall mean any natural or legal person other than the feedingstuffs manufacturer who

concludes a contract with a producer meeting the conditions laid down in the second indent of Article 2 (2) of Regulation (EEC) No 1119/78 ;

4. 'contract' shall mean a contract between a feedingstuffs manufacturer and a producer or a buyer, in which the manufacturer agrees to take, and the other party to supply, peas and field beans which are of sound, genuine and merchantable quality :
 - to be harvested on a given area, or
 - if the contract is concluded with a buyer, the corresponding quantity stated therein.

World price

Article 2

1. The average world price for soya cakes shall be determined once a month. However, if the market situation changes significantly, it shall be changed as necessary.

It shall be fixed per 100 kilograms and shall be equal to the arithmetical average of the offers and quotations recorded during the five working days preceding the day of determination.

2. The Commission shall take account only of the most favourable offers and quotations for deliveries within 30 days following the date on which they are recorded.

Article 3

1. Where the offers and quotations used relate to :
 - (a) products presented otherwise than in bulk, they shall be adjusted by deducting the additional value resulting from that presentation ;
 - (b) a quality other than the standard quality for which the target price was fixed, they shall be adjusted on the basis of the coefficient shown in the Annex ;
 - (c) products delivered c. and f., they shall be increased by 0.2 % to take insurance costs into account ;
 - (d) products delivered cif to a frontier crossing point other than Rotterdam, they shall be adjusted on the basis of transport and insurance costs ;
 - (e) a product delivered cif Rotterdam, they shall be increased by 0.325 unit of account to take unloading and forwarding costs into account ;

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 11.

(f) products delivered *fas*, *fob* or otherwise, they shall be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point.

2. For the purposes of applying paragraph 1, the Commission shall only take account of the lowest loading, transport and insurance costs.

Article 4

Where Article 2 of Regulation (EEC) No 1418/78 applies, the most favourable offers and quotations shall be taken into account:

- for soya cakes in bulk, obtained by the processing of soya seed in the Community and delivered to Rotterdam,
- for other oil cakes offered on the world market, adjusted as appropriate to take into account the difference between their value and the value of soya cakes.

Declaration and contract

Article 5

1. The declaration referred to in Article 4 of Council Regulation (EEC) No 1418/78 shall be lodged with the agency appointed for this purpose by the Member State where the product has been sown before a date to be determined by the Member State concerned. This date shall be fixed in relation to the period during which the check referred to in Article 11 (1) of the said Regulation took place in the Member State concerned.

2. The declaration shall include:

- the name, forenames and address of the person making the declaration,
- the areas sown with peas or field beans for use as animal feed, expressed in hectares and ares,
- the number in the land register of the areas sown, or an indication recognized as equivalent by the agency responsible for the check.

3. The competent agency shall give a control number to each declaration and shall inform the producer concerned.

4. By way of derogation from paragraph 1, no declaration shall be required for peas and field beans harvested before 31 October 1978.

Article 6

1. The contract shall be concluded in writing and lodged by the feedingstuffs manufacturer with the

agency appointed for this purpose in the Member State where the peas and field beans will be used for the manufacture of feedingstuffs at least 60 days before the day on which the peas and field beans are delivered to him. Member States may determine the minimum area and/or the minimum quantity for which the contract may be lodged.

2. However, where peas and field beans are delivered to the manufacturer:

- in July 1978, the contract shall be lodged by the day on which the products are so delivered,
- in August and September 1978, the contract shall be lodged at least one week before the day on which the products are so delivered.

Article 7

Every contract shall include:

- (a) the names, forenames, addresses and signatures of the contracting parties;
- (b) the date of signature;
- (c) except in the case of products harvested up to 3 October 1978, the control number of the declaration referred to in Article 5;
- (d) the place to which the harvested product is to be delivered;
- (e) the quantity of peas and field beans covered by the contract, or, in the absence thereof, the area, in hectares and ares, where the crop covered by the contract will be harvested;
- (f) where the contract is between the manufacturer and the producer, the price to be paid to the producer per unit of weight;
- (g) where the contract is between the manufacturer and a buyer, a statement that the producer has received at least the minimum price given in the second indent of Article 2 (2) of Regulation (EEC) No 1119/78.

Article 8

1. The producer shall be paid for sound, genuine and merchantable goods of the quality specified in Article 8 of Regulation (EEC) No 1418/78, loaded into the purchaser's vehicle at the farm gate.

2. The selling price shall be reduced or increased by 1 % for each point of moisture and/or impurity content above or below the quality referred to in paragraph 1. If, however, the water content exceeds 18 %, or if the amount of inert matter exceeds 1.5 %, or the impurity content, including the inert matter, exceeds 5 %, the reductions applying for the rates exceeding the above percentages shall be agreed between the contracting parties.

3. By way of derogation from paragraph 2, and in the case of contracts lodged up to 31 July 1978, any reduction or increase shall be agreed between the contracting parties.

Control measures

Article 9

1. The agency appointed for this purpose in the Member State where the contract is lodged shall check that the contract satisfies all the conditions laid down in Articles 1, 6, 7 and 8, and in particular that the minimum price is observed.

2. If the contract has been signed with a buyer, the competent agency shall require the submission of a copy of the contract between the buyer and the producer, in order to check that the contract lodged corresponds to the contract in question, particularly as regards the observance of the minimum price.

Article 10

1. The random checks on the areas indicated in the declarations referred to in Article 5 shall cover at least 5 % of the declarations lodged.

2. For the purposes of Article 11 (2) of Regulation (EEC) No 1418/78, the competent agency of the Member State where the contract is lodged shall communicate the control number of the declaration given on the contract to the competent agency of the Member State where the peas and field beans were grown.

The latter Member State shall verify:

- whether a declaration bearing the same control number has in fact been lodged,
- whether another contract has already been lodged concerning the same declaration,
- whether the areas indicated in the declaration have been the subject of the check referred to in paragraph 1,

and shall inform the former Member State of the results of this verification using one of the following phrases:

- (a) 'The declaration was made in respect of the following areas: ... hectares';
- (b) 'There is no declaration bearing the stated control number';
- (c) 'Another contract has already been lodged in respect of this declaration'.

In case (a), one of the following statements shall be added if a random check has been made in respect of the areas:

'The check showed that the area indicated in the contract is correct'

or

'The check showed that the area indicated in the contract is ... hectares'.

3. In order to permit the verifications referred to in paragraph 2 to be effected, each Member State shall inform the Commission of the names and addresses of the authorities appointed to implement the special measures for peas and field beans used in the feeding of animals. The Commission shall inform the other Member States.

Article 11

1. For the purposes of this Article and the following Articles, 'premises' shall mean:

- (a) any building or other place within the precincts of an establishment manufacturing feedingstuffs, and
- (b) if the products concerned cannot be stored in those precincts, any building situated outside them which is sufficiently secure for the purposes of controlling the stored products and which has been approved in advance by the agency responsible for control.

2. The determination of the weight and the sampling referred to in Article 8 (2) of Regulation (EEC) No 1418/78 shall be carried out on entry into the premises where the peas and field beans are to be used.

The competent agency shall verify:

- if the contract refers to a quantity, that the quantity supplied does not exceed by more than 5 % the quantity indicated in the contract,
- if the contract refers to areas, that the quantity supplied corresponds to the quantity which can be produced on the area indicated.

If the quantity supplied exceeds the percentage specified in the first indent, or does not correspond to that which can be produced on the area indicated, the competent agency shall grant aid only in respect of the quantity referred to in the two abovementioned indents. The weight of the peas and field beans shall be expressed in kilograms and adjusted in accordance with the method defined in the Annex.

3. The taking of samples, the reduction of laboratory samples to samples for analysis and the determination of the moisture content and impurities shall be carried out by a uniform method for the whole Community. However, until a Community method is adopted, the Member States may continue to use methods of their choice.

Article 12

Except in cases of *force majeure*, peas and field beans whose entry into the premises has been verified pursuant to Article 11 may not leave those premises until they have been processed.

Article 13

The checks referred to in Article 12 of Regulation (EEC) No 1418/78 shall be such as to establish that the quantity of peas and field beans which entered the premises is the same as the quantity milled and actually incorporated in feedingstuffs.

For the purposes of these checks, the manufacturer shall keep separate accounts for peas and field beans harvested in the Community and imported peas and field beans, which shall include details of:

- the quantities which have entered the manufacturer's premises, specifying the net weight of the product as received, and for products harvested in the Community the moisture content and the impurities content;
- movements of products between the buildings or other places referred to in Article 11 (1) (a) and buildings referred to in Article 11 (1) (b);
- the quantities of peas and field beans used in the manufacture of feedingstuffs, the quantities of feedingstuffs produced and the quantities which left the manufacturer's premises.

Article 14

1. The application referred to in Article 5 (b) of Regulation (EEC) No 1418/78 shall be submitted by the manufacturer at the earliest when the products referred to in Article 11 of this Regulation enter his premises, and in any case before they are incorporated into feedingstuffs. This application shall be made in writing.

2. The application shall be equivalent to an application for aid.

Article 15

1. The application referred to in Article 5 (b) of Regulation (EEC) No 1418/78 may be made only in respect of one or more lots. 'Lots' shall mean a specific quantity of peas and field beans, to which a number is given at the time of entry into the manufacturer's premises and in respect of which an analysis is carried out in accordance with Article 11.

2. This application shall give at least the following information:

- surname, forenames and address of the applicant,
- the quantity of peas and field beans in respect of which the application is made,

— the number of the lot or lots concerned.

Article 16

The aid granted shall be that applying on the day on which the application referred to in Article 5 (b) of Regulation (EEC) No 1418/78 is lodged.

Article 17

1. After verifying the application referred to in Article 5 (b) of Regulation (EEC) No 1418/78, the competent agency shall issue an aid certificate showing:

- the quantity of peas and field beans entitled to aid pursuant to Article 11,
- the amount of aid granted.

2. The certificate shall be made out in at least two copies, of which one is issued to the applicant and the second kept by the issuing agency.

3. Issue of this certificate shall give entitlement to an advance of the aid referred to in Article 7 of Regulation (EEC) No 1418/78, provided that adequate guarantees are given.

4. Except in cases of *force majeure*, the certificate shall carry with it the obligation to incorporate the quantity indicated in the certificate in feedingstuffs within 270 days of its date of issue.

The obligation shall be considered to be fulfilled when the processed quantity, determined in accordance with the method set out in the Annex, is no more than 2 % less than the quantity indicated.

This quantity shall refer to a product with moisture and impurity contents corresponding to those in respect of which aid is fixed.

Aid*Article 18*

1. Aid shall be granted only for peas and field beans which are of sound, genuine and merchantable quality.

2. Aid shall be paid out on presentation of the certificate and after attestation by the agency responsible for control that the seeds specified in the certificate were processed during the period referred to in Article 17 (4).

Aid shall be paid out within 120 days of the presentation of the certificate. If the total quantity is not processed within the period referred to in Article 17 (4), aid shall be paid *pro rata* in respect of the quantities which have been so processed.

Article 19

1. Aid shall be fixed once a month and in such a way as to ensure its application from the first day of the month following the date on which it is fixed. However, if the market situation changes significantly, it shall be changed as often as necessary.

2. The Commission shall communicate to the Member States the amount of aid to be granted per 100 kilograms of products, as soon as it is fixed, and in any case before the date from which it is to be applied.

Article 20

1. In the case of contracts concluded in France before 1 July 1978, and lodged there until 31 August 1978, the price payable to the producer shall be not less than that provided for by the system in force in France before 1 July 1978.

2. Until 30 June 1979, the French Republic is authorized to retain the national system of aid for peas and field beans harvested on its territory and used in the feeding of animals.

The amount of aid referred to above may not, however, exceed the difference between the amount valid on 1 July 1978 resulting from application of the national system and the aid referred to in Article 2 of Regulation (EEC) No 1119/78.

Article 21

1. If at the start of the 1978/79 marketing year the implementation of the aid system provided for in this Regulation meets with serious difficulties, Member States may, for the period 1 to 31 July 1978, derogate from the measures provided for in this Regulation with the object of ensuring that only those products that qualify for aid benefit from it.

2. When paragraph 1 is applied, the Member States in question shall forthwith inform the Commission of the measures taken by them.

Article 22

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX A

Method of calculating the weight of peas and field beans

$$\frac{100 - (i + h)}{100 - (i_1 + h_1)} \times q = X$$

i = impurity of peas and field beans the weight of which is to be determined

h = moisture of peas and field beans the weight of which is to be determined

i₁ = impurities } of the quality for which the aid is fixed

h₁ = moisture }

q = quantity of the products as received, expressed in kg, the weight of which is to be determined

X = weight of the products expressed in kg

Note:

Only the first two decimal places shall be taken into consideration for the moisture and impurities content.

ANNEX B

Coefficients of equivalence for the different qualities of soya meal

Soya meal having a protein content of	Coefficients of equivalence Percentage to be deducted from the price
46 to 48 %	— 0.560
49 to 50 %	— 1.120

COMMISSION REGULATION (EEC) No 1527/78

of 30 June 1978

fixing the aid rate for peas and field beans used in the feeding of animals

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1119/78 of 22 May 1978 laying down special measures
for peas and field beans used in the feeding of
animals⁽¹⁾, and in particular Article 2 (5) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas under Article 2 (1) of Regulation (EEC) No
1119/78 aid is granted for peas and field beans har-
vested in the Community and used in the manufacture
of feedingstuffs when the average world market price
for soya cake is lower than the activating price;
whereas this aid is equal to 45 % of the difference
between these two prices;

Whereas the activating price for aid for peas and field
beans for the 1978/79 marketing year was fixed by
Council Regulation (EEC) No 1120/78 of 22 May
1978⁽²⁾;

Whereas under Council Regulation (EEC) No 1418/78
of 19 June 1978 adopting general rules in connection
with the special measures for peas and field beans
used in the feeding of animals⁽³⁾, the average world
market price for soya cake must be determined on the
basis of the most favourable purchase possibilities,
excepting offers and quotations which cannot be
considered representative of the real market trend;
whereas account must be taken both of all offers on
the world market and of the prices quoted on
exchanges that are important for international trade;
whereas only the most favourable offers and quota-
tions for delivery within 30 days must be used;

Whereas under Article 1 of Commission Regulation
(EEC) No 1526/78 of 30 June 1978 laying down
detailed rules for the application of the special
measures for peas and field beans used in the feeding

of animals⁽⁴⁾, the average price must be determined
per 100 kilograms of bulk soya cake of the standard
quality defined in Article 1 (2) of Regulation (EEC)
No 1120/78 delivered Rotterdam; whereas it must be
equal to the arithmetical mean of the offers and quota-
tions recorded during the five days preceding the day
of determination;

Whereas the necessary adjustments, notably those
referred to in Article 2 of Regulation (EEC) No
1526/78, must be made for offers and quotations not
of the type referred to above;

Whereas under Article 2 of Regulation (EEC) No
1526/78, when no offer or quotation can be used for
determining the world market price of soya cake, it is
to be determined from offers of and quotations for
soya cake obtained by the processing of soya seed in
the Community; whereas in this case the most favou-
rable offers and quotations are to be taken into
account for:

- bulk soya cake obtained by the processing of soya
seed in the Community delivered to Rotterdam,
and
- other oil cakes offered on the world market,
adjusted as necessary to take account of the differ-
ence between their value and that of soya cake;

Whereas, if the aid system is to operate normally,
refunds should be calculated on the following basis:

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2.25 %, a rate of exchange based on
their effective parity;
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each
of these currencies recorded for a given period in
relation to the Community currencies referred to
in the previous indent;

Whereas the aid rate must be fixed as often as the
market situation makes it necessary and not less
frequently than once a month,

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 8.

⁽²⁾ OJ No L 142, 30. 5. 1978, p. 11.

⁽³⁾ OJ No L 171, 28. 6. 1978, p. 5.

⁽⁴⁾ See page 1 of this Official Journal.

HAS ADOPTED THIS REGULATION :

Article 2

Article 1

The aid referred to in Article 2 of Regulation (EEC) No 1119/78 is fixed at 6.486 units of account per 100 kilograms.

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1528/78

of 30 June 1978

laying down detailed rules for the application of the system of aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, and in particular Article 6 (3) thereof,

Whereas when the average world market price for fodder dehydrated by artificial heat-drying is being determined, offers and quotations which are not considered to be representative of the real market trend should be disregarded;

Whereas provision should be made for adjusting the offers and quotations used to offset any differences by comparison with the presentation, the quality, the conditions or place of delivery for which the world market price must be determined;

Whereas for the application of Articles 2 and 3 of Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽²⁾, provisions should be made for the necessary adjustments of the prices used;

Whereas a criterion should be established relating to the minimum frequency for fixing the supplementary aid; whereas it appears sufficient for the aid to be set at least once a month;

Whereas the trend for the forward prices to be used to calculate the corrective amount referred to in Article 11 of Regulation (EEC) No 1417/78 should be determined;

Whereas in the absence of offers of dehydrated fodder on the world market for the month during which the aid is to be applied, and for one or more of the following months, it is not possible to determine the trend of forward prices; whereas in consequence the pre-fixed aid should be fixed at zero for the month or months in question;

Whereas the period of validity of the supplementary aid certificates referred to in Article 10 of Regulation

(EEC) No 1417/78 must be determined with due regard to the need to adapt the conditions of sale for fodder processed in the Community to those on the world market;

Whereas the said Article 10 makes the issue of the certificate subject to the lodging of a deposit which is forfeited if the fodder does not leave the undertaking during the period of validity of the certificate; whereas, to that end, the amount of the deposit should be fixed;

Whereas, having regard to the practice in the fodder trade, a certain tolerance should be allowed in respect of the quantity leaving the undertaking in comparison with that specified in the certificate;

Whereas to ensure uniform application of the aids system, the procedures for paying out the aids should be defined;

Whereas, having regard to the criteria laid down in Article 5 of Council Regulation (EEC) No 1417/78, the minimum quality prescribed for such products, expressed in terms of moisture and protein content, should be that recorded on the Community market; whereas, taking commercial practices into account, the moisture content should be differentiated according to the drying process used;

Whereas Article 13 of Regulation (EEC) No 1417/78 provides that Member States shall set up a supervisory system in order to verify, for each undertaking, whether the conditions set out in that Regulation have been complied with and whether the quantity of fodder in respect of which the aid is requested corresponds to the quantity of fodder of the minimum quality which had left the undertaking; whereas, consequently, the accounts of processing undertakings, declarations of area and applications for aid must include the minimum details necessary for such verification; whereas the other documentary evidence which may be required of processing undertakings for the purposes of such verification should also be indicated;

(1) OJ No L 142, 30. 5. 1978, p. 1.

(2) OJ No L 171, 28. 6. 1978, p. 1.

Whereas, in order to ensure that such verification is effective, provision should be made to define the term 'processing undertaking' and also the date on which fodder is to be regarded as having left such plant; whereas, towards the same end, it should be laid down that any undertaking which produces both dehydrated and sun-dried fodder should carry out these activities on separate premises;

Whereas, in order to facilitate control of the entitlement to aid and so that Member States may know the estimated volume of production, provision should be made specifying a date by which contracts concluded between processing undertakings and farmers are to be lodged;

Whereas, in order to facilitate the marketing of fodder for processing, it should be provided that each contract must be concluded in writing and indicate in particular the date and term for which it is concluded and the names and addresses of the contracting parties;

Whereas this Regulation is intended to replace Commission Regulation (EEC) No 832/75 of 26 March 1975 laying down detailed rules for the application of the system of aid for dehydrated fodder⁽¹⁾, as amended by Regulation (EEC) No 1885/75⁽²⁾; whereas this Regulation must therefore be repealed;

Whereas, in view of the delay to the starting date of the 1978/79 marketing year, the implementation at that date of the system provided for in this Regulation could meet with certain difficulties; whereas, to overcome those problems, the Member States should be authorized to take, for a limited period, measures derogating from those provided for in this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the detailed rules for the application of the system of aid for dried fodder, set up by Regulation (EEC) No 1117/78.

World prices

Article 2

For the determination of the average world market price for fodder dehydrated by artificial heat-drying, the Commission shall take into account the offers and quotations:

- ascertained during the first 25 days of the month in question, and
- related to shipments which can be effected during the following calendar month.

The average world market price thus determined shall be used to fix the supplementary aid applicable for the following month.

Article 3

1. Where the average world market price is determined in accordance with Article 1 of Regulation (EEC) No 1417/78, and where the offers and quotations used relate to:

- (a) products presented as meal, they shall be reduced by one unit of account per tonne of product;
- (b) products presented otherwise than in bulk, they shall be adjusted by deducting the additional value resulting from that presentation;
- (c) a quality other than the standard quality for which the guide price was fixed, they shall be adjusted by plus or minus 2 % for each point of protein less or more than the standard quality;
- (d) products delivered c. and f., they shall be increased by 0.2 %, to take insurance costs into account;
- (e) products delivered cif Regensburg, they shall be adjusted by four units of account per tonne of product;
- (f) products delivered cif to any place other than Rotterdam or Regensburg, they shall be adjusted on the basis of transport and insurance costs;
- (g) products delivered cif, they shall be increased by two units of account per tonne to take unloading and forwarding costs into account;
- (h) products delivered fas, fob, or otherwise, they shall be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point.

2. For the purposes of applying paragraph 1, the Commission shall only take account of the loading, transport and insurance costs which to its knowledge are the lowest.

3. Where the average world market price is determined in accordance with Article 2 of Regulation (EEC) No 1417/78, the offers and quotations used are

- adjusted, as appropriate, in accordance with paragraph 1, except for the adjustment provided for in point (c), and
- increased by three units of account per tonne of products.

⁽¹⁾ OJ No L 79, 28. 3. 1975, p. 42.

⁽²⁾ OJ No L 191, 24. 7. 1975, p. 26.

4. Where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the offers and quotations used:

- when they relate to products of Community origin, shall be adjusted to equate them with the stage 'delivered Rotterdam',
- when they relate to competitive products offered on the world market, shall refer in particular to soya cake with a total crude protein content of 44 %, and a moisture content of 11 %, and delivered Rotterdam.

The adjustments provided for in Article 3 of Commission Regulation (EEC) No 1526/78 of 30 June 1978 laying down detailed rules for the application of the special measures for peas and field beans used in the feeding of animals⁽¹⁾, shall apply, as appropriate, to the offers and quotations for soya cake.

Aid

Article 4

The Commission shall fix the amount of the supplementary aid for dried fodder once a month, and in such a way as to ensure that the aid is applied from the first day of the month following the date on which it is fixed.

Article 5

1. Where the average world market price is determined in accordance with Article 1 of Regulation (EEC) No 1417/78, the corrective amount referred to in Article 11 of that Regulation shall be equal to the difference between:

- (a) the said average world market price, and
- (b) the average forward world market price, determined by applying the criteria referred to in Article 1 of that Regulation, and valid for a shipment to be effected during a month other than that for which the supplementary aid is applied,

adjusted by the percentage fixed, under Article 5 (2) of Regulation (EEC) No 1117/78 for the product concerned.

2. If, however, the average forward world market price for one of the months following that for which the supplementary aid is applied, cannot be determined by applying the criteria referred to in Article 1 of Regulation (EEC) No 1417/78, the price determined for the preceding month shall be used to calculate the difference referred to in paragraph 1 above.

3. If the average forward world market prices for at least two consecutive months following that for which

the supplementary aid is applied cannot be determined by applying the criteria referred to in Article 1 of Regulation (EEC) No 1417/78, the prices determined previously for those months, adjusted in accordance with the difference between the price referred to in paragraph 1 (a) and the last forward price determined for that month, shall be used to calculate the difference referred to in paragraph 1 and referring to each of the months in question.

Article 6

When the average world market price is determined in accordance with Articles 2 and 3 of Regulation (EEC) No 1417/78:

- (a) the corrective amount referred to in Article 11 of that Regulation shall be equal to the difference between:

- the said average world market price, and
- the average forward world market price, determined by applying the criteria referred to in Articles 1 and 2 of that Regulation and valid for a shipment to be effected during a month other than that for which the supplementary aid is applied,

adjusted by the percentage fixed, under Article 5 (2) of Regulation (EEC) No 1117/78 for the product concerned;

- (b) if the average forward world market price for one or more months cannot be determined by applying the criteria referred to in Articles 1 and 2 of Regulation (EEC) No 1417/78, the corrective amount shall be fixed, for the month or months in question, at a level such that the supplementary aid is equal to zero.

Article 7

The Commission shall communicate to the Member States the amount of aid to be granted per tonne of dried fodder, as soon as it is fixed, and in any case before the date from which it shall be applied.

Article 8

1. The supplementary aid certificate shall be made out in at least two copies, the first of which shall be issued to the applicant and the second kept by the issuing body.

2. The certificate is valid, subject to Article 9, from the first day of the month following the day on which the application is lodged.

3. The period of validity of the supplementary aid certificate is set out in the Annex.

⁽¹⁾ See page 1 of this Official Journal.

Article 9

The certificate shall be issued, subject to Article 12 of Regulation (EEC) No 1417/78, no sooner than the afternoon of the third working day following the day on which the application is lodged.

Article 10

1. The amount of the deposit referred to in Article 10 (2) of Regulation (EEC) No 1417/78 shall be :

- five units of account per tonne for the products referred to under Article 1 (b) first indent and under (c) of Regulation (EEC) No 1117/78,
- three units of account per tonne for the products referred to under Article 1 (b) second indent of that Regulation.

2. The deposit shall be lodged, at the applicant's choice, in cash or in the form of a guarantee given by an establishment meeting the criteria fixed by the Member State from which the certificate is applied for.

Article 11

The obligations referred to in Article 10 (2) of Regulation (EEC) No 1417/78 shall be considered to have been fulfilled when the quantity of products leaving the undertaking is no more than 1 % less or more than the quantity indicated in the supplementary aid certificate.

Article 12

The supplementary aid, and the flat-rate aid referred to in Article 3 of Regulation (EEC) No 1117/78, shall be granted for dried fodder leaving the undertaking during a month, to a processing undertaking which lodges its application at latest 60 days following the month during which the product leaves the undertaking.

Every application for the flat-rate aid referred to in Article 3 of Regulation (EEC) No 1117/78 and for the supplementary aid shall contain at least the following :

- the name, forename, address and signature of the applicant ;
- particulars of the quantity in respect of which application for each aid is made ;
- the month during which each quantity left the plant.

Article 13

The Member State concerned shall pay the amount of the aid within 120 days following that on which the application is lodged.

Eligibility for aid*Article 14*

1. For the purposes of this Regulation, 'processing undertaking' as referred to in Article 1 of Regulation (EEC) No 1117/78 shall mean :

(a) any establishment where :

- either drying of fresh fodder is carried out by means of a drier which satisfies the following requirements :

(aa) air temperature at the entry point not less than 93 °C ;

(bb) residence time of the fodder being dehydrated not exceeding three hours ;

(cc) in case of drying in layers of fodder, bed depth of each layer no deeper than one metre ;

- or sun-dried fodder is processed using in particular equipment for milling ;

- or protein obtained from lucerne or grass juice is manufactured ;

(b) in the case of mobile drying equipment, any establishment where dehydration is carried out using a dryer which satisfies the requirements set out in (a), first indent.

2. For the purposes of this Regulation, dried fodder shall be considered to have left the processing undertaking where :

(a) it leaves in the unaltered state :

- any premises or other place within the precincts of the processing undertaking ;

- where the dried fodder cannot be stored in those precincts, any storage place outside it offering adequate safeguards for purposes of controlling the fodder stored and which has been approved in advance by the authority responsible for control ;

(b) in the case of mobile drying equipment, it leaves in the unaltered state :

- the equipment in which the dehydration is carried out ;

- if the dehydrated fodder is stored by the person having dried it, any storage place which satisfies the conditions of (a) second indent, or

(c) it has been mixed within that undertaking with raw materials, other than those specified in Article 1 of Regulation (EEC) No 1117/78 except, however, for those used for binding, with a view to the manufacture of feed.

3. By way of derogation from paragraph 2, where a processing undertaking uses fodder dried by it for the purposes of a farming enterprise belonging to it, the dried fodder produced during a month shall be considered to have left the processing undertaking on the last day of the month in question,

4. The determination of the weight of the dried fodder and the drawing of samples shall be carried out as near as possible to the time at which it leaves the plant.

5. The aid to be granted for compounds containing both dried fodder and raw materials other than those referred to in Article 1 of Regulation (EEC) No 1117/78, and for dried fodder containing binding matter, shall be calculated on a *pro rata* basis for the quantities of dried fodder contained in these products.

6. The products specified in Article 1 (a) of Regulation (EEC) No 1117/78 shall be regarded as 'unfit for human consumption' when they are obtained from potatoes with their peels.

Article 15

1. The maximum moisture content as referred to in Article 5 (a) of Regulation (EEC) No 1417/78 shall be :

- 12 % for products as specified in Article 1 (b) of Regulation (EEC) No 1117/78 which have undergone a milling process and for products referred to in Article 1 (c) of that Regulation ;
- 14 % for other dried fodder.

2. The minimum crude protein content in the dry matter referred to in Article 5 (b) of Regulation (EEC) No 1417/78 shall be for the 1978/79 marketing year respectively 8 %, 13 % and 45 %.

Article 16

1. In addition to the details referred to in Article 6 (a) of Regulation (EEC) No 1417/78, the stock accounts of processing undertakings shall include at least details of :

- the quantities and the quality of dried fodder entering the plant ;
- the stock of dried fodder at the end of each marketing year ;

— the dates on which the dried fodder left the plant.

Separate stock accounts shall be kept in respect of each of the products falling within subheadings ex 07.04 B, ex 11.05, ex 12.10 B first indent, ex 12.10 B second indent and ex 23.07 C of the Common Customs Tariff, set out in Article 1 of Regulation (EEC) No 1117/78.

2. Where a processing undertaking also dries or processes products other than fodder as referred to in Article 1 of Regulation (EEC) No 1117/78, it shall keep separate accounts in respect of these other drying or processing activities.

Article 17

1. The other documentary evidence to be supplied by processing undertakings shall be as follows :

(a) in the case of all processing undertakings :

- details whereby the production capacity of the plant may be determined,
- details of the fuel stocks held in the plant at the beginning of the production period,
- invoices for the purchase of fuel and the meter readings of consumption of electricity during the production period,
- details of fuel stocks held at the end of that period,
- details of the number of hours worked by the staff of the plant ;

(b) in the case of processing undertakings which sell their own output, the invoices in respect of their sales of dried fodder, with details in particular of :

- the quantity and quality of the fodder sold,
- the name and address of the purchaser ;

(c) in the case of undertakings processing for their members fodder produced by those members, the delivery orders or any other accounting document acceptable to the authority responsible for control, with details in particular of :

- the quantity and quality of the processed fodder delivered,
- the names of the persons to whom such fodder was delivered ;

(d) in the case of undertakings processing for farmers fodder supplied by those farmers, invoices in respect of their processing charges, with details in particular of:

- the quantity and quality of dried fodder produced,
- the names of the farmers concerned;

(e) in the case of processing undertakings using, on farms which belong to them, fodder dried by them:

- details of the number of livestock on such farms on 1 April of each year,
- details of any change in such livestock numbers in the course of the following 12 months.

2. The documentary evidence referred to in paragraph 1 shall be supplied by the undertaking at the request of the authority responsible for controlling entitlement to aid.

Article 18

Where a processing undertaking carries out the manufacture of the products referred to in Article 1 (b) first and second indents of Regulation (EEC) No 1117/78:

- each of these activities shall be carried out on a premises or other place separate from where the other activity is carried out;
- the products obtained from the two activities must be stored in different places;
- it is forbidden to mix within the undertaking a product belonging to one of these categories with a product belonging to another one.

Article 19

The declaration of areas referred to in Article 8 of Regulation (EEC) No 1417/78 shall be submitted each year not later than 31 October following the beginning of the marketing year concerned.

Each declaration shall include at least the following:

- particulars of the area in hectares and ares and broken down by crop;
- the cadastral register number of the areas or a reference recognized as equivalent by the authority responsible for the control of the areas.

Article 20

Processing undertakings shall lodge with the authority responsible for controlling the entitlement to aid, not later than one month after the date on which they are concluded, contracts as referred to in Article 7 of Regulation (EEC) No 1417/78.

However, contracts concluded before 1 July 1978 shall be lodged not later than 31 July 1978.

In the case of the drying of potatoes, contracts concluded with producers by natural or legal persons other than drying plants shall be regarded as equivalent to the contracts referred to above, provided that such persons are authorized by a drying plant to conclude such contracts on its behalf.

Article 21

1. Contracts shall be in writing. They shall be made in respect of a specified crop area or of an estimated quantity of either fresh, or where appropriate, sun-dried fodder.

2. In addition to the provisions specified in Article 7 of Regulation (EEC) No 1417/78, each contract shall include *inter alia* the following:

- (a) the names, forenames and addresses of the contracting parties;
- (b) the date on which it is concluded;
- (c) the term for which it is concluded;
- (d) the type or types of crop concerned;
- (e) where the contract is in respect of a specified area, the particulars necessary for the identification of the area concerned;
- (f) where the contract is concluded by a person acting on behalf of a processing undertaking, the name and address of the processing undertaking concerned.

Article 22

1. The sampling referred to in Article 13 (2) of Regulation (EEC) No 1417/78 shall be carried out for each lot of dried fodder in accordance with a standard Community method.

However, until Community provisions are adopted in this matter, Member States shall use a method of their own choice.

2. A 'lot' shall mean a specific quantity of fodder leaving a processing undertaking at the same time.

3. However, where fodder leaves in quantities:

- of less than 500 tonnes in the case of the products referred to in Article 1 (a) of Regulation (EEC) No 1117/78,
- of less than 100 tonnes in the case of the products referred to in Article 1 (b) and (c) of the said Regulation,

and during a period to be fixed by the Member States, it shall be regarded as a single lot in so far as the overall quantity of such fodder does not exceed as the case may be 500 or 100 tonnes.

Each sample shall be representative of the quantities concerned.

4. The determination of moisture and crude protein content shall be carried out for each lot in accordance with the method laid down in the Community provisions establishing Community methods of analysis for the official control of feedingstuffs.

Article 23

Member States shall inform the Commission, not later than one month after the date on which they are put into effect, of the provisions adopted by it for the purposes of the control provided for in Article 13 (1) of Regulation (EEC) No 1417/78.

Article 24

Regulation (EEC) No 832/75 is hereby repealed.

Article 25

1. Where, at the start of the 1978/79 marketing year, the implementation of the aid system provided

for in this Regulation meets with serious difficulties, Member States may, for the period 1 to 31 July 1978, derogate from the measures provided for in Articles 8 to 10 in order to ensure that only those products which qualify for aid benefit from it.

2. When paragraph 1 is applied, the Member States concerned shall forthwith inform the Commission of the measures taken by them.

Article 25

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

The supplementary aid certificates issued as the result of an application lodged :

- between 1 March and 31 October of each year, shall be valid until 31 March of the following year ;
 - between 1 November and the last day of February of the following year, shall be valid until 31 October of that year.
-

COMMISSION REGULATION (EEC) No 1529/78

of 30 June 1978

fixing the rate of the additional aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, and in particular Article 5 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 5 (1) of Regulation (EEC) No 1117/78 when the guide price is higher than the average world market price a supplementary aid is given for dried fodder as described under Article 1 (a), (b) and (c) of that Regulation obtained from fodder plants harvested in the Community; whereas this aid is equal to a percentage of the difference between these two prices;

Whereas this percentage and the guide price were fixed by Council Regulation (EEC) No 1118/78 of 22 May 1978 fixing the flat-rate production aid and the guide price for dried fodder for the 1978/79 marketing year⁽²⁾;

Whereas the average world market price is determined for a bulk pelleted product delivered Rotterdam of the standard quality for which the guide price has been fixed;

Whereas under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽³⁾, the average world market price for the products described in the first indent of Article 1 (b) Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the supplementary aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above;

Whereas when no offer of or quotation for the products described in the first indent of Article 1 (b)

of Regulation (EEC) No 1117/78 can be used to determine the average world market price it is to be determined from offers on the world market of and quotations on the exchanges important for international trade for the products described in the second indent of Article 1 (b) of Regulation (EEC) No 1117/78;

Whereas under Article 3 of Regulation (EEC) No 1417/78 when no offer or quotation can be used to determine the average world market price it is determined from the last average world market price determined, this being adjusted on the basis of price developments for the same products of Community origin and world prices of competing products;

Whereas the adjustments referred to above were set out in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁴⁾;

Whereas under Article 11 of Regulation (EEC) No 1417/78 when forward prices differ from that applying in the month when the application is lodged the supplementary aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas the correcting amount is equal to the difference between the average world market price and the average forward world market price multiplied by the percentage fixed in Article 3 of Regulation (EEC) No 1118/78; whereas when for one of the months following that of the introduction of supplementary aid the average forward world market price cannot be determined by applying the criteria specified in Article 1 of Regulation (EEC) No 1417/78 the price determined for the previous month is used to calculate the difference; whereas when for two or more consecutive months following that of the introduction of supplementary aid the average forward world market prices cannot be determined by applying the criteria set out in Article 1 of Regulation (EEC) No 1417/78 the prices previously determined for these months, adjusted on the basis of the difference between the average world market price and the last forward price determined for the month, are used to calculate the differences for the months in question;

Whereas when the average world market price is determined in accordance with Articles 2 and 3 of Regulation (EEC) No 1417/78 the correcting amount must

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 142, 30. 5. 1978, p. 6.

⁽³⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁴⁾ See page 10 of this Official Journal.

be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria specified in Articles 1 and 2 of the said Regulation and valid for delivery during a month other than that of the introduction of the supplementary aid, multiplied by the percentage fixed in Article 3 of Regulation (EEC) No 1118/78 for the product concerned; whereas when for one or more months the average forward world market price cannot be determined by applying the criteria specified in Articles 1 and 2 of Regulation (EEC) No 1417/78 the correcting amount is to be fixed for the month(s) in question to give a nil rate for the supplementary aid;

Whereas, if the aid system is to operate normally, refunds should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2.25 %, a rate of exchange based on their effective parity;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in

relation to the Community currencies referred to in the previous indent;

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing;

Whereas as a result of the application of all these provisions to the offers and quotations which the Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 30 June 1978 fixing the rate of the additional aid for dried fodder

Additional aid applicable from 1 July 1978 to dried fodder

(u.a./tonne)

CCT heading No	Dehydrated fodder ex 12.10 B Protein concentrates ex 23.07 C	Fodder otherwise dried ex 12.10 B
Additional aid	22.688	12.965

Additional aid in case of advance fixing for the month of :

August 1978	22.688	12.965
September 1978	22.688	12.965
October 1978	22.688	12.965
November 1978	20.882	11.932
December 1978	20.882	11.932
January 1979	20.882	11.932
February 1979	20.882	11.932
March 1979	20.882	11.932

COMMISSION REGULATION (EEC) No 1530/78**of 30 June 1978****laying down rules for the application of the system of aid in respect of certain products processed from fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1152/78⁽²⁾, and in particular Article 3c thereof,

Whereas Regulation (EEC) No 516/77 introduced a system of production aid in respect of the products listed in Annex Ia thereto and obtained from fruit and vegetables harvested in the Community; whereas the system is based on contracts between Community producers and processors;

Whereas, in order to assure steady supplies to the processing undertakings, such contracts should be concluded for a certain period; whereas, however, in order to ensure that this arrangement is of maximum effectiveness the contracting parties should be allowed to increase, by way of an endorsement and within a certain limit, the quantities initially contracted for;

Whereas, in order to ensure the correct application of the system of aid, minimum standards should be laid down for the products covered by the contracts;

Whereas, in order to ensure the correct application of the system of aid, provision should be made for the agency designated by the Member State to make random checks of the weight and quality of the products delivered to the processing undertakings; whereas the said agency should verify the stock accounts of these undertakings; whereas these stock accounts must contain certain minimum information necessary for verifying the processing of the products covered by the contracts;

Whereas, in order that the validity of applications for production aid may be verified, the minimum particulars which must appear therein should be specified;

Whereas Article 3a (5) of Regulation (EEC) No 516/77 provides that if Community production potential is likely to cause a major imbalance between production

and marketing possibilities, the granting of production aid may be limited to a specified quantity, account being taken of average production in the three years preceding the marketing year for which the aid is fixed; whereas provisions should be adopted on the determination for each processor of the maximum quantity for which aid may be given if Article 3a (5) is applied;

Whereas, under Article 4 (2) of Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy⁽³⁾, in respect of transactions under the common agricultural policy, the sums owed by a Member State or a duly authorized body, expressed in national currency and representing amounts fixed in units of account, are paid on the basis of the relationship between the unit of account and the national currency which obtained at the time when the transaction or part transaction was carried out;

Whereas, under Article 6 of Regulation (EEC) No 1134/68, the time when a transaction is carried out is considered as being the date on which occurs the event, as defined by Community rules or, in the absence of and pending adoption of such rules, by the rules of the Member State concerned, on which the relevant sum becomes due and payable;

Whereas the amount of aid for tomato concentrates varies according to the type of market preparation this product receives; whereas the final preparation of the product may be spread over a considerable period; whereas the processor should therefore be permitted to delay his application for aid in respect of concentrates whose market preparation is not yet complete;

Whereas the event in which production aid for processing products becomes due and payable occurs when processing is carried out; whereas, since processing contracts are for a period of several months, it is difficult to determine the exact date on which each lot was processed; whereas, therefore, in order to ensure uniform application of the system of production aid, the conversion rate obtaining at the end of the period specified for each product should be used for calculating the amount in national currency;

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 144, 31. 5. 1978, p. 1.

⁽³⁾ OJ No L 188, 1. 8. 1968, p. 1.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. Any contract referred to in Article 3a of Regulation (EEC) No 516/77, hereinafter called 'processing contracts', shall be concluded in writing between producers of their recognized groups or associations and processors or their legally constituted groups or associations. The processing contract may take the form of a supply contract between a producer and his recognized group or association.

2. Processing contracts shall be concluded:

- before 5 June in respect of tomatoes to be delivered to the industry during the period 1 July to 15 November,
- before 31 May in respect of peaches to be delivered to the industry during the period 10 June to 30 September,
- before 25 August in respect of dried plums (prunes d'Ente) to be delivered to the industry during the period 5 September to 31 December.

However, for the 1978/79 marketing year, contracts may be concluded until 31 July 1978 in respect of tomatoes, 31 July 1978 in respect of peaches, and 31 October 1978 in respect of dried plums (prunes d'Ente).

3. During the periods referred to in paragraph 2, the contracting parties may decide to increase, by way of a written endorsement to the contract, the quantities initially specified therein.

Such endorsements shall be made not later than:

- 15 September in respect of tomatoes,
- 15 August in respect of peaches,
- 15 November in respect of dried plums (prunes d'Ente).

However, for the 1978/79 marketing year, such endorsements may not be made later than:

- 30 September 1978 in respect of tomatoes,
- 31 August 1978 in respect of peaches,
- 30 November 1978 in respect of dried plums (prunes d'Ente).

For that marketing year, the endorsements may not relate to more than 40 % of the quantities initially specified in the contract.

Article 2

A copy of each contract concluded and of any endorsement thereof shall be forwarded by the processor or his legally constituted group or association, before the date on which they are to take effect, to the agency designated by the Member State in which the raw materials are produced and to the agency of the Member State in which processing is to take place.

Article 3

The raw materials delivered to the processor under the processing contracts, shall be of sound, genuine and merchantable quality and suitable for processing.

Article 4

1. The checks provided for in Article 3b (5) of Regulation (EEC) No 516/77 shall include for each of the periods referred to in Article 1 (2):

- verification that the quantities of raw materials delivered under the contracts have been processed,
- verification that the products resulting from such processing comply with the applicable quality standards.

2. The processing undertakings concerned shall keep stock accounts showing:

(a) for each of the periods referred to in Article 1 (2):

- the consignments of raw materials bought and entering the undertaking each day, the consignments covered by processing contracts or endorsements and the numbers of any receipts which may be drawn up in respect of these consignments being shown separately,
- the weight of each consignment entering the undertaking and, in the case of consignments covered by the said contracts, the name and address of the other contracting party;

(b) the quantities of finished products obtained each day by processing the raw materials, the quantities obtained from the raw materials delivered under the processing contracts being shown separately.

3. The agency designated by the Member State in which the processing takes place shall :

- make random checks at the processing plant of the weight and quality of the products delivered under the processing contracts,
- verify the stock records of each processing undertaking.

Article 5

1. Within 90 days of the end of the processing operations, the processor shall lodge the production aid application with the agency designated by the Member State in which the processing was carried out.

However, for prunes produced from dried plums (prunes d'Ente) the processor may make two applications for each marketing year, the first for products produced up to 31 December and the second for those produced after that date.

2. The application for aid shall include :

- (a) the name and address of the applicant ;
- (b) a statement of the quantities of raw materials, which broken down by processing contract or endorsement, meet the conditions referred to in Article 3 and which were delivered under each such contract or endorsement ;
- (c) the invoice for the raw materials referred to under (b), duly receipted by the producer or his recognized group or association, showing that the price he obtained for them was not less than the minimum price, or in the case of supply contracts, a declaration by the producer that the other contracting party paid or credited to him a price not less than the minimum price ;
- (d) a statement of the total quantities of finished products obtained by processing the raw materials referred to under (b) ; where the second subparagraph of paragraph 1 applies, the statement shall refer to the quantities obtained during the period in question.

In the case of tomato concentrates, the statement referred to under (d) may also include the quantity of concentrate, not exceeding 15 % of the total quantity obtained, which may undergo subsequent market preparation. In this case, the application for aid shall refer only to the quantity for which the process of market preparation is already complete, a further application for aid in respect of the remainder being submitted not later than 31 March of the current marketing year.

Article 6

1. In cases covered by Article 3a (5) of Regulation (EEC) No 516/77, the application for aid shall be supported by a statement of the average quantity produced by the undertaking in the three years preceding the marketing year for which the aid is fixed.

2. Where the processor has been producing the product concerned for less than three years, his application for aid shall be supported by a statement, as appropriate, either of the average quantity produced in the last two years or of the quantity produced in the year preceding the marketing year in question.

3. Where processors have begun processing during the marketing year in question, the aid shall be limited to a quantity not exceeding a percentage, to be determined in accordance with the procedure laid down in Article 20 of Regulation (EEC) No 516/77, of the total quantity for which the processors referred to in the preceding paragraphs may receive aid.

The Member State concerned shall determine, within the limit of the percentage referred to above, the total quantity eligible for aid and shall allocate it fairly among the new processors.

4. Where an undertaking decides not to process the produce concerned, the Member State shall allocate the quantity in respect of which the said undertaking could have received the aid, among the new processors, in accordance with paragraph 3. Any balance remaining shall be allocated fairly among the other processors.

Article 7

The event within the meaning of Article 6 of Regulation (EEC) No 1134/68 in which production aid becomes due and payable shall be considered as occurring :

- in respect of tomato concentrates, peeled tomatoes and tomato juice, on 30 November,
- in respect of peaches in syrup, on 15 October,
- in respect of prunes, on 31 December.

Article 8

Each Member State shall notify the Commission of the name and address of the agency or agencies designated by it in accordance with Articles 3a and 3b of Regulation (EEC) No 516/77 and of the measures taken to implement the system of production aid.

Each Member State shall also notify the Commission, not later than 15 February of each year, of :

(a) the quantity of raw material :

- covered by processing contracts or endorsements,
- delivered under these contracts or endorsements during the last marketing year ;

(b) the quantity of finished products obtained from processing of the raw materials referred to in the second indent of (a) during that marketing year ;

(c) the quantity of the products referred to under (b) in stock on 15 January of that year.

Article 9

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1531/78

of 30 June 1978

fixing, for the 1978/79 marketing year, the reference prices for pears

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1154/78⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed before the beginning of each marketing year;

Whereas pears are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas pears harvested during a given crop year are marketed from June of one year to May of the following year; whereas the quantities marketed in June and May of the following year are so small that there is no need to fix reference prices; whereas the reference prices should therefore be fixed for the period from 1 July up to and including 30 April of the following year;

Whereas, pursuant to Article 23 (2) of Regulation (EEC) No 1035/72, the reference prices are fixed on the basis of the arithmetic mean of producer prices in each Member State plus an amount representing the cost of transporting Community products from the production areas to Community marketing centres; whereas the trend of production costs in the fruit and vegetables sector must also be taken into account;

Whereas to take variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying the specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1978/79 marketing year, the reference price for pears, other than perry pears (subheading ex 08.06 B II of the Common Customs Tariff), expressed in units of account per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows:

— July	22.56
— August	18.83
— September	18.69
— October	20.18
— November	21.65
— December	23.25
— January to April inclusive	24.21

Article 2

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 144, 31. 5. 1978, p. 5.

COMMISSION REGULATION (EEC) No 1532/78

of 30 June 1978

fixing, for the 1978/79 marketing year, the reference prices for apples

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1154/78⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed before the beginning of each marketing year;

Whereas apples are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas apples harvested during a given crop year are marketed from July of one year to June of the following year; whereas reference prices should therefore be fixed for the period from 1 July up to and including 30 June of the following year;

Whereas, pursuant to Article 23 (2) of Regulation (EEC) No 1035/72, the reference prices are fixed on the basis of the arithmetic mean of producer prices in each Member State plus an amount representing the cost of transporting Community products from the production areas to Community marketing centres; whereas the trend of production costs in the fruit and vegetables sector must also be taken into account;

Whereas since the varieties of apples are not all comparable as regards estimation of their commercial value, these varieties should be classified in three groups;

Whereas to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial charac-

teristics being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, for the purpose of calculating the entry prices, the varieties imported from third countries of which the entry prices are to be compared with the prices fixed for Groups I, II and III respectively should be specified;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1978/79 marketing year, the reference prices for apples, other than cider apples (subheading ex 08.06 A II of the Common Customs Tariff), expressed in units of account per 100 kilograms net of packed products of Class I, of all sizes, for the variety Groups I, II and III shall be as follows:

	<i>Group I</i>	<i>Group II</i>	<i>Group III</i>
July	22.87	—	—
August	19.37	—	—
September	20.85	19.23	11.97
October	20.97	17.76	12.51
November	21.92	16.68	12.66
December	22.60	16.94	12.92
January	24.06	17.35	13.31
February	25.01	18.83	14.54
March	27.57	19.77	14.81
April	28.24	} 20.77	15.20
May	28.51		15.87
June	29.69	—	—

2. The variety groups referred to in paragraph 1 are composed as follows:

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 144, 31. 5. 1978, p. 5.

Group I:

Yellow Transparent (Transparente jaune, Klarapfel), James Grieve, Gravensteiner, Golden Delicious, Cox's orange pippin, Stark Delicious, Rouges américaines, Ingrid Marie, Reirette du Canada, Belle de Boskoop, Miller's Seedling, Tydeman's early Worcester, Worcester pearmain, Weißwinterglockenapfel, and mutations of these varieties ;

Group II:

Reine des Reinettes (Goldparmäne), Jonathan, Imperatore (Morgenduft), Grenadier, Lord Derby, Lord Lamtourne, and mutations of these varieties ;

Group III:

Abbondanza (Belfort), Horneburger, Finkenwerder, Bramley's Seedling, and mutations of these varieties.

3. The entry prices of imported products are to be compared :

- (a) with prices fixed for Group I, where the imported products belong to one of the following varieties : Golden Delicious, Red Delicious, Richared, Stark Delicious, Starking, Starkrimson, Yellow Transparent (Transparente jaune), James Grieve, Belle de Boskoop, Stayman Winesap, Stayman red, Black Winesap, Granny Smith, Dunn's Seedling, King Cole, Cleopatra, Democrat, Yellow Newton, Crofton, Ingrid Marie, Sturmer, Laxton's superb,

Scarlet pearmain, White winter pearmain, Geeveston Fanny, Tydeman's early Worcester, Benoni, Stark earliest, Winston, Reinette du Canada, Berlepsch, Annurca, Lodi, Gravensteiner, Miller's Seedling, Worcester pearmain, Weißwinterglockenapfel, Cortland, Spartan, Red MacIntosh, various varieties of Cox's other than Cox's pomona, and mutations of the above varieties ;

- (b) with the prices fixed for Group II, where the imported products belong to a variety other than those set out in (a) and (c) ;
- (c) with the prices fixed for Group III, where the imported product belongs to one of the following varieties : Abbondanza (Belfort), Rambour d'hiver, Brettacher, Horneburger, Krügers Dickstiel, Kirchenwerder, Finkenweder, Winter Banana, Limoncella, Commercio, Reinette clochard, Ontario, Reinette du Mans, Lemoenapfel, Bramley's Seedling (Triomphe de Kiel), Pella, Cox's pomona, and mutations of the above varieties.

Any amendments to the preceding subparagraph shall be adopted in accordance with the procedure in Article 33 of Regulation (EEC) No 1035/72 by reference to the changes in the varieties imported from third countries.

Article 2

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

COMMISSION REGULATION (EEC) No 1533/78

of 30 June 1978

fixing adjustments to monetary compensatory amounts for milk and milk products fixed in advance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 fluctuation for the currencies of certain Member States⁽¹⁾, as last amended by Regulation (EEC) No 557/76⁽²⁾, and in particular Article 6 thereof,

Whereas the first indent of Article 7 (2) of Commission Regulation (EEC) No 243/78 of 1 February 1978 providing for the advance fixing of monetary compensatory amounts⁽³⁾ provides for optional adjustment of monetary compensatory amounts fixed in advance when the levy or refund is adjusted following a change in prices; whereas, under Article 2 (1) of Commission Regulation (EEC) No 1516/78 of 30 June 1978 on adjustments to monetary compensatory amounts fixed in advance and repealing Regulation (EEC) No 651/78⁽⁴⁾, these adjustments of monetary compensatory amounts applicable to milk products made following a change in the price level in units of account correspond to the adjustments made to refunds fixed in advance;

Whereas refunds fixed in advance for the section in question were adjusted by Commission Regulation (EEC) No 1052/78 of 19 May 1978⁽⁵⁾; whereas this adjustment corresponded to the increase in intervention prices; whereas for this reason the monetary compensatory amounts fixed in advance must be correspondingly adjusted; whereas under Article 3 of Regulation (EEC) No 1516/78 this adjustment is made on the basis of the price and representative rate valid at the moment when the customs export formalities were completed;

Whereas the percentage increases for the intervention prices for butter and skimmed-milk powder are not identical; whereas for the sake of simplification the

average of the two percentages should be used for products the monetary compensatory amounts for which are calculated using both that for butter and that for skimmed-milk powder; whereas for the same reason the adjustment coefficients fixed for the milk sector alone should be applied for milk products containing certain quantities of products of other sectors;

Whereas under Article 3 (2) of Regulation (EEC) No 1516/78 the adjustment under Article 7 (1) of Regulation (EEC) No 243/78 is altered if there is an adjustment under Article 7 (2) of that Regulation;

Whereas before the publication of Regulation (EEC) No 1516/78 there were not yet precise rules on adjustments under Article 7 (2) of Regulation (EEC) No 243/78;

Whereas at the moment of adoption of the adjustments to refunds fixed in advance no decision had therefore been taken on the adjustment of monetary compensatory amounts fixed in advance in the sector in question; whereas it therefore appears appropriate, in the interests of the trade, to complete the measures adopted;

Whereas the monetary compensatory amounts fixed in advance that are adjusted by this Regulation were fixed by Regulation (EEC) No 938/77⁽⁶⁾, as last amended by Regulation (EEC) No 1058/78⁽⁷⁾;

Whereas difficulties may arise in connection with the calculation of the amount to be granted and the adjustment to be made under this Regulation; whereas it should therefore be specified that:

- refunds fixed in advance in units of account are increased by the amount fixed by Regulation (EEC) No 1052/78;
- the resulting amount is multiplied by the monetary coefficient and converted into national currency at the representative rate, coefficient and rate being those fixed in advance along with the fixing in advance of the monetary compensatory amount;

(1) OJ No L 106, 12. 5. 1971, p. 1.

(2) OJ No L 67, 15. 3. 1976, p. 1.

(3) OJ No L 37, 7. 2. 1978, p. 5.

(4) OJ No L 178, 1. 7. 1978, p. 65.

(5) OJ No L 134, 22. 5. 1978, p. 31.

(6) OJ No L 110, 30. 4. 1977, p. 6.

(7) OJ No L 134, 22. 5. 1978, p. 49.

— the amount thus obtained is as appropriate reduced or increased by the amount of the monetary compensatory amount and multiplied by the adjustment coefficient given in the Annex to this Regulation ;

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

1. In the case of milk products exported to third countries for which the customs formalities were completed before 22 May 1978, the monetary compensatory amounts given in Annex I to Regulation (EEC) No 938/77 shall, when they have been fixed in advance before 22 May 1978, be multiplied by the corresponding coefficients given in the Annex to this Regulation.

2. The preceding paragraph shall not however apply to exportations for which the customs formalities were completed before 1 July 1978 :

— in the Federal Republic of Germany,

— in Member States where the currency has depreciated if for the operator in question the coefficient given in Annex IV to Regulation (EEC) No 938/77 has already been applied to the monetary compensatory amount fixed in advance and the interested party requests that the present provision be applied.

3. When paragraph 1 applies the coefficients given in Annex IV to Regulation (EEC) No 938/77 shall not be applied.

Article 2

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

Adjustments under the second indent of Article 7 (2) of Regulation (EEC) No 243/78 to monetary compensatory amounts for milk and milk products fixed in advance

Member States	Monetary compensatory amount fixed in the period	Coefficients applicable to the products referred to below (see corresponding notes)		
		(a)	(b)	(c)
Germany ⁽¹⁾	3 April to 21 May 1978	0.976897	0.974320	0.975609
France	3 to 9 April 1978	0.822875	0.820704	0.821789
	10 to 23 April 1978	0.790960	0.788873	0.789917
	24 April to 14 May 1978	0.780839	0.778779	0.779809
	15 to 21 May 1978	0.763462	0.761448	0.762455
Ireland	3 to 9 April 1978	0.062945	0.062779	0.062862
	10 April to 21 May 1978	0.395760	0.394716	0.395238
Italy	3 April to 21 May 1978	0.724231	0.722321	0.723276
United Kingdom	3 to 9 April 1978	0.783670	0.781603	0.782637
	10 April to 21 May 1978	0.810273	0.808135	0.809204
Benelux	3 April to 21 May 1978	1.020653	1.017962	1.019308

⁽¹⁾ In the case of exports for which the customs formalities have been completed in the Federal Republic of Germany before 1 July 1978 the coefficients given in Annex IV to Regulation (EEC) No 938/77 continue to apply.

- (a) These coefficients apply to monetary compensatory amounts fixed in advance for products falling within heading No 04.03 of the Common Customs Tariff.
- (b) These coefficients apply, subject to note (d), to monetary compensatory amounts fixed in advance for products falling within the following tariff subheadings :
- 04.02 A II a) 1,
 - 04.02 A II b) 1,
 - 04.02 B I b) 1 aa),
 - 04.02 B I b) 2 aa),
 - 23.07 B I a) 3,
 - 23.07 B I a) 4,
 - 23.07 B II.
- (c) These coefficients apply, subject to note (d), to monetary compensatory amounts fixed in advance for products other than those specified in notes (a) and (b).
- (d) The coefficients do not apply to :
- products falling within subheading 04.02 A II exported under Regulation (EEC) No 2054/76 ;
 - products falling within subheading 23.07 B containing skimmed-milk powder sold under Regulation (EEC) No 2054/76.