COMMISSION DECISION

of 29 March 1978

on the sale under special conditions of skimmed-milk powder held by the Belgian intervention agency

(Only the French and Dutch texts are authentic)

(78/359/EEC)

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 2560/77 (2), and in particular Article 7 (5) thereof,

Whereas Council Regulation (EEC) No 1014/68 of 20 July 1968 laying down general rules for the public storage of skimmed-milk powder (3), as last amended by Regulation (EEC) No 1211/69 (4), lays down in particular the conditions for the release to the market of skimmed-milk powder held by the intervention agencies; whereas the Belgian agency is holding a quantity of approximately 160 tonnes of damaged skimmed-milk powder from the French intervention agency, originally intended for a food-aid operation; whereas this lot no longer meets the quality and packing requirements laid down by Commission Regulation (EEC) No 1108/68 of 27 July 1968 on detailed rules of application for the public storage of skimmed-milk powder (5), as last amended by Regulation (EEC) No 1457/75 (6);

Whereas outlets for these relatively small quantities exist on the Belgian market under Commission Regulation (EEC) No 443/77 of 2 March 1977 on the sale at a fixed price of skimmed-milk powder for use in feed for pigs and poultry and amending Regulations (EEC) No 1687/76 and (EEC) No 368/77 (7), as last amended by Regulation (EEC) No 2772/77 (8); whereas the Belgian intervention agency should therefore be authorized to put the quantities in question up for sale under the said Regulation; whereas, however, when fixing the selling price, account should be taken of the special situation of the said product;

Whereas, as regards the financing of the operation, both expenditure and revenue from sale should be attributed to Chapter 92, 'Food Aid', of the general budget of the European Communities and provision made to that end for the relevant particulars to be supplied to the Commission, in monthly statements provided for in Article 2 of Commission Regulation (EEC) No 249/77 of 2 February 1977 laying down detailed rules for the implementation of Regulation (EEC) No 2681/74 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid (9);

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

1. The Belgian intervention agency is hereby authorized to sell, in accordance with Regulation (EEC) No 443/77, a consignment of approximately 160 tonnes of skimmed-milk powder held by it which no longer corresponds to the quality and/or packing requirements laid down in the Annex to Regulation (EEC) No 1108/68.

2. By way of derogation to the abovementioned Regulation, the selling price of the quantities referred to in paragraph 1 shall be at least 12 units of account per 100 kilograms.

Article 2

1. As regards the financing of the operation referred to in Article 1,

(a) the revenue from the sale of the skimmed-milk products, and

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 303, 28. 11. 1977, p. 1.
(3) OJ No L 173, 22. 7. 1968, p. 4.
(4) OJ No L 155, 28. 6. 1969, p. 13.
(5) OJ No L 184, 29. 7. 1968, p. 34.
(6) OJ No L 145, 6. 6. 1975, p. 17.
(7) OJ No L 58, 3. 3. 1977, p. 16.
(8) OJ No L 320, 15. 12. 1977, p. 18.
(9) OJ No L 34, 5. 2. 1977, p. 21.

(b) the expenditure incurred by the Belgian intervention agency, representing

— storage costs from 24 January 1977 at Bfrs 480 per day of storage for the total consignment,

— the cost of removal from storage, and

— the cost of verification by an approved weigher and measurer,

shall be attributed to Chapter 92, 'Food Aid', of the general budget of the European Communities.

2. Particulars of the revenue and expenditure referred to in paragraph 1 (a) and (b) shall be transmitted to the Commission in the monthly statements provided for in Article 2 of Regulation (EEC) No 249/77.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 29 March 1978.

For the Commission

Finn GUNDELACH

Vice-President