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REGULATION (EEC) No 526/72 OF THE COMMISSION

of 14 March 1972

on a derogation from Regulation (EEC) No 1411/71 as regards the fat content of semi-skimmed and skimmed milk and the payment varying according to quality for milk used for making drinking milk

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1411/71[1] of 29 June 1971 laying down additional rules on the common organization of the market in milk and milk products for products falling within tariff heading No 04.01, and in particular Article 7 thereof;

Whereas, pursuant to Article 3 (1) (b) and Article 6 (1) of Regulation (EEC) No 1411/71, only milk with a fat content of between 1·50 and 1·80% and milk with a fat content of not more than 0·30% may be marketed as semi-skimmed and skimmed milk; whereas this requirement may not be met from 31 March in all Member States in view of existing stocks of old packagings; whereas provisional measures should therefore be adopted whereby Member States may continue to apply the relevant provisions currently applicable in their territory for a limited period;

Whereas, for the same reason, it should be possible for Member States, on a temporary basis and by way of derogation from the provisions referred to in Article 3 (2) of Regulation (EEC) No 1411/71, to use the names set out in paragraph 1 of that Article for products which do not comply with the definitions in paragraph 1;

Whereas, in accordance with the second subparagraph of Article 5 (1) of Regulation (EEC) No 1411/71, milk used for making drinking milk should have been made subject to a system of payment varying according to quality; whereas the introduction of such a system in Italy requires application of that provision to be suspended for a limited period;

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. By way of derogation from the third and fourth indents of Articles 3 (1) and 6 (1) of Regulation (EEC) No 1411/71, Member States may until 31 December 1972 maintain the provisions applicable within their territories on 30 March 1972 concerning the fat content of semi-skimmed and skimmed milk delivered to the consumer.

2. However, Member States who make use of the power conferred by paragraph 1 may not prohibit the marketing for human consumption of semi-skimmed or skimmed milk meeting the requirements of Regulation (EEC) No 1411/71.

Article 2

By way of derogation from Article 3 (2) of Regulation (EEC) No 1411/71, Member States may until 31 December 1972 allow the names given in paragraph 1 of that Article to be used in accordance with the provisions applicable in their territory on 30 March 1972.

Article 3

In the Republic of Italy, application of the second subparagraph of Article 5 (1) of Regulation (EEC) No 1411/71 concerning payment varying according to quality for milk used for making drinking milk shall be suspended until 31 March 1973.

Article 4

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

[1] OJ No L 148, 3.7.1971, p. 4.

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

Done at Brussels, 14 March 1972.

For the Commission

The President

Franco M. MALFATTI