REGULATION (EEC) No 224/74 OF THE COMMISSION

of 25 January 1974

on the sale for use as animal feed of skimmed-milk powder held by intervention agencies

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 (1) of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act (2) on the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 7 (5) and Article 28 thereof;

Whereas large quantities of skimmed-milk powder are currently held in public storage in the Community; whereas steps should be taken to sell these stocks where outlets for this product exist;

Whereas certain regions of the Community are experiencing a temporary shortage of skimmed-milk powder; whereas the feedingstuffs industry should be allowed to procure supplies from intervention agencies;

Whereas Article 5 (2) of Council Regulation (EEC) No 1014/68 (3) of 20 July 1968 laying down general rules for the public storage of skimmed-milk powder, as last amended by Regulation (EEC) No 1211/69 (4), specifies that the selling price of skimmed-milk powder held in public storage must be higher than the intervention price by an amount to be determined in the light of the market situation and storage costs;

Whereas the conditions of sale, including time limits for payment and taking over of quantities of skimmed-milk powder purchased, must be specified; whereas a limit must also be placed on the quantity which can be allocated to any one purchaser and provision made for a security to ensure that the powder is processed into feedingstuffs under the conditions specified in Articles 2, 3 and 4 of Commission Regulation (EEC) No 990/72 (5) of 15 May 1972 on detailed rules for granting aid for skimmed milk processed into compound feedingstuffs and for skimmed-milk powder for use as feed, as last amended by Regulation (EEC) No 796/73 (6);

Whereas if the progress of this operation is to be kept under observation, the Commission must be informed at regular intervals of quantities sold;

Whereas the Management Committee for Milk and Milk Products has not delivered an Opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Intervention agencies shall proceed to sell skimmed-milk powder bought in under Article 7 of Regulation (EEC) No 804/68 and placed in storage before 1 April 1973.

Article 2

1. The skimmed-milk powder shall be sold:

(a) ex warehouse at a price equal to the buying-in price applied by the relevant intervention agency when the contract of sale was concluded, plus 2 u.a./100 kg;

(b) in lots of 20 metric tons or more but not exceeding 500 metric tons; however, where the tonnage available in a warehouse is less than 20 metric tons, the tonnage available shall constitute the minimum lot;

(c) to purchasers who give an undertaking that they will, before 1 March 1974, either denature the skimmed-milk powder covered by the contract in accordance with Article 2 and 3 of Regulation (EEC) No 990/72 or process it into compound feedingstuffs in accordance with Article 4 of that Regulation;

(d) in packaging bearing one or more of the following in letters at least 2 cm high:

— 'Lait écrémé en poudre destiné à la dénaturation ou à la transformation en aliments composés, conformément au règlement (CEE) n° 224/74',

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 173, 22. 7. 1968, p. 4.
(4) OJ No L 155, 28. 6. 1969, p. 13.
(5) OJ No L 115, 17. 5. 1972, p. 1.
(6) OJ No L 76, 24. 3. 1973, p. 16.

— 'Magermilchpulver für die Denaturierung oder die Verarbeitung zu Mischfutter gemäß der Verordnung (EWG) Nr. 224/74",
— 'Latte scremato in polvere destinato alla denaturazione o alla trasformazione in alimenti composti, conformemente al regolamento (CEE) n. 224/74',
— 'Magere melkpoeder bestemd voor denaturering of voor verwerking tot mengvoeder, volgens Verordening (EEG) nr. 224/74',
— 'Skimmed-milk powder for denaturing or for processing into compound feedingstuffs in accordance with Regulation (EEC) No 224/74',
— 'Skummetmælkspulveret bestemt for denaturering eller forarbejdning til foderblandinger i overensstemmelse med forordning (EØF) nr. 224/74'.

2. The intervention agency shall not sell skimmed-milk powder unless, at the latest when the contract of sale is concluded, a security of 13 u.a./100 kg is given.

The security shall, at the discretion of the Member State, take either the form of a cheque addressed to the intervention agency or the form of a guarantee meeting criteria laid down by the Member State concerned.

3. The buyer shall pay the intervention agency for the skimmed-milk powder before he takes it over in accordance with paragraph 4.

4. The buyer shall, within a period of twelve days following the day on which the contract of sale is concluded, take over the skimmed-milk powder. This operation may be effected in stages.

Except in cases of *force majeure,* if the buyer fails to take over the skimmed-milk powder within the time prescribed, the sale shall be cancelled in respect of the quantities remaining.

Article 3

1. Where the operation chosen pursuant to Article 2 (1) (c) takes place in a Member State other than the selling Member State, proof of utilization shall be furnished by production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69.

2. Sections 101, 103 and 104 of the control copy shall be completed. Section 104 shall be completed by deleting what does not apply and making, under the second indent, one of the endorsements set out in Article 2 (1) (d).

Article 4

1. Except in cases of *force majeure,* the security shall be released only in respect of quantities for which the buyer has furnished proof that the skimmed-milk powder has, before 1 March 1974, either been denatured in accordance with Articles 2 and 3 of Regulation (EEC) No 990/72 or used in the manufacture of compound feedingstuffs under the conditions set out in Article 4 of that Regulation.

2. This proof shall be furnished :

— where the relevant operation takes place on the territory of the selling Member State, by a certificate to this effect issued by the agency responsible for control ;
— where the relevant operation takes place on the territory of a Member State other than the selling Member State, by production of the control copy referred to in Article 3.

Article 5

No buyer may conclude a fresh contract with the same intervention agency until the proof referred to in Article 4 has been furnished in respect of the quantity of skimmed-milk powder covered by his previous contract with that intervention agency.

Article 6

The Member States shall inform the Commission, as on Tuesday of each week, of the quantities of skimmed-milk powder sold pursuant to this Regulation in the preceding week.

Article 7

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

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

Done at Brussels, 25 January 1974.

For the Commission

The President

François-Xavier ORTOLI