COMMISSION REGULATION (EEC) No 2241/76

of 15 September 1976

amending Regulation (EEC) No 753/76 laying down detailed rules for the sale of skimmed-milk powder for use in animal feed pursuant to Regulation (EEC) No 563/76

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 563/76 of 15 March 1976 on the compulsory purchase of skimmed-milk powder held by intervention agencies for use in feedingstuffs (1), and in particular Article 9 (1) thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 753/76 of 31 March 1976 laying down detailed rules for the sale of skimmed-milk powder for use in animal feed pursuant to Regulation (EEC) No 563/76 (2), as last amended by Regulation (EEC) No 1926/76 (3), provides for the product purchased to be taken over within one month ; whereas, in order to achieve a closer purchase correspondance between the quantities purchased and those actually released from storage, it is necessary to reduce this period and to provide for the denaturing security to be lodged as soon as the contract is signed, thus ensuring that delivery is actually taken of the quantities purchased ; whereas an appropriate proportion of this security should be forfeited in respect of those quantities not taken over within the prescribed time limit and for which the sale contract is cancelled pursuant to Article 4 (5) of the said Regulation ;

Whereas, in order to enable a clearer view to be obtained of the operation of these measures over a period of time, it is necessary to reduce also the period for denaturing or direct incorporation in compound feedingstuffs, which is at present fixed at two months ;

Whereas, having regard to the increase in the intervention price for skimmed-milk powder with effect from 16 September 1976 and to the market situation, it is appropriate to adjust the amount of the denaturing security ;

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

In Article 4 of Regulation (EEC) No 753/76, paragraphs 2 to 5 are amended to read as follows :

'2. The sale by the intervention agency of the skimmed-milk powder shall be subject to the provision by the purchaser, on or before conclusion of the contract of sale, of a denaturing security in an amount of 45 units of account per 100 kilogrammes.

However, the denaturing security shall be adjusted in each Member State by dividing it by the coefficient as specified in Article 1 (1).

Such security shall be provided, at the choice of the Member State concerned, either in the form of a cheque payable to the intervention agency or in the form of a guarantee which meets the criteria laid down by the said Member State.

3. The purchaser shall, in respect of each quantity he intends to remove or have removed by the denaturing centre designated by him, pay the purchase price to the selling intervention agency before taking delivery in accordance with paragraph 4.

When the purchase price has been paid, the selling intervention agency shall issue a removal voucher indicating :

(a) the quantity in respect of which the foregoing condition is fulfilled ;

(b) the depot where that quantity is stored ;

(c) the time limit for taking delivery thereof.

4. The purchaser shall take delivery of the skimmed-milk powder purchased by him with 15 days from the day on which the contract of sale is concluded. Delivery may be taken in instalments, each of which may not be of less than 10 metric tons.

5. Save in case of *force majeure,* the contract of sale shall be terminated in respect of any quantities of which the purchaser has not taken delivery within the prescribed time limit.

In that event, the denaturing security lodged in respect of those quantities shall be forfeited at the

(1) OJ No L 67, 15. 3. 1976, p. 18.
(2) OJ No L 88, 1. 4. 1976, p. 1.
(3) OJ No L 210, 4. 8. 1976, p. 17.

rate of four units of account per 100 kilogrammes, adjusted in accordance with the second subparagraph of paragraph 2. It shall be released immediately.'

Article 2

Article 5 of Regulation (EEC) No 753/76 is amended as follows :

1. in the first subparagraph of paragraph 3, the expression 'two months' is replaced by 'one month' ;
2. in the first subparagraph of paragraph 5, the words 'save in case of *force majeure*' are replaced by the following :

'save in case of *force majeure* and without prejudice to the provisions of Article 4 (5).'

Article 3

This Regulation shall enter into force on 16 September 1976.

However, the provisions in force before that date shall remain applicable as regards skimmed-milk powder for which sale contracts have been concluded prior thereto.

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

Done at Brussels, 15 September 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission