COMMISSION REGULATION (EEC) No 231/76

of 2 February 1976

on the sale of skimmed-milk powder at a reduced price for export for use as feed

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 740/75 [2], and in particular Articles 7 (5) and 28 thereof,

Whereas, under Council Regulation (EEC) No 2808/75 of 29 October 1975 laying down special measures for the disposal, with a view to its incorporation in compound feedingstuffs, of skimmed-milk powder held in public storage [3], skimmed-milk powder held by intervention agencies and put into storage before 1 April 1974 may be sold at a reduced price ; whereas approximately 50 % of the quantity in question is to be sold for export in the form of compound feedingstuffs ; whereas, now that the tender carried out in accordance with the provisions of Commission Regulation (EEC) No 3178/75 of 4 December 1975 on the sale by tender of skimmed-milk powder at a reduced price for export in the form of compound feedingstuffs [4] has given an indication as to the level of prices, it is possible to provide for sale at a fixed price ;

Whereas, in order to ensure that the skimmed-milk powder is used for feed, provision should be made for it to be denatured in accordance with Article 2 of Commission Regulation (EEC) No 990/72 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 [5], as last amended by Regulation (EEC) No 453/73 [6] ; whereas, however, in certain importing countries the technical conditions of feed manufacture could make the use of denatured skimmed-milk powder difficult ; whereas provision should therefore be made, subject to certain guarantees, to permit the export of undenatured skimmed-milk powder in accordance with the provisions laid down in Commission Regulation (EEC) No 196/76 of 29 January 1976 laying down special rules governing the payment of the refund for skimmed-milk powder for use as feed in the country of destination [7] ;

Whereas, in order to ensure that the skimmed-milk powder is not diverted from its entended destination, provision should be made for security to be given such as will guarantee compliance with the obligation to have the product exported and incorporated in animal feed ;

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

There shall be put for sale, on the terms hereinafter set out, skimmed-milk powder bought in pursuant to Article 7 (1) of Regulation (EEC) No 804/68 and taken into storage after 31 May 1973 and before 1 October 1973.

Article 2

The skimmed-milk powder in question shall be used for animal feed ; it shall be exported within two months from the day on which the purchaser takes delivery. It shall be so exported, either :

(a) after being denatured in accordance with Article 2 of Regulation (EEC) No 990/72 ; or

(b) if it is not denatured, in accordance with the provisions of Regulation (EEC) No 196/76.

Article 3

1. The skimmed-milk powder shall be sold ex storage depot, at a price equal to the buying-in price applicable by the intervention agency in question on the day of sale, less 5·0 units of account per 100 kilogrammes.

The skimmed-milk powder may not be sold in quantities of less than 200 metric tons.

2. The purchaser shall pay for skimmed-milk powder before taking delivery thereof.

3. The purchaser shall take delivery within 30 days from the date of the contract of sale of all the skimmed-milk powder purchased by him.

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(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 280, 31. 10. 1975, p. 2.
(4) OJ No L 315, 5. 12. 1975, p. 15.
(5) OJ No L 115, 17. 5. 1972, p. 1.
(6) OJ No L 53, 26. 2. 1973, p. 4.
(7) OJ No L 23, 30. 1. 1976, p. 40.

4. Except in the event of *force majeure*, the contract shall be cancelled in respect of any quantities of which the purchaser has not taken delivery within the prescribed period.

Article 4

1. Before taking delivery, the purchaser shall give security in an amount of eight units of account per 100 kilogrammes.

2. The security shall take the form, at the option of the Member State concerned, either of a cheque made out in favour of the intervention agency or of a guarantee satisfying the criteria fixed by that Member State.

3. Except in the event of *force majeure*, the security shall be released only in respect of those quantities exported in accordance with Article 2.

Article 5

The Member States shall inform the Commission by the Tuesday of each week of the quantities of skim-med-milk powder sold during the preceding week.

Article 6

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, 2 February 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission