COMMISSION REGULATION (EEC) No 2706/76

of 8 November 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 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 559/76 (2), and in particular Articles 7 (5) and 28 thereof,

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 animal feed (3), and in particular Article 6 (1) thereof,

Whereas in Article 1 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 (4), as last amended by Regulation (EEC) No 2241/76 (5), the price for the sale of skimmed-milk powder was fixed at 52·16 units of account; whereas the approaching termination of the system instituted by Regulation (EEC) No 563/76 may make it difficult to market the quantities of skimmed-milk powder purchased and denatured pursuant to Regulation (EEC) No 753/76; whereas in view of the size of existing stocks of skimmed-milk powder it seems advisable, by making the price of skimmed-milk powder comparable with that of other proteins used in feed for pigs and poultry, to enable manufacturers to use denatured skimmed-milk powder which has been the subject of an attestation of purchase and denaturing as referred to in Article 6 of Regulation (EEC) No 753/76 that can no longer be used for the purposes of Regulation (EEC) No 563/76; whereas Council Regulation (EEC) No 1285/70 of 29 June 1970 laying down a special measure for the disposal of skimmed-milk powder bought in by intervention agencies (6), enables the product to be sold at a reduced price if it is intended for use as aforesaid; whereas, however, for reasons of efficiency, this new provision should apply only to attestations of purchase and denaturing, and not to extracts therefrom;

Whereas this scheme, designed as it is to facilitate the solution of problems resulting from termination of the system of compulsory purchase, would be transitional only, in order not to impede the establishment and operation of new rules on the use of skimmed-milk powder 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

The following Article 7a is inserted in Regulation (EEC) No 753/76:

'Article 7a

1. If the attestation of purchase and denaturing issued in accordance with Article 6 is not used for the purposes defined in Regulation (EEC) No 563/76, the purchase price of the skimmed-milk powder paid in accordance with Article 1 shall be reduced, on request, by 35 u.a./100 kg in respect of the quantities not yet imputed but covered by the attestation.

2. The application for reimbursement of the amount of the reduction in price referred to in paragraph 1 may be lodged with the selling intervention agency only by the buyer of skimmed-milk powder whose name and address are in section 3 of the attestation.

The application together with the attestation of purchase and denaturing, to be kept by the intervention agency, must be submitted by 28 February 1977 at the latest.

3. Within one month of receipt of the application and the attestation, the intervention agency of the Member State concerned shall pay or have the amount corresponding to the reduction in price paid and for its conversion into national currency shall use the coefficient laid down in Article 1.

4. The attestations of purchase and denaturing referred to in Article 6 shall be issued only for

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 67, 15. 3. 1976, p. 18.
(4) OJ No L 88, 1. 4. 1976, p. 1.
(5) OJ No L 252, 16. 9. 1976, p. 15.
(6) OJ No L 144, 2. 7. 1970, p. 1.

quantities of skimmed-milk powder denatured or incorporated before 1 February 1977.'

Article 2

A fourth indent as follows is added to Article 10 (b) of Regulation (EEC) No 753/76 :

'— have been the subject of an application for a reduction in price pursuant to Article 7a.'

Article 3

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, 8 November 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission