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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy [1], as last amended by the Act of Accession [2], and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [3],

Whereas stocks of skimmed-milk powder bought in by intervention agencies pursuant to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products [4], as last amended by Regulation (EEC) No 559/76 [5], have reached considerable proportions; whereas the stocks available represent an important source of protein which can be used in feedingstuffs;

Whereas in order to increase utilization of this protein in feedingstuffs for animals other than calves, provision should be made for the compulsory purchase of a certain quantity of skimmed-milk powder which has been denatured to prevent its being used for purposes other than those intended;

Whereas these measures may be made effective by making the granting of aid provided for under Council Regulation No 136/66/EEC of 22 September 1966 on the common organization of the market in oils and fats [6], as last amended by Regulation (EEC) No 1707/73 [7], under Council Regulation (EEC) No 1900/74 of 15 July 1974 laying down special measures for soya beans [8], under Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for linseed [9], and under Council Regulation (EEC) No 1067/74 of 30 April 1974 on the common organization of the market in dehydrated fodder [10], as amended by Regulation (EEC) No 1420/75 [11], conditional on the prior purchase of a certain quantity of denatured skimmed-milk powder or on the provision of a security for such purchase;

Whereas imported products should be subject to the same obligation by means of the issue of special certificates accompanied by a security; whereas to avoid speculative action, the import of certain compound feedingstuffs should likewise be subject to this obligation;

Whereas in view of the amount of the stocks, their constant growth and the resulting costs, if the steps taken are to be effective they must be implemented at the earliest possible moment and their application to transactions already undertaken in the context of long-term contracts ensured; whereas the objectives of these arrangements are best met by passing on the burden of these measures to the successive buyers while sharing it more equitably among all the operators;

Whereas, since the security provided for is intended to cover obligations the financial burden of which falls to the Guarantee Section of the European Agricultural Guidance and Guarantee Fund, such amounts of security as are not released should be used to offset any expenditure incurred pursuant to Regulation (EEC) No 729/70,

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(1) OJ No L 94, 28. 4. 1970, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No C 53, 8. 3. 1976, p. 24.
(4) OJ No L 148, 28. 6. 1968, p. 13.
(5) See page 9 of this Official Journal.
(6) OJ No 172, 30. 9. 1966, p. 3025/66.
(7) OJ No L 175, 29. 6. 1973, p. 5.
(8) OJ No L 201, 23. 7. 1974, p. 5.
(9) See page 29 of this Official Journal.
(10) OJ No L 120, 1. 5. 1974, p. 2.
(11) OJ No L 141, 3. 6. 1975, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. An obligation to purchase skimmed-milk powder held by intervention agencies for use in feedingstuffs for animals other than young calves is hereby established.

2. Skimmed-milk powder sold pursuant to this Regulation shall not be eligible for aid under Article 10 of Regulation (EEC) No 804/68.

Article 2

The granting of aid:

(a) for colza, rape and sunflower seeds,

(b) for linseed and soya beans,

(c) for the products referred to under Article 1 (b) of Regulation (EEC) No 1067/74,

shall be subject to the provision of a security, or the presentation of the document referred to in Article 6.

Article 3

1. Free circulation in the Community of:

(a) products coming under subheading ex 12.01 B of the Common Customs Tariff, with the exception of castor-oil seeds,

(b) products coming under heading No ex 12.02 of the Common Customs Tariff, with the exception of castor-oil flour or meal,

(c) products coming under subheadings ex 23.03 A II and 23.04 B of the Common Customs Tariff, with the exception of castor-oil cakes,

(d) products coming under subheadings ex 23.07 B and C of the Common Customs Tariff,

(e) products coming under subheading ex 12.10 B of the Common Customs Tariff,

shall be subject to the presentation of a 'protein certificate'.

2. The 'protein certificate' shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community. The issue of a 'protein certificate' shall be conditional on the provision of a security or the submission of the document referred to in Article 6.

Article 4

The security referred to in Articles 2 and 3, the amount of which may differ depending on the product, shall be released upon production within a period to be specified, of proof of the purchase of a certain quantity of powdered skimmed milk from an intervention agency and proof of its denaturation.

The security may also be released in specific cases, particularly in the case of certain products intended for uses to be specified.

Article 5

In the case of contracts concluded before the date of entry into force of this Regulation, the successive buyers of the products referred to in Articles 2 and 3, or of protein products processed therefrom, shall bear the burden of the costs arising under the arrangements laid down in this Regulation.

Article 6

Proof of the purchase and the denaturation of the skimmed-milk powder shall be provided by the production of a document, of standard Community form, made out by the competent authority of the Member State who is responsible for the denaturation pursuant to Article 8.

Article 7

The selling prices of skimmed-milk powder shall be fixed to take account in particular of the non-application of the aid system provided for in Article 10 of Regulation (EEC) No 804/68.

Article 8

1. Denaturation of skimmed-milk powder shall be supervised by the competent authority of the Member State within the territory of which denaturation is carried out.

2. It may be laid down that, in cases to be defined, denaturation shall be carried out by direct incorporation of skimmed-milk powder into an animal feedingstuff having a composition to be specified, provided that:

— the principle of equality of treatment between undertakings is not thereby infringed,

— undertakings carrying out such incorporation provide adequate guarantees as regards the supervision of their operations.

3. The necessary measures shall be laid down to enable intervention agencies to replenish their stocks of skimmed-milk powder if necessary. The intervention agencies which have such stocks available shall provide transport for that purpose.

Article 9

1. Detailed rules for the application of the above Articles shall be adopted in accordance with the procedures laid down in Article 38 of Regulation No 136/66/EEC or in the corresponding Articles of Regulations on the common organization of the markets in other sectors. These rules shall take account of the need to provide effective supervision of the system.

2. In the event of difficulties arising with respect to the implementation of the above Articles, the Council may, acting by a qualified majority on a proposal from the Commission, derogate from Articles 2 to 8 in so far as necessary.

Article 10

1. The intervention agencies holding the products referred to in Article 8 (3) shall enter the quantities of skimmed-milk powder transferred as having zero value on the account referred to in Article 3 (2) (b) of Regulation (EEC) No 2306/70 [1].

The intervention agencies taking delivery pursuant to Article 8 (3) shall enter the quantities of skimmed-milk powder of which they have taken delivery at zero value on the account referred to in the first subparagraph.

The transport costs borne by the intervention agencies in respect of Article 8 (3) shall be entered in the account referred to in Article 3 (2) (b) of Regulation (EEC) No 2306/70.

2. Any security forfeited shall be used to offset the intervention expenditure for which no unit amount is fixed under Regulation (EEC) No 804/68.

3. Detailed rules for the application of this Article may be adopted in accordance with the procedure provided for in Article 13 of Regulation (EEC) No 729/70.

Article 11

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

This Regulation shall apply from 1 April 1976, with the exception of Articles 3 (1) and 5, in so far as it concerns the costs arising from the implementation of Article 3 (1), both of which shall apply from 19 March 1976.

Pending adoption of implementing rules on the matter, Member States shall take the necessary steps to ensure that clearance is not given for products which have been declared for the purposes of being put into free circulation, unless the person concerned gives a commitment accompanied by a security guaranteeing that these provisions will be respected.

This Regulation shall apply to the products referred to in Article 2 in respect of which a deposit has been lodged or the document referred to in Article 6 has been submitted before 31 October 1976, and to those products referred to in Article 3, which have been imported before that date.

However, the Council, acting by qualified majority on a proposal by the Commission, may, if the objective of a considerable reduction in existing stocks of skimmed-milk powder has not been achieved by that date, decide to extend the system referred to above for the period of time necessary to achieve this aim.

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

Done at Brussels, 15 March 1976.

For the Council

The President

R. VOUEL

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[1] OJ No L 249, 17. 11. 1970, p. 4.