COMMISSION REGULATION (EEC) No 789/76

of 6 April 1976

on the supply of skimmed-milk powder from public stock to undertakings in Italy for use in accordance with 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 thereof,

Whereas Regulation (EEC) No 563/76 establishes an obligation to purchase skimmed-milk powder held by intervention agencies for use in feedingstuffs for animals other than young calves; whereas Article 8 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] provides for rules to be applied in cases where an intervention agency does not have public stocks of skimmed-milk powder and so is not in a position to satisfy the applications to purchase submitted by undertakings established in the Member State concerned;

Whereas the Italian intervention agency is in this position; whereas the Italian Government has informed the Commission that it is still not yet in a position to ensure an efficient control of the denaturing on its territory of the skimmed-milk powder which would be supplied unprocessed by the intervention agencies of other Member States; whereas it is therefore necessary to have recourse to the option provided for in Article 8 (3) of Regulation (EEC) No 753/76 in order to endure the supply of firms established in Italy;

Whereas detailed rules should be adopted in this case for the refund of the transport costs on a lump-sum basis to the Italian purchasers; whereas this refund is to be conditional upon production of proof of the arrival of the denatured skimmed-milk powder at its destination in Italy; whereas this proof should be given by producing the control copy referred to in Article 1 of Commission Regulation (EEC) No 2315/69 of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods [3], as last amended by Regulation (EEC) No 690/73 [4];

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

Pending the taking of measures to implement Article 8 (1) of Regulation (EEC) No 753/76, firms established in Italy may obtain supplies of denatured skimmed-milk powder, for use in Italy under Regulation (EEC) No 563/76, in another Member State of their choice, under the conditions referred to in Article 8 (3) of Regulation (EEC) No 753/76 and under the special rules provided for in this Regulation.

Article 2

The application to purchase lodged by the purchaser or by a denaturing centre in his name established in the Member State of sale, shall include:

(a) the denaturing centre entrusted with the denaturing by the buyer within the meaning of the first indent of Article 1 (2) of Regulation (EEC) No 753/76;

(b) the denaturing formula (formulae I A to I F of Annex I to Regulation (EEC) No 753/76;

(c) the name and address of the recipient undertaking or undertakings in Italy to which the buyer wishes to have the denatured skimmed-milk powder delivered, specifiying the zone of destination in question.

[1] OJ No L 67, 15. 3. 1976, p. 18.
[2] OJ No L 88, 1. 4. 1976, p. 1.
[3] OJ No L 295, 24. 11. 1969, p. 14.
[4] OJ No L 66, 13. 3. 1973, p. 23.

Article 3

The zones of destination within the meaning of Articles 2 (c), 4 (3) and 5 are as follows :

Zone I : Valle d'Aosta,
Piemonte,
Lombardia,
Liguria,
Veneto,
Friuli-Venezia Giulia,
Emilia-Romagna
Trentino-Alto Adige ;

Zone II : Toscana,
Marche,
Umbria,
Lazio,
Abruzzi-Molise ;

Zone III : Campania,
Puglia,
Basilicata,
Calabria,
Sicilia,
Sardegna.

Article 4

1. As regards the sale, the taking of delivery, the denaturing of the skimmed-milk powder and the issuing of the certificate of purchase and of denaturing, the provisions of Regulation (EEC) No 753/76 shall apply.

2. After denaturing and until arrival at the recipient undertaking established in Italy, the denatured skimmed-milk powder shall remain subject to customs control or an equivalent administrative control, except where the buyer declares in writing that he wishes to renounce the benefit referred to in Article 8 (3) (b) of Regulation (EEC) No 753/76.

3. The proof of arrival at destination of the denatured skimmed-milk powder may only be furnished by producing the control copy referred to in Article 1 of Regulation (EEC) No 2315/69.

Among the sections relating to additional information, Sections 101 and 103 of the control copy shall be completed. Section 104 shall be completed by deleting where necessary and by inserting two of the following endorsements, one of which shall be Italian :

'Denatured skimmed-milk powder to be delivered to (name and address of the recipient undertaking in Italy and indication of the zone in question) in accordance with Regulation (EEC) No 789/76' ;

'Lait écrémé en poudre dénaturé, destiné à être livré à (nom et adresse de l'établissement destinataire en Italie et indication de la zone concernée) conformément au règlement (CEE) n° 789/76' ;

'Denaturiertes Magermilchpulver zur Lieferung nach (Name und Anschrift der empfangenden Betriebsstätte in Italien und Angabe der betreffenden Zone) gemäß Verordnung (EWG) Nr. 789/76' ;

'Latte scremato in polvere, destinato ad essere consegnato a (nome e indirizzo dello stabilimento destinatario in Italia e indicazione della zona interessata) conformemente al regolamento (CEE) n. 789/76' ;

'Magere-melkpoeder bestemd om te worden uitgevoerd naar (naam en adres van de instelling van bestemming in Italië en aanduiding van de betrokken zone) overeenkomstig Verordening (EEG) nr. 789/76' ;

'Denatureret skummetmælkspulver bestemt til levering til (navn og adresse på den modtagende virksomhed i Italien og angivelse af den pågældende zone) i overensstemmelse med forordning (EØF) nr. 789/76'.

Article 5

On presentation in accordance with Article 4 (3) of proof of the arrival of the denatured skimmed-milk powder at its destination in Italy, the selling intervention agency shall refund the purchaser the transport costs calculated as follows :

— in the case of transport to Zone I :

at the rate of 25 u.a./metric ton of skimmed-milk powder purchased,

— in the case of transport to Zone II :

at the rate of 30 u.a./metric ton of skimmed-milk powder purchased,

— in the case of transport to Zone III :

at the rate of 35 u.a./metric ton of skimmed-milk powder purchased.

Article 6

This Regulation shall enter into force on the day of 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, 6 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission