COMMISSION REGULATION (EEC) No 804/76

of 7 April 1976

amending Regulation (EEC) No 990/72 as regards certain detailed rules for the denaturing of skimmed-milk powder and the conditions governing its incorporation into compound feedingstuffs

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 Article 10 (3) thereof,

Whereas Article 1 (3) 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 [3], as last amended by Regulation (EEC) No 453/73 [4], contains a list of products which, when put into skimmed-milk powder in an unaltered state or incorporated in a mixture preclude the granting of aid; whereas in order that 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 [5] may be properly applied, this list should be extended, in order to render skimmed-milk powder used under the said Regulation ineligible for aid;

Whereas, in order to maintain and increase the amount of skimmed-milk powder used in feedingstuffs, the granting of aid should be made conditional upon a minimum rate of incorporation of skimmed-milk powder; whereas certain changes should be made to ensure the effectiveness of that provision and, in particular, pursuant to Article 2 (6) of Regulation (EEC) No 986/68 [6], a limit should be placed upon the quantity of skimmed-milk powder for which aid may be granted in the event of denaturing;

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 indents are hereby added to Article 1 (3) of Regulation (EEC) No 990/72:

'— crushed oil cakes,
— fish meal,
— fish oil,
— iron salts,
— copper salts'.

Article 2

The following paragraph 4 is hereby added to Article 1 of Regulation (EEC) No 990/72:

'4. Aid for skimmed-milk powder, denatured in accordance with Articles 2 and 3 during the period between 15 April 1976 and the end of the 1976/77 milk marketing year, shall be granted only for quantities which, per month, do not exceed the quantity of skimmed-milk powder denatured by the undertaking in question, as determined by the supervision provided for in Article 3, during the corresponding month of the previous year'.

Article 3

Article 2 of Regulation (EEC) No 990/72 is hereby amended to read as follows:

'*Article 2*

Skimmed-milk powder shall be denatured by the addition, per 100 kg of skimmed-milk powder, of 2·5 kg of lucerne meal of grass meal, containing not less than 70 % of particles not exceeding 300 microns, uniformly distributed throughout the mixture'.

Article 4

Article 4 of Regulation (EEC) No 990/72 is hereby amended as follows:

1. In paragraph 1:

— subparagraph (a) is amended to read as follows:

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 18.
(3) OJ No L 115, 17. 3. 1972, p. 1.
(4) OJ No L 53, 26. 2. 1973, p. 4.
(5) OJ No L 67, 15. 3. 1976, p. 18.
(6) OJ No L 169, 18. 7. 1968, p. 4.

'(a) containing not less than 60 % and not more than 70 % of skimmed-milk powder to which is added not less than :

— 5 % of non-butyric fats and not less than 2 % of starch or puffed starch, or

— 2·5 % of non-butyric fats and not less than 2 % of starch or puffed starch where 2·5 kg of lucerne meal or grass meal containing not less than 70 % of particles not exceeding 300 microns are incorporated per 100 kg of skimmed-milk powder' ;

— the following subparagraph is added at the end :

'The maximum skimmed-milk powder content of 70 % laid down in (a) may be increased to 80 % by Member States on whose territory compound feedingstuffs which has a skimmed-milk powder content of more than 70 % and for which aid was granted were manufactured during the 1975/76 milk marketing year'.

2. In paragraph 2 the following subparagraph (d) is added at the end :

'(d) the skimmed-milk powder content of the finished product'.

3. In paragraph 4 the following is added at the end :

'or has not been the subject of the measures laid down in Regulation (EEC) No 563/76'.

Article 5

The second subparagraph of Article 8 (2) of Regulation (EEC) No 990/72 is hereby amended to read as follows :

'Approval shall be withdrawn if these guarantees cease to exist ; it may be withdrawn where it is ascertained that the undertaking concerned has not fulfilled an obligation arising from this Regulation'.

Article 6

This Regulation shall enter into force on 15 April 1976.

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

Done at Brussels, 7 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission