COMMISSION REGULATION (EEC) No 1402/77

of 28 June 1977

amending Regulation (EEC) No 1089/77 on detailed rules of application for granting special aid for skimmed milk for use as feed for animals other than young calves

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 the granting of the special aid provided for in Commission Regulation (EEC) No 1089/77 of 25 May 1977 [3] is subject to the conclusion of a supply contract between the dairy and the farmer which meets the conditions laid down in Article 4 of the said Regulation; whereas the application of the measure has shown the need to adjust some of these conditions;

Whereas in order to ensure efficient control it should be specified that in principle a supply contract involving one farm can only be concluded with a single dairy and that the contract cannot be carried out until it has been deposited with the competent authority; whereas Member States should be allowed to lay down supplementary terms relating to the dates on which performance of the contracts should begin, in line with their respective administrative requirements;

Whereas in order to avoid control difficulties it should be specified that the farm using the skimmed milk and the dairy supplying it should be situated in the territory of the same Member State; whereas this limitation does not exclude the possibility that the dairy concerned may obtain supplies of skimmed milk, if necessary, from a dairy in another Member State;

Whereas, on account of the relatively short delay between publication of Regulation (EEC) No 1089/77 and its application, provision should be made for a transitional measure enabling the parties concerned to receive the special aid with effect from 1 June 1977;

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

Article 4 (1) of Regulation (EEC) No 1089/77 is hereby amended to read as follows:

'1. The supply contract shall be concluded only with a farmer managing a farm within the meaning of Article 2 (1) (a) or (b). The farm to which the skimmed milk is delivered shall be in the territory of the same Member State as the dairy concerned.

Where one farm is involved, the contract may only be concluded with a single dairy. Member States, however, may derogate from this provision in respect of specialized farms provided that they lay down additional conditions to ensure efficient control.

The contract shall be concluded for a minimum of three months and for a period which does not go beyond 31 December 1980.

A contract may not start to be carried out until after the date on which it is deposited for registration as provided for in paragraph 5, under conditions to be determined by the Member State concerned.

However, in the case of a supply contract concluded before 30 June 1977, the quantities of skimmed milk delivered to the farm concerned on or after 1 June 1977 shall be deemed to have been delivered under that contract. In this case the minimum quantity as referred to in the second indent of paragraph 2 (b) specified in the contract shall apply to the period in question and shall not benefit from special aid.'

Article 2

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

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 131, 26. 5. 1977, p. 34.

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

Done at Brussels, 28 June 1977.

For the Commission

Finn GUNDELACH

Vice-President