# COMMISSION REGULATION (EEC) No 2728/78

## of 23 November 1978

## temporarily derogating from Regulation (EEC) No 2213/76 on the sale of skimmed-milk powder from public storage

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 1761/78 (2), and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 2213/76 (3), as last amended by Regulation (EEC) No 344/78 (4), fixed the selling price of skimmed-milk powder at a price equal to the purchasing price applied by the intervention agencies plus an amount of two units of account per 100 kilograms, in order to promote the disposal of that product;

Whereas at present on the skimmed-milk powder market demand is relatively high, mainly for animal feed; whereas, in view of the fact that the powder is to be used for this purpose, provision should be made, during the period in which production of fresh powder is more limited, for a reduction in price, in so far as is compatible with the costs of private storage, and a decrease in the age of the product;

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*

As regards contracts of sale concluded pursuant to Regulation (EEC) No 2213/76 during the period 27 November to 22 December 1978, the following special provisions shall apply:

1. by way of derogation from Article 1 of Regulation (EEC) No 2213/76, skimmed-milk powder put up for sale must have entered into storage before 1 July 1978;
2. by way of derogation from Article 2 (1) (a) of the said Regulation, the selling price ex storage depot shall be equal to the purchasing price applied by the intervention agencies at the time of the conclusion of the contract of sale, plus one unit of account per 100 kilograms;
3. by way of derogation from Article 3 (1) of the said Regulation, the purchaser shall take delivery, not later than 29 December 1978, of the skimmed-milk powder purchased by him.

*Article 2*

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, 23 November 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 204, 28. 7. 1978, p. 6.
(3) OJ No L 249, 11. 9. 1976, p. 6.
(4) OJ No L 49, 21. 2. 1978, p. 8.