COMMISSION REGULATION (EEC) No 1229/80

of 19 May 1980

amending Regulation (EEC) No 1725/79 as regards the denaturing of skimmed-milk powder

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 10 (3) thereof,

Whereas Article 2 of Commission Regulation (EEC) No 1725/79 [3], as last amended by Regulation (EEC) No 355/80 [4], limits the quantities of skimmed-milk powder which an undertaking may denature per month while receiving aid ; whereas, in order to take account of the new conditions for the use of skimmed-milk powder in feedingstuffs for piglets, in particular following the suspension of the measures provided for in Commission Regulations (EEC) No 368/77 [5], (EEC) No 443/77 [6], and (EEC) No 1844/77 [7], in favour of skimmed-milk powder intended for feed for pigs and poultry, it appears advisable to provide for a certain degree of relaxation in the aforesaid restrictions as to quantity ;

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

The following paragraph 3 is added to Article 2 of Regulation (EEC) No 1725/79 :

'3. Where an undertaking is involved which has denatured skimmed-milk powder under Regulations (EEC) No 368/77, (EEC) No 443/77 and (EEC) No 1844/77, the maximum monthly quantity resulting from the application of paragraphs 1 and 2 may, at the request of that undertaking, be replaced by a quantity corresponding to the average monthly quantity which it has denatured under the aforesaid Regulations during either the year 1978 or the year 1979, at the choice of the undertaking concerned, and which has been used for manufacture of feedingstuffs for piglets.

Such a quantity may be granted by the competent authority to an undertaking which :

(a) in support of its request, furnishes proof setting out the quantities of skimmed-milk powder which it has denatured during the year in question in accordance with the aforesaid provisions and which was subsequently used in the manufacture of feedingstuffs for piglets and,

(b) undertakes :

— to use or to have used henceforth, on the territory of the Member State where denaturing takes place, the total quantity of skimmed-milk powder denatured for the manufacture of feedingstuffs for piglets, and

— to attach to each application for aid in respect of the skimmed-milk powder which it has denatured, the supporting documents setting out the quantities and characteristics of the compound feedingstuffs manufactured.

The aid shall be granted only in respect of the quantities with regard to which an appropriate check carried out by the competent authority establishes that the undertaking referred to in the first indent of the foregoing subparagraph under (b) has been honoured.

Member States which avail themselves of this paragraph shall apply it using the definition or definitions laid down in their national legislation with regard to feedingstuffs for piglets or, in the absence of such definition, they shall define the characteristics of the feedingstuffs for piglets.'

Article 2

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

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 204. 28. 7. 1978, p. 6.
(3) OJ No L 199, 7. 8. 1979, p. 1.
(4) OJ No L 38, 15. 2. 1980, p. 19.
(5) OJ No L 52, 24. 2. 1977, p. 19.
(6) OJ No L 58, 3. 3. 1977, p. 16.
(7) OJ No L 205, 11. 8. 1977, p. 11.

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

Done at Brussels, 19 May 1980.

For the Commission

Finn GUNDELACH

Vice-President