COMMISSION REGULATION (EEC) No 1252/81

of 11 May 1981

concerning a special sale of skimmed-milk powder held by the German intervention agency intended for export to Poland, and amending Regulations (EEC) No 2044/75 and (EEC) No 1687/76

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 the Act of Accession of Greece [2], and in particular Articles 7 (5) and 28 thereof,

Whereas, at a meeting held in Luxembourg on 1 and 2 December 1980, the European Council agreed to facilitate the purchase by Poland of certain quantities of milk products in the Community; whereas Poland wishes to import *inter alia* skimmed-milk powder for feeding animals;

Whereas the appropriate quantity of skimmed-milk powder no longer meeting first-quality requirements within the meaning of Article 5 (2) of Commission Regulation (EEC) No 1014/68 [3], as last amended by Regulation (EEC) No 1272/79 [4], is available to the German intervention agency; whereas Community exporters should be permitted to draw supplies from the German intervention agency with a view to the export to Poland of a quantity of 25 000 tonnes;

Whereas, to simplify administration, export refunds should not be granted on skimmed-milk powder exported under this Regulation, but an appropriate reduction made in the selling price; whereas the price is to be fixed so that the monetary compensatory amounts referred to in Council Regulation (EEC) No 974/71 [5] are not applied;

Whereas, to ensure that the skimmed-milk powder reaches its destination, supervision must be exercised from the time the product leaves the store until it reaches its destination in the non-member country concerned; whereas, in addition to the supervisory provisions laid down in Commission Regulation (EEC) No 1687/76 [6], as last amended by Regulation (EEC) No 1087/81 [7], it is necessary to lay down additional conditions in view of the special nature of the operation;

Whereas export licences used for exports pursuant to this Regulation must bear appropriate endorsements taking account of the special features of the operation; whereas Article 2 (4) of Commission Regulation (EEC) No 2044/75 [8], as last amended by Regulation (EEC) No 3474/80 [9], should be adapted accordingly;

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

1. Under the conditions laid down in this Regulation, the German intervention agency shall proceed to the sale of skimmed-milk powder bought-in in accordance with Article 7 (1) of Regulation (EEC) No 804/68 and taken into storage before 1 August 1979.

2. The skimmed-milk powder sold under this Regulation shall be exported to Poland without further processing and in the original packaging referred to in Article 4, within the time limit referred to in Article 3 (3).

3. The total quantity of skimmed-milk powder that may be sold under this Regulation shall not exceed 25 000 tonnes.

Article 2

1. The skimmed-milk powder shall be sold, ex store, at a price of 75 ECU per 100 kilograms.

2. It shall be sold only:

(a) in quantities of not less than 100 tonnes;

(b) to those concerned in the Community who satisfy the intervention agency that the competent Polish authorities have entrusted them with the supply of the quantity in question, by producing *inter alia* a contract concluded with the said authorities or an order placed with them by the said authorities.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 291, 19. 11. 1979, p. 17.
(3) OJ No L 173, 22. 7. 1968, p. 4.
(4) OJ No L 161, 29. 6. 1979, p. 13.
(5) OJ No L 106, 12. 5. 1971, p. 1.
(6) OJ No L 190, 14. 7. 1976, p. 1.
(7) OJ No L 113, 25. 4. 1981, p. 6.
(8) OJ No L 213, 11. 8. 1975, p. 15.
(9) OJ No L 363, 31. 12. 1980, p. 50.

Article 3

1. The purchaser shall pay to the intervention agency, before taking delivery of the skimmed-milk powder and within the period referred to in paragraph 2, in respect of each quantity which he intends to withdraw, the purchase price referred to in Article 2 (1) and shall lodge for that quantity, in accordance with Article 13 (1) of Regulation (EEC) No 1687/76, an export security of 60 ECU per 100 kilograms.

2. The purchaser shall take delivery of the skimmed-milk powder sold to him before 1 December 1981. Delivery may be in instalments. Except in cases of *force majeure*, if the purchaser has failed to make the payment referred to in paragraph 1 within the time limit specified, the sale of the remaining quantities shall be cancelled. If the payment referred to in paragraph 1 has been made without delivery of the skimmed-milk powder having been taken within the period referred to above, the purchaser shall bear the cost of storage of the skimmed-milk powder from 1 December 1981 onwards.

3. Skimmed-milk powder, delivery of which has been taken by the purchaser, must be exported before 1 January 1982.

Article 4

The skimmed-milk powder shall be delivered by the intervention agency in packages bearing the following marking in letters at least 1 cm high :

— 'EG-Magermilchpulver zur Ausfuhr nach Polen (Verordnung (EWG) Nr. 1252/81 ;

— 'MLEKO CHUDE W PROSZKU z EWG na wywóz do Polski (Rozporzadzenie (EWG) nr. 1252/81)'.

Article 5

1. Except in cases of *force majeure*, the export security referred to in Article 3 (1) shall be forfeit in proportion to the quantities for which the proof referred to in Article 13 (4) of Regulation (EEC) No 1687/76 has not been produced within 12 months, calculated from the date of conclusion of the sales contract.

2. In cases of *force majeure* not coming within Article 11 (1) of Regulation (EEC) No 1687/76, the intervention agency shall take the measures deemed necessary in view of the circumstances invoked.

Article 6

The German intervention agency shall notify the Commission :

(a) at the latest on the Tuesday of each week, of the quantities of skimmed-milk powder which during the previous week :

— have been the subject of a sales contract,

— have been withdrawn from storage in accordance with this Regulation.

(b) each month, of the cases in which they have applied Article 5 (2), specifying the circumstances invoked, the quantity involved and the measures taken.

Article 7

No export refund shall be granted or monetary compensatory amount applied to skimmed-milk powder sold and exported under this Regulation.

However, such skimmed-milk powder shall be considered as satisfying the provisions of Article 2 (1) (b) of Regulation (EEC) No 754/76 from the time of clearance through customs for export.

If the provisions of Article 2 (2) of the said Regulation apply, an amount equal to the security referred to in Article 3 (1) of this Regulation must be paid. The amount shall be considered as a security which has been forfeited within the meaning of Article 2 of Regulation (EEC) No 352/78.

Article 8

The following subparagraph is added to Article 22 (4) (b) of Regulation (EEC) No 2044/75 :

'If the export is an export under Regulation (EEC) No 1252/81, the provision under (b) shall apply but the reference to Regulation (EEC) No 3265/80 shall be replaced by a reference to Regulation (EEC) No 1252/81'.

Article 9

Regulation (EEC) No 1687/76 is hereby amended as follows :

In Part I of the Annex, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following point and footnote relating thereto are added :

'29. Commission Regulation (EEC) No 1252/81 of 11 May 1981 concerning a special sale of skimmed-milk powder, held by the German intervention agency, intended for export to Poland [29].

[29] OJ No L 126, 12. 5. 1981, p. 8.'

Article 10

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, 11 May 1981.

For the Commission

Poul DALSAGER

Member of the Commission