COUNCIL REGULATION (EEC) No 1298/85

of 23 May 1985

amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas in view of experience gained, the Community reserve fixed for the first period of application of the system should be adjusted;

Whereas the income from the additional levy provided for in Article 5c of Regulation (EEC) No 804/68 (2), as last amended by Regulation (EEC) No 591/85 (3), is allocated to the financing of Community expenditure in the milk sector; whereas, however, in certain cases, there may be justification for derogating from this principle in order to allow, under certain conditions, for the financing of specific national measures in this sector;

Whereas, to take account of objective statistical data and of the structural development of deliveries and direct sales of milk and milk products in the various Member States, provision should be made for a procedure enabling the quantities fixed for each of these forms of marketing to be adjusted; whereas, moreover, the adjustments must not bring about a situation where the sum total of these quantities is exceeded,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5c of Regulation (EEC) No 804/68 is hereby amended as follows:

1. In the second subparagraph of paragraph 4 '335 000 tonnes' is replaced by '393 000 tonnes'.
2. The following subparagraph is added to paragraph 5:
   'The Council, in accordance with the procedure referred to in paragraph 6, may decide that the income from the levies be allocated, under certain conditions, to the financing of national measures for the definitive cessation of milk production.'
3. The following subparagraphs are added to paragraph 7:
   'According to the same procedure, the quantities indicated in the second and third subparagraphs of paragraph 3 may be adjusted on the basis of objective and duly justified statistical data to take account of structural changes affecting, on the one hand, deliveries to purchasers and, on the other hand, direct sales to the consumer.
   These adjustments may not result in, for each Member State concerned, an increase in the sum total of the overall guaranteed quantity indicated in paragraph 3 and the total quantity fixed for direct sales.'

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 May 1985.

For the Council

The President

C. SIGNORILE

(1) OJ No C 94, 15. 4. 1985.
(2) OJ No L 148, 28. 6. 1968, p. 13.
(3) OJ No L 68, 8. 3. 1985, p. 5.