

COUNCIL REGULATION (EEC) No 817/92

of 31 March 1992

amending Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

THE COUNCIL 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 816/92 ⁽²⁾, and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Whereas the additional-levy arrangements referred to in Article 5c of Regulation (EEC) No 804/68 have been extended for a ninth period of twelve months; whereas it is accordingly necessary to adapt the relevant provisions of Regulation (EEC) No 857/84 ⁽⁵⁾, as last amended by Regulation (EEC) No 1639/91 ⁽⁶⁾;

Whereas it has been agreed that application of the arrangements to control milk production must not jeopardize the restructuring of agricultural holdings in the territory of the former German Democratic Republic; whereas the difficulties encountered make it necessary to extend for a further period the flexibility introduced into those arrangements for that territory;

Whereas the provisions of Article 7 (2) and (3) of Regulation (EEC) No 857/84, concerning the replacement of purchasers, were the subject, in the Judgment of the Court of Justice of the European Communities handed down on 10 July 1991, of an interpretation such that the aforementioned provisions should be clarified accordingly;

Whereas the total quantities for direct sales laid down in the Annex to Regulation (EEC) No 857/84 should be adapted in the same way as the total quantities for deliveries under Regulation (EEC) No 804/68, for the same reasons,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 857/84 is hereby amended as follows:

1. in the first subparagraph of Article 4a (1), 'for the eight periods' shall be replaced by 'for the nine periods'.
2. the following shall be added to the first subparagraph of Article 6 (2):
'However, for the period from 1 April 1992 to 31 March 1993, the quantities shall be established without prejudice to a 1 % reduction, taking account of the Commission proposals in connection with the reform of the CAP, during that period.';
3. in Article 7:
 - (a) in the third subparagraph of paragraph 1, 'for the eighth 12-month period...' shall be replaced by 'for the ninth 12-month period...';
 - (b) the first subparagraph of paragraph 3 shall be replaced by the following:
'3. The Member States may provide that part of the quantities referred to in paragraph 1 shall be added to the reserve mentioned in Article 5 or, depending on the circumstances, to the reserve mentioned in Article 6 (3).';
4. in the first subparagraph of Article 9 (4), 'for the eight... periods...' shall be replaced by 'for the nine... periods...';
5. in the Annex the following column shall be added after the column headed '1. 4. 1991 - 31. 3. 1992':

	1. 4. 1992 - 31. 3. 1993
Belgium	373,193
Denmark	0,951
Germany	150,038 ⁽¹⁾
Greece	4,528
Spain	516,950
France	732,824
Ireland	15,210
Italy	717,870
Luxembourg	0,951
Netherlands	102,307
Portugal	116,680
United Kingdom	392,868

⁽¹⁾ including 58,801 for the territory of the former German Democratic Republic.'

Article 2

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

It shall apply from 1 April 1992.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ See page 83 of this Official Journal.

⁽³⁾ OJ No C 337, 31. 12. 1991, p. 34.

⁽⁴⁾ Opinion delivered on 11 March 1992 (not yet published in the Official Journal).

⁽⁵⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽⁶⁾ OJ No L 150, 15. 6. 1991, p. 35.

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

Done at Brussels, 31 March 1992.

For the Council

The President

Arlindo MARQUES CUNHA
