

COMMISSION REGULATION (EEC) No 1206/78

of 2 June 1978

amending Regulation (EEC) No 2054/76 on the sale for export to non-member countries of skimmed-milk powder held by intervention agencies and intended for use as feed

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 1038/78⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 2054/76 of 19 August 1976 on the sale for export to non-member countries of skimmed-milk powder held by intervention agencies and intended for use as feed⁽³⁾, as last amended by Regulation (EEC) No 718/78⁽⁴⁾, specifies that the skimmed milk must be exported either unprocessed, with certain prescribed conditions being observed, or after denaturing or incorporation into compound feedingstuffs in accordance with specific requirements; whereas certain third countries, in order to prevent skimmed-milk powder intended for use as feed being used for other purposes within their territory, stipulate that the product shall be coloured before incorporation; whereas these special requirements should be taken into account in order to permit exportation towards the third countries in question and the existing provisions should consequently be adjusted;

Whereas a system whereby the purchaser can take delivery by instalments will make it easier to conclude delivery contracts; whereas in such cases the sale price set by the intervention agency should include a fixed amount to cover storage and financing charges until the purchaser takes delivery;

Whereas, to simplify administration, arrangements should be made for a quarterly increase in the price of skimmed-milk powder; whereas, in order to ensure uniformity of practice, it should be specified that the representative rate to be used to convert the price into national currency should be that applicable on the day on which the goods are taken over by the purchaser;

Whereas the exports to which Regulation (EEC) No 2054/76 applies are covered by obligations undertaken

by the Community within the framework of the General Agreement on Tariffs and Trade (GATT) and it should therefore be specified that the validity of export licences may not extend beyond 10 May 1979; whereas this time limit should be taken into account in fixing the last day for the conclusion of contracts;

Whereas the sales in question are subject to the provisions of Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁵⁾, as last amended by Regulation (EEC) No 732/78⁽⁶⁾;

Whereas the procedure for the release of the security may be simplified; whereas on the other hand it is necessary to specify that payment of the refund for skimmed-milk powder exported unprocessed or after colouring shall be subject to the production of a certificate issued by the importing country declaring that the product will be subject to controls ensuring that it will be put to the intended end-use; whereas a list of the bodies empowered to issue such certificates should be made known to all interested parties;

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

Regulation (EEC) No 2054/76 is amended in accordance with this Regulation.

Article 2

(a) In Article 2 (1)

— point (c) is amended to read as follows:

‘(c) after colouring, in accordance with Annex I under the conditions provided for in Article 6, or’

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 134, 22. 5. 1978, p. 4.

⁽³⁾ OJ No L 228, 20. 8. 1976, p. 17.

⁽⁴⁾ OJ No L 94, 8. 4. 1978, p. 28.

⁽⁵⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁶⁾ OJ No L 99, 12. 4. 1978, p. 14.

— there is added a point (d) as follows :

(d) unprocessed under the conditions provided for in Article 6'.

(b) In Article 2 (2) the expression 'paragraph 1 (a) and (b)' is amended to read 'paragraph 1 (a), (b) and (c)'.

Article 3

Article 3 is amended to read as follows :

'Article 3

1. The skimmed-milk powder shall be sold ex-storage depot at a price of 86.50 units of account per 100 kilograms. This price shall apply until 10 August 1978.

The price shall be

- 87.70 u.a./100 kg from 11 August 1978,
- 88.90 u.a./100 kg from 11 November 1978,
- 90.10 u.a./100 kg from 11 February 1979.

2. The price as specified in paragraph 1 to be paid by the purchaser shall be that applicable on the day on which the skimmed-milk powder is taken over by him. It shall be converted into national currency at the representative rate applicable on that day.

3. The skimmed-milk powder may not be sold in quantities of less than 60 tonnes.

4. The selling contract with the intervention agency shall be concluded

- by 10 November 1978 at the latest,
- subject to the condition that the refund for the quantity concerned has been fixed in advance under the conditions provided for in Article 5.

5. By way of derogation from the first sentence of Article 4 (2) of Regulation (EEC) No 2044/75, export licences as referred to in Article 5 shall expire on 10 May 1979 in those cases where by virtue of the said sentence they would otherwise expire after that date.'

Article 4

Article 4 is amended to read as follows :

'Article 4

1. The entire quantity of skimmed milk purchased shall be taken over by the purchaser within the period of validity of the export licence issued in connection with the advance fixing of the refund.

Delivery may be taken by instalments provided that no instalment is of less than 20 tonnes.

Save in case of *force majeure*, the contract shall be cancelled in respect of those quantities not taken over by the purchaser within the prescribed time limit.

2. Payment as referred to in Article 3 (2) shall be made to the intervention agency by the purchaser before removing each quantity of skimmed-milk powder.

3. Before taking delivery of each quantity, the purchaser shall lodge an export security, the amount of which shall be equal to the difference between the intervention price plus 2 u.a./100 kg and the selling price referred to in Article 3 (2).

4. The export security shall be released :

- on production of proof that export has been effected under the licence issued in connection with the advance fixing referred to in Article 3 (4), and
- on production of the proof referred to in Article 13 (4) of Regulation (EEC) No 1687/76. For purpose of this provision, the product shall not be considered as having to be imported into a specific third country.

5. If the proofs referred to in paragraph 4 have not been furnished within six months following the date on which the licence expires, the security shall, save in case of *force majeure*, be forfeited.

Where the security is forfeited, it shall be entered in the accounts in reduction of intervention expenditure on milk and milk products, the relevant amounts and quantities being shown separately.

Article 5

1. In Article 5 (1) :

- in the first sentence the reference to Article 3 (3) is replaced by a reference to Article 3 (4),
- point (b) is amended to read as follows :

'a description of the product in question and in particular whether it is denatured or not, whether it is coloured or not and if denatured the denaturing method used'.

2. In the fourth indent of Article 5 (2) the expression 'Article 2 (c)' is replaced by 'Article 2 (c) or Article 2 (d)'.

Article 6

Article 6 (1) is amended to read as follows :

'1. On exportation of the skimmed-milk powder referred to in Article 2 (c) and (d), payment of the refund shall be subject to the presentation of a certificate issued by an official agency of the country of destination as listed in Annex II to the effect that the product imported will be subject to controls ensuring that it will be used solely for animal feed.'

Article 7

Article 14a is amended to read as follows :

Article 14a

1. The monetary compensatory amount applicable to skimmed-milk powder sold pursuant to this Regulation and traded in one of the forms referred to in Article 2 (1) shall be equal to the monetary compensatory amount fixed pursuant to Regulation (EEC) No 974/71 multiplied by the

relevant coefficients set out in the notes to Part 5 of Annex I to the Commission Regulation fixing the monetary compensatory amounts.

2. These coefficients shall be adapted in accordance with the changes in the price of skimmed-milk powder specified in Article 3 (1).'

Article 8

Annexes I and II to this Regulation are added to Regulation (EEC) No 2054/76.

Article 9

The version of Regulation (EEC) No 2054/76 applicable before the date of entry into force of this Regulation shall continue to apply to skimmed-milk powder taken over before that date.

Article 10

This Regulation shall enter into force on 5 June 1978.

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

Done at Brussels, 2 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

*ANNEX I***Directions for the colouring of skimmed-milk powder referred to in Article 2 (1) (c)**

Colouring shall be done with any of the colours listed below with their identifying numbers in the Colour Index (last edition) and by the designations specified hereafter.

These colours :

- may be used alone or mixed together in the form of very fine impalpable powder, and
- shall be distributed evenly in the skimmed-milk powder, in minimum quantities of 20 grams per 100 kg.

Approved colours :

<i>C.I. No</i>	<i>Name</i>
19140	Tartrazine ⁽¹⁾
42090	Brilliant blue F.C.F.
42095	Lissamine green
44090	B.S. green, Lissamine green
74260	Green 7 pigment, 7, Vinamon
77289	Cochineal

⁽¹⁾ May be used only in combination with one or more of the other colours listed here.

ANNEX II

List of agencies referred to in Article 6 (1)

<i>Non-member countries</i>	<i>Official agency</i>
Bulgaria	Hranexport or Rodopaimpex, Sofia
Czechoslovakia	Koospol Import/Export, Prague
Spain ⁽¹⁾	Customs Services — Ministerio de Comercio — Direccion General de Politica, Arancelaria e Importacion
Hungary	Terimpex, Budapest
Japan ⁽¹⁾	Customs Authorities
Portugal	Junta Nacional Dos Productos Pecuarios, Lisbon
Yugoslavia	Federal Secretariat for External Trade, Belgrade
Romania	Romagrimex or Prodexport, Bucarest
Soviet Union	Prodintorg
Indonesia	Ministry for Agriculture, Djakarta
Taiwan	Customs Authorities, Ministry for Economic Affairs, Office of External Trade Bureau, Taipeh
Thailand	Ministry for Trade, Bangkok
Israel	Ministry for Trade, Tel Aviv
Singapore	Ministry for Finance, The Controller of Imports and Exports, Singapore
Malaysia	Ministry for Agriculture, Kuala Lumpur
South Korean Republic	Ministry for Agriculture and Fisheries, Seoul
Chile	Ministry for Agriculture and Husbandry
Mexico	Secretariat for Trade and Industry, Secretariat for Agriculture and Husbandry
Popular Republic of North Korea	Customs Services

⁽¹⁾ The following documents shall be regarded as certificates within the meaning of Article 6 (1) of this Regulation:

- for Japan, the customs import document indicating that the products in question are being imported for use in animal feed;
- for Spain, either the customs document of importation into Spain or a declaration from the Spanish customs certifying that the skimmed-milk powder will be subject to a check furnishing an equivalent guarantee to that afforded by the Spanish importation document.