

COMMISSION REGULATION (EU) No 445/2010**of 21 May 2010****on the division between 'deliveries' and 'direct sales' of national milk quotas fixed for 2009/2010 in Annex IX to Council Regulation (EC) No 1234/2007**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 69(1) in conjunction with Article 4 thereof,

Whereas:

- (1) Article 67(2) of Regulation (EC) No 1234/2007 provides that producers may have one or two individual quotas, one for deliveries and the other for direct sales and quantities may be converted from one quota to the other only by the competent authority of the Member State, at the duly justified request of the producer.
- (2) Commission Regulation (EC) No 416/2009 of 20 May 2009 on the division between 'deliveries' and 'direct sales' of national milk quotas fixed for 2008/2009 in Annex IX to Council Regulation (EC) No 1234/2007 ⁽²⁾ sets out the division between 'deliveries' and 'direct sales' for the period from 1 April 2008 to 31 March 2009 for all Member States.
- (3) In accordance with Article 25(2) of Commission Regulation (EC) No 595/2004 of 30 March 2004 laying down detailed rules for applying Council Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector ⁽³⁾, Member States have notified the quantities which have been definitively converted at the request of the producers between individual quotas for deliveries and for direct sales.
- (4) The total national quotas for all Member States fixed in point 1 of Annex IX to Regulation (EC) No 1234/2007

as amended by Council Regulation (EC) No 72/2009 ⁽⁴⁾ were increased with effect from 1 April 2009. Member States, except Malta, which has no direct sales part of its national quota, have notified the Commission of the division between 'deliveries' and 'direct sales' of the additional quota.

- (5) It is therefore appropriate to establish the division between 'deliveries' and 'direct sales' of the national quotas applicable for the period from 1 April 2009 to 31 March 2010 fixed in Annex IX to Regulation (EC) No 1234/2007.

- (6) Given the fact that the division between direct sales and deliveries is used as a reference basis for controls pursuant to Articles 19 to 21 of Regulation (EC) No 595/2004 and for the establishment of the annual questionnaire set out in Annex I to that Regulation, it is appropriate to determine a date of expiry of this Regulation after the last possible date for these controls.

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The division, applicable for the period from 1 April 2009 to 31 March 2010, between 'deliveries' and 'direct sales' of the national quotas fixed in Annex IX to Regulation (EC) No 1234/2007 is set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall expire on 30 September 2011.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.⁽²⁾ OJ L 125, 21.5.2009, p. 54.⁽³⁾ OJ L 94, 31.3.2004, p. 22.⁽⁴⁾ OJ L 30, 31.1.2009, p. 1.

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

Done at Brussels, 21 May 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX

(tonnes)

Member States	Deliveries	Direct sales
Belgium	3 415 434,609	46 127,018
Bulgaria	928 425,173	80 140,627
Czech Republic	2 808 527,676	12 088,840
Denmark	4 658 507,411	238,304
Germany	29 044 163,443	91 731,152
Estonia	657 011,272	8 877,042
Ireland	5 556 537,382	2 178,691
Greece	844 055,493	1 237,000
Spain	6 235 301,035	66 380,855
France	24 989 415,129	352 819,788
Italy	10 982 463,306	306 079,560
Cyprus	148 696,344	888,696
Latvia	719 683,007	30 970,163
Lithuania	1 679 913,351	76 411,787
Luxembourg	280 831,137	500,000
Hungary	1 928 903,771	121 256,041
Malta	50 168,680	0,000
Netherlands	11 505 972,047	74 314,536
Austria	2 785 409,610	90 543,644
Poland	9 502 697,468	160 725,851
Portugal ⁽¹⁾	1 999 241,020	8 155,190
Romania	1 475 454,378	1 673 867,022
Slovenia	573 711,028	20 341,440
Slovakia	1 049 575,219	22 644,579
Finland	2 512 083,449	5 551,251
Sweden	3 449 791,859	4 000,000
United Kingdom	15 139 642,862	136 777,767

⁽¹⁾ Except Madeira.