

III

**Proposal for a Council Regulation laying down general rules applying to the milk sector
levy specified in Article 5d of Regulation (EEC) No 804/68**

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 1600/83 ⁽²⁾, and
in particular Article 5d thereof,

Having regard to the proposal from the Commission,

Whereas Article 5d of Regulation (EEC) No 804/68
introduced a special levy payable by all producers of
milk who deliver more than 60 000 kilograms of milk
per year and produce more than 15 000 kilograms of
milk per year per hectare of fodder area;

Whereas the special levy, by reducing the price paid
to the producer, will secure the result desired if it is
high enough to have an effect on the additional
income producers gain from intensive farming,
whereas a rate of 4 % of the target price, the effects
of which will be additional to those of the normal
levy, appears to be sufficient to secure the dissuasive
import desired;

Whereas, in order to secure uniform implementation
of the measures laid down it is necessary to define
the term 'fodder area',

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 56.

HAS ADOPTED THIS REGULATION:

Article 1

The levy specified in Article 5d of Regulation (EEC)
No 804/68 shall be 4 % of the target price for milk.

Article 2

1. The provisions of Article 3 of Regulation (EEC)
No 1079/77 shall be applicable.

2. Where, however, a producer undertakes
annually not to produce more than 15 000 kilograms
of milk per year per hectare of utilized fodder area he
shall not be obliged to make monthly levy payments
as specified in Article 3 of that Regulation.

3. If a producer fails to honour the undertaking
provided for in paragraph 2 he shall within three
months of the end of the year in question pay the
levy due plus interest charges at a flat rate determined
using the procedure specified in Article 5.

Article 3

For the purposes of this Regulation, 'utilized fodder
area' shall mean areas used to grow fodder crops,
areas of temporary pasture and areas of permanent
pasture.

Article 4

This Regulation shall enter into force on the third
day following 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.

**Proposal for a Council Regulation amending Regulation (EEC) No 1078/77 introducing
a system of premiums for the non-marketing of milk and milk products and for the
conversion of dairy herds**

COM(83) 644 final

(Submitted by the Commission to the Council on 7 November 1983)

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 Par-
liament,

Whereas Council Regulation (EEC) No 1078/77 ⁽¹⁾, as last amended by Regulation (EEC) No 1365/80 ⁽²⁾, introduced a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds;

Whereas the non-marketing and conversion premiums are granted subject to an undertaking that, during the non-marketing or conversion period, neither milk nor milk products from the holding will be disposed of, whether for a consideration or free of charge; whereas experience as regards the application of this provision has shown that the premium should not be fully forfeit but reduced in cases where only a small quantity of milk was delivered during the first four months of the non-marketing or conversion period;

Whereas experience as regards the application of the undertaking specified in Article 3 (3) of Regulation (EEC) No 1078/77 concerning the type of herd has shown that there should be a reduced premium in the case of a minor failure to meet the said undertaking;

Whereas provision should also be made for a reduced premium in cases where the producer retains a dairy cow to meet his own holding's requirements, provided there are fewer than five cows on the holding;

Whereas all the producers concerned who submitted an application for a premium as from the entry into force of Regulation (EEC) No 1078/77 should be entitled to the benefit of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is hereby inserted in Regulation (EEC) No 1078/77

'Article 7a

1. The Commission shall, in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, adopt provisions for granting:

- (a) a reduced non-marketing or conversion premium to producers who, notwithstanding the undertakings specified in Article 2 (2) (a) and Article 3 (2) (a), disposed of, whether for a consideration or free of charge, milk or milk products from their holdings after the beginning of the non-marketing or conversion period, provided such deliveries accounted for not more than 5 % of their production and were completed before the end of the fourth month following the beginning of the non-marketing or conversion period;
- (b) a reduced conversion premium to producers who, notwithstanding the provisions of Article 3 (3), so husbanded their herds that, at the latest at the end of the third year after the date of approval of the application:
 - less than 80 % but more than 70 % of the cows or in-calf heifers on the holding possess the characteristics required under the said paragraph 3,
 - or
 - retain a dairy cow to meet their own holding's requirements, provided that fewer than five cows or in-calf heifers are present on the holding.

2. The provisions referred to in paragraph 1 shall be applied without prejudice to measures taken by the Member States in respect of cases where the beneficiary is not in a position, as a result of a case of *force majeure*, to comply with an obligation under the system of premiums concerned.'

Article 2

The provisions adopted pursuant to this Regulation shall, at the request of the party concerned, to be submitted not later than 31 March 1984, apply to any application for aid submitted in connection with the system introduced by Regulation (EEC) No 1078/77.

Article 3

This Regulation shall enter into force on the third day following 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.

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 1.

⁽²⁾ OJ No L 140, 5. 6. 1980, p. 18.