

**REGULATION (EEC) No 1038/72 OF THE COUNCIL  
of 18 May 1972**

**amending Regulation (EEC) No 986/68 laying down general rules for granting aid for skimmed milk and skimmed milk powder for use as feed**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

*Article 2*

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68<sup>1</sup> of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 1410/71,<sup>2</sup> and in particular Article 10 (2) thereof;

Having regard to the proposal from the Commission;

Whereas Article 10 (1) of Regulation (EEC) No 804/68 provides that aid shall be granted for skimmed milk and skimmed milk powder used as feed;

Whereas Regulation (EEC) No 986/68,<sup>3</sup> as last amended by Regulation (EEC) No 673/71,<sup>4</sup> lays down the conditions under which this aid is granted;

Whereas experience has shown that certain provisions of Regulation (EEC) No 986/68 should be clarified in order to make it easier for Member States to verify the intended use of the products;

HAS ADOPTED THIS REGULATION:

*Article 1*

The following paragraph shall be added to Article 2 of Regulation (EEC) No 968/68:

'5. Any product referred to in paragraph 1 in respect of which aid is granted may be used only as feed.'

Article 3 of Regulation (EEC) No 968/68 shall be amended as follows:

1. The last subparagraph of paragraph 1 shall be deleted.
2. The following subparagraph shall be added to paragraph 2:

'Moreover, when circumstances render this necessary, additional conditions for the payment of aid may be specified in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.'

3. Paragraph 3 shall be deleted.

*Article 3*

Article 4 of Regulation (EEC) No 968/68 shall be amended as follows:

1. The present text of Article 4 shall be numbered paragraph 1.
2. The following paragraph shall be added:

'2. Member States shall take the measures necessary to ensure the application of the provisions laid down in Article 2 (4) and (5) and in Article 3 (2). To this end Member States may provide, in particular, for the possibility of checking any undertaking using or marketing skimmed milk powder.'

*Article 4*

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

<sup>1</sup> OJ No L 148, 28.6.1968, p. 13.

<sup>2</sup> OJ No L 148, 3.7.1971, p. 3.

<sup>3</sup> OJ No L 169, 18.7.1968, p. 4.

<sup>4</sup> OJ No L 77, 1.4.1971, p. 9.

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

Done at Brussels, 18 May 1972.

*For the Council*

*The President*

M. MART

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