

COUNCIL REGULATION (EEC) No 1343/86

of 6 May 1986

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 1335/86 ⁽²⁾, and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 857/84 ⁽³⁾, as last amended by the Act of Accession of Spain and Portugal, lays down in the Annex thereto the global quantity of milk or milk equivalent which producers may sell direct to the consumer in the context of the five periods of 12 months of the additional levy system;

Whereas, in the light of market developments, the level of the guaranteed global quantities has, in the case of direct sales and deliveries, proved to be higher than the level to be regarded as desirable to achieve a balance between supply and demand; whereas, therefore, guaranteed global quantities for direct sales and deliveries should be reduced by 3 %; whereas this reduction should be implemented in two stages;

Whereas Article 4 (1) (a) of Regulation (EEC) No 857/84 enables the Member States to grant producers undertaking to discontinue all milk production definitively compensation paid in one or more annual payments; whereas, in order more effectively to achieve the objective of market balance, producers with a sizeable reference quantity available should also be encouraged to reduce their production and whereas, for this to be accomplished, they should be granted the aforementioned compensation if they undertake to abandon definitively at least half that quantity;

Whereas Article 4a of the aforesaid Regulation provides for the possibility, for the first two periods of 12 months, of allocating producers' or purchasers' unused reference

quantities to producers or purchasers in the same region and, where appropriate, in other regions; whereas the reasons for this relaxation of the arrangements for the first two periods of 12 months remain valid for the third application period; whereas, at the same time, Article 9 (4) should be extended for the third period of 12 months;

Whereas, in a system involving annual payment of the levy, Member States should be able to insure themselves, through a system of advances, against producer insolvency where the trend of deliveries recorded over the first half of the application period points to the risk that the annual reference quantity may be exceeded,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. Article 2 (3) is hereby replaced by the following:

'3. The percentages referred to in paragraphs 1 and 2 may be adapted by the Member States to ensure the application of Articles 3 and 4 and, where appropriate, to take account, to the extent necessary, of an amendment of the level of the guaranteed global quantities referred to in Article 5c of Regulation (EEC) No 804/68.'

2. Article 4 (1) (a) shall be replaced by the following:

'(a) — grant to producers undertaking to discontinue milk production definitively compensation paid in one or more annual payments,
— grant to producers with an available reference quantity in excess of a level to be determined who undertake to discontinue at least 50 % of this quantity definitively compensation paid in one or more annual payments.'

3. The words 'for the first two periods' in Articles 4a (1) and Article 9 (4) shall be replaced by 'for the first three periods';

4. The following paragraph shall be added to Article 6:

'4. The percentages referred to in paragraph 1 may, where appropriate, be adjusted by the Member States to take account, to the extent necessary, of an amendment of the level of the quantities referred to in the Annex.'

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ See page 19 of this Official Journal.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 13.

5. The following subparagraph is hereby added to Article 9 (1):

'Member States may, however, provide for an advance on the levy to be collected after the first six

months of each period of 12 months, on the basis of the provisional half-yearly statements referred to in the first subparagraph.'

6. The Annex shall be replaced by the following:

ANNEX

**Quantities referred to in Article 6 (2) (milk producers selling direct to the consumer)
(Periods of 12 months referred to in Article 5c (2) of Regulation (EEC) No 804/68)**

('000 tonnes)

	2. 4. 1984 — 31. 3. 1985	1. 4. 1985 — 31. 3. 1986	1. 4. 1986 — 31. 3. 1987	1. 4. 1987 — 31. 3. 1988	1. 4. 1988 — 31. 3. 1989
Belgium	480	450	450	441,000	436,500
Denmark	1	1	1	0,980	0,970
Germany	305	130	130	127,400	126,100
Greece	116	116	116	113,680	112,520
Spain	—	750	750	735,000	727,500
France	1 183	1 014	1 014	993,720	983,580
Ireland	16	16	16	15,680	15,520
Italy	1 116	1 116	1 116	1 093,680	1 082,520
Luxembourg	1	1	1	0,980	0,970
Netherlands	145	95	95	93,100	92,150
United Kingdom	398	395,426	395,426	387,517	383,563'

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 1986.

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

Done at Brussels, 6 May 1986.

For the Council

The President

P. H. van ZEIL