

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 168 final.

Brussels, 5 April 1979

Proposal for a Council Regulation (EEC)

prohibiting the use of inward processing arrangements for whey

(submitted to the Council by the Commission)

COM(79) 168 final

EXPLANATORY MEMORANDUM

The purpose of this draft Regulation is temporarily to suspend the inward processing arrangements for whey, as is already the case until 31 March 1980 for butter and skimmed milk powder.

Considerable quantities of powdered whey have been imported into the Community recently for incorporation in compound animal feedingstuffs, among other things. Since more and more powdered whey is being used in animal feed instead of skimmed milk powder, imports of powdered whey under the IPT arrangements have not only replaced powdered whey of Community origin but also have limited outlets on the world market for skimmed milk powder of this origin.

In view of the surplus situation in the Community as regards the milk sector and in order that any export possibility should be reserved for products of Community origin, it is proposed to suspend inward processing trade in the case of whey until 31 March 1980.

In order to allow persons concerned to fulfil undertakings entered into, this measure does not affect operations carried out during one month after its entry into force, provided that they were already authorised on that date.

proposal for a
COUNCIL REGULATION (EEC)
prohibiting the use of inward processing arrangements for whey

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 Juni 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No /79 (2), and in particular Article 18 (1) thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 18(1) of Regulation (EEC) No 804/68, the use of inward processing arrangements may in special cases, to the extent necessary for the proper working of the common organization of the market in milk and milk products, be wholly or partly prohibited for products listed in Article 1 of that Regulation intended for the manufacture of products listed in that Article or in the Annex to the Regulation; whereas Directive 69/73/EEC (3), as last amended by Directive 76/119/EEC (4), provides for the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing;

Whereas surpluses of skimmed-milk powder have built up in the Community; whereas available outlets on the world market are very limited and there is therefore little scope for exports of skimmed-milk powder; whereas all available capacity for absorbing surpluses must therefore be reserved for Community production; whereas to this end Council Regulation (EEC) No 1961/75 (5), as last amended by Regulation (EEC) No 875/76 (6),

(1) OJ No L 148, 28.6.1968, p. 13

(2) OJ NO L

(3) OJ No L 58, 9.3.1969, p. 1

(4) OJ No L 24, 30.1.1976, p. 58

(5) OJ No L 200, 31.7.1975, p. 6

(6) OJ No L 106, 29.4.1977, p. 23

prohibited the use of inward processing arrangements for skimmed-milk powder;

Whereas the scope for disposing on the world market of skimmed-milk powder exported in the form of products not covered by Annex II to the Treaty and of skimmed-milk powder incorporated in products listed in Article 1 of Regulation (EEC) No 804/68 can be increased by prohibiting the Community processing industry from using whey from outside the Community, subsequently processed into skimmed-milk powder under inward processing arrangements, for the manufacture of these products;

Whereas the surplus situation in the Community means that Community skimmed-milk powder can be made available to the industry in question; whereas the use of whey from outside the Community is therefore unnecessary and likely to disturb the proper working of the common organization of the market in milk and milk products; whereas the use of inward processing arrangements for whey should therefore be temporarily prohibited;

HAS ADOPTED THIS REGULATION:

Article 1

For whey falling within subheading 04.02 A I of the Common Customs Tariff intended for the manufacture of products listed in Article 1 of Regulation (EEC) No 804/68 of in the Annex of that Regulation the use of inward processing arrangements is prohibited from the first day of the month following the entry into force of this regulation to 31 March 1980

Article 2

1. Article 1 shall not apply to imports effected under inward processing arrangements within thirty days from the date of

entry into force of this Regulation, provided that they are covered by an authorization valid on that date.

2. Member States shall inform the Commission of the authorizations issued.

Article 3

This Regulation shall enter into force on the day of 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.

Done at Brussels,

For the Council