

COMMISSION DECISION

of 27 June 1988

approving a second programme for the milk and milk products sector in the
Land North Rhine-Westphalia pursuant to Council Regulation (EEC) No 355/77

(Only the German text is authentic)

(88/441/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of
15 February 1977 on common measures to improve the
conditions under which agricultural and fishery products
are processed and marketed⁽¹⁾, as last amended by
Council Regulation (EEC) No 560/87⁽²⁾, and in particular
Article 5 thereof,

Whereas, on 5 August 1987, the Government of the
Federal Republic of Germany forwarded a second
programme which follows the programme for the milk
and milk products sector in North Rhine-Westphalia
approved by the Commission Decision 80/1337/EEC⁽³⁾;
whereas it submitted supplementary information on 10
February 1988 and 16 March 1988;

Whereas the purpose of the second programme is to
rationalize and modernize the milk and milk products
sector so as to increase its competitiveness and enhance
the value of its products; whereas this programme
therefore constitutes a programme within the meaning of
Article 2 of Regulation (EEC) No 355/77;

Whereas, in view of the situation on the milk market,
approval of the programme may not extend to investment
projects:

- which provide for an increase in milk-processing
capacity, unless such projects furnish evidence that
equivalent capacity is being closed down,
- which relate to the production of butter, whey powder,
milk powder, butteroil, lactose, casein and caseinates,
- which relate to the production of other products
giving rise to EAGGF Guarantee Section expenditure
which, given the market situation, cannot be justified;

Whereas approval of the second programme may not
extend to investments concerning milk collection;

Whereas approval of the second programme may not
extend to investment projects for the manufacture of
products such as certain types of cheeses for which there
is already surplus production capacity within the
European Community;

Whereas approval of the second programme may not
extend to products not listed in Annex II to the Treaty or
to research and development costs relating to new
products;

Whereas the second programme contains the details
required under Article 3 of Regulation (EEC) No 355/77,
showing that the objectives laid down in Article 1 thereof
may be achieved in the milk and milk products sector in
North Rhine-Westphalia; whereas the time required for
the execution of the second programme does not exceed
the period laid down in Article 3 (1) (g) of that
Regulation;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Committee
on Agricultural Structure,

HAS ADOPTED THIS REGULATION:

Article 1

1. The second programme for the milk and milk
products sector in North Rhine-Westphalia, forwarded by
the Government of the Federal Republic of Germany on
5 August 1988 pursuant to Regulation (EEC) No 355/77
and supplemented on 10 February 1988 and 16 March
1988, is hereby approved.
2. Approval shall not extend to investment which:
 - provide for an increase in milk processing capacity,
unless such projects furnish evidence that equivalent
capacity is being closed down,
 - relate to the production of butter, whey powder, milk
powder, butteroil, lactose, casein and caseinates,
 - relate to the production of other products giving rise
to EAGGF Guarantee Section expenditure that would
be unjustifiable on account of the market situation,

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.⁽²⁾ OJ No L 57, 27. 2. 1987, p. 6.⁽³⁾ OJ No L 384, 31. 12. 1980, p. 3.

— relate to the manufacture of products such as certain types of cheeses for which there is already surplus production capacity within the European Community,

— relate to milk collection,

— relate to products not listed in Annex II to the Treaty or to research and development costs for new products.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 27 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President