II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 August 1974

authorizing the Kingdoms of the Netherlands and Belgium, the Grand Duchy of Luxembourg and the Federal Republic of Germany to apply special intervention measures for common wheat

(Only the French, Dutch and German texts are authentic)

(74/436/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1996/74 [2], and in particular the second paragraph of Article 8 and Article 24 thereof;

Having regard to Council Regulation No 174/67/EEC [3] of 27 June 1967 on special intervention measures for cereals, as last amended by Regulation (EEC) No 445/68 [4], and in particular Article 1 thereof;

Having regard to the communications from the Kingdoms of the Netherlands and Belgium, the Grand Duchy of Luxembourg, and from the Federal Republic of Germany which reached the Commission on 23, 24 and 30 July 1974 respectively stating the particularly difficult situation for holders of barley and including requests for special intervention measures for common wheat;

Whereas as a result of the price relationship between cereals the market price for common wheat could be below the intervention price at the beginning of the 1974/75 marketing year; whereas there is the risk that common wheat will be little used for animal feeding, the denaturing premium for the said marketing year having been fixed at zero; whereas the market situation may therefore give rise to the fear of massive deliveries of this product into intervention immediately after the harvest;

Whereas measures suited to the circumstances described above should be taken in order to avoid the intervention agencies in question being obliged to make large purchases of common wheat; whereas the market should therefore be eased by removing from it for a fixed period a quantity of this product; whereas a quantity of 175 000 metric tons for the Netherlands, 275 000 metric tons for Belgium, 15 000 metric tons for Luxembourg and 400 000 metric tons for Germany would seem to be sufficient to attain that objective; whereas to this end contracts should be established between the holders and the intervention agencies concerned and the detailed rules for this system should be laid down;

Whereas in order to attain the objectives referred to, the holders of common wheat should be given an allowance for the storage costs which they will incur and which would have been automatically and wholly at the expense of the intervention agency if they had offered their stocks to it;

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 209, 31. 7. 1974, p. 1.
(3) OJ No 130, 28. 6. 1967, p. 2609/67.
(4) OJ No L 91, 12. 4. 1968, p. 3.

Whereas in case of any disturbance on the Community market, the possibility should remain for the intervention agencies concerned to authorize the termination of storage for the quantities in question, under the procedure laid down in Article 26 of Regulation No 120/67/EEC;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limits set by its Chairman,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States are authorized to have their intervention agencies carry out special intervention operations for common wheat within the framework of the undermentioned provisions:

— the Kingdom of the Netherlands — 175 000 metric tons;
— the Kingdom of Belgium — 275 000 metric tons;
— the Grand Duchy of Luxembourg — 15 000 metric tons;
— the Federal Republic of Germany — 400 000 metric tons.

These operations shall involve the conclusion before 1 October 1974 of contracts, between the intervention agency and holders of common wheat, in terms of which:

(a) the holders shall undertake to keep in store from 1 September or from 10 September to 31 January 1975 a given quantity of common wheat;
(b) the intervention agency shall grant to the holders of that quantity, at the end of the period laid down in (a), a daily premium, intended to cover storage and credit costs, fixed contractually at 0·0233 unit of account per metric ton.

Article 2

Holders who wish to enter into such an undertaking must make a written application, amounting to a firm undertaking, to the intervention agency before 1 September or 10 September 1974 indicating the quantity in question, which may not be less than 200 metric tons. Should the total quantity in respect of which the holders wish to contract exceed the quantity given in the first paragraph of Article 1, the intervention agency shall allocate the quantity which will be contracted in proportion to the quantity offered by each holder.

The competent agency shall communicate to the holder, before 1 October 1974, the quantity which will be subject to the undertaking.

Article 3

The operations referred to in Article 1 may only relate to common wheat from the 1974 crop which fulfils the conditions laid down for acceptability for intervention.

The intervention agency shall verify the existence of the claimants' stocks before signature of the contract and at the end of the period of storage. Moreover it shall carry out all necessary control measures to confirm that the undertaking is respected.

Article 4

The Member States concerned may be authorized, according to the procedure laid down in Article 26 of Regulation No 120/67/EEC, to terminate the undertaking provided for in Article 1 (a).

In this case the daily premium referred to in Article 1 (b) shall be granted up to the day fixed for termination of the undertaking at the end of the actual period of storage.

For the remainder of the period from that day until 31 January 1975, a forfeit at a rate of 0·008 unit of account per metric ton per day shall be paid.

Article 5

The Member States concerned shall keep the Commission informed as to the development of the operations provided for in this Decision.

Article 6

This Decision is addressed to the Kingdom of the Netherlands, the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Federal Republic of Germany.

Done at Brussels, 8 August 1974.

For the Commission

The President

François-Xavier ORTOLI