COMMISSION DECISION

of 26 July 1974

authorizing the Federal Republic of Germany to apply special intervention measures for barley

(Only the German text is authentic)

(74/443/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 1125/74 [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 communication from the Federal Republic of Germany, which reached the Commission on 13 July 1974, stating the particularly difficult situation for holders of barley and including a request for special intervention measures covering 250 000 metric tons of barley;

Whereas as a result of the price relationship between cereals during previous marketing years quantities of barley amounting to about 300 000 metric tons have regularly been placed in intervention in Germany; whereas the market situation may give rise to the fear of renewed 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 German intervention agency being obliged to make large purchases of barley; whereas the market should therefore be eased by removing from it for a fixed period a quantity of this product; whereas a quantity of 150 000 metric tons would seem to be sufficient to attain that objective; whereas to this end contracts should be established between the holders and the German intervention agency and the detailed rules for this system should be laid down;

Whereas in order to attain the objectives referred to, the holders of barley 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 intervention agency if they had offered their stocks to it;

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 measures provided for in this Decision are in accordance with the Opinion of the Management Committee for Cereals,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is authorized to have its intervention agency carry out special intervention operations for 150 000 metric tons of barley within the framework of the undermentioned provisions.

These operations shall involve the conclusion before 29 August 1974 of contracts, between the intervention agency and holders of barley, in terms of which:

(a) the holders shall undertake to keep in store from 12 August to 31 December 1974 a given quantity of barley;

(b) the intervention agency shall grant to the holders of that quantity, at the end of the period laid down in (a), a monthly premium, intended to cover storage and credit costs, fixed contractually at 0·70 unit of account per metric ton.

---

[1] OJ No 117. 19. 6. 1967, p. 2269/67.
[2] OJ No L 128, 10. 5. 1974, p. 12.
[3] OJ No 130, 28. 6. 1967, p. 2609/67.
[4] OJ No L 91, 12. 4. 1968, p. 3.

Article 2

Holders who wish to enter such an undertaking must make a written application amount to a firm undertaking to the intervention agency before 12 August 1974, indicating the quantity in question, which may not be less than 300 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 22 August 1974, the quantity which will be subject to the undertaking.

Article 3

The operations referred to in Article 1 may only relate to barley 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 monthly 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.

If the date fixed for the termination of the undertaking is not the last day of a month, the premium relating to that month shall be reduced in proportion to the number of days which separate that date from the end of the month.

For the remainder of the period from that day until 31 December 1974, 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 Federal Republic of Germany.

Done at Brussels, 26 July 1974

For the Commission

The President

François-Xavier ORTOLI