II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 March 1976

authorizing the French Republic to apply special intervention measures for durum wheat

(Only the French text is authentic)

(76/346/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 3058/75 (2), and in particular the second paragraph of Article 8 and Article 24 thereof,

Having regard to Council Regulation (EEC) No 2740/75 of 29 October 1975 on special intervention measures for cereals (3), and in particular Article 1 thereof,

Having regard to the communication from the French Republic of 25 February 1976 setting out the particularly difficult situation for holders of durum wheat and requesting special intervention measures in the case of this wheat,

Whereas the market price for durum wheat stands and will probably continue to stand at about the level of or below the intervention price; whereas as a result the market situation gives rise to the fear that massive amounts of this wheat may be delivered into intervention immediately before the new harvest;

Whereas suitable measures should be taken in the circumstances described above to avoid the relevant intervention agency having to make large purchases of durum wheat; whereas the market should therefore be relieved by the removal from it for a fixed period of a quantity of this wheat; whereas 250 000 metric tons appears to be sufficient to attain that objective in France; whereas contracts should be established for this purpose between the holders and the relevant intervention agencies and the detailed rules for this system should be laid down;

Whereas, in order to attain the said objectives, the holders of durum 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 delivered their stocks to it;

Whereas in case of any possible disturbance on the Community market, the relevant intervention agency should remain in a position to authorize the termination of the storage of the quantity in question, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75;

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

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 306, 26. 11. 1975, p. 3.
(3) OJ No L 281, 1. 11. 1975, p. 54.

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is hereby authorized to carry out, through its intervention agency, special intervention operations in respect of 250 000 metric tons of durum wheat in accordance with the following provisions.

These operations shall involve the conclusion before 20 March 1976 of contracts between the intervention agency and holders of durum wheat, under which :

(a) the holders shall undertake to keep a given quantity of durum wheat in store from 1 April to 31 December 1976 ;

(b) the intervention agency shall grant to the holders of that quantity, at the end of the period referred to under (a), a daily premium to cover the costs of the operation fixed at a flat rate of 0·038 unit of account per metric ton.

Subject to Article 4, the premium referred to under (b) shall only be granted if the whole contracted quantity to which the undertaking relates, remains at the end of the period referred to under (a). Furthermore an amount of three units of account per metric ton shall be levied in respect of any quantity which is missing. However, a tolerance of 3 kg per metric ton shall be allowed when applying this paragraph.

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 20 March 1976 indicating the quantity in question which may not be less than 200 metric tons.

In the event of the total quantity for which holders wish to give undertakings exceeding the quantity referred to in the first paragraph of Article 1, the intervention agency shall allocate the quantities to be the subject of undertakings in proportion to the quantity offered by each holder.

The competent agency shall notify the holders before 1 April 1976 of the quantities to be subject to undertakings.

Article 3

Operations referred to in Article 1 may only relate to durum wheat from the 1975 crop which fulfils the conditions laid down for acceptability for intervention.

The intervention agency shall check the existence of the stocks of each applicant before the signature of the contract and again at the end of the period of storage. It shall also carry out all necessary control measures to ensure that the undertaking is respected.

Article 4

1. The Member State concerned may be authorized, in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, to terminate the undertaking provided for in Article 1 (a), in whole or in part, with effect from any date after 1 October 1976. In this case the daily premium referred to in Article 1 (b) shall be granted up to the day fixed by the Member State for the termination of the undertaking.

For the remainder of the period from such day of termination until 31 December 1976, a penalty premium of up to 0·008 unit of account per metric ton per day shall be paid, subject to a maximum of 0·24 unit of account per metric ton.

2. The Member State may release the holder in whole or in part from the undertaking referred to in Article 1 (a) if the latter so requests the intervention agency. In this case the daily premium shall be granted in accordance with the rules laid down in paragraph 1 but no penalty premium shall be paid.

Article 5

The French Republic shall keep the Commission informed of the development of the operations provided for in this Decision.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 19 March 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission