# COMMISSION DECISION

**of 25 July 1978**

**on the transport of 47 607 tonnes of cereals effected by the German intervention agency between 1 January 1971 and 31 December 1974**

**(Only the German text is authentic)**

(78/684/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 787/69 of 22 April 1969 on the financing of intervention expenditure in respect of the domestic markets in cereals and rice (1), as last amended by Regulation (EEC) No 496/77 (2), and in particular Article 4 (1) (g) thereof,

Whereas on 10 July 1974 the German authorities requested the Commission to recognize as necessary the transport by its intervention agency between 1 January 1971 and 31 December 1974 of 47 607 tonnes of cereals held in intervention; whereas this transport had been necessitated by terminations of leases;

Whereas the Court of Justice, in Case No 47/75 (3), held *inter alia* that, in the absence of general rules, the Commission cannot hold that transport is not necessary solely because it was the result of the termination of leases if, given the particular circumstances of intervention and of its connection with the monetary situation, the storage system operated in a State where such termination is allowed is economically sound; whereas in these circumstances it should be officially recognized that the transport within Germany between 1971 and 1974 of 47 607 tonnes of cereals was necessary;

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*

For the purposes of Regulation (EEC) No 787/69 it is hereby found that the transport within Germany between 1 January 1971 and 31 December 1974, after they had been taken into intervention, of 47 607 tonnes of cereals was necessary.

*Article 2*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 25 July 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

(1) OJ No L 105, 25. 1. 1969, p. 4.
(2) OJ No L 66, 12. 3. 1977, p. 3.
(3) ECR [1976], p. 569.