22.7.69 Official Journal of the European Communities No L 180/3

REGULATION (EEC) No 1403/69 OF THE COMMISSION

of 18 July 1969

laying down detailed rules for the application of the provisions concerning denaturing of common wheat and rye of bread-making quality

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 organisation of the market in cereals, as last amended by Regulation (EEC) No 1396/69,[2] and in particular Article 7 (5) thereof;

Whereas denaturing is intended to support the market for products unable to find their normal outlets; whereas it should be used only to the extent necessary to support the market in cereals of bread-making quality; whereas common wheat and rye whose natural characteristics are such that they cannot in any case be used except as fodder should therefore not be supported; whereas, therefore, in order to exclude these cereals, quality criteria for denaturing should be determined in accordance with Article 3 of Council Regulation No 172/67/EEC[3] of 27 June 1967 on general rules governing the denaturing of wheat and rye of bread-making quality, as last amended by Regulation (EEC) No 2096/68[4]; whereas in fixing these criteria particular account should be taken of climatic differences in the various regions of the Community;

Whereas the amount of the premium granted for denaturing common wheat should be so calculated that placing denatured common wheat on the market does not disturb the market in barley, with which it becomes competitive; whereas this premium should, moreover, enable the costs incurred by denaturing to be covered whatever method is used;

Whereas experience shows that it is advisable to maintain, as a standard method, the method of denaturing previously used and, in the case of denaturing by colouring, to ensure uniform application of this method throughout the Community;

Whereas, in order to allow more undertakings to make use of denaturing by admixture, the minimum quantity of 60 metric tons for thirty days previously fixed for denaturing by admixture should be reduced; whereas, however, either a daily or a monthly minimum should be maintained, in order that quantity conditions may be in keeping with the facilities for supervision existing in Member States;

Whereas difficulties, in particular of a technical nature, occurring during the denaturing process may prevent a denaturer from reaching the minimum quantity fixed in pursuance of Article 3 of Regulation No 172/67/EEC; whereas, these difficulties being beyond his control, the premium for the quantity of cereals which he has actually denatured should in such cases be paid to him;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals;

HAS ADOPTED THIS REGULATION:

Article 1

The standard method of denaturing common wheat and rye of bread-making quality provided for in Article 2 (2) of Regulation No 172/67/EEC shall be as described in Annex I.

In the case of denaturing by colouring, the standard method only shall be used.

In the case of denaturing otherwise than by colouring, the means used must be at least as reliable as the standard method.

Article 2

Cereals denatured by intervention agencies or qualifying for a denaturing premium shall be of sound and fair marketable quality. For acceptance as sound and fair marketable quality for the purposes of

[1] OJ No 117, 19.6.1967, p. 2269/67.
[2] OJ No L 179, 21.7.1969, p. 5.
[3] OJ No 130, 28.6.1967, p. 2602/67.
[4] OJ No L 308, 23.12.1968, p. 12.

this Regulation, the cereals shall be free from odour and:

(a) have a specific weight, in the case of common wheat, of not less than a weight fixed by the intervention agencies at between 70 and 73 kg/hl, according to region;

(b) have a specific weight, in the case of rye, of at least 66 kg/hl;

(c) have a moisture content in the case of common wheat of between 14 and 18%, according to region, and in the case of rye of 18%;

(d) contain a percentage not exceeding:

— 8% of sprouted grains,

— 3% of other cereals,

— 3% of various impurities,

the sum of these components not to exceed 10%.

Article 3

Common wheat and rye of bread-making quality shall after denaturing be disposed of by intervention agencies in accordance with the conditions laid down in Article 3 of Regulation No 132/67/EEC[1] of 13 June 1967 laying down general rules for intervention on the market in cereals.

Article 4

1. The denaturing premium shall consist of two components, namely:

— one allowing for the differences between prices for common wheat and for barley,

— the other allowing for the technical costs of denaturing or the special costs of admixture, fixed at a flat rate.

2. When common wheat to be denatured has a specific weight exceeding 77 kg/hl the denaturing premium shall be increased. The amount of such an increase shall be calculated by applying the percentages shown in Annex II to the basic intervention price for common wheat valid at the beginning of the marketing year.

3. The granting of a denaturing premium shall be subject to supervision by the intervention agency of the process of denaturing of common wheat, or of its admixture, unaltered, with compound feeding-stuffs falling within heading No 23.07[2] of the Common Customs Tariff. The duration of the denaturing process shall not exceed one day per 40 metric tons of cereals processed.

The duration of the process of admixture, unaltered, with compound feeding-stuffs shall not exceed thirty days per 50 metric tons or one working day of eight hours per 20 metric tons of cereals processed. The intervention agency of each Member State shall decide which of these two minimum quantities shall be applied to the processes under their supervision.

Article 5

The denaturing premium shall be paid only if the conditions laid down in Article 4 (3) are fulfilled. If, however, as a result of a technical difficulty giving rise to an interruption of the process recorded under the supervision provided for in that paragraph the minimum quantity for the day has not been denatured or admixed, the denaturing premium shall be paid on the quantity actually denatured or admixed during that day.

Article 6

Commission Regulation (EEC) No 956/68[3] of 12 July 1968 laying down further detailed rules for the application of the provisions for denaturing common wheat and rye of bread-making quality, as amended by Regulation (EEC) No 2086/68,[4] is hereby repealed.

This Regulation shall enter into force on 1 August 1969.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 July 1969.

For the Commission

The President

Jean REY

---

[1] OJ No 120, 21.6.1967, p. 2364/67.

[2] See Customs Co-operation Council, *Explanatory Notes to the Brussels Nomenclature*, Volume I, Section IV, heading No 23.07, p. 159.

[3] OJ No L 164, 13.7.1968, p. 9.

[4] OJ No L 307, 21.12.1968, p. 13.

ANNEX I

Standard method for denaturing common wheat and rye of bread-making quality

1. Dissolve either 30 grammes of colouring matter of 85% concentration or 51 grammes of colouring matter of 50% concentration of Patented Blue V (Schultz No 826, EEC No E 131)[1] in at least 2·5 litres and at most 3 litres of pure water.

2. Colour 100 kilogrammes of wheat from the quantity to be denatured with the amount of solution prepared in accordance with paragraph 1.

3. Mix 80 kilogrammes of cereals to be denatured with at least 20 kilogrammes of grains coloured as indicated in 2, so that they are uniformly dispersed in the total mass.

[1] The definition of Patented Blue V is given in the Council Directive on the approximation of rules of Member States on colouring matters for use in foodstuffs intended for human consumption (OJ No 115 of 11.11.1962, p. 2645/62).
Patented Blue V of 50% concentration is marketed in the Federal Republic of Germany as 'Lebensmittelblau Nr. 3'.

ANNEX II

Percentage increase for differences in specific weight

Specific weight of common wheat to the hectolitre (in kg/hl)	Percentage increase
77·001 — 78	0·50
78·001 — 79	1·00
79·001 — 80	1·50
more than 80	2·00