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# REGULATION (EEC) No 796/72 OF THE COUNCIL

## of 17 April 1972

## amending Regulation No 120/67/EEC as regards the rules for fixing cereal prices and the import system for feedgrain in Italy

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas 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 2727/71,[2] provides for the fixing of a basic intervention price for two cereals, namely durum wheat and maize, of which there is a deficit; whereas experience has shown that this type of fixing should be replaced by the fixing of a single intervention price for each of the two cereals;

Whereas Article 23 of Regulation No 120/67/EEC lays down provisional measures for imports of feedgrain into Italy; whereas the changeover from this provisional system to the permanent single price system should be prepared;

HAS ADOPTED THIS REGULATION:

*Article 1*

The following shall be substituted for Article 2 (1) of Regulation No 120/67/EEC:

'1. Simultaneously and before 1 August each year the following prices shall be fixed for the Community for the marketing year beginning during the following calendar year:

— a target price for common wheat, durum wheat, barley, maize and rye;

— a basic intervention price for common wheat, barley and rye;

— a guaranteed minimum price for durum wheat;'

*Article 2*

The following shall be substituted for Article 4 of Regulation No 120/67/EEC:

'1. In order to guarantee to producers that the market price does not fall below a minimum level, derived intervention prices for common wheat, barley and rye shall be fixed for the Community, in addition to the basic intervention price.

The derived intervention prices shall be fixed for the same standard quality, at the same stage and under the same conditions as the target price, for all marketing centres in the Community except Duisburg. The level of the derived intervention prices shall be fixed in such a way that the differences between them correspond to the disparities in prices to be expected in a normal harvest under natural conditions of price formation on the market and that they allow the free movement of cereals within the Community in accordance with the requirements of the market.

2. For durum wheat and maize for which a basic intervention price has not been fixed, single intervention prices shall be fixed for the Community and shall be operative for all the marketing centres for these cereals. These prices shall correspond to the lowest derived intervention prices which would have been fixed in the Community if the provisions of the preceding paragraph had been applied.

3. Intervention prices for common wheat, durum wheat, barley and rye shall be operative from 1 August to 31 May of the following year.

[1] OJ No L 117, 19.6.1967, p. 2269/67.
[2] OJ No L 282, 23.12.1971, p. 88.

From 1 June to 31 July the intervention prices operative for August of the following marketing year shall apply.

Intervention prices for maize shall be operative from 1 August to 31 July of the following year.

4. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission shall lay down each year before 15 March for the following marketing year:

(a) the marketing centre to which the lowest derived intervention price applies and the price in question in respect of each Member State and each kind of cereal produced in any quantity in that Member State, except for durum wheat and maize;

(b) the principal marketing centres and the derived intervention prices effective in those centres;

(c) the single intervention prices for durum wheat and maize.

5. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt rules for:

(a) determining marketing centres other than those mentioned in paragraph 4 (b);

(b) deriving intervention prices operative both for the principal marketing centres and for other centres.

6. The marketing centres mentioned in paragraph 5 (a) and the derived intervention prices operative for these centres shall be determined, after consultation with the Member States concerned, before 15 May each year for the following marketing year, in accordance with the procedure laid down in Article 26.'

*Article 3*

The following shall be substituted for Article 23 of Regulation No 120/67/EEC:

'1. Where barley, oats, maize, grain sorghum and millet are imported by sea into the Italian Republic, that Member State may until the end of the 1972/73 marketing year, reduce the levy by 7·5 units of account per metric ton.

For marketing years subsequent to 1972/73 the amount of the reduction in the levy shall be fixed by the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, at the same time as the prices for each marketing year.

This reduction may only be made if an equal subsidy is granted for deliveries of the same cereals by sea from Member States unless this subsidy has, at the request of the sender of the cereals, been paid to him by the Member State of origin which shall inform the Italian Republic forthwith. The Italian Republic shall keep all Member States permanently informed of the amount of subsidy in force.

2. If Italy makes use of the power conferred by paragraph 1, the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall take the measures necessary to avoid discrimination between Community producers and distortions of competition in trade between denatured wheat, on the one hand, and the cereals referred to in paragraph 1, in particular barley, on the other hand.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 26.'

*Article 4*

This Regulation shall enter into force on 1 August 1972.

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

Done at Brussels, 17 April 1972.

*For the Council*

*The President*

J. P. BUCHLER