REGULATION (EEC) No 1554/73 OF THE COMMISSION

of 7 June 1973

laying down the conditions for granting carry-over payments for stocks of common wheat, rye of breadmaking quality and maize remaining at the end of the 1972/73 marketing year

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 the Act (2) annexed to the Treaty (3) concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 9 (6) thereof ;

Whereas stocks of cereals remaining at the end of a marketing year are generally held by the trade or by the processing industry ; whereas to simplify the administration of the payments, in particular as regards supervision, the carry-over payment provided for by Article 9 of Regulation No 120/67/EEC and by Council Regulation (EEC) No 1406/73 (4) of 25 May 1973 fixing a carry-over payment for stocks of common wheat, rye of breadmaking quality and maize remaining at the end of the 1972/73 marketing year should be granted at the trade or processing industry stage ; whereas, in the case of rye of breadmaking quality, supervision requirements are such that the payment should be made only to the milling industry ;

Whereas in many areas the processing industry, and in particular the milling industry, does not have extensive storage capacity like that of the trade from which it generally obtains its supplies ; whereas the minimum stocks which it is required to hold should therefore be lower than those required of the trade ;

Whereas, since the common wheat and rye harvest in certain regions of the Community is generally early, being gathered before the end of the marketing year, and might be early in other regions also, and since it is necessary to supervize the grant of carry-over payments, a declaration of stocks held on 31 May must be required of all applicants ;

Whereas in Italy common wheat of the new harvest can be marketed before the end of the marketing year and whereas, consequently, to avoid fraud the payment should be available only for stocks held in that Member State on 31 May 1973 unless the applicant can prove that the cereal to which his application relates came from another Member State ;

Whereas every year in certain regions of the Community, and throughout the Community when the harvest is particularly early, common wheat of the new harvest may be marketed before 31 July ; whereas no carry-over payment should be granted for such common wheat, whatever the place of storage in the Community before 31 July ; whereas a carry-over payment should be granted on common wheat harvested in a Member State where the harvest is early and stored in another Member State between 31 May and the end of the marketing year only if proof is furnished, preferably by a certificate issued by the competent authority of the Member State in whose territory the wheat was harvested, that the wheat is not of the new harvest ;

Whereas, to avoid halting purchases of Community-produced cereals between 1 June and 31 July 1973, undertakings holding no stocks on 31 May 1973 should receive the carry-over payment in respect of any stocks held by them on 31 July 1973 provided they prove that the cereals purchased by them between those two dates qualify therefore ;

Whereas provision should also be made for granting the carry-over payment to an undertaking which, having been awarded a contract under an invitation to tender for the supply of flour as food aid, has advanced a certain quantity of cereals which remains to be replaced by an intervention agency ;

Whereas the procedures and supervision measures as regards stocks of cereals and their movements should be the responsibility of the competent agencies of the Member States, and whereas those agencies should take the necessary measures to ensure

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No L 139, 26. 5. 1973, p. 30.

that Community provisions governing the grant of carry-over payments are observed ;

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 carry-over payment provided for in Articles 1 and 2 of Regulation (EEC) No 1406/73 shall be granted to :

(a) trading and processing undertakings for stocks of common wheat harvested in the Community and owned by them on 31 July 1973 ;

(b) milling undertakings for stocks of rye of breadmaking quality harvested in the Community, and owned by them on the same date, provided they undertake to prepare that cereal for human consumption ;

(c) trading and processing undertakings for stocks of maize harvested in the Community, owned by them on the same date and held in the surplus production zones listed in Annex I.

Article 2

1. The minimum amount necessary to enable a stock to qualify for a carry-over payment shall be :

— 75 metric tons for common wheat and maize owned by trading undertakings ;

— 20 metric tons for common wheat and maize owned by the processing industry ;

— 10 tons for common wheat owned by milling undertakings and also for rye of breadmaking quality.

2. The minimum quantities specified above shall apply to lots of uniform quality, stored in the same warehouse.

Article 3

1. To receive a carry-over payment from the competent authority of the Member State in whose territory the stocks are situated, the applicant shall :

(a) declare by registered letter, telex or telegram sent before 12 June 1973 to the competent authority concerned his intention to apply for a carry-over payment and the quantities of each of the cereals specified in Article 1 owned by him on 31 May 1973, indicating the store and the warehouse where the stocks may be inspected ;

(b) lodge by registered letter, telex or telegram not later than 7 August 1973 an application for carryover payment to the same competent authority, specifying the quantities of the cereals aforesaid owned by him on 31 July 1973. This application shall include at least the information and declarations set out in Annex II.

2. Undertakings specified in Article 1 which on 31 May 1973 hold no stocks and consequently do not make the declaration provided for in paragraph 1 (a) shall receive a carry-over payment on such stocks as they hold on 31 July 1973 provided they prove that cereals purchased by them between 1 June and 31 July 1973 were purchased from an intervention agency or from stocks declared under paragraph 1 (a) and provided they lodge their application in accordance with paragraph 1 (b).

Article 4

1. In Italy, stocks of common wheat qualifying for carry-over payment on 31 July 1973 may not exceed those which were declared under Article 3 (1) (a) unless the applicant proves that this wheat was harvested in another Member State or that it was bought between 1 June and 31 July 1973 from the Italian intervention agency and originated from stocks remaining from the previous harvest.

2. Common wheat harvested in France or Italy, stored in another Member State on 31 July 1973 and not included in the stocks declared to the competent authority before 12 June 1973 shall qualify for carry-over payment only if the applicant proves that it does not come from the 1973 harvest. To this end, and subject to Article 6 (1) and (2) the applicant shall submit a certificate of sale issued by the competent French or Italian authorities.

3. If common wheat of the new harvest is marketed in another Member State before 31 July 1973 as a result of an exceptionally early harvest, paragraph 2 shall apply to common wheat harvested in that Member State.

Whether or not the harvest is early shall be established by the Commission in the light of information supplied to this end by the Member States.

Article 5

Without prejudice to Article 2 (1), where the conditions for mobilizing cereals to be made into flour and exported as food aid provide that the successful tenderer shall take over a given quantity of common wheat from the stocks of an intervention agency and, in order to expedite the provision of the aid, the successful tenderer has supplied an equivalent quantity of common wheat from his own stocks, the carry-over payment provided for in Article 1 of Regulation (EEC) No 1406/73 shall be granted to him for the quantity of common wheat which on 31 July 1973 he still has to take over from the intervention agency's warehouse.

Article 6

1. The competent authority of each Member State shall carry out the necessary inspection of stocks and their movements in its territory.

2. The competent authority of each Member State shall take all additional measures necessary to take account of the specific conditions in their territory, and in particular shall determine when the stocks and their movements are to be inspected.

3. Member States shall send the Commission, not later than 31 January 1974, a written report on the application of this Regulation.

4. In each Member State, the competent authority shall be the intervention agency or any other agency appointed by the Member State.

Article 7

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 7 June 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX I

Surplus production zones for maize (1)

ZONE I (Paris Basin)

comprising the economic regions of 'Bourgogne', 'Centre', 'Champagne', 'Haute-Normandie' excluding the Seine-Maritime Department, 'Picardie' and 'Region Parisienne'.

ZONE II (West)
comprising the economic regions 'Pays de la Loire', Poitou-Charentes' and 'Bretagne'.

ZONE III (South-West)
comprising the economic regions 'Aquitaine' and 'Midi-Pyrénées', and the 'Aude Department'.

ZONE IV (Massif Central)
comprising the economic region 'Auvergne'.

ZONE V (Rhône-Alpes, Franche-Comté)
comprising the economic regions 'Rhône-Alpes' and Franche-Comté'.

ZONE VI (Alsace)
comprising the economic region 'Alsace'.

(1) All these zones are in France.

ANNEX II

Minimum information to be supplied when applying for a carry-over payment

1. Description of cereal

2. Quantity

3. Place of storage

4. Declaration that :

   (a) the cereal is not of the 1973 harvest ;

   (b) the cereal was harvested in the Community ;

   (c) the applicant owns the cereal ;

   (d) the cereal is of fair and sound merchantable quality as defined in Regulation (EEC) No 1492/71, and for rye, as defined in Article 6 of Regulation (EEC) No 1493/71 and Article 3 of Regulation (EEC) No 1406/73.