COUNCIL REGULATION (EEC) No 1863/76

of 27 July 1976

on the transfer to the Italian intervention agency of feed grain held by the intervention agencies of the other Member States

THE COUNCIL 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 1143/76 (2), and in particular Article 7 (4) thereof,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (3), as last amended by Regulation (EEC) No 2788/72 (4), and in particular Article 3 (2) thereof,

Having regard to Council Regulation (EEC) No 2738/75 of 29 October 1975 laying down general rules for intervention on the market in cereals (5), and in particular Article 4 thereof,

Having regard to the proposal from the Commission,

Whereas the Italian market in feed grain is experiencing supply difficulties and is currently characterized by a fairly high price level; whereas this situation has essentially been caused by the drought prevailing in Italy;

Whereas, to cope with this situation, it is advisable to make available to the Italian intervention agency part of the quantities of feed grain which are still available in intervention in the rest of the Community;

Whereas detailed rules should be laid down for taking over the products and for transferring responsibility for them;

Whereas the provisions covering the accounting side of this operation should be aligned on the arrangements laid down in 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 in rice (6), as last amended by Regulation (EEC) No 330/74 (7);

Whereas such measures imply that the Guarantee Section of the European Agricultural Guidance and Guarantee Fund should bear the cost of transport,

HAS ADOPTED THIS REGULATION:

Article 1

Until 31 October 1976, the Italian intervention agency may take delivery from the intervention agencies of other Member States of 100 000 metric tons of feed grain, consisting of:

— 60 000 metric tons of barley held by the German intervention agency,

— and 40 000 metric tons of feed grain held by the Community intervention agencies, the breakdown of which shall be decided according to the procedure provided for in Article 26 of Regulation (EEC) No 2727/75.

Article 2

1. The Italian intervention agency shall take delivery of the products at the place where they are stored and thereupon assume responsibility for them.

2. The delivery operations referred to in paragraph 1 shall be assigned by tender. They shall concern the delivery of the product, loaded on means of transport at the point of departure, at warehouse unloaded to the Italian ports or at warehouse without unloading to places close to these ports. The Italian intervention agency shall be free to designate either ports or places close to these ports as place of delivery once it has notified the Commission.

The contract shall be awarded to the tenderer or tenderers having made the most favourable offer.

However, if the tenders submitted do not appear to reflect normal prices and costs, the intervention agency may cancel the invitation to tender.

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(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 130, 19. 5. 1976, p. 1.
(3) OJ No L 94, 28. 4. 1970, p. 13.
(4) OJ No L 275, 30. 12. 1972, p. 1.
(5) OJ No L 281, 1. 11. 1975, p. 49.
(6) OJ No L 105, 2. 5. 1969, p. 4.
(7) OJ No L 37, 9. 2. 1974, p. 5.

3. The tender shall be organized by the Italian intervention agency.

The Italian intervention agency shall determine the clauses and terms of the invitation to tender in so far as they are compatible with this Regulation. They may provide for, in particular, the lodging of a security to guarantee fulfilment of the obligations under the tender. They shall also ensure equality of access and treatment for all interested parties wherever they may be established in the Community.

4. Tenders must be made in Italian lira to the Italian intervention agency.

5. The Italian authorities shall keep the Commission informed of the progress of the tender.

Article 3

1. The intervention agencies which hold feed grain shall enter the quantities released under Article 1 as a zero debit in the account referred to in Article 3 (1) of Regulation (EEC) No 787/69.

2. The Italian intervention agency shall enter the grain of which it has taken delivery under Article 1 as a zero credit in the account referred to in paragraph 1.

Article 4

The costs provided for in the invitation to tender referred to in Article 2 which relate to the quantities of grain laid down in Article 1 shall be entered in the account referred to in Article 3 (1) of Regulation (EEC) No 787/69.

Article 5

1. The Italian Republic shall take the steps necessary to ensure that, when resold, the grain referred to in Article 1 is used exclusively for animal feed.

2. Commission Regulation (EEC) No 376/70 of 27 February 1970 laying down the procedure and conditions for the disposal of cereals held by intervention agencies [1], as last amended by Regulation (EEC) No 129/73 [2], shall apply to the resale of the barley referred to in Article 1.

However when feed grains referred to in Article 1 other than barley are resold, the market price or the intervention price to be taken into consideration in implementing Article 3 (2) (a) and (b) of Regulation (EEC) No 376/70 shall be the market price or the intervention price applicable for barley.

Article 6

This Regulation shall enter into force on the 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, 27 July 1976.

For the Council

The President

M. van der STOEL

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(1) OJ No L 47, 28. 2. 1970, p. 49.
(2) OJ No L 17, 20. 1. 1973, p. 17.