COMMISSION REGULATION (EEC) No 1368/78

of 22 June 1978

laying down the conditions for granting carry-over payments for stocks of common wheat of bread-making quality, rye intended for bread-making and maize remaining at the end of the 1977/78 marketing year

THE COMMISSION 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 1254/78 (2), and in particular Article 9 thereof,

Whereas stocks of cereals remaining at the end of a marketing year are generally held by the trade or by 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 (EEC) No 2727/75 and by Council Regulation (EEC) No 1258/78 of 12 June 1978 fixing a carry-over payment for stocks of common wheat of bread-making quality, rye intended for bread-making and maize remaining at the end of the 1977/78 marketing year (3), should be granted at the trade or processing industry stage; whereas, in the case of rye of bread-making 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 the extensive storage capacity available to 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 that trade;

Whereas to qualify for the carry-over payment, common wheat of bread-making quality must meet the minimum standards for bread-making fixed by Council Regulation (EEC) No 1155/77 of 17 May 1977 (4); whereas the observance of these standards is determined in accordance with the method fixed by Commission Regulation (EEC) No 1628/77 of 20 July 1977 laying down the method for determining the minimum bread-making quality of common wheat (5);

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 supervise 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; whereas, consequently, to avoid fraud, the payment should be available only for stocks held in that Member State on 31 May 1978 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 on 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 1978, undertakings holding no stocks or insufficient stocks on 31 May 1978 should receive the carry-over payment in respect of any stocks held by them on 31 July 1978 provided they prove that the cereals purchased by them between those two dates qualify therefor;

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 each Member State; whereas those agencies should

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 156, 14. 6. 1978, p. 1.
(3) OJ No L 156, 14. 6. 1978, p. 7.
(4) OJ No L 136, 2. 6. 1977, p. 10.
(5) OJ No L 181, 21. 7. 1977, p. 20.

take the necessary measures to ensure that Community provisions governing the grant of carry-over payments are observed;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The carry-over payment provided for in Article 1 of Regulation (EEC) No 1258/78 shall be granted to:

(a) trading and processing undertakings in respect of stocks of common wheat of bread-making quality within the meaning of Regulation (EEC) No 1155/77 harvested in the Community and owned by them on 31 July 1978;

(b) milling undertakings in respect of stocks of rye intended for bread-making, within the meaning of Article 7 (2) of Regulation (EEC) No 2727/75, harvested in the Community and owned by them on the aforesaid date;

(c) trading and processing undertakings in respect of stocks of maize harvested in the Community, owned by them on the aforesaid date and held in the surplus production zones listed in Annex 1 hereto.

Article 2

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

— 75 tonnes for common wheat of bread-making quality and maize owned by trading undertakings,

— 20 tonnes for maize owned by the processing industry,

— 10 tonnes for common wheat of bread-making quality owned by the processing industry and also for rye intended for bread-making.

2. The minimum quantities referred to above shall apply to lots of uniform quality, stored within a single 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 30 June 1978 to the competent authority concerned his intention to apply for a carry-over payment indicating the quantities of each of the cereals specified in Article 1 owned by him, where appropriate, on 31 May 1978 and the name of the stores and warehouse where the stocks may be inspected;

(b) lodge by registered letter, telex or telegram sent not later than 7 August 1978 an application for carry-over payment to the same competent authority, specifying the quantities of the said cereals owned by him on 31 July 1978. This application shall include at least the information and declarations set out in Annex II hereto.

2. The undertakings referred to in Article 1 which on 31 May 1978 hold no stocks or insufficient stocks and conequently do not make the declaration provided for in paragraph 1 (a) or have produced a declaration concerning the insufficiency of their stock on that date shall receive a carry-over payment on such stocks as they hold on 31 July 1978 provided they prove that cereals purchased by them between 1 June and 31 July 1978 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 of bread-making quality qualifying for carry-over payment on 31 July 1978 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 1978 from the Italian intervention agency and originated from stocks remaining from the previous harvest.

2. Common wheat of bread-making quality harvested in France or Italy, in storage in another Member State on 31 July 1978 and not included on 31 May 1978 in the stocks declared to the competent authority of the latter State before 30 June 1978, shall qualify for carry-over payment only if the applicant proves that it does not come from the 1978 harvest. To this end, without prejudice 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 bread-making quality of the new harvest is marketed in another Member State before 31 July 1978 as a result of an exceptionally early harvest, paragraph 2 shall apply to common wheat of bread-making quality 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 1258/78 shall be granted to him for the quantity of common wheat which on 31 July 1978 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 checks on stocks and their movements in its territory.

Where a product fails a test of its bread-making quality, the costs of such test shall be borne by the applicant.

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. It may also fix deadlines earlier than those provided for in Article 3 (1) (a) and (b).

3. Member States shall send the Commission, not later than 31 January 1979, a written report on the operation 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 not apply in Member States where the calculation of the carry-over payment gives an amount in national currency which is equal to or less than zero.

Article 8

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, 22 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX I

Surplus production zones for maize

All the economic regions of France, with the exception of the Nord and Provence/Côte d'Azur economic regions and of the departments of Gard, Hérault, Lozère, Pyrénées Orientales and Vosges.

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 1978 harvest ;
   (b) the cereal was harvested in the Community ;
   (c) the applicant owns the cereal ;
   (d) the cereal is of fair and sound marketable quality, for maize as defined in Regulation (EEC) No 1569/77, for rye intended for bread-making as defined in Article 6 of Regulation (EEC) No 1570/77, for common wheat of bread-making quality as defined in Article 5 (2) of Regulation (EEC) No 1629/77 ;
   (e) the common wheat of bread-making quality meets the minimum standards for bread-making fixed by Council Regulation (EEC) No 1155/77, determined according to the method of determining the minimum bread-making quality of common wheat defined by Commission Regulation (EEC) No 1628/77.
