COMMISSION REGULATION (EEC) No 1055/79

of 30 May 1979

laying down the conditions for granting carry-over payments for stocks of common wheat, rye intended for human consumption and maize remaining at the end of the 1978/79 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 the processing industry; whereas to simplify administration, 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 946/79 of 8 May 1979 fixing a carry-over payment for stocks of common wheat, rye intended for human consumption and maize remaining at the end of the 1978/79 marketing year (3), should be granted at the trade or the processing industry stage; whereas, in the case of rye, 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, on account of the connection between the arrangements for intervention and those for carry-over payments, the carry-over payments should be granted only if the cereals offered comply with the quality requirements for intervention; whereas, however, in the case of rye held by the milling industry, milling for human consumption should be accepted as proof of sufficient quality;

Whereas in France and Italy the new harvest of common wheat and rye is generally available before the beginning of the new marketing year; whereas, therefore, in order to avoid undue payments for cereals from the new harvest, it should be provided, pursuant to Article 9 (1) (2) of Regulation (EEC) No 2727/75, that the stock qualifying for payment at the end of the marketing year in those two countries may not exceed that declared earlier; whereas, in order to make it possible for the competent authorities of the two Member States concerned to establish the necessary stock supervision, it is essential to require applicants to declare their stocks on 31 May;

Whereas, in view of the variations in stocks of the said cereals in France and in Italy between 1 June and 31 July, it should for the same reasons be decided that, for the purpose of determining the quantities qualifying for payment on 31 July, the stock to be taken into account is to be that existing as at 31 May, declared as stated above, plus the quantity of cereals purchased from an intervention agency or from declared stocks, and less the quantities of cereals processed or sold on the internal market or for export between 1 June and 31 July;

Whereas, likewise, provision should be made to avoid undue payment in respect of common wheat and rye from the new harvest in France and in Italy and in stock on 31 July in another Member State; whereas the applicant should therefore be required to provide proof either that the said cereals were purchased within the Community not later than 31 May, or that they come from a French or Italian intervention agency or from stocks existing in France and Italy on 31 May and declared in the said countries in accordance with the above provisions;

Whereas, if the new harvest is particularly early in other Community regions, provision should be made for the adoption of special measures to avoid undue payments;

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 appropriate rules and measures for the control of cereal stocks and their movements should be laid down by the competent agencies of each Member State; whereas those agencies should take the necessary measures to ensure that Community provisions on the grant of carry-over payments are observed;

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 156, 14. 6. 1978, p. 1.
(3) OJ No L 120, 16. 5. 1979, p. 1.

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 referred to in Article 1 of Regulation (EEC) No 946/79 shall be granted to :

(a) trade and processing undertakings, in respect of stocks of common wheat harvested in the Community and owned by them on 31 July 1979 ;

(b) milling undertakings, in respect of stocks of rye harvested in the Community, due to be milled for human consumption and owned by them on the same date ;

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

Article 2

1. The minimum amount required on 31 July 1979 to enable a stock to qualify for a carry-over payment shall be :

— 75 tonnes for common wheat and maize owned by trade undertakings,

— 20 tonnes for common wheat and maize owned by the processing industry,

— 10 tonnes for common wheat and rye owned by the milling industry.

2. The minimum quantities given above apply to lots of uniform quality which comply with the minimum quality standards for intervention for the 1978/79 marketing year.

In respect of rye held by the milling industry at the end of the marketing year, milling for human consumption shall be accepted as proof of sufficient quality.

Article 3

In order to qualify for the carry-over payment granted by the competent authority of the Member State in whose territory these stocks are situated, the applicant must make, by means of registered letter, telex or telegram, sent not later than 7 August 1979, an application for payment to the said competent authority, stating the stocks of old crop cereals referred to in Article 1 owned by him on 31 July. This application must, at least, contain the information and declarations set out in Annex II.

Article 4

1. In France and in Italy, stocks of common wheat and of rye in respect of which an application for payment is lodged in accordance with the rules set out in Article 3 may not exceed the stocks of the said cereals held on the previous 31 May, which were declared to the competent authority of the Member State by registered letter, telex or telegram sent not later than 12 June 1979.

No payment can be made for cereals bought in between 1 June and 31 July unless the applicant proves that the said cereals come either from an intervention agency or from stocks held on 31 May, declared in accordance with the preceding subparagraph.

2. In France and Italy, in order to determine the quantities eligible for payment on 31 July in the case of establishments referred to in Article 1 (a) and (b), account shall be taken of stocks of common wheat and rye on 31 May, declared in accordance with the provisions of paragraph 1,

— increased by the quantities of old crop cereals bought in between 1 June and 31 July, coming from an intervention agency or from stocks declared in accordance with paragraph 1,

— and less the quantity of old crop cereals processed or sold on the domestic or export market between 1 June and 31 July.

Article 5

In cases where common wheat and rye harvested in France or in Italy are in stock in another Member State on 31 July 1979, the payment shall only be made if the applicant proves that the said cereals :

— either were purchased within the Community not later than 31 May,

— or come from a French or Italian intervention agency or from stocks existing in France or in Italy on 31 May and declared in those countries in accordance with the provisions of Article 4 (1). The applicant shall submit a certificate of sale certified by the competent French or Italian authorities.

Article 6

If the common wheat and rye of the new harvest is marketed in one or more other Member States before 1 August 1979 as a result of an exceptionally early harvest, the payment may be granted only if the applicant furnishes proof that the cereal in stock does not come from the new harvest.

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

Article 7

Without prejudice to Article 2 (1), where, for the purposes of measure providing food aid in the form of flour, the conditions for mobilizing cereals provide that the successful tenderer must remove a given quantity of common wheat from the stocks of an intervention agency and, in order to expedite the provision of this aid, the successful tenderer has used an equivalent quantity of common wheat from his own stocks, the carry-over payment provided for in Article 1 of Regulation (EEC) No 946/79 shall be granted to him for the quantity of common wheat which on 31 July 1979 he still has to remove from the intervention agency's storage depots.

Article 8

1. For the purpose of implementing this Regulation, the competent authority of each Member State shall carry out the necessary checks. It shall, to this end, adopt all the measures necessary to take account of the special conditions within its territory, particularly with regard to variation and movement of stocks and the time for which the stocks are subject to check. The authority may also set shorter time limits for communicating the information to be supplied by applicants in accordance with Articles 3 and 4.

2. The Member States shall communicate to the Commission, by 31 August 1979, the quantities which have been the subject of requests for carry-over payment and, by 31 January 1980, a written report on the operation of this Regulation.

Article 9

The administrative provisions of 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 10

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, 30 May 1979.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX I

Surplus production zones for maize

All the economic regions of 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 1979 harvest ;
   (b) the cereal was harvested in the Community ;
   (c) the applicant owns the cereal ;
   (d) — in the case of common wheat and maize, it is of fair and sound marketable quality within the meaning of Regulation (EEC) No 1569/77,
   — in the case of rye, it will be milled for human consumption.
