COMMISSION REGULATION (EEC) No 626/86

of 28 February 1986

amending Regulation (EEC) No 1569/77 concerning the taking over of cereals by the Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 thereof,

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 3793/85 (2), and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 1569/77 of 11 July 1977 fixing the procedure and conditions for the taking over of cereals by intervention agencies (3), as last amended by Regulation (EEC) No 2262/85 (4), provides, in the event of intervention, for a minimum quantity of 80 tonnes of common wheat, rye, barley, maize or sorghum;

Whereas, under the intervention arrangements in force in Spain up to 1 March 1986, the minimum quantity which may be presented for intervention is 10 tonnes; whereas the Spanish Government is encouraging better organization of the cereals sector at producer level; whereas the transition from the national arrangements to those resulting from application of the common organization of the markets may create difficulties, particularly for small Spanish growers; whereas, to enable those growers to undertake structural improvements, provision should be made for a progressive adaptation to the Community rules;

Whereas the Annex to Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat (5), as last amended by Regulation (EEC) No 1028/84 (6), defined shrivelled grains; whereas according to that definition shrivelled grains in the case of barley means grains which pass through sieves with apertures measuring 2,2 millimetres;

Whereas in this respect also it should be laid down that the transition from the provisions applied in Spain prior to 1 March 1986 to those laid down by the common organization of the markets is to be progressive, thereby enabling the appropriate changes to be made; whereas the immediate application of the Community system would entail a risk of large quantities being excluded from intervention; whereas such application would consequently give rise to substantial difficulties for Spanish producers and would, at least in part, be contrary to the objectives of Article 112 of the Act of Accession;

Whereas Article 112 of the Act of Accession introduced special arrangements for a transitional period, concerning the specific weight of barley presented for intervention in Spain; whereas the purpose of that provision was to enable Spanish producers to improve their production structures and to adjust progressively to the Community rules; whereas Regulation (EEC) No 1569/77 should therefore be amended on the basis of the abovementioned provision and the appropriate specifications relating to its application in accordance with the objective pursued should be laid down;

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

Regulation (EEC) No 1569/77 is amended as follows:

1. The following subparagraph is added to Article 1:

   'By way of derogation from the first subparagraph, homogeneous batches of common wheat, rye, barley, maize or sorghum weighing not less than 10 tonnes for the period from 1 March 1986 to the end of the 1985/86 marketing year and not less than 40 tonnes for the 1986/87 marketing year may be presented to the intervention agency in Spain.'

2. The following subparagraph is added to Article 2 (3):

   'However, by way of derogation from the abovementioned Regulation (EEC) No 2731/75, in the case of barley harvested in Spain and offered for intervention in that country during the period from 1 March 1986 to the end of the 1986/87 marketing year, "shrivelled grains" shall mean grains which, after elimination from the sample of all the other matter referred to in the Annex to the said Regulation, pass through sieves with apertures measuring 2 millimetres.'

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 367, 31. 12. 1985, p. 19.
(3) OJ No L 174, 14. 7. 1977, p. 15.
(4) OJ No L 211, 8. 8. 1985, p. 23.
(5) OJ No L 281, 1. 11. 1975, p. 22.
(6) OJ No L 107, 19. 4. 1984, p. 17.

3. The following footnote No 4 is added to the 'barley' column of point E of the Annex:

'4. Subject, as regards barley harvested in Spain, to the first subparagraph of Article 112 of the Act of Accession of Spain and Portugal.'

Article 2

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

It shall apply with effect from 1 March 1986.

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

Done at Brussels, 28 February 1986.

For the Commission
Frans ANDRIESSEN
Vice-President