

COMMISSION REGULATION (EEC) No 1492/71

of 13 July 1971

fixing the procedure and conditions for the taking over of cereals by intervention agencies

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 of 13 June 1967 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 2434/70 ⁽²⁾, and in particular Article 7(5) thereof,

Whereas intervention prices were fixed for a specific standard quality and whereas provision was made for price increases and reductions in respect of cereals offered of other than standard quality;

Whereas the procedure and conditions for the taking over of cereals by intervention agencies have been fixed for each marketing year; whereas sufficient experience has been acquired since the introduction of the common organization of markets to permit of the fixing of such procedure and conditions for an indefinite period beginning with the 1971/72 marketing year;

Whereas cereals of inadequate quality for use or storage should not be accepted for intervention; whereas, in fixing the minimum quality, the diversity of climatic conditions in the different regions of the Community should be taken into consideration; whereas, to this end, pending adequate Community experience in the matter, the responsibility for adapting the quality conditions laid down to the climatic conditions of the regions for which they are responsible should be left provisionally to the intervention agencies;

Whereas, in order to simplify the administration of intervention and, in particular, to allow uniform lots

to be made up for each kind of cereal offered for intervention, a minimum quantity should be fixed below which the intervention agency is not obliged to accept the offer; whereas the conditions and practices of the market in cereals have evolved in a way which requires the raising of this minimum quantity to a level higher than that previously fixed; whereas, however, it may be necessary to provide for a greater minimum metric tonnage in certain Member States so that intervention agencies may take account, temporarily, of pre-existing conditions and practices of the wholesale trade in those countries;

Whereas the conditions governing offers to intervention agencies and taking over by them should be as uniform as possible in the Community in order to avoid any discrimination between producers; whereas, however, Member States might usefully apply, concurrently with this Regulation, those of their provisions which are suited to their own climatic conditions and in particular to trade practices;

Whereas the maximum moisture content of cereals offered for intervention should be reduced with a view to improving storage conditions; whereas, however, this decrease should for certain cereals be phased over a period of time to enable those concerned to adjust their operations accordingly;

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

Any holder of uniform lots of common wheat, rye, barley and maize weighing at least 80 metric tons and of durum wheat weighing at least 40 metric tons harvested in the Community shall be entitled to

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 262, 3. 12. 1970, p 1.

offer such cereals to the intervention agency. However, the intervention agencies may fix a greater minimum metric tonnage.

Article 2

1. In order to be accepted for intervention cereals must be of sound and fair marketable quality.

2. Cereals shall be considered to be of sound and marketable quality if they are of the typical colour of the cereal in question, free from abnormal smell and live pests (including mites) at every stage of their development and if:

- the total percentage of constituents which are basic cereals of unimpaired quality is not less than 90% for common wheat, durum wheat, rye, barley and maize;
- the moisture content for common wheat, durum wheat, rye, barley and maize does not exceed a percentage fixed by the intervention agencies at between 14 and 16% according to region; for the 1971/72 marketing year, however, the percentage for common wheat, rye and barley may be fixed at between 14 and 18%;
- the specific weight is at least 76 kg/hl for durum wheat, 68 kg/hl for rye and 63 kg/hl for barley; for winter barley, however, the minimum specific weight may be fixed at 59 kg/hl by the intervention agencies of Member States;
- the specific weight for common wheat is not less than a weight fixed by the intervention agencies at between 72 and 75 kg/hl, according to region;
- the percentage of sprouted grains does not exceed 6% for common wheat and durum wheat, 8% for rye, maize and barley; however, these percentages may be reduced by the intervention agencies;
- for common wheat, durum wheat, rye, barley and maize the percentage of grain impurities does not exceed 5%, and for barley the percentage of grains of other cereals and grains damaged by pests does not exceed 5%;
- the percentage of miscellaneous impurities (Schwarzbesatz) does not exceed 3% for common wheat, durum wheat, rye and barley and 4% for maize of which not more than 0.05% of spontaneously fermented grains for common wheat and durum wheat, 0.05% of ergot for common wheat, durum wheat and rye and 0.10% of harmful weed seeds for common wheat, durum wheat and rye;
- for common wheat and durum wheat the percentage of grains heated during drying processes does not exceed 0.50%;
- for durum wheat and common wheat the percentage of grains which have wholly or partly

lost their vitreous aspect (mitadiné) does not exceed 50 and 7% respectively;

- the percentage of broken grains does not exceed 5% for common wheat and durum wheat, and 10% for maize;
 - the percentage of shrivelled barley grains does not exceed 15%.
3. By way of derogation from paragraph 2 it may be decided, in the event of unfavourable climatic conditions, in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC:
- to lower to 85% the percentage specified in the first indent;
 - to increase to 20% the percentage specified in the second indent;
 - to increase to 60% the percentage specified for 'mitadinés' grains in the ninth indent.

Article 3

1. All offers for intervention shall be made in writing to an intervention agency.

2. Acceptance of the offer by the intervention agency shall be given with the least possible delay together with necessary particulars of the conditions under which the goods will be taken over. Objection to the conditions may be made only within 48 hours of receipt of the acceptance.

3. The price to be paid to the seller shall be that fixed, in accordance with Article 2 of Council Regulation No 132/67/EEC of 13 June 1967 laying down general rules for intervention on the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 1938/70 of 29 September 1970⁽²⁾, for goods delivered, not unloaded at storage depot, and valid for the month of delivery specified when the offer was accepted, account being taken of price increases and reductions to be determined.

4. Payment shall be made as soon as possible after the taking over.

Article 4

1. The date of taking over shall be agreed between the seller and the intervention agency.

⁽¹⁾ OJ No 120, 21. 6. 1967, p. 2364/67.

⁽²⁾ OJ No L 215, 30. 9. 1970, p. 1,

2. The actual take over of the cereals shall be effected by the intervention agency in the presence of the seller or his duly authorized agents.

3. If no agreement can be reached concerning the quality and the characteristics of the cereal offered, samples taken by both parties shall be analyzed by a laboratory approved by the competent authorities. The results of such analysis shall be final.

4. The seller and the intervention agency may be represented by their respective agents.

5. The definitions given in the first and second indents of Article 4(c) and Annex I to Council Regulation (EEC) No 768/69 of 22 April 1969 fixing standard qualities for common wheat, rye,

barley, maize and durum wheat ⁽¹⁾ shall be applicable to this Regulation.

Article 5

The intervention agencies shall, where necessary, adopt additional procedures and conditions for taking over, compatible with the provisions of this Regulation, to take account of any special conditions existing in the Member State to which they relate; in particular, they may request periodic stock returns.

Article 6

This Regulation shall enter into force on 1 August 1971.

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

Done in Brussels, 13 July 1971.

For the Commission

The President

Franco M. MALFATTI

(1) OJ No L 100, 28. 4. 1969, p. 8.