

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 873/76****of 13 April 1976****on the transfer to the Italian intervention agency of common wheat held by the French intervention agency**

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 832/76<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2788/72<sup>(4)</sup>, 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<sup>(5)</sup>, and in particular Article 4 thereof,

Whereas the Italian market in common wheat is experiencing supply difficulties and is currently characterized by a fairly high price level; whereas this situation has been caused by several factors, *viz.* the structural production deficit in Italy, a tendency towards speculative retention resulting from the depreciation of the Italian lira on the foreign exchange market and a decrease of imports, which have become more difficult as a result of these monetary events;

Whereas, to cope with this situation, the Italian authorities have offered for sale part of the existing intervention stocks; whereas the sale of the remainder may prove insufficient to restore the supply situation to normal;

Whereas, in order to attain this objective, it seems advisable to make available to the Italian intervention agency part of the quantities of common wheat which are still available in intervention in the rest of the Community; whereas some of this common wheat is still held by, *inter alia*, the French intervention agency;

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

Whereas provision should be made for this operation to be integrated into 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 330/74<sup>(7)</sup>;

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*

The French intervention agency shall, until 31 May 1976, place 100 000 metric tons of common wheat at the disposal of the Italian intervention agency which may take delivery of it under the conditions laid down in Articles 2 to 5.

*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.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 100, 14. 4. 1976, p. 1.

<sup>(3)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(4)</sup> OJ No L 275, 30. 12. 1972, p. 1.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 49.

<sup>(6)</sup> OJ No L 105, 2. 5. 1969, p. 4.

<sup>(7)</sup> OJ No L 37, 9. 2. 1974, p. 5.

2. The delivery operations referred to in Article 1 shall be assigned by tender. They shall concern the delivery of the product which is in stock 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.

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.

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 French intervention agency shall enter the quantities of common wheat 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 wheat 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 common wheat 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 common wheat referred to in Article 1 is used exclusively for the manufacture of foodstuffs to be supplied to the population.

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 129/73 <sup>(2)</sup>, shall apply to the common wheat referred to in Article 1.

#### *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, 13 April 1976.

*For the Council*

*The President*

G. THORN

<sup>(1)</sup> OJ No L 47, 28. 2. 1970, p. 49.

<sup>(2)</sup> OJ No L 17, 20. 1. 1973, p. 17.