



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.09.1997
COM(97)463 final

97/0241 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

**amending Regulation (EEC) No 2731/75 fixing standard qualities
for common wheat, rye, barley, maize, sorghum and durum wheat**

(presented by the Commission)

EXPLANATORY MEMORANDUM

For climatic reasons, the varieties of barley grown in Finland and Sweden are for the most part six-row ones with smaller grains (between 2.2 and 2 mm) than the two-row varieties traditionally grown in the rest of the European Union. These barley varieties are nonetheless of good quality, as witnessed by their specific weight.

The Annex to Council Regulation (EEC) No 2731/75 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat lays down that barley grains which pass through sieves with apertures of 2.2 millimetres are to be considered as shrivelled grains (impurities). This criterion prevents intervention agencies from accepting barley grains which pass through sieves with apertures of 2.2 mm.

In order to avoid the total exclusion of Finnish and Swedish producers from intervention for barley, the Commission, on the basis of Article 149 of the Act of Accession of Austria, Finland and Sweden¹, provided for a derogation from the minimum grain size requirement for intervention buying-in of barley in Finland and Sweden until 31 December 1997. The purpose of the derogation is for barley grains measuring between 2.2 and 2 mm to be accepted on condition that the barley in question has a minimum specific weight of 64 kg/hl.

Point 4 of the compromise resulting from the agreement reached in the Council on 23-25 June 1997 calls on the Commission to:

- put forward a proposal authorising the derogation concerning the minimum size of barley grains granted to Finland and Sweden after their accession to be maintained for two marketing years and
- look into the possibility of finding a permanent solution.

In response to this request from the Council, the Commission proposes that the Council amend Council Regulation (EEC) No 2731/75 so as to enable the Commission, acting under the management committee procedure, to provide for a derogation from the definition of shrivelled grains for the purposes of intervention buying-in of barley in Finland and Sweden.

On the basis of such a Council provision, the Commission will have the legal basis for proposing the derogation on the size of barley grains in the case of Finland and Sweden linked to the requirement of a minimum specific weight of 64 kg/hl.

¹ Article 149 of the Act of Accession covers transitional measures which may be necessary to facilitate the transition from the existing regime in the new Member States to that resulting from application of the common organisation of the markets. Transitional measures may be taken during a period expiring on 31 December 1997 and their application is to be limited to that deadline.

The Commission proposes this procedure since it is not appropriate to provide in the Council Regulation for a derogation for one or more Member States from the standard quality for which the intervention price is fixed.

Proposal for a
COUNCIL REGULATION (EC) No

of

**amending Regulation (EEC) No 2731/75 fixing standard qualities
for common wheat, rye, barley, maize, sorghum and durum wheat**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the opinion of the European Parliament ¹,

Having regard to the proposal from the Commission ²,

Whereas the Annex to Council Regulation (EEC) No 2731/75 ³ lays down that barley grains which pass through sieves with apertures of 2.2 millimetres are to be considered as shrivelled grains and, as such, as not being basic cereals of unimpaired quality acceptable for intervention;

Whereas, for climatic reasons, the varieties of barley grown in Finland and Sweden produce smaller grains than those grown in the rest of the European Union; whereas, however, that barley is of good quality; whereas to take account of that situation the Commission, on the basis of Article 149 of the Act of Accession of Austria, Finland and Sweden, provided for a temporary derogation from the minimum size requirement for barley grains for intervention buying-in Finland and Sweden; whereas that legal basis expires on 31 December 1997;

Whereas, to enable producers in the two above-mentioned Member States to continue to qualify for the support offered by intervention, provision should be made for the possibility of a derogation from the definition of shrivelled barley grains;

Whereas Regulation (EEC) No 2731/75 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

¹ OJ No C

² OJ No C

³ OJ No L 281, 29.10.1975, p. 22. Regulation last amended by Regulation (EEC) No 2054/93 (OJ No L 187, 29.7.1993, p. 6)

Article 1

Regulation (EEC) No 2731/75 is hereby amended as follows:

The following is added to Article 6(a):

“However, for the purposes of intervention buying-in in Finland and Sweden, a derogation from the definition of shrivelled grains may be provided for in accordance with the procedure laid down in Article 23 of Council Regulation (EEC) No 1766/92;”.

Article 2

This Regulation shall enter into force on the seventh 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,

For the Council

FINANCIAL STATEMENT

1. BUDGET HEADING: 101 (Article) APPROPRIATIONS: ECU 409.1 million

2. TITLE:
Proposal for a Council Regulation amending Regulation (EEC) No 2731/75 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat.

3. LEGAL BASIS: Article 43 of the Treaty

4. AIMS OF PROJECT:
To fix standard qualities.

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS million ecu	CURRENT FINANCIAL YEAR (97) million ecu	FOLLOWING FINANCIAL YEAR (98) million ecu
5.0. EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION) - NATIONAL ADMINISTRATION - OTHER	p.m.	p.m.	p.m.
5.1. REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL			
	1999	2000	2001
5.0.1. ESTIMATED EXPENDITURE 5.1.1. ESTIMATED REVENUE	p.m.	p.m.	p.m.

5.2. METHOD OF CALCULATION:

6.0. CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET? YES/NO

6.1. CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET? YES/NO

6.2. IS A SUPPLEMENTARY BUDGET NECESSARY? YES/NO

6.3. WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? YES/NO

OBSERVATIONS:

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