# COMMISSION DECISION

## of 24 May 1973

## authorizing France to apply special intervention measures for barley

**(Only the French text is authentic)**

(73/255/EEC)

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 [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by the Act [2] annexed to the Treaty [3] concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular the second paragraph of Article 8 thereof;

Having regard to Council Regulation No 174/67/EEC [4] of 27 June 1967 on special intervention measures for cereals, as last amended by Regulation (EEC) No 445/68 [5], and in particular Article 1 thereof;

Having regard to the request from the French Republic which reached the Commission on 11 May 1973;

Whereas the 1972/73 marketing year is characterized by an exceptional barley harvest, which in France will exceed 6 200 000 metric tons; whereas stocks in existance at the end of May will probably be in the region of 1 000 000 metric tons; whereas market prices are at present very low, mainly because of these stocks and also because of the downward trend in transactions recorded on the Community market and in exports to third countries; whereas this situation would undoubtedly lead to holders offering their stocks for intervention before the end of May, in order to benefit from the last monthly increase in the intervention price before that fixed for the first month of the marketing year is applied in June and July;

Whereas, as a result, firstly, of market prices and, secondly of the rules governing the offering for sale by intervention agencies of the cereals held by them, it would be virtually impossible for the French intervention agency to sell the barley delivered to it, but yet marketing possibilities exist or may arise, at the market price, both inside France in some other Member States;

Whereas, this being so, measures appropriate to the circumstances described above should be taken so that the intervention agency is not obliged to make substantial purchases of barley, and to enable that cereal to be marketed normally within the Community;

Whereas, to attain the desired objectives, holders of barley should be free to endeavour to market their barley until towards the end of July without the need for apprehension that if they are not successful in marketing if they will have to sustain the considerable loss which they may anticipate as a result of the application of the intervention price prevailing at the beginning of the next marketing year; whereas the intervention price prevailing at the beginning of the next marketing year; whereas they should also be given the assurance that, if they cannot sell their barley on the market before July, they will receive an indemnity in respect of those storage costs they have incurred which would automatically have been borne in full by the intervention agency if they had delivered their stocks to it before 31 May;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Management Committee for Cereals;

HAS ADOPTED THIS DECISION:

*Article 1*

France may in connection with the provisions hereinafter contained take special intervention measures through its intervention agency in respect of up to 500 000 metric tons of barley.

These measures shall consist in the conclusion before 31 May 1973 of contracts between the intervention agency and such holders of barley as apply therefor, under the terms of which:

(a) the intervention agency guarantees that up to 25 July 1973, the holder shall have the right to deliver his stocks for intervention up to the amount of the maximum quantity fixed by the

[1] OJ No 117, 19. 6. 1967, p. 2269/67.
[2] OJ No L 73, 27. 3. 1972, p. 14.
[3] OJ No L 73, 27. 3. 1972, p. 5.
[4] OJ No 130, 28. 6. 1967, p. 2609/67.
[5] OJ No L 91, 12. 4. 1968, p. 3.

intervention agency, at the intervention price prevailing, at the time the contract is concluded, at the centre designated by the holder under Article 1 of Regulation No 132/67/EEC [1] of 13 June 1967 laying down general rules for intervention on the market in cereals;

(b) the holder may, between conclusion of the contract and 25 July 1973, retain possession of the barley and market it, but so that by exercising this right he shall be taken to renounce his rights under the guarantee provided for in (a);

(c) if on or after 1 July 1973 before 11 July 1973 the holder exercises his right to deliver his cereal for intervention, the intervention agency shall grant him a flat-rate storage indemnity of 0·80 unit of account per metric ton.

This amount shall be 0·95 unit of account per metric ton if the holder exercises the right aforesaid on or after 11 July 1973 but before 26 July 1973.

The intervention agency shall, before signature of the contract, check the existence of applicants' stocks.

*Article 2*

The measures referred to in Article 1 shall apply to barley in storage in the following economic regions: Bourgogne, Centre, Champagne, Nord, Picardie, Franche-Conte, Lorraine, Alsace and the Paris region.

*Article 3*

The acceptance and offering for sale by the intervention agency of the barley deliveries for intervention by the holders referred to in Article 1 (c) shall take place in accordance with the arrangements made in pursuance of Article 7 of Regulation No 120/67/EEC.

*Article 4*

France shall keep the Commission informed of progress in implementing the measures provided for in this Decision.

*Article 5*

This Decision is addressed to the French Republic.

Done at Brussels, 24 May 1973.

*For the Commission*

*The President*

François-Xavier ORTOLI

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