

REGULATION (EEC) No 1761/72 OF THE COMMISSION

of 11 August 1972

on a derogation from Regulation (EEC) No 1492/71 as regards the percentage of shrivelled grains in barley taken over by intervention agencies for the 1972/73 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 120/67/EEC¹ of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 796/72,² and in particular Article 7 (5) thereof;

Whereas Commission Regulation (EEC) No 1492/71³ of 13 July 1971 fixing the procedure and conditions for the taking over of cereals by intervention agencies, as last amended by Regulation (EEC) No 1422/72,⁴ restricted the percentage of shrivelled barley grains to 15%;

Whereas, owing to the particularly unfavourable climatic conditions during the growth period of the cereals, barley of the 1972 harvest contains a large percentage of shrivelled grains; whereas the conditions fixed by Regulation (EEC) No 1492/71 should therefore be relaxed so that this barley can be taken over by intervention agencies;

Whereas relaxation of the take over conditions will mean that large quantities of barley with a relatively reduced nutritive value owing to the high shrivelled grain content will be offered for intervention; whereas intervention agencies remarketing this barley will have to take its nutritive value as compared with

that of other competing feedgrain into account; whereas, therefore, in order to adapt the price of this barley to its feed value when it is remarketed, a price reduction should be applied as soon as it is offered for intervention;

Whereas, to determine the amount of this reduction, the feed value of barley with a percentage of shrivelled grains more than 15% but not more than 25% should be compared with standard quality barley by reference to the difference in specific weight; whereas, taking account of this difference which may approximately be evaluated at 4%, and of the resulting loss in marketing value, the amount of the price reduction applicable to barley with a percentage of shrivelled grains more than 15% but not more than 25% should be fixed at a flat rate of 2 units of account per metric ton;

Whereas the Management Committee for cereals has not delivered an Opinion within the time limit set by its Chairman;

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the eleventh indent of Article 2 (2) of Regulation (EEC) No 1492/71, the percentage of shrivelled grains in barley taken over by the intervention agencies shall not exceed 25% for the 1972/73 marketing year.

¹ OJ No 117, 19.6.1967, p. 2269/67.

² OJ No L 94, 21.4.1972, p. 7.

³ OJ No L 157, 14.7.1971, p. 18.

⁴ OJ No L 151, 5.7.1972, p. 15.

Article 2

For barley with a percentage of shrivelled grains more than 15% but not more than 25%, a flat-rate reduction of 2 units of account per metric ton shall be applied during the 1972/73 marketing year.

Article 3

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, 11 August 1972.

For the Commission

The President

S. L. MANSHOLT