

Official Journal

of the European Communities

Volume 16 No L 146

4 June 1973

English Edition

Legislation

Contents

I *Acts whose publication is obligatory*

- Regulation (EEC) No 1463/73 of the Commission of 30 May 1973 laying down detailed rules for the application of 'monetary' compensatory amounts . . . 1
- Regulation (EEC) No 1464/73 of the Commission of 30 May 1973 on detailed rules for applying the differential amounts for colza and rape seed 8
- Regulation (EEC) No 1465/73 of the Commission of 30 May 1973 fixing the differential amounts for colza and rape seed 11
- Regulation (EEC) No 1466/73 of the Commission of 30 May 1973 amending the Regulation (EEC) No 269/73 laying down detailed rules for the application of the system of 'Accession' compensatory amounts 13
- Regulation (EEC) No 1467/73 of the Commission of 30 May 1973 amending the Regulation (EEC) No 1519/72 concerning the sale by tender of butter at reduced prices for the exportation of certain fat compounds 15

I

(Acts whose publication is obligatory)

**REGULATION (EEC) No 1463/73 OF THE COMMISSION
of 30 May 1973**

laying down detailed rules for the application of 'monetary' compensatory amounts

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 974/71 ⁽¹⁾ of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States, as last amended by Regulation (EEC) No 1225/73 ⁽²⁾, and in particular Article 6 thereof ;

Whereas since Regulation (EEC) No 974/71 has been substantially amended, new detailed rules should be adopted for the application of that Regulation ;

Whereas Article 1 (1) of Regulation (EEC) No 974/71 provides that if, for the purposes of commercial transactions, a Member State allows the exchange rates for its currency to fluctuate by a wider margin, up or down than that permitted by the international rules in force on 12 May 1971, then in trade with other Member States and with third countries,

- (a) that Member State whose currency appreciates above the margin of fluctuation is to charge on imports and grant on exports, and
- (b) the Member State whose currency depreciates below the margin of fluctuation is to charge on exports and grant on imports,

monetary compensatory amounts for the products referred to in paragraph 2 of that Article ; whereas Germany and the Benelux countries are at present experiencing the situation envisaged in (a), and Italy the situation envisaged in (b) ;

Whereas, by virtue of paragraph 1 of that Article, where a rate of exchange other than that corresponding to the parity of the currency in question is used for conversions between the unit of account and the currency of a Member State, paragraph 1 aforesaid applies by analogy where the mean of the spot market rates of this currency during a period to be determined, varies by at least 1 % from the conversion rate used for purposes of calculation ; whereas this is at present the case for the pound sterling and the Irish pound ;

Whereas for Denmark and France the new method of calculating the monetary compensatory amounts has the consequence that amounts are not to be fixed in respect of those countries ;

Whereas it is necessary, in order to apply Articles 1 (1) a) and 2 (1) (b) of Regulation (EEC) No 974/71, to determine the period during which are to be recorded the spot market rates whose arithmetic mean will be used for calculating compensatory amounts ;

Whereas the period must be sufficiently representative to show trends in rates and yet allow those rates to be reflected as quickly as possible in fixing the compensatory amounts ;

Whereas a period of seven days should therefore be used, fixed by reference to technical administrative requirements ;

Whereas the most representative spot market rates should be used for the purpose of calculation ;

Whereas it is desirable to use the period referred to above also for the application of Article 2a of that Regulation ;

Whereas the common price level should be used as a basis for the calculation of monetary compensa-

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 125, 11. 5. 1973, p. 49.

tory amounts, bearing in mind the fact that the new Member State do not yet apply the common price in the case of certain products and that the difference between the two price levels is expressed by the accession compensatory amount ;

Whereas, in pursuance to Article 4b of Regulation (EEC) No 974/71 and the Article 2 of the Council Regulation (EEC) No 1189/73 ⁽³⁾ of 8 May 1973 fixing the aid for skimmed milk and skimmed-milk powder for use as animal feed for the 1973/74 milk year, the compensatory amounts thus obtained should be reduced by the amounts provided for in those measures ;

Whereas accession compensatory amounts, charges on imports, refunds and all other amounts charged or granted in units of account in respect of trade with third countries are, as are also the prices in the Member States concerned, converted into the currencies of those Member States by applying the exchange rates provided for under the common agricultural policy ; whereas, in calculating the monetary compensatory amount, only the difference between the price level and the amount in question expressed in units of account need be taken into consideration ;

Whereas, in order to simplify the system so that the same single compensatory amount may be applied in respect of the trade of a given Member State with every other Member State and third countries, accession compensatory amounts, charges on imports, refunds and all other amounts charged or granted in respect of trade with third countries should be corrected by a coefficient expressing the position of the currency of the Member State which is to apply the monetary compensatory amount ;

Whereas Article 4 (a) (2) of Regulation (EEC) No 974/71 provided that the monetary compensatory amount applicable due to the decrease in value of the currency concerned may not be higher than the charge on products imported from third countries ;

Whereas it is advisable to provide that its observance of this measure normally concerns the importing Member States ; whereas, however, since in the case of beef and veal, the charge on imports includes a customs duty, that charge should be determined at a flat rate on the basis of the world market prices established by the Commission within the common organization of the market in beef and veal ;

Whereas the Belgo-Luxembourg Economic Union and the Netherlands have decided to maintain the fluctuation margins between currencies which obtained before 9 May 1971 and have not altered

the effective parity relationships of their currencies among themselves ; whereas, widening fluctuation margins will, in the case of those Member States, only affect other Member States and third countries, trade within the BLEU and between the BLEU and the Netherlands being unaffected ; whereas, for this reason, those Member States have declared under Article 233 of the Treaty that they do not desire to apply compensatory amounts between themselves ; whereas, for the purpose of applying the system of compensatory amounts, those countries should be regarded as a single Member State ;

Whereas there is a fixed rate of exchange between the pound sterling and the Irish pound ; whereas a monetary compensatory amount need not therefore be applied in trade between those two Member States ;

Whereas certain Member States may still experience technical difficulties in granting amounts on imports ; whereas it is necessary to make provision, in case of recourse to the provisions of Article 2a of Regulation (EEC) No 974/71, for common rules for applying and opting not to apply those provisions and for methods for ensuring that any payments by exporting Member States are made in full knowledge of the relevant facts ;

Whereas, with a view to harmonization, the date, selected for the purpose of applying compensatory amounts as the date of importation, should be the date used for the purpose of customs duties and levies — and the date of exportation, the date used for the purpose of export refunds ;

Whereas before payment of a compensatory amount for a product exported to another Member State is made, proof must be supplied that the product has left the geographical territory of the Member State in which the customs export formalities were completed ;

Whereas the system provided for by this Regulation can relate only to products moving freely within the Community ; whereas moreover, it seems desirable that products exported under benefit of a compensatory amount should be of such a kind that they can be marketed under normal conditions ;

Whereas, for the sake of proper administrative management it seems desirable to require that application for payment of the compensatory amount be made within a reasonable period ;

Whereas non-observance of a lower price level at the time of import of certain agricultural products

⁽³⁾ OJ No L 122, 9. 5. 1973, p. 3.

subject to the application of monetary compensatory amounts entails an increase in the import tax ;

Whereas this system leads to increased prices for the products concerned whenever the currency is re-valued, having regard to the compulsory application of parities announced by the International Monetary Fund ; whereas, in fact, the value of the price in question, as expressed in terms of the currency of Member States which have taken the currency measures under consideration, is increased in relation to the value expressed in terms of the currency of non-member countries ; whereas, in addition, the compensatory amount is imposed at a time of import ; whereas on the other hand, in the event of a depreciation of the currency, there is a risk that the lower level will not be observed ;

Whereas this difficulty can be overcome by a system which results in the said level being considered as having already been observed, provided the offer price of the product supplied, after being increased by an amount reflecting the effect of the currency situation on the level in question, is not below that level ;

Whereas Article 14 of Council Regulation (EEC) No 805/68 ⁽¹⁾ of 27 June 1968 on common organisation of the market in beef and veal as last amended by Regulation (EEC) No 187/73 ⁽²⁾ provides for total suspension of the levy on imports of frozen meat intended for the manufacture of certain preserved foods ; in order to allow the Community's processing industry to be supplied in a satisfactory manner ;

Whereas since compensatory amounts are not applied for products derived from such meat, the Community processing industry is at a disadvantage compared to the processing industries of third countries ; whereas it is therefore necessary to remedy this situation by providing for suspension of the charging of the compensatory amounts applicable to the meat in question ;

Whereas such suspension should be conditional upon controls ensuring that processing is carried out ; whereas the system provided for in Council Regulation (EEC) No 888/68 ⁽³⁾ of 28 June 1968 laying down general rules on special import terms for certain frozen meats intended for processing, as last amended by Regulation (EEC) No 2725/71 ⁽⁴⁾ may be used for this purpose if provision is also made for the lodging of a deposit equal to the compensatory amount ;

Whereas the change from the present system to that introduced by Council Regulation (EEC) No 1112/73 ⁽⁵⁾ will mean that the monetary compensa-

tory amounts which were previously levied or granted in one sum, will in future be apportioned between the importer and the exporter ; whereas if, following this change, difficulties should appear in relation to contracts entered into under the previous system, they shall be resolved in the way which is most appropriate having regard to the provisions and general rules of law governing the commercial relations between the traders ;

Whereas the measures provided for this Regulation are in accordance with the Opinions of all the Management Committees for the common organization of agricultural markets ;

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down detailed rules for the application of the system of compensatory amounts hereinafter called 'monetary compensatory amounts' introduced by Article 1 of Regulation (EEC) No 974/71.

Article 2

The period referred to in the second subparagraph of Article (1) (a), in the second indent of Article 2 (1) (b) and in Article 2a of Regulation (EEC) No 974/71 shall run from a Wednesday to the following Tuesday. The first period to be taken into consideration shall be 14 to 18 May 1973.

Article 3

The spot market rates against each of the currencies of the Member States who keep their exchange rates at any given moment within a band of 2.25 % shall be :

- (a) for the Italian lira : the mean of the official rates fixed each working day during official dealings on the Rome and Milan foreign exchange markets ;
- (b) for the English pound and the Irish pound : the average rates recorded at noon on the foreign exchange markets of the two Member States concerned.

Article 4

1. A 'monetary' compensatory amount shall be fixed for each product and for each Member State for which the conditions for the application of 'monetary' compensatory amounts are fulfilled.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 25, 30. 1. 1973, p. 23.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 7.

⁽⁴⁾ OJ No L 282, 23. 12. 1971, p. 5.

⁽⁵⁾ OJ No L 114, 30. 4. 1973, p. 4.

The 'monetary' compensatory amount shall be calculated on the basis of the common price reduced where appropriate in accordance with the provisions of the Act of Accession.

The corrective factor provided for in Article 4b of Regulation (EEC) No 974/71 or one of the amounts listed in the Annex to Regulation (EEC) No 1267/73 shall be deducted.

2. The amount fixed in accordance with the preceding paragraph shall apply in trade between the Member States and in trade with third countries.

3. However, in trade with the new Member States the 'accession' compensatory amounts and in trade with third countries the import charges expressed in units of account and the refund applicable to the products referred to in paragraph 1 shall be multiplied by a coefficient. For Member States who keep their exchange rates at any given moment within a band of 2.25 %, the coefficient shall be :

Belgium — Luxembourg — Netherlands : 0.973;
Germany : 0.928.

For the other Member States, the coefficient shall be derived from the percentage used to calculate the 'monetary' compensatory amount and fixed by the Commission at the same time as this amount.

4. Where the levy or refund is to be increased or reduced, as the case may be, by the 'accession' and 'monetary' compensatory amounts and also multiplied by a coefficient, the calculation shall be made as follows :

- (a) the levy or refund shall be reduced or increased, as the case may be, by the 'accession' compensatory amount ;
- (b) the resulting amount shall be multiplied by the coefficient ; and
- (c) the amount obtained after multiplication shall, after conversion into national currency, be reduced or increased, as the case may be, by the 'monetary' compensatory amount.

Article 5

1. The Member States shall take the measures necessary to assure that the provisions of Article 4 (a) (2) of Regulation (EEC) No 974/71 are observed.

2. In the case of application of Article 4 (a) (2) of Regulation (EEC) No 974/71 to beef and veal,

Member States shall always reduce the 'monetary' compensatory amounts by amounts to be established on the basis of the import price calculated in accordance with Article 10 (1) of Regulation (EEC) No 805/68, and for frozen beef and veal on the basis of the world market price established in accordance with Article 13 (1) (b) of that Regulation which shall be communicated to them for this purpose. Furthermore, for products mentioned in the Annex to Regulation (EEC) No 805/68, the coefficients employed for the calculation of monetary compensatory amounts shall be used.

Article 6

1. In trade with third countries provisions concerning the granting of export refunds and the charging of customs duties and levies shall apply to 'monetary' compensatory amounts. If the 'monetary' compensatory amount to be levied on exportation is higher than the refund or if no refund has been fixed, that part of the 'monetary' compensatory amount which exceeds the refund, or the entire 'monetary' compensatory amount as the case may be, shall fall due on completion of customs export formalities.

2. In trade between Member States, Articles 7 to 15 shall apply.

Article 7

1. The 'monetary' compensatory amount to be granted or levied shall be the amount applicable on the day of exportation or on the day of importation.

2. For the purposes of determining the 'monetary' compensatory amount to be granted or levied on exportation, the day of exportation shall be the day on which the customs authorities accept the exporter's declaration of his intention to export to another Member State a Community product to which a 'monetary' compensatory amount is applicable. Upon such acceptance, the products shall be placed under customs control until they leave the territory of the exporting Member State.

Customs export formalities, shall for the purpose of this Regulation, be regarded as having been completed when the declaration referred to above has been accepted. The effective date for establishing the quantity, nature and characteristics of the product exported shall be the date on which customs export formalities are completed.

3. For the purpose of determining the 'monetary' compensatory amount to be levied or granted on importation, the day of importation shall be the date used for determining customs duties and levies.

Article 8

1. No 'monetary' compensatory amount shall be granted or levied in trade between the BLEU and the Netherlands.

However, if a Community document proving that a product is eligible for treatment as a Community product is used in such trade, the preceding subparagraph shall apply only if the document includes one of the following entries, authenticated by the stamp of the customs office of departure :

- 'Montant compensatoire monétaire non applicable au Benelux'
- 'Währungsausgleichsbetrag im Benelux nicht anwendbar'
- 'Monetair compenserend bedrag niet van toepassing in de Benelux'.

2. For the purposes of this Regulation, the BLEU and the Netherlands are considered as a single Member State.

3. No 'monetary' compensatory amount shall be granted or levied in trade between Ireland and the United Kingdom.

These two Member States will each take the steps necessary to ensure that the 'monetary' compensatory amount is levied in arrears where the product is not for home use in the other Member State.

Article 9

1. The 'monetary' compensatory amount granted on exportation shall only be paid upon production of proof that the product in respect of which customs export formalities were completed has left the geographical territory of the Member State in which the formalities were completed.

2. The 'monetary' compensatory amount granted on importation shall only be paid on production of proof that import formalities have been completed and that the duties and the Member State in question have been paid.

Article 10

1. Where a Member State wishes to exercise the option referred to in Article 2a of Regulation (EEC) No 974/71, it shall inform the Commission of its intentions after it has obtained the agreement of the importing Member State. The Commission in turn shall inform the other Member States.

2. Payment of the 'monetary' compensatory amount by the exporting Member State, which should be granted by the importing Member State, shall be conditional upon proof that customs import formalities have been completed and that the duties and charges having equivalent effect, payable in the importing Member State have been charged.

The proof referred to in the preceding subparagraph shall be furnished by production of a control copy as provided for in Article 1 of Regulation (EEC) No 2315/69. In the special remarks section, the following shall be completed :

- (1) Section 101 and 103 ;
- (2) Section 104 by deleting what does not apply and adding one of the following :
 - 'Intended for entry for home use in (importing Member State) ;'
 - 'Destiné à être mis à la consommation en (État membre importateur)'
 - 'Bestemt til overgang til forbrug i (den importerende medlemsstat)'
 - 'Zum freien Verkehr in (einführender Mitgliedstaat) bestimmt'
 - 'Destinato ad essere immesso in consumo in (Stato membro importatore)'
 - 'Bestemd om in het vrije verkeer te worden gebracht in (invoerende lid-staat)'.

The competent customs office in the importing Member State shall complete the space —

'control of use and/or destination' and add one of the following :

- 'Montant compensatoire monétaire applicable le (date de mise à la consommation) non octroyé en (État membre importateur)'
- 'Monetært udligningsbeløb, finder anvendelse fra den (datoen for overgang til forbrug) ikke ydet i den importerende medlemsstat)'
- 'Währungsausgleichsbetrag, gültig am (Tag der Überführung in den freien Verkehr) in (einführender Mitgliedstaat) nicht gewährt'
- 'Monetary' compensatory amount applicable on (date of entry for home use) not granted in (importing member State)'
- 'Importo compensativo monetario applicabile il (data d'immissione al consumo) non concesso in (Stato membro importatore)'
- 'Monetair compenserend bedrag van toepassing op (datum van invoer tot verbruik) niet toegekend in (invoerende lid-staat)'.

3. Where Article 3 of Regulation (EEC) No 974/71 applies, the Commission shall alter the exchange rate to be used for the purpose of applying Article 2a of that same Regulation.

4. If after having had recourse to the provisions of Article 2a of Regulation (EEC) No 974/71 an exporting or importing Member State wishes to abandon its application, it first informs the other Member State concerned and the Commission, which informs the remaining Member States.

Article 11

1. The compensatory amount shall be levied or granted only on products which are in free circulation within the Community. Where the products involved are composite products or are goods for which a compensatory amount is fixed, by reference to one or more of their components, the compensatory amount shall be applicable to such components if they satisfy the conditions laid down in the preceding sentence.

2. No compensatory amount shall be granted on products which are not of sound, fair and marketable quality or for products which are intended for human consumption whose characteristics or state render them wholly or practically unsuitable for that purpose.

Article 12

Where a 'monetary' compensatory amount is levied on exportation, it shall fall due on completion of customs export formalities.

Article 13

Payment of 'monetary' compensatory amounts to be granted shall be made only on receipt of a written application from the person concerned. Member States may draw up a special form for this purpose.

Article 14

The application for payment of a 'monetary' compensatory amount must be submitted, save in cases of *force majeure*, within the six months following the date of completion of customs formalities; otherwise it shall be rejected.

Article 15

1. Products for which the customs export formalities were completed before the date of entry into force of this Regulation and which are entered for home use in another Member State after that date shall remain subject to Regulation (EEC) No 648/73 and 649/73.

Where, under those Regulations, a 'monetary' compensatory amount is to be levied in the Member State in which the product is entered for home use, the applicable amount shall be that in force on 3 June 1973.

2. Where the products referred to in paragraph 1 are not entered for home use immediately upon arrival at the office of destination, that office shall take the necessary measures to ensure that when the product is entered for home use paragraph 1 of this Article, and in particular, the provisions of Article 11 (3) of Regulation (EEC) No 648/73, are applied.

Article 16

1. With respect to :

- (a) pigmeat, eggs, poultrymeat and albumines ;
the sluice-gate prices ;
- (b) milk and milk products : the value free-at-frontier of products falling within subheadings 04.04 E I b) 2, 04.04 E I b) 3 and 04.04 E I b) 4 ;
- (c) wine : the reference prices, are considered to have been observed at the time of importation from third countries if, for the product in question, the offer price in the case of appreciation of the currency of the importing Member State ;
increased, or in the case of depreciation of that currency reduced
— by the amount referred to in paragraph 2 and increased
— in the case of wine, by the customs duties is not less than the sluice-gate price, the reference price on the value free-at-frontier in question.

2. The amount referred to in the first indent of paragraph 1 is obtained by multiplying the sluice-gate price, the value free-at-frontier as the reference price in question by a coefficient corresponding to the percentage of appreciation or depreciation of the currency of the importing Member State.

Article 17

1. The compensatory amount charged on imports from third countries is suspended for the products falling within subheadings 02.01 A II a) 2 bb) and 02.01 A II a) 2 dd) 22 of the Common Customs Tariff, intended for the manufacture of the preserves referred to in paragraph 2, first sentence, at the end of Article 14 of Regulation (EEC) No 805/68.

2. The provisions of Article 1 of Regulation (EEC) No 888/68 are applicable to the suspension provided for in the preceding paragraph. However, the amount of the security in relation to the compensatory amount is equal to the suspensatory amount in force on the day of importation.

Article 18

Regulation (EEC) No 638/73 is repeated with the exception of the provisions of Article 15 thereof.

Article 19

This Regulation shall enter into force on 4 June 1973.

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

Done at Brussels, 30 May 1973.

For the Commission

The President

François-Xavier ORTOLI

REGULATION (EEC) No 1464/73 OF THE COMMISSION

of 30 May 1973

on detailed rules for applying the differential amounts for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC ⁽¹⁾ of 22 September 1966 on the establishment of a common organization of the market in oils and fats, 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 ;

Having regard to Council Regulation (EEC) No 1569/72 ⁽⁴⁾ of 20 July 1972 laying down special measures for colza and rape seed, as last amended by Regulation (EEC) No 1356/73 ⁽⁵⁾, and in particular Article 7 thereof ;

Whereas following the extensive amendments made to Regulation (EEC) No 1569/72 new detailed rules for applying that Regulation should be laid down ;

Whereas to ensure that the system of differential amounts is applied in uniform manner the day to be used for determining the amounts should be specified ; whereas for the sake of consistency the rules applicable to subsidies and export refunds should be used ;

Whereas, for the purpose of applying Article 2 (1) of Regulation (EEC) No 1569/72, it is necessary to specify the period during which the spot rates are to be recorded, the arithmetical mean of which is used to calculate the differential amounts ; whereas this period must be sufficiently representative as regards developments in the rates and must allow these rates to be followed as closely as possible when the differential amounts are being fixed ; whereas as period of seven days, which would meet administrative requirements, should be used ;

Whereas the most representative spot exchange rates should be used for purposes of calculation ;

Whereas, in the interests of proper administration, detailed rules should be laid down for levying and granting the amounts ;

Whereas, for the proper functioning of these measures, administrative provisions should be adopted making it possible to determine the Member State in which seeds subject to intra-Community trade were harvested ; whereas this aim may be achieved by using in such trade the document introduced by Commission Regulation (EEC) No 2315/69 ⁽⁶⁾ of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods ;

Whereas Commission Regulation (EEC) No 1576/72 ⁽⁷⁾ of 24 July 1972 on the differential amounts for colza and rape seed, as last amended by Regulation (EEC) No 1394/73 ⁽⁸⁾, should be replaced ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Oils and Fats ;

HAS ADOPTED THIS REGULATION :

Article 1

1. The differential amounts referred to in Article 1 of Regulation (EEC) No 1569/72 for colza and rape seed shall be those valid :

- (a) on the day on which the application for part ID of the certificate provided for in Article 4 of Regulation (EEC) No 2114/71 has been lodged, or if there has been no application for part ID of the certificate, on the day on which the seeds have been placed under control at the oil mill,
- (b) on the day on which customs formalities have been completed.

2. Differential amounts shall be calculated on the basis of the weight of the seed as adjusted in accordance with the method set out in the Annex to Regulation (EEC) No 1204/72.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁵⁾ OJ No L 141, 28. 5. 1973, p. 28.

⁽⁶⁾ OJ No L 295, 14. 11. 1969, p. 14.

⁽⁷⁾ OJ No L 167, 25. 7. 1972, p. 21.

⁽⁸⁾ OJ No L 139, 26. 5. 1973, p. 8.

Article 2

The period referred to in the second subparagraph of Article 2 (1) (b) of Regulation (EEC) No 1569/72 shall run from the Wednesday of one week to the Tuesday of the following week. The first period to be taken into consideration shall be 14 to 18 May 1973.

Article 3

The spot market rates against each of the currencies of the Member States who keep their exchange rates at any given moment within a band of 2.25 % shall be :

- (a) for the Italian lira : the mean of the official rates fixed each working day during official dealings on the Rome and Milan foreign exchange markets ;
- (b) for the English pound and the Irish pound : the average rates recorded at noon on the foreign exchange markets of the two Member States concerned.

Article 4

1. The differential amounts shall be levied or granted when the subsidy or the export refund is paid.

2. However,

- (a) if the differential amount to be levied exceeds the amount of the subsidy to be granted, the part of the differential amount exceeding the subsidy shall be levied after the oil seeds have been processed.
- (b) or, in the case of export, if the differential amount to be levied exceeds the amount of the refund to be granted, the part of the differential amount exceeding the refund shall be levied when customs export formalities have been completed.
- (c) where the subsidy has been fixed at zero, or where the refund has not been fixed, the entire differential amount shall be levied or granted respectively, as appropriate, after the oil seeds have been processed or when customs export formalities are completed.

3. If necessary for the purpose of levying or granting the amounts the authority which controls the disposal of the seeds which have been the subject of intra-Community trade shall send a copy or photocopy of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 to the agency responsible for levying or granting these amounts.

Article 5

When seeds harvested in the Community, other than seeds :

- recognized by the law of the Member State of origin as being seed for cultivation, or
- subject to denaturing according to Community rules,

are the subject of trade between Member States, there shall be drawn up in the Member State where the seeds have been harvested, after they have been weighed, the control copy referred to in Article 1 of Regulation (EEC) No 2315/69, section 31 of which shall contain, in addition to the description of the goods, one of the following endorsements :

'Graines récoltées en

'Ølsaaten geerntet in

'Semi raccolti in

'Zaden geoogst in

'Seed harvested in

'Frø høstet i

The following sections of the control copy shall be completed :

- (a) section 103 ;
- (b) section 104, by deleting what does not apply and by inserting one of the following :

'Destiné à être transformé en vue de la production d'huile, ou être mis en condition de ne pas pouvoir bénéficier de l'aide au sens de l'article 31 du règlement (CEE) n° 1204/72.'

'Dazu bestimmt, zur Gewinnung von Öl verarbeitet zu werden, daß die Beihilfe im Sinne von Artikel 31 der Verordnung (EWG) Nr. 1204/72, nicht mehr beansprucht werden kann.'

'Destinato ad essere trasformato per la produzione di olio o ad essere messo in condizione di non poter beneficiare dell'integrazione ai sensi dell'articolo 31 del regolamento (CEE) n. 1204/72.'

'Bestemd om het oog op de olieproductie te worden verwerkt of om in een zodanige staat te worden gebracht dat zij niet meer door de steun in aanmerking kunnen komen in de zin van artikel 31 van Verordening (EEG) nr. 1204/72.'

'Intended to be processed for the production of oil or to be rendered ineligible for subsidy within the meaning of Article 31 of Regulation (EEC) No 1204/72.'

'Bestemt til forarbejdning med henblik på fremstilling af olie eller til at blive behandlet således, at de ikke kan opnå sådan støtte som nævnt i artikel 31 i forordning (EØF) nr. 1204/72.'

The net weight of the product which has been inspected shall be inserted in the 'control of use and/or

destination' section on the back of the copy under 'remarks'.

Article 6

1. The control copy provided for in Article 1 of Regulation (EEC) No 2315/69 shall be accompanied by security of 3 units of account per 100 kg net.

2. The applicant shall choose whether the security is to be lodged in cash or in the form of a guarantee given by an establishment which meets the criteria laid down by the Member State which issued the copy.

Article 7

The security shall be released when proof has been furnished that the seeds in question have been disposed of in one of the ways referred to in Article 5 above. This proof may be given only by producing the control copy referred to in Article 1 of Regulation (EEC) No 2315/69 completed in accordance with Article 5 of this Regulation.

Article 8

1. This security shall be forfeit in whole by way of differential amount if, within nine months of its being lodged, no proof has been furnished that the seeds have been disposed of in one of the ways referred to in Article 5 above.

2. The security shall be forfeit in part by way of differential amount if, within the period referred to

in paragraph 1, the proof referred to in that paragraph is furnished for a quantity of seeds which is more than 2 % less than the quantity for which the deposit was lodged.

The amount of the security to be forfeited shall be calculated on the basis of the difference between the quantity for which a security was lodged less 2 % and the quantity for which the abovementioned proof is given.

Article 9

Where the quantity which comes under control at the oil mill or which is exported exceeds by more than 2 % the quantity indicated in section 103 of the control copy, the additional quantity shall be treated as being imported from third countries.

Article 10

For the purposes of applying Articles 8 and 9, the net weight shown in section 103 of the control copy shall be compared with the net weight indicated in that copy in accordance with the last subparagraph of Article 5 (2).

Article 11

Regulation (EEC) No 1576/72 of the Commission of 24 July 1972 on the differential amounts for colza and rape seeds is repealed.

Article 12

This Regulation shall enter into force on 4 June 1973.

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

Done at Brussels, 30 May 1973.

For the Commission

The President

François-Xavier ORTOLI

REGULATION (EEC) No 1465/73 OF THE COMMISSION
of 30 May 1973

fixing the differential amounts for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 136/66/EEC⁽¹⁾ of 22 September 1966 on the establishment of a common organization of the market in oils and fats, 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;

Having regard to Council Regulation (EEC) No 1569/72⁽⁴⁾ of 20 July 1972 laying down special measures for colza and rape seed, as last amended by Regulation (EEC) No 1356/73⁽⁵⁾, and in particular Article 2 (2) thereof;

Whereas under Article 2 (1) of Regulation (EEC) No 1569/72 the differential amounts for the Member States which keep their exchange rates at any given moment within a band of 2.25 % are to be determined by taking into account the incidence in the prices of the percentage representing the difference between:

— the conversion rate used for purposes of the common agricultural policy;
and

— the conversion rate resulting from the central rate;

Whereas differential amounts should be fixed which remain unchanged so long as the factors used in calculating them remain unchanged;

Whereas, applying the new method of calculating differential amounts to Denmark and France, no such amounts should be fixed for seeds harvested in those two States and processed in or exported from those States;

Whereas under Article 2 (1) (b) of the Regulation aforesaid the differential amounts for Italy and for Ireland and the United Kingdom are to be determined by taking into account the incidence on the price of the average percentage representing the difference between:

— the ratio between the conversion used for purposes of the common agricultural policy for the currency of the relevant Member State and the actual par values of the currencies of each of the Member States which keep their exchange rates at any given moment within a band of 2.25 %;

and

— the spot exchange rate recorded over a given period for the currency of the relevant Member State against each of the currencies of the Member States specified above;

Whereas Regulation (EEC) No 1356/73 lays down detailed rules for the application of Regulation (EEC) No 1569/72;

Whereas, applying the rules and criteria set out above, the differential amounts should be fixed as shown in the Annex to this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Oils and Fats;

HAS ADOPTED THIS REGULATION:

Article 1

The differential amounts provided for in Article 1 of Regulation (EEC) No 1569/72 shall be as listed in the Annex.

Article 2

This Regulation shall enter into force on 4 June 1973.

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

Done at Brussels, 30 May 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁵⁾ OJ No L 141, 28. 5. 1973, p. 28.

ANNEX

	Amount to be granted (per 100 kg)		Amount to be levied (per 100 kg)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country	DM		DM	
— harvested in Germany	4.28		—	
— harvested in the BLEU or in the Netherlands	0.52		—	
— harvested in France	—		1.56	
— harvested in Denmark	—		1.20	
— harvested in Ireland	—		4.74	
— harvested in Italy	—		11.97	
2. Colza and rape seed, processed for oil production in the BLEU or in the Netherlands or exported from those countries	Bfrs/Lfrs	Fl	Bfrs/Lfrs	Fl
— harvested in Germany	75.69	5.48	—	—
— harvested in the BLEU or in the Netherlands	21.82	1.58	—	—
— harvested in France	—	—	7.87	0.57
— harvested in Denmark	—	—	6.22	0.45
— harvested in Ireland	—	—	62.43	4.52
— harvested in Italy	—	—	157.04	11.37
3. Colza and rape seed, processed for oil production in France or exported from that country	FF		FF	
— harvested in Germany	9.55		—	
— harvested in the BLEU or in the Netherlands	3.40		—	
— harvested in Ireland	—		5.20	
— harvested in Italy	—		17.02	
4. Colza and rape seed, processed for oil production in Denmark or exported from that country	Dkr		Dkr	
— harvested in Germany	13.03		—	
— harvested in the BLEU or in the Netherlands	4.64		—	
— harvested in Ireland	—		7.09	
— harvested in Italy	—		23.21	
5. Colza and rape seed, processed for oil production in Ireland or in the United Kingdom or exported from those countries	£		£	
— harvested in Germany	0.951		—	
— harvested in the BLEU or in the Netherlands	0.512		—	
— harvested in France	0.121		—	
— harvested in Denmark	0.092		—	
— harvested in Ireland	—		0.330	
— harvested in Italy	—		1.356	
6. Colza and rape seed, processed for oil production in Italy or exported from that country	Lit.		Lit.	
— harvested in Germany	1 842		—	
— harvested in the BLEU or in the Netherlands	1 038		—	
— harvested in France	595		—	
— harvested in Denmark	456		—	
— harvested in Ireland	—		83	
— harvested in Italy	—		1 626	

REGULATION (EEC) No 1466/73 OF THE COMMISSION**of 30 May 1973****amending Regulation (EEC) No 269/73 laying down detailed rules for the application of the system of 'Accession' compensatory amounts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty⁽¹⁾ 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;

Having regard to Council Regulation (EEC) No 229/73⁽²⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for cereals and fixing those amounts for certain products, and in particular Article 9 (1) thereof;

Having regard to Council Regulation (EEC) No 234/73⁽³⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for pigmeat, and in particular Article 8 (1) thereof;

Having regard to Council Regulation (EEC) No 237/73⁽⁴⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for eggs, and in particular Article 9 (1) thereof;

Having regard to Council Regulation (EEC) No 235/73⁽⁵⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for poultrymeat as last amended by Regulation (EEC) No 1053/73⁽⁶⁾, and in particular Article 8 (1) thereof;

Having regard to Council Regulation (EEC) No 243/73⁽⁷⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for rice and fixing these amounts for certain products, and in particular Article 7 (1) thereof;

Having regard to Council Regulation (EEC) No 241/73⁽⁸⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for sugar after the Accession of the new Member States to the Community, and in particular Article 4 (1) thereof;

Having regard to Council Regulation (EEC) No 233/73⁽⁹⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for milk and milk products, and in particular Article 6 (1) thereof;

Having regard to Council Regulation (EEC) No 181/73⁽¹⁰⁾ of 23 January 1973 laying down general rules for the system of compensatory amounts for beef and veal, and in particular Article 14 (1) thereof;

Having regard to Council Regulation (EEC) No 185/73⁽¹¹⁾ of 23 January 1973 laying down general rules for the system of compensatory amounts applicable, by virtue of the various forms of added sugar, to products processed from fruit and vegetables after the Accession of the new Member States to the Community, and in particular Article 5 (1) thereof;

Having regard to Council Regulation (EEC) No 240/73⁽¹²⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for plaice, and in particular Article 11 (1) thereof;

Having regard to Council Regulation (EEC) No 228/73⁽¹³⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for fruit and vegetables, and in particular Article 9 thereof;

Having regard to Council Regulation (EEC) No 274/73⁽¹⁴⁾ of 31 January 1973 laying down detailed rules for the application of the system of compensatory amounts to imports of goods covered by Article 47 (1) of the Act concerning the Conditions of Accession and Adjustments to the Treaties and in particular Article 1 thereof;

Whereas experience has shown that it is preferable for the purpose of proving that import formalities have been completed to use the control copy referred to in Article 1 of Commission Regulation (EEC) No 2315/69⁽¹⁵⁾ of 19 November 1969 on the use of Community transit documents for the purpose of

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 27, 1. 2. 1973, p. 25.

⁽³⁾ OJ No L 29, 1. 2. 1973, p. 1.

⁽⁴⁾ OJ No L 29, 1. 2. 1973, p. 9.

⁽⁵⁾ OJ No L 29, 1. 2. 1973, p. 4.

⁽⁶⁾ OJ No L 105, 20. 4. 1973, p. 3.

⁽⁷⁾ OJ No L 29, 1. 2. 1973, p. 26.

⁽⁸⁾ OJ No L 29, 1. 2. 1973, p. 19.

⁽⁹⁾ OJ No L 28, 1. 2. 1973, p. 37.

⁽¹⁰⁾ OJ No L 25, 30. 1. 1973, p. 9.

⁽¹¹⁾ OJ No L 25, 30. 1. 1973, p. 19.

⁽¹²⁾ OJ No L 29, 1. 2. 1973, p. 16.

⁽¹³⁾ OJ No L 27, 1. 2. 1973, p. 20.

⁽¹⁴⁾ OJ No L 29, 1. 2. 1973, p. 30.

⁽¹⁵⁾ OJ No L 295, 24. 11. 1969, p. 14.

applying Community measures for verifying the use and/or destination of goods ;

Whereas Article 8 (3) of Commission Regulation (EEC) No 269/73 ⁽¹⁾ of 31 January 1973 provides that in the case of Community products circulating within the Community special endorsements authenticated by the stamp of the customs office of departure shall be made on the International Consignment Note or International Express Parcels Consignment Note referred to in Article 1 of Commission Regulation (EEC) No 304/71 ⁽²⁾ of 11 February 1971 on simplification of the Community transit procedure for goods carried by rail ;

Whereas in some cases authentication of these endorsements is not necessary ; whereas the existing rules should therefore be simplified ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committees for Cereals, Pigmeat, Poultrymeat and Eggs, Sugar, Milk and Milk Products, Beef and Veal, Fruit and Vegetables, Products Processed from Fruit and Vegetables, and Fishery Products ;

HAS ADOPTED THIS REGULATION :

Article 1

The second subparagraph of Article 5 (2) of Regulation (EEC) No 269/73 is replaced by the following :

'The proof required under the preceding subparagraph shall be furnished by production of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69.'

Special endorsements shall be made in the following sections of the control copy :

(a) Sections 101 and 103 ;

(b) Section 104, deleting as necessary and inserting one of the following :

- 'intended for entry for house use'
- 'Bestemt til afsætning til forbrug'
- 'Für den freien Verkehr bestimmt'
- 'Destiné à être mis à la consommation'
- 'destinate ad essere immesso in consumo'
- 'Bestemd om in het vrije verkeer te worden gebracht'.

The competent customs office of the Member State of destination shall enter in the section marked 'Control of use and/or destination', the amount of customs duties actually levied at the time of importation.

Article 2

The following is added to Article 8 (3) of Regulation (EEC) No 269/73 :

'However, if a Member State avails itself of the option provided for in Article 7 (4) of Regulation (EEC) No 304/71, the endorsement need not be authenticated, provided that no compensatory amount is granted by that Member State and that the original document has not been replaced by a new document in that Member State.

Article 3

This Regulation shall enter into force on 4 June 1973. However, Article 1 shall apply only in respect of products for which customs export formalities are completed after the entry into force of this Regulation.

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

Done at Brussels, 30 May 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 30, 1. 2. 1973, p. 73.

⁽²⁾ OJ No L 35, 12. 2. 1971, p. 31.

REGULATION (EEC) No 1467/73 OF THE COMMISSION

of 30 May 1973

amending Regulation (EEC) No 1519/72 concerning the sale by tender of butter
at reduced prices for the exportation of certain fat compoundsTHE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Economic Community ;Having regard to Council Regulation (EEC) No
804/68 ⁽¹⁾ of 27 June 1968, on the common organiza-
tion of the market in milk and milk products, as last
amended by the Act ⁽²⁾ concerning the Conditions of
Accession and Adjustments to the Treaties and in
particular Article 6 ⁽⁷⁾ thereof ;Having regard to Council Regulation (EEC) No
985/68 ⁽³⁾ of 15 July 1968, laying down general rules
for intervention on the market in butter and cream, as
last amended by Regulation (EEC) No 2714/72 ⁽⁴⁾ and
in particular Article 7a thereof ;Whereas Article 1 of Commission Regulation (EEC)
No 1519/72 ⁽⁵⁾ of 14 July 1972, as last amended by
Regulation (EEC) No 1008/73 ⁽⁶⁾, provided that butter
made available for sale must have been put into stock
before 1 September 1972 ; whereas it is advisable,
taking account of the development of Community
butter stocks, to extend the measure to butter entered
into stock before 1 February 1973 ;Whereas the conditions which led to the insertion of
the Regulation in question of Article 30 are no longer
satisfied ; whereas this Article must as a consequence
be deleted ;Whereas the measures provided for in this Regulation
are in accordance with the Opinion of the Manage-
ment Committee for Milk and Milk Products ;

HAS ADOPTED THIS REGULATION :

*Article 1*In Article 1 of Regulation (EEC) No 1519/72, the
words 'before 1 May 1972' are replaced by the words
'before 1 February 1973'.*Article 2*Article 30a of Regulation (EEC) No 1519/72 is
deleted.*Article 3*This Regulation shall enter into force on the day of 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, 30 May 1973.

*For the Commission**The President*

François-Xavier ORTOLI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 15.⁽⁵⁾ OJ No L 162, 18. 7. 1972, p. 1.⁽⁶⁾ OJ No L 100, 12. 4. 1973, p. 28.