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REGULATION (EEC) No 1013/71 OF THE COMMISSION

of 17 May 1971

laying down detailed rules of application for Regulation (EEC) No 974/71 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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to 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, and in particular Article 6 thereof;

Whereas Article 1 of Regulation (EEC) No 974/71 authorized Germany and the Netherlands to levy compensatory amounts on imports from Member States and third countries and grant compensatory amounts on exports to Member States and third countries;

Whereas, for the purpose of applying Article 2 (1) of that Regulation, it is necessary to specify the period during which the spot market rates which will ultimately be averaged for the purpose of calculating compensatory amounts should be recorded; whereas this period must be sufficiently representative to show trends in rates and yet allow those rates to be reflected as quickly as possible when compensatory amounts are being fixed; whereas a period of seven days should therefore be selected, fixed by reference to technical administrative requirements; whereas, however, exceptions must be made for the first amounts fixed;

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

Whereas, since compensatory amounts vary with Member State, origin and destination, it is essential to establish what compensatory amount has been applied to a specific product; whereas, to this end, special entries should be made on Community transit documents;

Whereas, when provisions on the application of compensatory amounts are being implemented, potential repercussions on contracts concluded before 10 May 1971 should, as far as possible, be taken into account; whereas to this end compensatory amounts should not be levied on goods imported under such contracts where compensatory amounts might have economic consequences other than those which would have existed had monetary measures not been taken; whereas it is 'however' essential to limit this exemption to contracts which can be proved to have been concluded before 10 May 1971;

Whereas the measures provided for in this Regulation are in accordance with the Opinions of the Management Committees for Fruit and Vegetables, Wine, Oils and Fats, Cereals, Pigmeat, Poultrymeat and Eggs, Sugar, Milk and Milk Products, Beef and Veal, Products Processed from Fruit and Vegetables, Tobacco, Flax and Hemp, and Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The period referred to in the second indent of Article 2 (1) of Regulation (EEC) No 974/71 shall run from a Thursday to the following Wednesday.

2. However:

(a) the spot market rates used to fix the compensatory amounts applicable from 12 May 1971 shall be those recorded during the period 11 to 13 May 1971;

(b) the reference period for the first of any changes in the compensatory amounts shall be 12 to 18 May 1971.

Article 2

The following spot market rates against the US dollar shall be used for the purpose of fixing compensatory amounts:

(a) for the guilder: the average official rate fixed each working day during official dealings on the Amsterdam foreign exchange market;

(b) for the German mark: the average official rate fixed each working day during official dealings on the Frankfurt foreign exchange market.

[1] OJ No L 106, 12.5.1971, p.1.

Article 3

1. Where, in intra-Community trade, a product for which a compensatory amount is fixed is dispatched from a Member State making use of the authorization referred to in Article 1 (1) of Regulation (EEC) No 974/71, and where Article 2 (3) of that Regulation is applied, the following shall be entered in section 32 of internal Community transit document T2 or T2L as appropriate:

'Article 2 (3) of Regulation 974/71 applied.'

Where Article 2 (3) of Regulation (EEC) No 974/71 is not applied and a T2L document is issued, section 32 of that document shall be struck through.

The customs office in which dispatch formalities are completed shall satisfy itself that the provisions of this paragraph are respected.

2. Where products for which a compensatory amount is fixed come from a Member State making use of the authorization referred to in Article 1 (1) of Regulation (EEC) No 974/71 and are redispatched from a Member State which does not invoke the provisions of Article 1 (1), the entry in section 32 of the original document shall be reproduced in section 32 of internal Community transit document T2 or T2L as appropriate. If no entry is made in section 32, that section shall be struck through.

3. Member States which make use of the authorization referred to in Article 1 (1) of Regulation (EEC) No 974/71 shall charge the reduced compensatory amount in accordance with Article 2 (3) of Regulation (EEC) No 974/71, on production of one of the documents referred to in paragraph 1 in which the following entry has been made:

'Article 2 (3) of Regulation (EEC) No 974/71 applied.'

Article 4

1. The Member States referred to in Article 1 of Regulation (EEC) No 974/71 shall not apply the compensatory amounts referred to in that Article to imports effected under contracts:

(a) concluded before 10 May 1971, and

(b) registered before 12 May 1971 with the authorities of that Member State; or

which can be proved by official documents to have been concluded.

2. However, paragraph 1 shall apply only to the extent necessary to allow the contract to be executed under the conditions which would have existed had the monetary measures referred to in Article 1 of Regulation (EEC) No 974/71 not been taken.

Article 5

1. This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

2. It shall take effect from 12 May 1971, with the exception af Article 3 which shall not take effect until the third day after this Regulation enters into force.

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

Done at Brussels, 17 May 1971.

For the Commission

The President

Franco M. MALFATTI