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REGULATION (EEC) No 2604/71 OF THE COMMISSION

of 6 December 1971

amending for the second time Regulation (EEC) No 1013/71 as regards the observance of certain import prices in connection with the application of compensatory amounts introduced in agriculture following the monetary measures taken by certain Member States

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, and in particular Article 6 thereof;

Whereas failure to respect a lower price limit results in an increased import charge for certain agricultural products which are subject, following monetary measures taken by certain Member States, to compensatory amounts;

Whereas, since parities declared to the International Monetary Fund must be applied, this system leads to increased prices for the products concerned; whereas, in fact, the price in question expressed in the currency of a Member State which has taken the monetary measures in question is increased in relation to the same price expressed in the currency of a third country; whereas, in addition, the compensatory amount is charged at the time of importation;

Whereas this difficulty may be overcome by a system whereby the import price would be considered to have been complied with if the offer price of the product supplied, plus the compensatory amount, does not fall below it; whereas allowance should be made where possible for the uncertainty as to the compensatory amount valid on the day of importation; whereas Commission Regulation (EEC) No 1013/71 [2] of 17 May 1971 laying down detailed rules for the application of 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, as amended by Regulation (EEC) No 1871/71 [3], should therefore be supplemented;

Whereas the provisions of this Regulation are in accordance with the Opinion of the Management Committees for Pigmeat, Poultrymeat and Eggs, Milk and Milk Products, and Wine,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is added to Regulation (EEC) No 1013/71;

'Article 3a

As regards imports from third countries:

1. Sluice-gate prices for pigmeat, eggs, poultry and albumins;
2. Free-at-frontier values for milk and milk products falling within subheading Nos 04.04 A I, 04.04 D I, 04.04 E I(b)2, 04.04 E I(b)3 and 04.04 E I(b)4,
3. reference prices for wine:

shall be regarded as having been respected if the offer price for the product in question increased by

(a) the highest compensatory amount in force during the fourteen day period immediatly preceding the day of importation,

(b) in the case of wine, by customs duties,

is not lower than the relevant sluice-gate price, free-at-frontier value or reference price.'

Article 2

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

[1] OJ No L 106, 12.6.1971, p.1.
[2] OJ No L 110, 18.5.1971, p.8.
[3] OJ No L 195, 30.8.1971, p.1.

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

Done at Brussels, 6 December 1971.

For the Commission

The President

Franco M. MALFATTI