REGULATION (EEC) No 228/73 OF THE COUNCIL

of 31 January 1973

laying down general rules for the system of compensatory amounts for fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community [1], signed at Brussels on 22 January 1972, and in particular Article 62 (1) of the Act annexed thereto;

Having regard to the proposal from the Commission;

Whereas Article 65 of the Act provides that, under the conditions laid down in paragraph 1 of that Article, a compensatory amount shall be fixed for fruit and vegetables;

Whereas under Article 66 of the Act, until the first move towards alignment, the compensatory amount applicable, when the conditions referred to in Article 65 (1) are fulfilled, in trade between a new Member State in the Community as originally constituted another new Member State or a third country shall be equal to the difference between the producer prices in the new Member States and the common basic prices; whereas, however, in trade between two new Member States in which the conditions referred to in Article 65 (1) are fulfilled, the amount is equal to the difference between their respective producer prices;

Whereas it is not appropriate to take into account the seasonal changes of the producer prices in the new Member States and of the common basic prices; whereas it seems appropriate, consequently, to consider the difference between the producer prices in two new Member States as being equal to the difference between the compensatory amounts that each of them applies in trade with the Community as originally constituted;

Whereas the application of the foregoing criteria indicates that for apples and pears the compensatory amounts are to be fixed as shown in Annex I to this Regulation;

Whereas both the common basic prices and the producer prices notified by the new Member States as regards apples relate to specific varieties; whereas compensatory amounts based on those prices can, therefore, be applied only to those varieties and to varieties which are regarded in the trade as being substantially the same; whereas, for other varieties, two other groups should be specified and different compensatory amounts should be fixed, obtained by applying conversion factors to the abovementioned amount; whereas these conversion factors may be fixed at a standard rate of 0·70 units of account for Group II and 0·45 units of account for Group III;

Whereas Article 55 (4) of the Act further provides that no compensatory amount shall be fixed where calculations result in a minimal amount;

Whereas the last subparagraph of Article 66 (1) of the Act provides that the differences between the prices referred to shall be adjusted, to the extent necessary, by the incidence of customs duties; whereas the authorities of the Member States competent to grant or levy compensatory amounts should make the adjustment by increasing or reducing, as the case may be, the compensatory amount by the amount of customs duties levied; whereas, however, for imports from third countries, the adjustment is made by applying to the compensatory amount the difference between the Common Customs Tariff Duty and the duty levied by the importing Member State;

Whereas it should be provided that the detailed rules for levying and granting compensatory amounts shall be such as to avoid deflection of trade which might be caused by any difference in the level thereof;

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory amount for fruit and vegetables shall comprise two components:

(a) the basic compensatory amount, hereinafter called the 'basic amount', calculated in accordance with the first and second subparagraphs of Article 66 (1) of the Act;

(b) the amount of the customs duties referred to in subparagraph 3 of Article 66 (1) of the Act.

[1] OJ Special Edition, 27. 3. 1972, p. 5.

Article 2

1. The basic amounts applicable until 31 December 1973 in trade between a new Member State and the Community as originally constituted, other new Member States and third countries in apples other than cider apples (subheading ex 08.06 A II of the Common Customs Tariff) and pears other than perry pears (subheading ex 08.06 B II of the Common Customs Tariff), are fixed in Annex I. These amounts shall apply only to products which are intended to reach the customer fresh.

2. The groups of apple varieties to which the basic amounts relate are specified in Annex II.

Article 3

Where subsequent compensatory amounts are fixed, the basic amounts shall be reduced by progressive stages as provided in Article 66 (2) of the Act.

Article 4

Where the compensatory amount is levied by a new Member State on a product coming from another new Member State or from the Community as originally constituted, the competent authorities of the importing Member State shall by way of compensation amount levy an amount equal to the basic amount reduced by the sum charged by way of customs duties.

Article 5

Where a product is imported into a new Member State from a third country, the competent authorities of the importing Member State shall by way of compensatory amount levy an amount equal to the basic amount:

— increased, if the first duty is higher than the second, by the amount of the difference between the duty under the Common Customs Tariff and the duty applicable in the Member State in respect of products coming from third countries; or

— reduced, if the first duty is lower than the second, by the amount of that difference.

Article 6

Where the compensatory amount is granted by a new Member State for a product exported to another new Member State or to the Community as originally constituted, the competent authorities of the exporting Member State shall by way of compensatory amount grant an amount equal to the basic amount increased by the sum charged by way of customs duties in the importing Member State.

Article 7

For exports to third countries the exporting new Member State shall by way of compensatory amount grant an amount equal to the basic amount.

Article 8

The compensatory amount applicable shall be that in force on the day of importation or exportation.

Article 9

The detailed rules for granting, levying and recovering compensatory amounts shall be such as to avoid deflection of trade and shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72 [1]. The detailed rules for the application of this Regulation and any revision of the classification in Annex II by reference to the varietal composition of products traded in shall be adopted in accordance with the same procedure.

Article 10

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, 31 January 1973.

For the Council
The President
A. LAVENS

[1] OJ No L 118, 20. 5. 1972, p. 1.

ANNEX I

BASIC AMOUNTS

A. Applicable in respect of apples other than cider apples for delivery fresh to the consumer

1. *By Denmark*

Trade with	Period of application	Amounts in u.a./100 kg net		
		Group I	Group II	Group III
Third countries	From 1 January to 31 March and from 1 August to 31 December	4·9	3·4	2·2
EEC as originally constituted	From 1 January to 31 March and from 1 August to 31 December	4·9	3·4	2·2
Ireland	From 16 February to 31 March	4·9	3·4	2·2

2. *By Ireland*

Trade with	Period of application	Amounts in u.a./100 kg net		
		Group I	Group II	Group III
Third countries	From 1 January to 15 February and from 1 August to 31 December	10·3	7·2	4·6
EEC as originally constituted	From 1 January to 15 February and from 1 August to 31 December	10·3	7·2	4·6
Denmark	From 1 January to 15 February and from 1 August to 31 December	5·4	3·8	2·4

3. *By the United Kingdom*

Trade with	Period of application	Amounts in u.a./100 kg net		
		Group I	Group II	Group III
Third countries	From 1 January to 31 March and from 1 August to 31 December	10·0	7·0	4·5
EEC as originally constituted	From 1 January to 31 March and from 1 August to 31 December	10·0	7·0	4·5
Denmark	From 1 January to 31 March and from 1 August to 31 December	5·1	3·6	2·3
Ireland	From 16 February to 31 March	10·0	7·0	4·5

B. Applicable in respect of pears other than perry pears for delivery fresh to the consumer

1. *By Denmark*

Trade with	Period of application	Amounts in u.a./100 kg net
Third countries	From 1 August to 31 December	5·7
EEC as originally constituted	From 1 August to 31 December	5·7
Ireland	From 1 August to 31 December	5·7
United Kingdom	From 1 August to 31 August	5·7

2. *By the United Kingdom*

Trade with	Period of application	Amounts in u.a./100 kg net
Third countries	From 1 January to end February and from 1 September to 31 December	6·9
EEC as originally constituted	From 1 January to end February and from 1 September to 31 December	6·9
Ireland	From 1 January to end February and from 1 September to 31 December	6·9
Denmark	From 1 January to end February From 1 September to 31 December	6·9 1·2

ANNEX II

CLASSIFICATION OF APPLE VARIETIES

GROUP I [1]

Golden Delicious, Red Delicious, Richared, Stark Delicious, Starking, Starkrimson, Transparente jaune (Klarapfel), James Grieve, Belle de Boskoop, Stayman Winesap, Staymanred, Black Winesap, Granny Smith, Dunn's Seedling, King Cole, Cleopatra, Democrat, Yellow Newton, Crofton, Ingrid Marie, Sturmer, Laxton's superb, Scarlet pearmain, White winter pearmain, Geeveston Fanny, Tydeman's Early, Worcester, Benoni, Stark Earliest, Winston, Reinette du Canada, Berlepsch, Annurca, Lodi, Gravensteiner, Miller's Seedling, Worcester pearmain, different Cox's varieties other than Cox's pomona and mutations of the above varieties.

GROUP II

Varieties other than those in Groups I and III.

GROUP III

Abbondanza (Belfort), Rambour d'hiver, Brettacher, Horneburger, Krügers Dickstiel, Kirchenwerder, Finkenwerder, Winter banana, Limoncella, Commercio, Reinette clochard, Ontario, Reinette du Mans, Lemoenapfel, Bramley's Seedling (Triomphe de Kiel), Pella, Cox's pomona and mutations of the above varieties.

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(1) Apples of Quality Class II in packings not bearing the name of the variety, and apples of Quality Class III in so far as this latter applies, shall also be considered to fall within this group.