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(Acts whose publication is obligatory)

REGULATION (EEC) No 234/73 OF THE COUNCIL

of 31 January 1973

laying down general rules for the system of compensatory amounts for pigmeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

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 pursuant to Article 55 of the Act the differences in price levels for agricultural products between the Community as originally constituted and the new Member States are to be compensated by the levying or granting of compensatory amounts applicable in trade between them, and between the new Member States and third countries; whereas such compensatory amount for pigmeat must be calculated in accordance with Article 75 of the Act;

Whereas the compensatory amount per kilogramme of pig carcase must be calculated on the basis of the compensatory amount applicable to the quantity of feed grain required for the production of 1 kilogramme of pigmeat in the Community; whereas this quantity of feed grain was fixed in Article 1 of Council Regulation No 133/67/EEC (2) of 13 June 1967 laying down general rules for calculating a component of the levy applicable to pig carcases;

Whereas the compensatory amounts for feed grain were fixed in accordance with Council Regulation (EEC) No 229/73 (3) of 31 January 1973 laying down general rules for the system of compensatory amounts for cereals;

Whereas the economic situation of pig production in the new Member States should also be taken into account;

Whereas the compensatory amount for the other products specified in Council Regulation No 121/67/EEC (4) of 13 June 1967 on the common organization of the market in pigmeat, as last amended by the Act must be derived from the compensatory amount for pig carcases with the help of the coefficients used in calculating the levy;

Whereas the compensatory amounts for cereals are applicable until 31 July 1973; whereas the same period of applicability should therefore be provided for in respect of pigmeat;

Whereas provision should be made for a period of adjustment in order to prevent excessive price changes in the new Member States at the beginning of the period of transition;

Whereas under Article 7 of Regulation (EEC) No 229/73 the charging or granting of compensatory amounts for cereals may be limited in order to deal with the situation referred to in Article 56 of the Act; whereas such limitation must be taken into account for pigmeat products, inasmuch as they are derived from cereals, if the proper functioning of the common organization of the markets is to be assured; whereas lard, which is subject to particular market conditions in certain new Member States, should furthermore be exempt from this limitation of compensatory amounts;

(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No 120, 26. 6. 1967, p. 2366/67.
(3) OJ No L 27, 1. 2. 1973, p. 25.
(4) OJ No 117, 19. 6. 1967, p. 2283/67.

Whereas since the aim of the compensatory amounts in intra-Community trade is to provide satisfactory conditions for the movement of products between two Member States with different price levels, a compensatory amount must be levied for imports into a Member State having a higher price level for feed grain, and, conversely, must be granted for exports to a Member State having a lower price level for feed grain;

Whereas, consequently, Article 55 (1) (a) of the Act, under which compensatory amounts are to be levied by the importing Member State or granted by the exporting Member State, means that the task of levying or granting these amounts falls to the Member State having the higher price level for feed grain;

Whereas rules must be laid down for the levying and granting of compensatory amounts in such a way as to avoid deflection of trade;

HAS ADOPTED THIS REGULATION:

Article 1

1. The compensatory amounts for domestic pigmeat, in the form of carcases or half-carcases, with or without heads, feet or flare fat, referred to under 02.01 A III (a) 1 of the Common Customs Tariff, and hereinafter designated 'pig carcases', applicable until 31 July 1973 in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be as shown below:

	u.a./100 kg		
	February/ March 1973	April/ May 1973	June/ July 1973
Denmark	2·06	1·79	1·36
Ireland	8·50	7·36	5·60
United Kingdom	20·21	17·50	13·30

2. The compensatory amounts applicable from 1 August 1973 shall be calculated on the basis of the amounts referred to in paragraph 1 for the months of June and July by reference to the variation in the compensatory amounts applicable for the quantity of feed grains required to produce one kilogramme of pigmeat in the Community.

Article 2

The compensatory amounts for the products specified in Article 1 (1) of Regulation No 121/67/EEC other than pig carcases, applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be derived from the compensatory amount applicable to pig carcases with the aid of the co-efficients expressing the ratio referred to in Article 10 (1) and (2) (a) of the Regulation aforesaid.

Article 3

1. If Article 7 of Regulation (EEC) No 229/73 is applied for one or more days in a month, the amount applicable the following month as compensatory amount for the products referred to in Articles 1 and 2 shall be determined each month by reference to the average of the amount determined during the first 25 days of the previous month for the cereals included in the quantity of feed grain referred to in Article 1 of Regulation No 133/67/EEC.

However, if the amount varies by less than 5 % from the amount determined for the previous month, it shall remain unaltered.

2. The amounts applicable during February 1973 shall be equal to the compensatory amounts fixed in accordance with Articles 1 and 2, less the difference between those compensatory amounts and those calculated by reference to the average of the levies operative during the first 25 days of January 1973 for the cereals in question.

3. The provisions of paragraphs 1 and 2 are not applicable to the compensatory amount for products falling under heading No 15.01 A of the Common Customs Tariff.

Article 4

The compensatory amounts applicable in trade between two new Member States shall be equal to the difference between the compensatory amounts applicable in trade between each of those States and the Community as originally constituted.

Article 5

In trade between the new Member States and between those States and the Community as originally constituted the compensatory amounts shall be granted or levied by whichever Member State has the higher price level for the quantity of feed grain specified in Article 1 of Regulation No 133/67/EEC.

Article 6

1. In trade between the new Member States and third countries, the compensatory amounts shall be deducted from the levies or refunds.

2. If a compensatory amount is fixed for a given product and the refund is lower than that compensatory amount or has not been fixed, then, when the product in question is exported to a third country, provision may be made for a levy in the new Member State in question which shall not exceed the difference between the compensatory amount and the refund or, as the case may be, to the compensatory amount.

Article 7

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

Article 8

1. Detailed rules for the granting, levying and recovery of the compensatory amounts shall be such as to prevent, in particular, deflection of trade and shall be adopted in accordance with the procedure laid down in Article 24 of Regulation No 121/67/EEC.

2. Detailed rules for the application of this Regulation and in particular the compensatory amounts, other than those fixed in Article 1 (1) shall be drawn up by the same procedure.

3. The amounts referred to in Article 3 shall be determined by the Commission.

Article 9

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