REGULATION (EEC) No 235/73 OF THE COUNCIL

of 31 January 1973

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

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, 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, differences in the price levels of agricultural products between the Community as originally constituted and the new Member States are to be compensated by levying or granting compensatory amounts applicable in trade between the new Member States and in trade between the new Member States and third countries; whereas such amounts are to be calculated in respect of poultry meat in accordance with Article 79 of the Act;

Whereas the compensatory amount applicable per kilogramme of slaughtered poultry must be calculated on the basis of the compensatory amounts applicable to the quantity of feed grain which is required for the production in the Community of 1 kg of slaughtered poultry; whereas this quantity of feed grain was fixed in Annex I to Council Regulation No 146/67/EEC (2) of 21 June 1967 laying down rules for calculating the levy and the sluice-gate price for poultrymeat;

Whereas the compensatory amount applicable per chick is calculated in accordance with the same criteria;

Whereas the compensatory amounts applicable to 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, moreover, account should be taken of the economic situation of poultry production in the new Member States;

Whereas the compensatory amount for the other products covered by Council Regulation No 123/67/EEC (4) of 13 June 1967 on the common organization of the market in poultrymeat, as last amended by the Act must be derived from the compensatory amount applicable to slaughtered poultry with the help of the coefficients used for the calculation of 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 poultrymeat;

Whereas, in pursuance of Article 7 of Regulation (EEC) No 229/73, the levying or granting of compensatory amounts for cereals can be limited in order to deal with the situation referred to in Article 56 of the Act, it is necessary to take this restriction into account for poultrymeat products, viewed as products derived from cereals, in order to ensure the proper functioning of the common organization of the market;

Whereas, since the aim of 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, such an amount 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 such amounts falls to the Member State having the highest 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;

(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No 125, 26. 6. 1967, p. 2470/67.
(3) OJ No L 27, 1. 2. 1973, p. 25.
(4) OJ No 117, 19. 6. 1967, p. 2301/67.

HAS ADOPTED THIS REGULATION:

Article 1

1. The compensatory amounts for slaughtered poultry and chicks, applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, until 31 July 1973, are fixed in the Annex hereto.

2. The compensatory amounts applicable from 1 August 1973 shall be calculated on the basis of the amounts referred to in paragraph 1 by reference to the variation in the compensatory amounts applicable for the quantity of feed grains required to produce 1 kg of poultrymeat or one chick in the Community.

Article 2

The compensatory amounts for the products referred to in Article 1 (2) (d) of Regulation No 123/67/EEC, 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 slaughtered poultry with the help of the coefficients expressing the ratios referred to in Article 5 (1) of the abovementioned Regulation.

Article 3

1. If on one or more days in a month Article 7 of Regulation (EEC) No 229/73 is applied, the amount applicable in the following month as the compensatory amount for the products referred to in Articles 1 and 2, shall be determined monthly on the basis of the average of the amounts determined during the first 25 days of the preceding month for the cereals included in the quantity of feed grain referred to in Article 1 of Regulation No 146/67/EEC.

However, if the amount varies by less than 5 % of the amount determined for the preceding month it shall remain unchanged.

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 the amounts calculated in the light of the average of the levies valid during the first 25 days of January 1973 for the cereals in question.

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 those new Member States respectively 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 levied or granted by that one of the two Member States concerned whose price level for the quantity of feed grain referred to in Annex I of Regulation No 146/67/EEC is the higher.

Article 6

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

2. If, where a compensatory amount is fixed for a product, the refund is lower than that compensatory amount, or is not fixed, provision may be made for the levy in the new Member State concerned, when exporting the product in question to third countries, of an amount not exceeding the difference between the compensatory amount and the refund or, as the case may be, not exceeding 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 compensatory amounts shall be laid

down in such a way as to prevent, in particular, deflection of trade and in accordance with the procedure laid down in Article 17 of Regulation No 123/67/EEC.

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

3. The amounts referred to in Article 3 shall be fixed 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

ANNEX

CCT heading No	Description of goods	Trade with		
		Denmark	Ireland	United Kingdom
1	2	3	4	5
		u.a./100 units	u.a./100 units	u.a./100 units
01.05	Live poultry, that is to say, fowl, ducks, geese, turkeys, and guinea fowls:			
	A. Of a weight not exceeding 185 g (known as 'chicks')	0·1328	0·7175	1·4127
		u.a./100 kg	u.a./100 kg	u.a./100 kg
02.02	Dead poultry (that is to say, fowls, ducks geese, turkeys, and guinea fowls) and edible offals thereof (except liver), fresh, chilled, or frozen:			
	A. Whole poultry:			
	I. Fowl:			
	a) Plucked and gutted, with heads and feet, known as '83 % chickens'	0·3346	3·7294	6·6737
	b) Plucked and gutted, without heads and feet, but with hearts, livers, and gizzards, known as '70 % chickens'	0·3859	4·3016	7·6976
	c) Plucked and drawn, without heads and feet and without hearts, livers, and gizzards, known as '65 % chickens'	0·4277	4·7678	8·5318
	II. Ducks:			
	a) Plucked, bled, not drawn or gutted with heads and feet, known as '85 % ducks'	1·0278	5·5428	10·9547
	b) Plucked and drawn, without heads and feet, with or without hearts, livers, and gizzards, known as '70 % ducks'	1·2486	6·7334	13·3077
	III. Geese:			
	a) Plucked, bled, not drawn, with heads and feet, known as '82 % geese'	1·1038	5·9527	11·7648
	b) Plucked and drawn, without heads and feet, with or without hearts and gizzards, known as '75 % geese'	1·2051	6·4992	12·8448
	IV. Turkeys	0·9699	5·2306	10·3376
	V. Guinea fowls	1·5091	8·1386	16·0840