REGULATION (EEC) No 237/73 OF THE COUNCIL

of 31 January 1973

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

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 Articles 47 (5) and 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 eggs must be calculated in accordance with Article 77 of the Act;

Whereas the compensatory amount per kilogramme of eggs in shell must be calculated on the basis of the compensatory amount applicable to the quantity of feed grain required for the production in the Community of 1 kilogramme of eggs in shell; whereas this quantity of feed grain was fixed by Council Regulation No 145/67/EEC [2] of 21 June 1967 laying down general rules for calculating the levy and the sluice-gate price for eggs;

Whereas the compensatory amount per egg for hatching is calculated in accordance with the same criteria;

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 egg production in the new Member States should also be taken into account;

Whereas the compensatory amounts for the other products specified in Council Regulation No 122/67/EEC [4] of 13 June 1967 on the common organization of the market in eggs, as last amended by the Act must be derived from the compensatory amount for eggs in shell with the help of the coefficients used in calculating the levy;

Whereas pursuant to Article 47 (1) of the Act the compensatory amount for ovalbumin and lactalbumin must be calculated on the basis of the compensatory amount for eggs in shell in accordance with the rules laid down in Article 2 of Council Regulation No 170/67/EEC [5] of 27 June 1967 on the common system of trade for ovalbumin and lactalbumin and repealing Regulation No 48/67/EEC, as amended by Regulation (EEC) No 1081/71 [6];

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 eggs;

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 egg products, viewed as products derived from cereals, in order to ensure the proper functioning of the common organization of the markets;

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;

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(1) OJ L 73, 27. 3. 1972, p. 5.
(2) OJ No 125, 26. 6. 1967, p. 2467/67.
(3) OJ No L 27, 1. 2. 1973, p. 25.
(4) OJ No 117, 19. 6. 1967, p. 2293/67.
(5) OJ No 130, 28. 6. 1967, p. 2596/67.
(6) OJ No L 116, 28. 5. 1971, p. 9.

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;

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 eggs in shell 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 in the Annex.

2. The compensatory amounts applicable from 1 August 1973 shall be calculated on the basis of the amounts referred to in paragraph 1, according to the variation in the compensatory amounts applicable to the quantity of feed grain necessary for production in the Community of 1 kg of eggs in shell or one hatching egg.

Article 2

The compensatory amounts for the products specified in Article 1 (1) (b) of Regulation No 122/67/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 for eggs in shell, other than eggs for hatching, with the help of the coefficients expressing the ratio specified in Article 5 (2) of the Regulation aforesaid.

Article 3

The compensatory amounts for the products specified in Article 1 of Regulation No 170/67/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 for eggs in shell, other than eggs for hatching, with the help of the coefficients specified in Article 2 (1) of the Regulation aforesaid.

Article 4

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 compensatory amount for the products referred to in Articles 1, 2 and 3 shall be fixed each month in relation to the average of the amounts fixed during the first 25 days of the preceding month for the cereals included in the quantity of feed grains referred to in Article 1 of Regulation No 145/67/EEC.

However, if the amount shows a variation of less than 5 % from the amount fixed for the previous month, it shall be maintained unchanged.

2. The amounts applicable during February 1973 shall be equal to the compensatory amounts fixed in accordance with Articles 1, 2 and 3, less the difference between those compensatory amounts and the amounts calculated from the average for the levies during the first 25 days of January 1973 for the cereals concerned.

Article 5

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 6

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 that one of the Member States in question in which the price level for the quantity of feed grain specified in Annex I to Regulation No 145/67/EEC is the higher.

Article 7

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 compen-

satory amount or has not been fixed, then, when the product in question is exported to a third country, the new Member State in question may levy an amount equal to and not more than the difference between the compensatory amount and the refund or, as the case may be, to the compensatory amount.

Article 8

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

Article 9

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 17 of Regulation No 122/67/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 according to the same procedure.

3. The amounts referred to in Article 4 shall be fixed by the Commission.

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

ANNEX

CCT heading No	Description	Trade with:		
		Denmark	Ireland	United Kingdom
1	2	3	4	5
		u.a./100 pieces	u.a./100 pieces	u.a./100 pieces
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not:			
	A. Eggs in shell, fresh or preserved:			
	1. Poultry eggs:			
	a) Eggs for hatching (a)	0·0830	0·4485	0·8829
		u.a./100 kg	u.a./100 kg	u.a./100 kg
	b) Other	0·8556	4·6210	9·0982

(a) Only poultry eggs which fulfil the conditions stipulated by the competent authorities of the European Communities are eligible for entry under this subheading.