REGULATION (EEC) No 240/73 OF THE COUNCIL

of 31 January 1973

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 Articles 51 and 52 of the Act lay down that in respect of the new Member States, the prices shall be fixed at a level which may be different from that of the common prices; whereas in respect of fishery products a guide price has been fixed which is different from the common guide prices; whereas this price is valid in Ireland for plaice;

Whereas under the terms of Article 55 of the Act differences in prices are to be compensated by a system of compensatory amounts;

Whereas, under these circumstances, the compensatory amounts applicable in trade with Ireland are equal to the difference between the prices fixed for that State and the common prices, and whereas the difference must be adjusted in so far as is necessary by the incidence of customs duties;

Whereas, in trade between Ireland and third countries this incidence is not to be taken into account, the rate of customs duties levied by this new Member State in respect of these countries being identical to that applied in respect of the latter by the Community as originally constituted;

Whereas, in the remainder of Ireland's trade, this incidence must be calculated as a flat rate on the basis of the guide prices and taking into account that, in cases where the compensatory amount is granted, the prices of the importing country already include the customs duty;

Whereas, in respect of plaice meeting commercial specifications other than those taken into account when the guide prices were fixed, the guide prices used in calculating the compensatory amount must be adjusted according to the differences in quality;

[1] OJ No L 73, 27. 3. 1972, p. 5.

whereas this adjustment may be made by means of coefficients calculated on the basis of those fixed in the framework of the system of withdrawal prices for the common organization of the markets;

Whereas Article 55 (4) of the Act lays down that no compensatory amount shall be fixed if the calculation thereof results in a minimal amount; whereas it is, therefore, desirable that the minimum amount to be adopted in that eventuality should be fixed;

Whereas, since the aim of compensatory amounts in intra-Community trade is to allow movement of products on satisfactory terms between two Member States in which there are different price levels, a compensatory amount should be levied in the case of imports into the Member State which has a higher level of prices, in this case Ireland, and, conversely, such an amount should be granted in the case of exports from Ireland to the other Member States which have a lower price level;

Whereas Article 55 (1) (a) of the Act lays down that compensatory amounts shall be levied by the importing Member State or granted by the exporting Member State; whereas the task of levying or granting these amounts falls therefore to the Member State in which the price level is the higher, in this case Ireland;

Whereas the fixing of the detailed rules for levying and granting compensatory amounts should be planned in such a way as to avoid distortions of trade;

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory amounts in respect of plaice falling within heading 03.01 B I o) 1 of the Common Customs Tariff shall be subject to the following rules.

Article 2

1. In trade between Ireland and the other new Member States and in trade between Ireland and the Community as originally constituted, the compensatory amounts shall be composed of two elements:

(a) the basic compensatory amount, hereinafter called 'basic amount',

(b) the incidence of the customs duty.

2. In trade between Ireland and third countries the incidence of the customs duty shall not be taken into account in calculating the compensatory amount.

Article 3

1. In respect of plaice meeting the commercial specifications of the product which served as the basis for establishing the guide price, the basic amount and, in trade between Ireland and third countries, the compensatory amount, shall be equal to the difference between the guide price for plaice fixed for Ireland and the common guide price for this product.

2. In respect of other products falling within tariff heading 03.01 B I o) 1, the amounts referred to in paragraph 1 shall be equal to the difference indicated in that paragraph, adjusted by quality conversion factors.

3. The incidence of the customs duty shall be a flat rate amount reflecting the effect of the application of customs duties on the price of the imported product.

Article 4

1. Where plaice which meets the commercial specifications of the product which served as the basis for establishing the guide price is imported into Ireland from the other new Member States and the Community as originally constituted, the incidence of the customs duty shall be established by adjusting the common guide price by the customs duty applied by Ireland to imports from the same countries.

2. Where the other products falling within tariff heading 03.01 B I o) 1 are imported into Ireland from the other new Member States and the Community as originally constituted, the incidence of the customs duty shall be established in accordance with paragraph 1 and, in addition, the guide price shall be adjusted by quality conversion factors.

Article 5

1. Where plaice which meets the commercial specifications of the product which served as the basis for establishing the guide price is exported from Ireland to the other new Member States and the Community as originally constituted the incidence of the customs duty shall be established by applying the rate of customs duty applicable in the importing Member State to the amount which would therefore be increased and would reach the level of the common guide price.

2. Where other products falling within tariff heading 03.01 B I o) 1 are exported from Ireland to the other new Member States and the Community as originally constituted, the incidence of the customs duty shall be established in accordance with paragraph 1 and the guide price shall be adjusted by quality conversion factors.

Article 6

The quality conversion factors referred to in Article 3 (2), Article 4 (2) and Article 5 (2) shall be established on the basis of those determined for the purposes of applying Article 10 of Council Regulation (EEC) No 2142/70 [1] of 20 October 1970 on the common organization of the market in fishery products as last amended by the Act.

Article 7

1. For imports into Ireland from the other new Member States and the Community as originally constituted, the basic amount shall be reduced by the incidence of the customs duty.

2. For exports from Ireland to the other new Member States and the Community as originally constituted the basic amount shall be increased by the incidence of the customs duty.

Article 8

Ireland shall levy the compensatory amounts on imports and grant the compensatory amounts on exports. In the latter case these will be in addition to the export refunds.

Article 9

1. If the incidence of the customs duty per 100 kilogrammes is less than one unit of account, the compensatory amount shall be equal to the basic amount.

2. No compensatory amount shall be fixed below 0·5 units of account per 100 kilogrammes.

Article 10

The compensatory amount to be applied is that in force on the day of importation or exportation.

[1] OJ No L 236, 27. 10. 1970, p. 5.

Article 11

1. The detailed rules for the application of this Regulation and the detailed rules for granting, levying and recovering compensatory amounts, adopted in particular in order to prevent distortions of trade, shall be adopted in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 2142/70.

2. The compensatory amounts shall be fixed in accordance with the procedure referred to in paragraph 1.

Article 12

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