REGULATION (EEC) No 3536/73 OF THE COUNCIL

of 17 December 1973

amending Regulation (EEC) No 2824/72 as regards the financing of certain measures by the European Agricultural Guidance and Guarantee Fund, Guarantee Section

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 729/70 [1] of 21 April 1970 on the financing of the common agricultural policy, as last amended by the Act [2] on the Conditions of Accession and the Adjustments to the Treaties (hereinafter referred to as 'the Act'), and in particular Articles 2 (2) and 3 (2) thereof;

Having regard to the proposal from the Commission;

Whereas the Annex to Council Regulation (EEC) No 2824/72 [3] of 28 December 1972 laying down general rules for the financing of interventions by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund sets out the measures to be treated as interventions intended to stabilize the agricultural markets, within the meaning of Article 3 (1) of Regulation (EEC) No 729/70; whereas it is necessary to include in this Annex intervention measures introduced since then, and the monetary compensatory amounts charged and granted in trade between Member States, the financing of which as intervention was provided for by Article 7 (2) of Council Regulation (EEC) No 974/71 [4] of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of flucutation for the currencies of certain Member States, as last amended by Regulation (EEC) No 1225/73 [5];

Whereas Article 58 of the Act provides that the accession compensatory amounts granted shall be financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund;

Whereas it must be made clear under which heading these compensatory amounts are to be financed; whereas, however, such clarification concerns only those amounts granted in trade between Member States, in that, in accordance with Articles 47 (1) and 55 (1) (b) of the Act, such amounts granted in trade with third countries are deducted from levies or other charges on imports or, as appropriate added to the refunds payable;

Whereas Article 56 of the Act provides that, under certain conditions, specific measures may be introduced; whereas amounts granted pursuant to that Article in trade with third countries are to be considered as refunds within the meaning of Article 2 (1) of Regulation (EEC) No 729/70, and are therefore to be financed as such,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2824/72 is amended as follows:

1. The following is added to Section I, 'Cereals and rice':

   '8. The production refunds provided for in Article 1 of Regulation (EEC) No 1009/73.'

2. The following is added to Section IV, 'sugar':

   (a) to point 3: 'and in Article 1 of Regulation (EEC) No 622/73';

   (b) to point 4: 'and in Article 1 of Regulation (EEC) No 364/73';

   (c) after point 4:

   '5. The subsidies granted pursuant to Article 2 of Regulation (EEC) No 239/73'.

3. The following Section is added:

   'XV. Provisions concerning various sectors:

   1. The monetary compensatory amounts charged and granted in trade between Member States pursuant to Regulation (EEC) No 974/71.

   2. The accession compensatory amounts granted in trade between Member States pursuant to Articles 47 and 55 of the Act of Accession.'

[1] OJ No L 94, 28. 3. 1970, p. 133.
[2] OJ No L 73, 27. 3. 1972, p. 14.
[3] OJ No L 298, 31. 12. 1972, p. 5.
[4] OJ No L 106, 12. 5. 1971, p. 1.
[5] OJ No L 125, 11. 5. 1973, p. 49.

Article 2

The amounts granted pursuant to Article 56 of the Act in trade with third countries shall, for purposes of the financing of the common agricultural policy, be included among the export refunds to third countries within the meaning of Article 2 (1) of Regulation (EEC) No 729/70.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

It shall apply from 1 January 1973.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 1973.

For the Council

The President

J. CHRISTENSEN