# REGULATION (EEC) No 357/73 OF THE COMMISSION

## of 31 January 1973

## on the movement of goods obtained in the Community under a procedure for the suspension or drawback of customs duties or other import charges

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty [1] concerning the Accession of the Kingdom of Denmark, Ireland, and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and the European Atomic Energy Community;

Having regard to the Act [2] concerning the Conditions of Accession and the Adjustments to the Treaties, and particular Article 45 (2);

Whereas it is necessary to determine the conditions under which goods obtained in the Community under a procedure for the suspension or drawback of customs duties or other import charges may benefit from Community procedure in trade between the Community as originally constituted and new Member States and between the new Member States themselves;

Whereas this procedure will be implemented for agricultural goods and for certain goods processed from agricultural goods as from 1 February 1973 and for all other goods as from 1 April 1973;

Whereas the fact that agricultural products subject to levies and other import charges provided for under the common agricultural policy and certain goods processed from agricultural goods are obtained in the Community is not compatible with the procedure for compensatory amounts referred to in Article 55 of the aforesaid Act;

Whereas as regards other goods the tariff reductions to be made by Member States will not exceed 20% of the basic duties during 1973;

Whereas taking into account the experiences obtained within the original Community in a similar situation, the risk of distortion of competition, for Community producers, from recourse by processors to a procedure allowing suspension or drawback of customs duties or other import charges does not require the adoption of a special measure aimed at compensating for the effects of this procedure;

Whereas, it is nevertheless necessary to exclude from the benefit of the Community procedure products coming from third countries which, before importation into the Member State of destination, are subjected in another Member State under a procedure for the suspension or drawback of customs duties or other import charges to a treatment of minor significance with the sole object of their benefiting from the tariff treatment which will result from the Community procedure;

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Up to and including the 31 December 1973, goods obtained in a Member State and in the manufacture of which have been incorporated products on which have not been charged:

— customs duties and charges having equivalent effect;

— compensatory amounts as prescribed in Article 55 of the Act of Accession;

— levies and other import charges provided for under the common agricultural policy;

which were applicable to them in that Member State, or which have benefited from a total or partial remission or repayment of such duties, charges, amount levies or other import charges are admitted shall benefit on importation into another Member State from the progressive abolition of customs duties and charges having equivalent effect and the abolition of quantitative restrictions and measures having equivalent effect, provided for in the Act concerning the

[1] OJ No L 73, 27. 3. 1972, p. 5.
[2] OJ No L 73, 27. 3. 1972, p. 14.

Conditions of Accession and the Adjustment to the Treaties annexed to:

— the Treaty concerning the Accession of the Kingdom of Denmark, Ireland and the United Kindom of Great Britain and Northern Ireland to the European Community and the European Atomic Energy Community; and

— the Council Decision of the European Communities concerning the Accession of the said States to the European Coal and Steel Community,

hereinafter referred to as 'the Act of Accession'.

2. For the purposes of the present Regulation, the Community as originally constituted is regarded as a single Member State.

*Article 2*

In those cases where the products used are products coming from third countries which are subjected to a treatment insufficient to be regarded as manufacture the goods so obtained shall benefit from the procedure referred to in Article 1 (19) only on condition that they are in free circulation according to the provisions of the EEC Treaty, the ECSC Treaty and the Act of Accession.

*Article 3*

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

This Regulation shall apply from 1 February 1973.

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

Done at Brussels, 31 January 1973.

*For the Commission*

*The President*

François-Xavier ORTOLI