REGULATION (EEC) No 469/73 OF THE COMMISSION

of 31 January 1973

on transitional measures to be taken in view of Accession with regard to provisions for implementing the systems of import levies, export refunds, export licences and advance fixing certificates

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 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 63 (1) of the Act [2] annexed thereto;

Whereas it follows from the Act concerning the Conditions of Accession and the Adjustments to the Treaties that, as from 1 February 1973, it will no longer be possible to use import licences, export licences, and advance fixing certificates in trade in agricultural products between the Community as originally constituted and the new Member States;

Whereas the notice published by the Commission in the *Official Journal of the European Communities* of 15 July 1972 (No C 77) draws the attention of importers and exporters to the consequences of the Act concerning the conditions of Accession and the Adjustments to the Treaties as regards the use of the aforementioned licences and certificates;

Whereas it is possible, however, that importers and exporters may, before this notice was brought to their attention, have applied in good faith for licences and certificates for effecting exports to the new Member States after 31 January 1973; whereas, to avoid difficulties, transitional measures should be taken to enable these exports to be effected under the conditions laid down by the advance fixing;

Whereas the provisions of the Act concerning the Conditions of Accession and the Adjustments to the Treaties apply to agricultural products only from 1 February 1973; whereas the existing provisions on the systems of levies, refunds, export licences and advance fixing certificates should be adjusted to take account of the situation of products which, before 1 February 1973, will have undergone customs formalities for exportation or will have been placed under one of the systems referred to in Articles 2 and 3 of Regulation No 441/69 [3] of 4 March 1969 laying down additional general rules for granting export refunds on products subject to a single price system, exported unprocessed or in the form of certain goods not covered by Annex II to the Treaty, as last amended by Regulation (EEC) No 1181/72 [4], but will not have been imported by that date into a new Member State; whereas provision should be made for products exported from the Community as originally constituted to a new Member State to be subject in the new Member State to the levy applicable to products imported from third countries where the export refund has been paid in respect of these products in the Member State of departure; whereas provision should be made for similar measures for products exported, under the same conditions, from one new Member State to another new Member State or to the Community as originally constituted;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committees for Cereals, for Poultrymeat and Eggs, for Oils and Fats, for Sugar, for Milk and Milk Products, for Beef and Veal, and for Products processed from Fruit and Vegetables;

HAS ADOPTED THIS REGULATION:

Article 1

Export licences involving advance fixing of the refund and advance fixing certificates issued within the meaning of Article 8 (1) of Regulation (EEC) No 1373/70 before 18 July 1972 and bearing an expiry date later than 31 January 1973 may be used in the Community as originally constituted to effect exports to the new Member States up to their date of expiry, which may not, however, be later than 30 June 1973.

Exports effected in accordance with the provisions of the first subparagraph shall enjoy the advantages

(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 59, 10. 3. 1969, p. 3.
(4) OJ No L 130, 7. 6. 1972, p. 15.

conferred by licences and certificates and shall be subject on importation into the new Member States to arrangements applicable to products imported from third countries.

Article 2

Products for which the customs formalities for exportation referred to in Article 1 of Regulation No 1041/67/EEC have been completed or which have been placed under one of the systems referred to in Articles 2 and 3 of Regulation (EEC) No 441/69 not later than 31 January 1973 in the Community as originally constituted and which are imported into the new Member States after this date, shall be subject:

— to the provisions applicable up to 31 January 1973 as regards the system of refunds and, where appropriate, of export licences and advance fixing certificates, including those provisions relating to the use in this connection of the control copy referred to in Article 1 of Regulation (EEC) No 2315/69;

— on importation into the new Member States, to the arrangements applicable to products imported from third countries.

Article 3

The provisions of Article 2 shall apply by analogy to products exported from one new Member State to another new Member State or to the Community as originally constituted.

Article 4

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

It shall be applicable 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