REGULATION (EEC) No 471/73 OF THE COMMISSION

of 31 January 1973

on certain transitional measures applicable in the new Member States in respect of colza and rape seed

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;

Having regard to the Act [2] concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Article 63 (1) thereof;

Whereas arrangements should be made to ensure that the transition in the new Member States from the existing arrangements for colza and rape seed to those provided for by Council Regulation No 136/66/EEC [3] of 22 September 1966 on the common organization of the market in oils and fats is as smooth as possible;

Whereas, to prevent the subsidy provided for in Article 27 of Regulation No 136/66/EEC, or the refund provided for in Article 28 thereof, from being granted irregularly after 1 February 1973 in respect of seeds originating outside the new Member States and imported into a new Member State before that date, provision must be made for all holders of a certain minimum quantity of seeds to declare to the competent authorities of the new Member State in question the quantity held on 31 January 1973, and to lodge a deposit in respect of such quantity less any quantity which can be proved to have been harvested in the new Member States during the 1972/73 marketing year; whereas this deposit should be released upon proof being supplied that the seeds have been placed under the control system provided for in Article 2 of Council Regulation (EEC) No 2114/71 [4] of 28 September 1971 on the subsidy for oilseeds or have been rendered ineligible for the subsidy;

Whereas the objective referred to above may also be attained if the system of declaring quantities held on 31 January 1973 and lodging a deposit is replaced by a control system for imports of colza and rape seed; whereas a control system of this kind is being applied during the 1972/73 marketing year in Denmark;

Whereas the subsidy and export refund must not be granted in respect of seeds harvested in the new Member States during the 1972/73 marketing year for which a national subsidy has been granted, nor in respect of seeds harvested in the Community as originally constituted and exported before 1 February to the new Member States;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Oils and Fats;

HAS ADOPTED THIS REGULATION:

Article 1

All persons in Ireland and in the United Kingdom who hold 5 000 kg or more of colza and rape seed shall not later than 2 February declare to the competent authorities of the Member State in which the seeds are located the total quantity held by them as at 24.00 hours on 31 January 1973, specifying:

— the quantities of seed harvested in the Member State in question during the 1972/73 marketing year, and

— the quantities of other seed.

Article 2

1. The quantities referred to in Article 1 which are located in an oil mill shall be considered as imported seed, save as regards those quantities in respect of which proof is adduced that they were harvested in that Member State during the marketing year 1972/73.

2. Security shall be given in the Member State concerned in respect of the quantities referred to in Article 1 which are not located in an oil mill, less any quantities in respect of which proof is adduced that they were harvested in that Member State during the 1972/73 marketing year.

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[1] OJ No L 73, 27. 3. 1972, p. 5.
[2] OJ No L 73, 27. 3. 1972, p. 14.
[3] OJ No 172, 30. 9. 1966, p. 3025/66.
[4] OJ No L 222, 2. 10. 1971, p. 2.

3. The security referred to in paragraph 2 shall, for every 100 kg of colza and rape seed, the weight thereof to be determined by the method laid down in the Annex to Commission Regulation (EEC) No 1204/72 [1] of 7 June 1972 laying down detailed rules for the application of the subsidy system for oil seeds, be equal to:

— 12 units of account for seed harvested in Ireland;

— 6 units of account for seed harvested in the United Kingdom.

4. The security shall take the form, at the choice of the holder, either of cash or of a guarantee given by an institution which satisfies certain criteria prescribed by each Member State.

5. The security shall be released if, within nine months of its being constituted, proof is given that the seeds in respect of which the security was constituted:

— have been placed under the control system provided for in Article 2 of Regulation (EEC) No 2114/71, or

— have been rendered ineligible for the subsidy within the meaning of Article 31 of Regulation (EEC) No 1204/72.

Article 3

During February 1973, Ireland and the United Kingdom shall notify the Commission of:

(a) quantities in respect of which declarations have been made pursuant to Article 1;

(b) quantities in respect of which security has been given pursuant to Article 2 paragraph 2.

Article 4

Colza and rape seed harvested in the Community as originally constituted and in respect of which customs formalities for export to the new Member States are completed before 1 February 1973 shall be considered as seeds coming from third countries.

Article 5

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

It 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

[1] OJ No L 133, 10. 6. 1972, p. 1.