REGULATION (EEC) No 528/73 OF THE COUNCIL

of 19 February 1973

amending Regulation (EEC) No 228/73 laying down general rules for the system of compensatory amounts for fruit and vegetables

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 Title VI 'MARKING' of the Annex to Commission Regulation (EEC) No 1641/71 [2] of 27 July 1971 laying down quality standards for dessert apples and pears does not require that the variety be indicated for Class II and III apples ;

Whereas in Annex II to Council Regulation (EEC) No 228/73 [3] of 31 January 1973 laying down general rules for the system of compensatory amounts for fruit and vegetables, the footnote provides that Class II apples, and Class III apples where appropriate, which are presented with no indication as to their variety, are to be considered as belonging to Group I ; whereas, although this provision is justified when the compensatory amount is levied by the new Member States, its application when the compensatory amount is granted by the new Member States might well encourage operators consistently to refrain from indicating the variety of all Class II and III apples so that they might benefit from the highest amount fixed for Group I ; whereas, in order to avoid this possibility, it should be laid down that products submitted with no indication as to the name of their variety should receive the compensatory amount laid down for Group III ;

HAS ADOPTED THIS REGULATION :

Article 1

Annex II to Regulation (EEC) No 228/73 shall be amended as follows :

1. Reference to footnote (1) shall be added to the title of the Annex.
2. Reference to footnote (1) shall be deleted after the words 'Group I'.
3. Footnote (1) shall be replaced by the following :

'(1) Class II apples and Class III apples, where appropriate, presented with no indication as to the name of the variety, shall be considered :

— as belonging to Group I if imported into a new Member State ;

— as belonging to Group III if exported by a new Member State'.

Article 2

This Regulation shall enter into force on the day following 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, 19 February 1973.

For the Council

The President

A. LAVENS

(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No L 172, 31. 7. 1971, p. 1.
(3) OJ No L 27, 1. 2. 1973, p. 20.