REGULATION (EEC) No 1070/74 OF THE COUNCIL

of 29 April 1974

amending Regulation (EEC) No 224/73 laying down general rules concerning the components designed to ensure, within the cereals and rice sectors, the protection of the processing industry, and fixing those components in respect of the new Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to the Treaty concerning the Accession of new Member States to the European Community and to the European Atomic Energy Community, and in particular Articles 61 (2) and 62 of the Act (1) annexed thereto ;

Having regard to the proposal from the Commission ;

Whereas the first indent of Article 1 (3) of Council Regulation (EEC) No 224/73 (2) of 31 January 1973 laying down general rules concerning the components designed to ensure, within the cereals and rice sectors, the protection of the processing industry, and fixing those components in respect of the new Member States, specifies that as regards imports into the new Member States from third countries, the former are to determine the fixed components, adjusted in accordance with Article 59 (2) of the Act of Accession ; whereas it should be established what fixed components are to be levied in the new Member States on imports from third countries if the Community fixed component is altered or suspended ; whereas Article 39 (2) of the Act of Accession, which specifies what action may be taken if Common Customs Tariff duties are altered or suspended, should be applied by analogy ;

Whereas Article 3 of Regulation (EEC) No 224/73 specifies the circumstances in which no fixed component is collected ; whereas, prior to accession, pursuant to the bilateral Anglo-Danish Agreement of 8 April 1960 concluded within the framework of the European Free Trade Association and the Protocol of 11 May 1963 contained therein, no fixed component was levied on malt in trade between the United Kingdom and Denmark ; whereas Article 61 (2) of the Act of Accession rules that the fixed component is to be determined for the new Member States by separating out from the total protection applied by the new Member States on 1 January 1972 on imports from third countries the component or components designed to ensure the protection of their processing industry ; whereas in view of the fact that no fixed component was levied on 1 January 1972 on the abovementioned trade, allowance should be made for this fact by supplementing Article 3 of Regulation (EEC) No 224/73 ;

Whereas in order to preclude possible deflection of trade, it should be specified that those products on which no fixed component has been levied must originate in the Member States involved ;

Whereas on 1 January 1972 Ireland applied no fixed component to imports of products falling within Tariff subheading No 17.02 B I a) ; whereas the application of Council Regulation No 189/66/EEC (3) of 24 November 1966 on glucose and lactose, which makes products falling within tariff subheading No 17.02 B I subject to the same treatment as products falling within subheading No 17.02 B II, is making it very difficult to obtain supplies of these products in Ireland, since, having previously levied no fixed component on imports, the country has moved directly to a system involving the levy of a large component ; whereas this is contrary to the Act of Accession, which provides that the new Member States are to align gradually with the Community level from the situation existing prior to accession ; whereas it should therefore be recognized that the application of Article 61 of the Act of Accession should result in a suspension of Regulation No 189/66/EEC in this instance during the transitional period ; whereas there are no technical difficulties for Ireland in applying different import treatment as regards fixed components according to whether the products concerned fall within tariff subheading No 17.02 B I or No 17.02 B II,

HAS ADOPTED THIS REGULATION :

Article 1

The following subparagraph shall be added to the first indented subparagraph of Article 1 (3) of Regulation (EEC) No 224/73 :

'If the Community fixed component is altered or suspended, the new Member States shall simultaneously alter or suspend the basic fixed component

(1) OJ No L 73, 27. 3. 1972, p. 14.
(2) OJ No L 27, 31. 1. 1973, p. 8.
(3) OJ No 218, 28. 11. 1966, p. 3713/66.

applicable to imports from third countries to the extent envisaged under Article 59 (2) of the Act ;'

Article 2

The following shall be substituted for the text of Article 3 of Regulation (EEC) No 224/73 :

'No fixed component shall be levied :

(a) on the importation into the United Kingdom of the products referred to in Article 1 (2) which come from and originate in Ireland ;

(b) on the importation into Ireland of malt and products falling within subheading No 23.07 ex B, of the Common Customs Tariff, designated as "balancer meals, mineral mixtures and concentrates", coming from and originating in the United Kingdom ;

(c) in trade between the United Kingdom and Denmark in malt, whether roasted or not, falling within heading No 11.07 of the Common Customs Tariff and originating in those Member States.'

Article 3

The following shall be added to footnote 1 to the Annex to Regulation (EEC) No 224/73 :

'However, the fixed component applicable to imports into Ireland of products falling within tariff subheading No 17.02 B I a) is fixed at zero ; for subsequent marketing years this component shall be adjusted, in respect of imports from third countries, in accordance with Article 59 (2) of the Act.'

Article 4

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

However, Articles 2 and 3 shall be applicable from 1 February 1973.

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

Done at Luxembourg, 29 April 1974.

For the Council

The President

J. ERTL