REGULATION (EEC) No 1180/74 OF THE COMMISSION

of 10 May 1974

on limiting monetary compensatory amounts in eggs and poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 974/71 [1] of 12 May on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States, as last amended by Regulation (EEC) No 3450/73 [2], and in particular Article 6 (1) thereof;

Whereas it is provided for in Article 4a (2) of Regulation (EEC) No 974/71 that the compensatory amounts applicable due to the decrease in value of a currency may not be higher than the import charge on products from third countries;

Whereas Article 8 of Council Regulation No 122/67/EEC [3] and Article 8 of Council Regulation No 123/67/EEC [4] both of 13 June 1967, on the common organization of the market in eggs and on the common organization of the market in poultrymeat respectively, both as last amended by the Act [5], provide the possibility of introducing supplementary amounts;

Whereas inclusion of these supplementary amounts in the 'import charge', would nullify the effect of these amounts; whereas, furthermore, different import charges would have to be charged because, depending on the country of origin, supplementary amounts may be fixed at different levels, or need not be charged at all if the products come from a third country which has adopted the guarantee to respect the sluice-gate price;

Whereas this would lead to the consequence that imports from such third countries, even though they respect the sluice-gate price, would be subject to the same actual import charge as all other third countries;

Whereas such an application would make a meaningful management of the import provisions in relation to third countries impossible, and might lead to distortions either of trade with third countries or of intracommunity trade and to other disturbances of the market;

Whereas it is therefore appropriate to understand by 'import charge' in the terms of the provision mentioned only the amount of the levy, and therefore to limit for eggs and poultrymeat the compensatory amount applied because of the decrease in the value of a currency;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Eggs and Poultrymeat,

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory amount applied because of the decrease in the value of a currency may not exceed the amount of levy fixed according to the provisions of Articles 4 and 5 of Regulation Nos 122/67/EEC and 123/67/EEC.

Article 2

This Regulation shall come into force the day after 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, 10 May 1974.

For the Commission

The President

François-Xavier ORTOLI

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(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 353, 22. 12. 1973, p. 25.
(3) OJ No 117, 19. 6. 1967, p. 2293/67.
(4) OJ No 117, 19. 6. 1967, p. 2301/67.
(5) OJ No L 73, 27. 3. 1972, p. 14.