REGULATION (EEC) No 1708/74 OF THE COMMISSION

of 2 July 1974

amending Regulation (EEC) No 1661/73 laying down detailed rules for the application of Regulation (EEC) No 228/73 laying down general rules for the system of compensatory amounts for fruit and vegetables

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 Council Regulation (EEC) No 228/73 [2] of 31 January 1973 laying down general rules for the system of compensatory amounts for fruit and vegetables, as last amended by Regulation (EEC) No 1428/74 [3], and in particular Article 9 thereof;

Whereas Article 9 of Regulation (EEC) No 228/73 provides that the detailed rules for granting, levying and collecting compensatory amounts must be such as to avoid deflection of trade;

Whereas as regards apples deflection of trade may occur in respect of consignments traded on dates on or about those on which compensatory amounts take effect; whereas in order to avoid any such deflection it should be provided that in the event of the re-exportation during the months of August and September of apples imported into a new Member State, the compensatory amount applicable is to be paid only on presentation of proof that a compensatory amount was levied on importation;

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

HAS ADOPTED THIS REGULATION:

Article 1

An Article 1a as follows is inserted in Regulation (EEC) No 1661/73:

'*Article 1a*

1. In the case of apples other than cider apples originating in a Member State or in a third country, imported into a new Member State and re-exported to a Member State or to a third country during the month of August or September a compensatory amount shall be granted on re-exportation only if a compensatory amount was levied on the initial importation.

2. Proof that the amount referred to in paragraph 1 was in fact levied shall be provided by production of the customs import document.'

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, 2 July 1974.

For the Commission

The President

François-Xavier ORTOLI

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(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No L 27, 1. 2. 1973, p. 20.
(3) OJ No L 151, 8. 6. 1974, p. 2.