# REGULATION (EEC) No 2966/74 OF THE COMMISSION

**of 25 November 1974**

**introducing temporary measures in respect of monetary compensatory amounts following suspension of the application of Article 4a (2) of Regulation (EEC) No 974/71**

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 1971 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 2497/74 (2), and in particular Article 6 (1) thereof;

Whereas Regulation (EEC) No 974/71 instituted monetary compensatory amounts to be applied in trade between Member States and with third countries to counteract the effects of monetary measures which might otherwise have affected the proper functioning of the common agricultural policy;

Whereas Article 4a (2) of that Regulation provides that in trade between Member States and third countries, the compensatory amounts applicable owing to the decrease in value of the currency concerned may not be higher than the charge on products imported from third countries; whereas the application of this provision has, in certain sectors, had the effect of reducing or eliminating monetary compensatory amounts;

Whereas Council Regulation (EEC) No 2497/74 of 2 October 1974, which supplemented Regulation (EEC) No 974/71, suspended the application of that Article as from 21 October 1974;

Whereas, for traders who, before the adoption of that Regulation, entered into contracts containing set conditions the suspension of that provision has sometimes resulted in charges which could not have been taken into account when the contracts were entered into being levied on exports;

Whereas, in order to obviate the levy of such charge, which traders could not have foreseen, it appears desirable to authorize the Member States in certain cases not to change the compensatory amount or the proportion of this amount which corresponds to the increase in the monetary compensatory amount;

Whereas the provisions provided for in this Regulation are in accordance with the Opinions of the Management Committees for Cereals, Eggs and Poultrymeat, Pigmeat, Milk and Milk Products, and Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

Member States are hereby authorized, where suspension of the application of Article 4a (2) of Regulation (EEC) No 974/71 provided for by Regulation (EEC) No 2497/74 results in monetary compensatory amounts being applied or increased, not to charge, at their discretion and subject to the conditions set out below, the monetary compensatory amount or the proportion of the amount which corresponds to the increase.

*Article 2*

1. Article 1 shall apply only to exports to Member States or third countries effected in performance of binding contracts entered into before 20 September 1974.

2. The authorization referred to in Article 1 shall be used only at the request of the interested party, which shall be lodged within 10 days from the date of entry into force of this Regulation, and if such party furnishes proof, at the time of lodging the request, that if the reimposed or increased monetary compensatory amount were charged, this would represent for the exporter of the party with whom he has contracted an excessive additional burden which could not be avoided by the exercise of all necessary and normal care.

3. The authorization referred to in Article 1 shall be used only

— in the case of trade with third countries where an export certificate is required: for exports carried out during the period of validity of the certificate that has been delivered.

— in other cases: for transactions carried out within a period of three months from 20 September 1974.

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 268, 3. 10. 1974, p. 5.

*Article 3*

Member States shall inform the Commission of the criteria which they intend to adopt in applying the authorization referred to in Article 1.

In addition, Member States shall notify to the Commission every three months the cases in respect of which they have made practical use of the authorization.

*Article 4*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply to exports carried out from 21 October 1974 onwards.

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

Done at Brussels, 25 November 1975.

*For the Commission*

*The President*

François-Xavier ORTOLI