REGULATION (EEC) No 121/75 OF THE COMMISSION

of 17 January 1975

amending Regulation (EEC) No 269/73 laying down detailed rules for the application of the system of accession compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty [1] concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on 22 January 1972;

Having regard to the Regulations cited in the preamble to Commission Regulation (EEC) No 269/73 [2] of 31 January 1973, as last amended by Regulation (EEC) No 343/74 [3];

Whereas Regulation (EEC) No 269/73 lays down detailed rules for the application of the system of accession compensatory amounts; whereas Article 5 of that Regulation provides that in certain circumstances payment of the compensatory amount is to be conditional on the furnishing of proof that customs import formalities have been completed in the Member State of destination; whereas pursuant to that Article such proof is to be furnished by production of the control copy provided for in Article 1 of Commission Regulation (EEC) No 2315/69 [4] of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods, as last amended by Regulation (EEC) No 690/73 [5];

Whereas it may happen that by reason of circumstances beyond the control of the party concerned the control copy as aforesaid cannot be produced although the product has reached its intended destination; whereas such a situation may impede trade; whereas in such circumstances other documents should be recognized as equivalent;

Whereas the measures provided for in this Regulation are in accordance with the Opinions of all the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

A paragraph 3 as follows is added to Article 5 of Regulation (EEC) No 269/73:

'3. Where the control copy as referred to in paragraph 2 is not returned to the office of departure or relevant central body within three months of its issue owing to circumstances beyond the control of the person concerned the latter may make application to the competent agency for other documents to be accepted as equivalent, stating the grounds for such application and furnishing supporting documents. Such supporting documents must include the transport document and the document whereby the product concerned is entered with the customs authorities for home use in the Member State of destination, or a copy or photocopy thereof certified by the competent authorities.

Member States shall each 1 March and 1 September send returns to the Commission showing for each product sector the number of applications made under the preceding subparagraph, the reasons, where known, for the failure to return the control copy, the quantities concerned, and the compensatory amount claimed.'

Article 2

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

The provisions of Article 5 (3) of Regulation (EEC) No 269/73 shall, where the party concerned so requests and on condition that such request is lodged within six months from the day on which this Regulation enters into force, apply to exports in respect of which the customs export formalities have been completed before the entry into force of this Regulation.

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

Done at Brussels, 17 January 1975.

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 30, 1. 2. 1973, p. 73.
(3) OJ No L 40, 12. 2. 1974, p. 4.
(4) OJ No 295, 24. 11. 1969, p. 14.
(5) OJ No L 66, 13. 3. 1973, p. 23.