REGULATION (EEC) No 2785/75 OF THE COUNCIL

of 29 October 1975

establishing upper limits for compensatory amounts for pigmeat, eggs, ovalbumin, lactalbumin and poultrymeat

THE COUNCIL 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 to the European Atomic Energy Community, and in particular the second subparagraph of Article 55 (6) of the Act of Accession [2];

Having regard to the proposal from the Commission;

Whereas, pursuant to Article 55 (1) of the Act of Accession, the differences in price level for agricultural products between the Community as originally constituted and the new Member States are to be compensated by the levying or granting of compensatory amounts, applicable in trade between the new Member States themselves, in trade between the new Member States within the Community as originally constituted, and in trade between new Member States and third countries;

Whereas under paragraph 6 of that Article the compensatory amount levied or granted by a Member State may not exceed the total amount levied by that same Member State on imports from third countries;

Whereas the compensatory amounts for pigmeat, eggs, ovalbumin, lactalbumin and poultrymeat are calculated on the basis of the compensatory amounts applicable to feed grain, in accordance with the provisions of Council Regulation (EEC) No 2770/75 [3] of 29 October 1975 laying down general rules for the system of accession compensatory amounts for pigmeat, and with the provisions of Council Regulation (EEC) No 2776/75 [4] of 29 October 1975 laying down general rules for the system of accession compensatory amounts for eggs, and with Council Regulation (EEC) No 2781/75 [5] of 29 October 1975 laying down general rules for the system of accession compensatory amounts for poultrymeat;

Whereas the total amount levied on imports from third countries comprises the import levy, increased where necessary by an additional amount;

Whereas the method of calculation of the levies is laid down in Articles 8, 9 and 10 of Council Regulation (EEC) No 2759/75 [6] of 29 October 1975 on the common organization of the market in pigmeat, in Articles 3, 4 and 5 of Council Regulation (EEC) No 2771/75 [7] of 29 October 1975 on the common organization of the market in eggs, in Articles 2 and 3 of Council Regulation (EEC) No 2783/75 [8] of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin, and in Articles 3, 4 and 5 of Council Regulation (EEC) No 2777/75 [9] of 29 October 1975 on the common organization of the market in poultrymeat;

Whereas the additional amounts vary according to product and origin; whereas the upper limit provided for in the first subparagraph of Article 55 (6) of the Act of Accession is applicable only where the total amount levied on imports is fixed at a single level; whereas the fixing of such a level is impossible as a result of the variable levels of the additional amounts; whereas this situation is likely to cause deflections of trade; whereas a derogation from Article 55 (6) of the Act of Accession should be provided under which no account is taken of the additional amount in determining the total amount levied on imports, thereby setting the upper limit for the compensatory amount at the level of the import levy on the sectors in question,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the first subparagraph of Article 55 (6) of the Act of Accession, the compensatory amount levied or granted for the sectors of pigmeat, eggs, poultrymeat, ovalbumin and lactalbumin may not exceed the amount of the

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(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) See page 46 of this Official Journal.
(4) See page 74 of this Official Journal.
(5) See page 96 of this Official Journal.
(6) See page 1 of this Official Journal.
(7) See page 49 of this Official Journal.
(8) See page 104 of this Official Journal.
(9) See page 77 of this Official Journal.

import levy as calculated in accordance with Articles 9 and 10 of Regulation (EEC) No 2759/75, Articles 4 and 5 of Regulation (EEC) No 2771/75, Articles 4 and 5 of Regulation (EEC) No 2777/75, or the amount of the import duty as calculated in accordance with Article 2 of Regulation (EEC) No 2783/75.

Article 2

1. Council Regulation (EEC) No 1121/75 [1] of 29 April 1975 establishing upper limits for compensatory amount for pigmeat, eggs, ovalbumin, lactalbumin and poultrymeat, is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 1 November 1975.

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

Done at Luxembourg, 29 October 1975.

For the Council
The President
G. MARCORA

[1] OJ No L 112, 1. 5. 1975, p. 1.