COMMISSION REGULATION (EEC) No 1123/77

of 27 May 1977

on transitional measures concerning the application of monetary compensatory amounts to certain products not included in Annex II

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 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 (1), as last amended by Regulation (EEC) No 557/76 (2), and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 800/77 of 20 April 1977 amending, as regards products which are subject to monetary compensatory amounts, Regulation (EEC) No 572/76 fixing the monetary compensatory amounts (3), introduced monetary compensatory amounts for certain additional products not covered by Annex II; whereas by Commission Regulation (EEC) No 1051/77 of 18 May 1977 postponing the date of entry into application of Regulation (EEC) No 800/77 (4), this date was postponed from 23 May to 4 July 1977;

Whereas the introduction of these amounts leads to a considerable change in the terms of trade for the products concerned; whereas in view of this change there could be speculation in the products in question thus giving rise to deflection of trade;

Whereas in order to avoid such deflection it should be laid down that for a certain period, no monetary compensatory amount is to be granted on exports and imports effected for the purpose of profiting from the new amounts;

Whereas, however, transitional measures are not necessary for trade between Ireland and the United Kingdom as, since 1 April 1977, Ireland has been applying, in trade in the products in question with the United Kingdom, a system of export subsidies and import levies corresponding to the effect of the monetary compensatory amounts;

Whereas the Management Committees for Cereals, Sugar, Poultrymeat and Eggs and Milk and Milk Products have not delivered opinions within the time limits set by their respective chairmen;

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from the Regulations fixing the monetary compensatory amounts, the amounts fixed for products falling within subheadings 17.04 D, 18.06 B, 18.06 C, 19.08 B and 21.07 C of the Common Customs Tariff shall be granted only in the following cases:

(a) on products exported from Member States whose currencies have appreciated if proof is provided either that:
   — they were obtained in the exporting Member State, or
   — prior to export the customs formalities for importation into the exporting Member State were completed before 7 April or after 3 July 1977;

(b) on products imported into Member States whose currencies have depreciated if proof is provided either that:
   — they were obtained in a third country or in a Member State other than the importing Member State, or
   — prior to import the customs formalities for exportation from the importing Member State were completed before 7 April or after 3 July 1977.

2. Paragraph 1 shall apply to exports and imports in respect of which the customs formalities are completed before 29 August 1977.

3. The preceding provisions shall not apply:

(a) to products obtained in the United Kingdom which are reimported by that Member State from Ireland where they had been previously imported;

(b) to products obtained in Ireland which are reimported by that Member State from the United Kingdom where they had been previously imported.

4. The Member State responsible for granting the monetary compensatory amounts in question shall adopt the necessary control measures.

Article 2

This Regulation shall enter into force on 4 July 1977.

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 67, 15. 3. 1976, p. 1.
(3) OJ No L 97, 21. 4. 1977, p. 18.
(4) OJ No L 125, 19. 5. 1977, p. 34.

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

Done at Brussels, 27 May 1977.

For the Commission

Finn GUNDELACH

Vice-President