COMMISSION REGULATION (EEC) No 594/86

of 28 February 1986

laying down detailed rules for the application of accession compensatory amounts applicable to trade in products covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 467/86 of 25 February 1986 laying down general rules regarding the system of accession compensatory amounts for cereals (1), and in particular Article 8 thereof, and the corresponding provisions of the other Regulations laying down general rules regarding the system of accession compensatory amounts for agricultural products,

Whereas, Commission Regulation (EEC) No 623/86 (2), lays down, in accordance with the provisions of Articles 53 (1) and 213 (1) of the Act of Accession, the accession compensatory amounts applicable to goods covered by Council Regulation (EEC) No 3035/80 (3) exported to the Kingdom of Spain or the Portuguese Republic from the Community of Ten and the accession compensatory amounts applicable to imports into the Community of Ten of goods covered by Council Regulation (EEC) No 3033/80 (4) from the Kingdom of Spain or the Portuguese Republic; whereas the accession compensatory amounts applicable in trade between the two Member States and between the two new Member States and third countries have also been laid down; whereas, however, certain detailed rules of application should be laid down for accession compensatory amounts applicable to trade of the sort;

Whereas Commission Regulation (EEC) No 548/86 (5), lays down detailed rules for applying the system of accession compensatory amounts referred to in Articles 72 and 240 of the Act of Accession; whereas it should be specified that certain provisions of that Regulation are to apply where accession compensatory amounts for goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80 are levied on import and granted on export; whereas this also applies, *mutatis mutandis*, for certain provisions of the abovementioned Regulation where accession compensatory amounts are granted by the Member State of import;

Whereas, where accession compensatory amounts are levied by the Member State of export, this must be indicated on the Community transit document laid down by Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure (6), as last amended by Regulation (EEC) No 1209/85 (7); whereas provision should be made for an endorsement on the said document in the cases in point;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down detailed rules for the application of compensatory amounts, hereafter called 'accession compensatory amounts', set out in Articles 53 (1) and 213 (1) of the Treaty of Accession of Spain and Portugal.

2. For the purposes of this Regulation:

(a) 'goods' shall mean:

goods covered by the provisions of either:

— Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products,

or

— Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds.

(1) OJ No L 53, 1. 3. 1986, p. 25.
(2) OJ No L 59, 1. 3. 1986, p. 1.
(3) OJ No L 323, 29. 11. 1980, p. 27.
(4) OJ No L 323, 29. 11. 1980, p. 1.
(5) OJ No L 55, 1. 3. 1986, p. 52.
(6) OJ No L 38, 9. 2. 1977, p. 20.
(7) OJ No L 124, 9. 5. 1985, p. 19.

(b) 'export declaration' shall mean either:

— the export declaration mentioned in Regulation (EEC) No 2102/77,

or

— any other declaration, prescribed without prejudice to specific customs provisions by the Member States, to be submitted to the customs authorities at the time of completion of customs export formalities with a view to applying accession compensatory amounts.

(c) 'Community of Ten' shall mean: the Community as composed at 31 December 1985.

(d) 'New Member State' shall mean: the territory of the Kingdom of Spain, with the exception of the Canary Islands, Ceuta and Melilla, and the Portuguese Republic.

Article 2

The provisions of Articles 2 and 3 of Regulation (EEC) No 548/86 shall apply to accession compensatory amounts.

Article 3

When accession compensatory amounts are granted by the exporting Member State, the provisions of Articles 5 to 9 of Regulation (EEC) No 548/86 shall apply.

Article 4

When the importing Member State grants the accession compensatory amount the provisions of Articles 5 (1) and (3), 6 and 9 (1) and (2) of Regulation (EEC) No 548/86 shall apply *mutatis mutandis.*

The provisions of this Article shall apply without prejudice to the simplified procedures for imports.

Article 5

When the exporting Member State charges the accession compensatory amount:

1. The Community transit or proof of Community status document used for the product for which customs export formalities have been completed and for which an accession compensatory amount should be charged shall contain in the 'description of goods' box one of the following:

— 'Tiltrædelsesudligningsbeløb obkrævet: De Ti – Den nye bestemmelsesmedlemsstats navn.'

— 'Beitrittsausgleichsbeträge erhoben: Zehnergemeinschaft – Name des neuen Bestimmungsmitgliedstaates.'

— 'Εξισωτικά ποσά προσχώρησης που έχουν εισπραχθεί: ΕΟΚ των Δέκα — όνομα του νέου κράτους μέλους προορισμού.'

— 'Accession' compensatory amount charged: EEC of 10 – name of new Member State of destination.'

— 'montantes compensatorios de "adhesión" percibido: CEE de los diez nombre del nuevo Estado miembro de destino.'

— 'Montants compensatoires "Adhésion" perçu: CEE à dix – nom du Nouvel Etat membre de destination.'

— 'Importi compensativi adesione riscossi: CEE a 10 – nome del nuovo Stato membro.'

— 'compenserend bedrag toetreding geheven: EEG-10 – naam van de nieuwe Lid-Staat van bestemming.'

— 'Montante compensatório "Adesão" cobrado: CEE dos Dez – nome do Novo Estado-membro de destino.'

2. When goods accompanied by a community transit or proof of Community status document containing one of the endorsements mentioned in paragraph 1 are released for home use in a Member State other than that indicated by the endorsement on this document, it shall be considered as coming from the Member State of destination originally provided for.

3. If the new Member State of destination originally provided for, as indicated on the transit document mentioned in paragraph 1, has a price level below that of the Member State of actual destination, then the latter shall charge the accession compensatory amount applicable to trade carried out between the two Member States.

4. When goods accompanied by a community transit or proof of Community status document containing one of the endorsements mentioned in paragraph 1 are released for home use in a Member State other than that originally provided for, no accession compensatory amount may be granted.

Article 6

When goods are imported into a Member State which has a price level higher than the Member State of departure and the Community transit document does not contain one of the endorsements mentioned in Article 5 paragraph 1, the accession compensatory amount shall be charged by the Member State of actual destination.

Article 7

1. When goods are reimported into the Member State of departure after being exported to another Member

State, the provisions of Council Regulation (EEC) No 754/76 [1], shall apply, *mutatis mutandis*, in the reimporting Member State to the products which meet the requirements laid down in Article 2 (2) of that Regulation.

2. The provisions of the following shall apply, *mutatis mutandis*, in the case of accession compensatory amounts to be charged in respect of intra-Community trade:

— Council Regulation (EEC) No 1430/79 [2],

— Council Regulation (EEC) No 1697/79 [3],

— Council Directive 79/623/EEC [4].

Article 8

1. The following provisions shall apply to trade between the Community of Ten on the one hand and Portugal and Spain on the other:

— in the case of exports, the amounts specified in the Regulation fixing accession compensatory amounts in respect of the trade in goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80 shall be granted if they are preceded by a plus sign and charged if they are preceded by a minus sign,

— in the case of imports, the amounts specified in the Regulation fixing accession compensatory amounts in respect of the trade in goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80 shall be charged if they are preceded by a plus sign and granted if they are preceded by a minus sign.

2. The following provisions shall apply in the case of trade between Portugal and Spain, on the one hand, and third countries on the other:

— in the case of exports, the amounts specified in the Regulation fixing the accession compensatory amounts in respect of trade in goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80 shall be granted if they are preceded by a plus sign and charged if they are preceded by a minus sign,

— in the case of imports, the amounts specified in the Regulation fixing the accession compensatory amount in respect of trade in goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80 shall be charged if they are preceded by a plus sign and granted if they are preceded by a minus sign.

3. For trade between Portugal and Spain the amounts specified in the Regulation fixing the accession compensatory amounts in respect of the trade in goods covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80 shall be granted upon export or charged upon import, as the case may be, by the Member State in which the prices of the basic agricultural products concerned are higher.

Article 9

This Regulation shall enter into force on 1 March 1986.

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

Done at Brussels, 28 February 1986.

For the Commission
Frans ANDRIESSEN
Vice-President

(1) OJ No L 89, 2. 4. 1976, p. 1.
(2) OJ No L 175, 12. 7. 1979, p. 1.
(3) OJ No L 197, 3. 8. 1979, p. 1.
(4) OJ No L 179, 17. 7. 1979, p. 31.