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**REGULATION No 2887/71 OF THE COMMISSION****of 30 December 1971**

**amending Regulation (EEC) No 1013/71 laying down detailed rules for the application of Regulation (EEC) No 974/71 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**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Regulation (EEC) No 974/71<sup>1</sup> 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, and in particular Article 6 thereof;

Whereas France and Italy have informed the Commission that they intend to apply Regulation (EEC) No 974/71; whereas Commission Regulation (EEC) No 1013/71<sup>2</sup> of 17 May 1971 laying down detailed rules for the application of Regulation (EEC) No 974/71 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 2604/71<sup>3</sup>, only takes account of measures taken by Germany, Belgium, Luxembourg and the Netherlands; whereas it must therefore be supplemented by analogous provisions for France and Italy; whereas a number of technical adaptation must be made to the customs provisions;

Whereas, in view of the effect that the monetary policy decisions taken at international level on 18 December 1971 are having on the development of exchange rates, the average of the spot market rates recorded from 21 to 27 December 1971 should be used to fix the compensatory amounts applicable from 3 January 1972;

Whereas the measures provided for in this Regulation are in accordance with the Opinions of the Management Committees for Fruit and Vegetables, Wine, Oils and Fats, Cereals, Pigmeat, Poultrymeat and Eggs, Sugar, Milk and Milk Products, Beef and Veal, Products Processed from Fruit and Vegetables, Tobacco, Flax and Hemp, and Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following subparagraph (c) is added to Article 1 (2) of Regulation (EEC) No 1013/71:

‘(c) for all Member States:

- the spot market rates used to fix the compensatory amounts applicable from 3 January 1972 shall be those recorded during the period 21 to 27 December 1971.’

*Article 2*

The following subparagraphs are added to Article 2 of Regulation (EEC) No 1013/71:

- ‘(d) for the French franc: the average official rate fixed each working day during official dealings on the Paris foreign exchange market;
- (e) for the Italian lira: the average official rate fixed each working day during official dealings on the Rome and Milan foreign exchange markets.’

*Article 3*

The following is substituted for Article 3 of Regulation (EEC) No 1013/71:

*‘Article 3*

1. In intra-Community trade in products in respect of which a compensatory amount is fixed, one of the following shall be entered in section 32 of internal Community transit document T2 or T2 L as appropriate:

- application du règlement (CEE) No 974/71 (Etat membre de départ/Etat membre de destination),
- Verordnung (EWG) Nr 974/71 angewandt,
- Applicazione del regolamento (CEE) n 974/71,
- Toepassing van Verordening (EEG) nr 974/71,
- application of Regulation (EEC) No 974/71 (Member State of Departure/Member State of destination).

<sup>1</sup> OJ No L 106, 12.5.1971, p. 1.

<sup>2</sup> OJ No L 110, 18.6.1971, p. 8.

<sup>3</sup> OJ No L 269, 8.12.1971, p. 14.

The customs office in which dispatch formalities are completed shall satisfy itself that the provisions of this paragraph have been complied with.

2. Where a new T2 or T2 L document is substituted for the internal Community transit document for products for which a compensatory amount is fixed, the entry in section 32 of the old document shall be reproduced in section 32 of the new document.

3. Where Commission Regulation (EEC) No 304/71<sup>1</sup> of 11 February 1971 on simplification of the Community transit procedure for goods carried by rail applies to carriage of the goods in question, the entry required in paragraphs 1 and 2 above shall be made in the 'Description of goods' section of the International Consignment Note (CIM) or on the International Express Parcels Consignment Note (TI Ex) as appropriate. This entry shall be authenticated by the stamp of the customs office of departure.

4. For the purposes of applying the compensatory amount, products introduced into a Member State other than that indicated as the Member State of destination shall be considered as coming from the latter Member State, unless in this latter Member State the compensatory amount applicable in respect of third countries is higher than that in force in the Member State indicated as the Member State of departure. In the latter case, the products shall be considered as coming from the Member State indicated as the Member State of departure.

5. For the purposes of applying this Article, the BLEU and the Netherlands shall be treated as a single Member State.<sup>2</sup>

#### Article 4

The following provisions are substituted for Article 4 (1) of Regulation (EEC) No 1013/71:

'1 The Member States referred to in Article 1 of Regulation (EEC) No 974/71 shall not apply the compensatory amounts referred to in that Article to imports effected under contracts:

(a) concluded before:

- 10 May 1971, for Germany and the Netherlands,
- 23 August 1971, for Belgium and Luxembourg,
- 19 December 1971, for France and Italy; and

(b) registered before:

- 12 May 1971, for Germany and the Netherlands,
- 24 August 1971, for Belgium and Luxembourg,
- 28 December 1971, for France and Italy,

with the authorities of the relevant Member State or which can be proved by official documents to have been concluded.'

#### Article 5

This Regulation shall enter into force on 31 December 1971.

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

Done at Brussels, 30 December 1971.

*For the Commission*

*The President*

Franco M. MALFATTI

<sup>2</sup> OJ No L 35, 12.2.1971, p. 31.