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# REGULATION (EEC) No 2485/69 OF THE COUNCIL

## of 9 December 1969

## amending Regulation No 1009/67/EEC on the common organisation of the market in sugar

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas Council Regulation No 1009/67/EEC[1] of 18 December 1967 on the common organisation of the market in sugar, as last amended by Regulation (EEC) No 2463/69,[2] lays down provisions for products falling within tariff heading No 12.04; whereas that tariff heading includes sliced sugar beet, which consequently benefits from the system laid down in that Regulation and in particular from the common system of trade with third countries, from the removal of all obstacles to the free movement of goods within the Community and from Community aid arrangements; whereas certain products falling within tariff heading No 23.03 (namely beet pulp, bagasse and other waste of sugar manufacture) are not covered by a common organisation of the market although they do appear in Annex II to the Treaty; whereas, therefore, in order to prevent these products being treated any differently at Community level they should be included in the common organisation of the market; whereas, however, in view of the economic importance of these products, it seems adequate to make provision for the possibility of introducing import and export licences; whereas, moreover, in view of the low sugar content of the products in question, there is no need to replace the duties of the Common Customs Tariff by the levies provided for other products of the sugar sector;

Whereas Article 9 (3) of Regulation No 1009/67/EEC provides that the intervention system described in paragraphs 1 and 2 of that Article shall also apply to raw beet sugar until 31 December 1969; whereas, however, given the economic situation of that branch of production, it seems appropriate to extend the period of application of that system to 30 June 1973;

Whereas the provisions of Article 5 of Regulation No 1009/67/EEC have proved too inflexible to be applied in all areas of the Community;

Whereas application of the provisions of Article 27 (4) of Regulation No 1009/67/EEC has given rise to difficulties; whereas these difficulties could be eliminated by introducing a system which would involve the obligation to pay the minimum price for beet outside the basic quota in respect of beet processed into sugar covered by Article 30 (1) (b) of Regulation No 1009/67/EEC and by making provision at the same time for a correction to be made where the final amount of the production levy is lower than the maximum amount of that levy; whereas Articles 5 and 27 of that Regulation should be amended accordingly;

HAS ADOPTED THIS REGULATION:

*Article 1*

The following subheading shall be added to the Table in Article 1 (1) of Regulation No 1009/67/EEC:

'(e) ex 23.03 Beet pulp, bagasse and other waste of sugar manufacture'.

*Article 2*

The following shall be substituted for Article 5 of Regulation No 1009/67/EEC:

[1] OJ No 308, 18.12.1967, p. 1.
[2] OJ No L 312, 12.12.1969, p. 3.

'1. Subject to the provisions of Article 29 (1) and provisions adopted pursuant to Article 32 (3), sugar manufacturers buying beet:

(a) suitable for processing into sugar and

(b) intended for processing into sugar

shall be required to pay at least a minimum price, adjusted by price increases or reductions to allow for deviations from the standard quality.

2. The minimum price referred to in paragraph 1 shall correspond to:

(a) the minimum price for beet in the case of beet to be processed into the sugar covered by Article 30 (1) (a);

(b) the minimum price for beet outside the basic quota in the case of beet to be processed into the sugar covered by Article 30 (1) (b).

3. Detailed rules for the application of this Article may be adopted and the price increases and reductions fixed in accordance with the procedure laid down in Article 40.'

*Article 3*

1. The date 30 June 1973 shall be substituted for 31 December 1969 in Article 9 (3) of Regulation No 1009/67/EEC.

2. The date 1 July 1973 shall be substituted for 1 January 1970 in Article 9 (4) of Regulation No 1009/67/EEC.

*Article 4*

1. The reference 'paragraph 1 (a), (b), (c) and (d)' shall be substituted for 'paragraph 1' in the first subparagraph of Article 11 (1) of Regulation No 1009/67/EEC.

2. The following shall be substituted for Article 11 (2) of Regulation No 1009/67/EEC:

'The system described in this Article may be extended to the products listed in Article 1 (1) (e) in accordance with the procedure laid down in Article 40. The period of validity of licences and other detailed rules for the application of this Article, which may include a time limit for the issue of licences, shall be adopted in accordance with the same procedure.'

*Article 5*

The following shall be substituted for Article 14 (1) of Regulation No 1009/67/EEC:

'A levy shall be charged on imports of the products listed in Article 1 (1) (a), (b), (c) and (d). The duties of the Common Customs Tariff shall apply to imports of the products listed in Article 1 (1) (e).'

*Article 6*

The following paragraphs 4 to 7 shall be substituted for paragraphs 4 and 5 of Article 27 of Regulation No 1009/67/EEC:

'4. If the amount of the production levy is lower than the maximum amount referred to in paragraph 3, sugar manufacturers shall be required to pay beet sellers, in respect of each 100 kilogrammes of sugar produced, the difference between the maximum amount of the production levy and the final amount of this levy, up to a percentage which has still to be determined.

The amount to be paid per metric ton of beet shall be fixed for the standard quality. The price increases and reductions referred to in Article 5 shall apply to this amount.

5. Sugar manufacturers may require cane sellers to reimburse the production levy in respect of a quantity of cane corresponding to the quantity of sugar on which the production levy is charged, up to a percentage still to be determined.

6. Member States shall satisfy themselves on the basis of information supplied by sugar manufacturers that:

(a) payment for beet and

(b) the sum of the reimbursements made by cane sellers to manufacturers are in conformity with the relevant Community provisions.

7. Detailed rules for the application of this Article shall be adopted and the amount referred to in the second subparagraph of paragraph 4 fixed in accordance with the procedure laid down in Article 40.'

*Article 7*

The following shall be substituted for the second indent of Article 28 of Regulation No 1009/67/EEC:

'the percentages referred to in Article 27 (4) and (5).'

*Article 8*

The words 'in Article 5 (2) (b)' shall be substituted for 'in Article 27 (4)' in Article 30 (2) of Regulation No 1009/67/EEC.

*Article 9*

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

2. Articles 2, 6, 7 and 8 of this Regulation shall apply from the 1970/71 marketing year.

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

Done at Brussels, 9 December 1969.

*For the Council*

*The President*

P. LARDINOIS