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REGULATION (EEC) No 2417/71 OF THE COMMISSION

of 10 November 1971

amending Regulation (EEC) No 1280/71 in particular as regards the standard amounts fixed by that Regulation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to 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 1060/71,[2] and in particular Article 9 (8) thereof;

Whereas Commission Regulation (EEC) No 1280/71[3] of 18 June 1971 laying down detailed rules of application for the buying-in of sugar by intervention agencies fixes standard amounts for the costs of storage and of various types of packaging which are borne by the intervention agencies; whereas, since these amounts have remained the same for several years, some of the amounts should be altered in view of increases in the actual costs;

Whereas the costs to be borne by the intervention agency, where it requires certain types of packaging, are fixed at a flat rate for bags in a perfect condition; whereas therefore in the case of a storage contract with the offerer provision should be made for these costs to be paid, when the state of the bags has been ascertained, at the same time as the balance of the payment for the sugar in question;

Whereas experience has shown that the intervention agencies may be faced with an offer of sugar which has already been the object of intervention buying; whereas the acceptance of such an offer may endanger the very principle of intervention buying; whereas therefore such a practice must be prevented;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Sugar;

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph 4 shall be added to Article 1 of Regulation (EEC) No 1280/71:

'4. Approval shall be given or withdrawn by the intervention agency.'

Article 2

The following Article 3a shall be inserted in Regulation (EEC) No 1280/71:

'*Article 3a*

Only sugar which has not previously been the object of intervention buying may be offered for intervention.'

Article 3

The following paragraph 3 shall be added to Article 5 of Regulation (EEC) No 1280/71:

'3. The offer shall be accompanied by a declaration from the offerer certifying that the sugar in question has not previously been the object of intervention buying.'

Article 4

The following shall be substituted for the first indent of the second subparagraph of Article 6 (2) of Regulation (EEC) No 1280/71:

[1] OJ No 308, 18.12.1967, p. 1.
[2] OJ No L 115, 27.5.1971, p. 16.
[3] OJ No L 133, 19.6.1971, p. 34.

'if examination shows that one of the requisite conditions has not been fulfilled, in particular that the sugar offered has already been the object of intervention buying.'

Article 5

The following shall be substituted for the second subparagraph of Article 7 (4) of Regulation (EEC) No 1280/71:

'The storage costs shall be fixed at a flat rate of 0·018 units of account per 100 kilogrammes per ten-day period. The intervention agency may however increase or decrease this amount by 35% and, in special circumstances, increase it by a maximum of 50%.'

Article 6

The following shall be substituted for the first subparagraph of Article 15 (2) of Regulation (EEC) No 1280/71:

'Where a storage contract has been concluded, the intervention agency shall, within eight weeks from the date of submission of the offer, make a provisional payment of an amount established on the basis of the information appearing in the offer and the buying-in price. Any packaging costs shall be paid, when the state of the bags has been ascertained, at the same time as the balance of the payment.'

Article 7

In (a) and (b) of the second subparagraph of Article 17 (3) of Regulation (EEC) No 1280/71, the words '0·66 units of account' and '0·88 units of account' shall be substituted for the words '0·60 units of account' and '0·80 units of account' respectively.

Article 8

The following shall be substituted for Article 21 (2) (c) of Regulation (EEC) No 1280/71:

'(c) in Article 14 (1) of the Regulation referred to in (b), the words:

— "of Article 18 of Regulation (EEC) No 1280/71" shall be substituted for the words: "of Article 15 of Regulation (EEC) No 782/68",

— "of Article 13" shall be substituted for the words "of Article 12";

(d) in Article 14 (3) of the Regulation referred to in (b), the words:

— "of Article 18" shall be substituted for the words "of Article 15",

— "of Article 14" shall be substituted for the words "of Article 13".'

Article 9

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

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

Done at Brussels, 10 November 1971.

For the Commission

The President

Franco M. MALFATTI