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REGULATION (EEC) No 2719/71 OF THE COMMISSION

of 21 December 1971

amending Regulation (EEC) No 142/69 as regards the adjustment of the maximum quota under the 'mixed price' system for sugar

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 Articles 27 (7) and 31 (6) thereof;

Whereas the second subparagraph of Article 31 (3) of Regulation No 1009/67/EEC provides that, where the 'mixed price' system is applied, the Member States must fix a maximum quota for each sugar undertaking; whereas the sum of the maximum quotas to be fixed in this way must not, during a given period, exceed a previously determined quantity equal to the special maximum quota; whereas in certain cases the maximum quota has been fixed under this system at the level of the provisional production figures for the undertaking in question; whereas in view of the fact that when the maximum quota is being fixed the actual production figures are not yet known the maximum quota should be adjusted in the light of the definitive production figures;

Whereas Article 2 of Commission Regulation (EEC) No 142/69[3] of 25 January 1969 laying down certain detailed rules for the application of the quota system for sugar, as last amended by Regulation (EEC) No 334/71,[4] provides that the provisional sugar production figures and the definitive sugar production figures for a marketing year must be established within certain time limits for each undertaking; whereas that Article lays down provision for carrying forward and for paying the production levy where the provisional production figures differ from the final production figures; whereas provision should also be made for the maximum quota fixed pursuant to Article 31 of Regulation No 1009/67/EEC to be adjusted under the same conditions;

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 5 shall be added to Article 2 of Regulation (EEC) No 142/69:

'5. Where the production figures established pursuant to paragraph 2 differ from those established pursuant to paragraph 1, and if the Member State has, pursuant to Article 31 of Regulation No 1009/67/EEC, fixed the maximum quota for a sugar undertaking at the level of the production figures established pursuant to paragraph 1, the Member State shall, without prejudice to the special maximum quota, adjust the maximum quota in question on the basis of the difference recorded.'

Article 2

This Regulation shall apply from the date of the entry into force of Regulation (EEC) No 142/69.

[1] OJ No 308, 18.12.1967, p. 1.
[2] OJ No L 115, 27.5.1971, p. 16.
[3] OJ No L 20, 27.1.1969, p. 1.
[4] OJ No L 39, 17.2.1971, p. 14.

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

Done at Brussels, 21 December 1971.

For the Commission

The President

Franco M. MALFATTI