17.2.71 Official Journal of the European Communities No L 39/15

REGULATION (EEC) No 335/71 OF THE COMMISSION

of 16 February 1971

amending Regulation (EEC) No 442/70 laying down detailed rules for the application of the system of offsetting storage costs 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 1253/70,[2] and in particular Article 8 (3) thereof;

Whereas Article 9 (1) of Commission Regulation (EEC) No 442/70[3] of 9 March 1970 laying down detailed rules for the application of the system of offsetting storage costs for sugar provides for the reimbursement of storage costs; whereas to avoid different treatment being accorded in the various Member States the dates on which reimbursement is to be affected must be harmonised; whereas, for administrative and economic reasons, the same dates should be specified for payment of the storage costs levy by manufacturers and the reimbursement due to each manufacturer should be offset against the levy payable;

Whereas, in view of the provisions of Article 2 of Council Regulation (EEC, Euratom, ECSC) No 2/71[4] of 2 January 1971 on the application of the Decision of 21 April 1970 on the replacement of the financial contributions of Member States by the Communities' own resources, it must be provided that Member States should establish the amounts in question;

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 shall be susbtituted for Article 9 of Regulation (EEC) No 442/70:

'1. The levy shall be payable in respect of products disposed of. For the purpose of calculating the amount of the levy, provided the levy is not yet due, "disposal" shall mean:

(a) exit of the sugar from the factory in which it was made, where the sugar does not enter an approved warehouse of the manufacturer of the sugar;

(b) exit from the approved warehouse of the manufacturer; however, transfer of the sugar from an approved warehouse to another approved warehouse of the same manufacturer shall not be considered as disposal;

(c) transfer of property rights to the sugar to another claimant for reimbursement of storage costs without exit of the sugar from the approved warehouse of the manufacturer;

(d) processing by the manufacturer of the sugar and syrups into products other than those falling within heading No 17.01 of the Common Customs Tariff;

(e) denaturing of the sugar;

(f) exit, as a result of transfer of ownership, of syrups from reservoirs of the manufacturer referred to in Article 6;

(g) the moment at which the sugar or syrups become subject to one of the systems referred to in Articles 2 or 3 of Regulation (EEC) No 441/69.

2. For a given month, and at the latest by the fifteenth day of the following month, Member

[1] OJ No 308, 18.12.1967, p. 1.
[2] OJ No L 143, 1.7.1970, p. 1.
[3] OJ No L 55, 10.3.1970, p. 10.
[4] OJ No L 3, 5.1.1970, p. 1.

States shall establish in respect of all persons eligible for reimbursement or liable for payment of the levy:

(a) the total amount of reimbursements to which he is entitled;

(b) the total amount of levy payable; and

(c) on the basis of the amounts referred under (a) and (b), the balance to be paid to or by him.

3. The amount referred to in paragraph 2 (c) shall be paid between the first and the fifteenth of the fourth month following the month for which the reimbursement or the levy is due.'

Article 2

This Regulation shall enter into force on 1 March 1971.

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

Done at Brussels, 16 February 1971.

For the Commission

The President

Franco M. MALFATTI