REGULATION (EEC) No 242/73 OF THE COUNCIL

of 31 January 1973

laying down general rules for the implementation of the arrangements for importing sugar into the United Kingdom within the terms of the Commonwealth Sugar Agreement

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, and in particular paragraph 5 of Protocol No 17 annexed to the Act [1] appended to that Treaty;

Having regard to the proposal from the Commission;

Whereas Protocol No 17 annexed to the aforementioned Act authorizes the United Kingdom to import, on special terms, certain quantities of sugar from the exporting countries and territories referred to in the Commonwealth Sugar Agreement, hereinafter referred to as the 'Agreement';

Whereas it is necessary to give an indication of the exact quantities which may be imported as well as the limits within which these may be adjusted; and whereas it is essential to devises rules for the purchase and sale of this sugar by the competent body in the United Kingdom which do not conflict with the Common Agricultural Policy and which, at the same time help to maintain certain traditional institutions;

Whereas it is appropriate to specify the total sum to be paid by the importer at the time of importation, as well as the adjustments necessary in the case of sugar whose yield differs from that of standard quality sugar; whereas various information has to be provided as regards the implementation of the import arrangements in question;

HAS ADOPTED THIS REGULATION:

Article 1

1. The provisions of Protocol No 17, paragraph 2 of the Act shall apply only to sugar which, before importation into the United Kingdom was:

(a) bought by the competent body in the United Kingdom at the purchase price calculated according to Article 2,

and

(b) re-sold by this body according to the conditions laid down in Article 4.

2. The total quantity of sugar which may be imported pursuant to Protocol No 17, paragraph 1 of the Act in respect of sugar tel quel a calendar year shall be 1 770 471 metric tons apportioned as follows:

Countries and territories of origin	Quantities of sugar tel quel in metric tons
a) Australia	340·377
The West Indies and Guyana	736·637
Mauritius	386·099
Fiji	142·247
East Africa	7·113
British Honduras	20·829
India	25·402
Swaziland	86·365
b) Southern Rhodesia	25·402 [1]

[1] Import suspended.

3. Nevertheless:

(a) when one or more countries or territories of origin is not or are not in a position to supply the quantity indicated in paragraph 2 (a), the above apportionment may be modified according to the rules laid down in the Agreement;

(b) during the period 1 February — 31 December 1973, the quantities referred to in paragraph 2 shall be:

— increased by the amount of the quantities bought in respect of the 1972 year and imported after 31 January 1973;

and

— decreased by the amount of the quantities imported during the month of January 1973 in respect of the 1973 year;

[1] OJ No L 73, 27. 3. 1972, p. 14.

(c) for the calendar year 1974, the quantities referred to in paragraph 2, increased by the amount of the quantities bought in respect of the 1973 year, but imported in 1974, may be imported until 28 February 1975.

Article 2

1. The agreed purchase price referred to in Protocol No 17, paragraph 2 of the Act shall be equal to the price decided upon under the Agreement, including, where appropriate, the special payment.

2. The agreed purchase price shall apply to raw cane sugar, polarization 96°, in bulk, fob and stowed in a seagoing vessel at the port.

3. The price referred to in paragraph 2 shall be adjusted by the increases and reductions provided for in the Agreement, in relation to the polarization of the sugar as delivered.

Article 3

A correcting factor shall be applied to the marketing price referred to in Regulation (EEC) No 239/73 [1] where the yield of the sugar imported is greater or less than 92 per cent. This factor shall be obtained by dividing the percentage yield of the raw sugar imported by 92.

Article 4

1. Subject to the provisions of Article 5 (2) the re-sale price shall be fixed by the competent body in the United Kingdom on the basis of the world market price for raw sugar applicable on the day of re-sale.

2. This price shall apply to raw sugar of 96° polarization, in bulk, cif, free out, delivered United Kingdom port.

3. The re-sale price, where appropriate, shall be adjusted by the increases and reductions provided for by the Sugar Association of London in keeping with the polarization of the sugar as delivered.

[1] See p. 14 of this Official Journal.

Article 5

1. The Contract of Sale shall impose the following obligations in particular on the purchaser:

(a) responsibility for transport as far as United Kingdom ports;

(b) that he assume all risks concerning the merchandise from the moment of loading.

2. The competent body in the United Kingdom shall pay to the purchaser a standard amount intended to compensate, case by case:

(a) the cost of transporting the merchandise from the exporting country or territory to the United Kingdom;

(b) the cost of insuring the merchandise during transport.

Article 6

The special levy and the tax referred to in paragraph 2 of Protocol No 17 of the Act shall be collected on importation.

Article 7

1. The world market price used in calculating the tax referred to in paragraph 2 (b) of Protocol No 17 of the Act, shall be that applicable on the day of importation.

2. When the weighted average of the world market prices used in calculating the tax or the subsidy payment to be applied to imports during a given period differs from the weighted average of the re-sale prices for the quantities in respect of which contracts have been agreed during this same period, an adjustment shall be made for a subsequent period on the basis of the difference between the two weighted averages or, where appropriate, the tax or the subsidy shall be introduced.

Article 8

The United Kingdom and the Commission will furnish each other with the data necessary for the operation of this Regulation.

Article 9

The conditions of operation of this Regulation are to be established by the procedure laid down in Article 40 of Regulation No 1009/67/EEC [1] of 18 December 1967 on the common organization of the market in sugar, as last amended by the Act.

Article 10

This Regulation shall enter into force on the day of 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, 31 January 1973.

For the Council

The President

A. LAVENS

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[1] OJ No 308, 18. 12. 1967, p. 1.