REGULATION (EEC) No 366/73 OF THE COMMISSION

of 31 January 1973

laying down interim rules for sugar imported under certain conditions by certain Member States pursuant to agreements arising out of the International Sugar Agreement

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty [1] concerning the Accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 63 (1) of the Act [2] annexed thereto, hereinafter called the 'Act',

Having regard to Counçil Regulation No 1009/67/EEC [3] of 18 December 1967 on the common organization of the market in sugar, as last amended by the Act, and in particular Article 38 thereof;

Whereas certain new Member States, pursuant to Article 30 of the International Sugar Agreement, have the right, under given world market conditions, to take delivery of certain quantities of sugar at a maximum price. Now and for some time the world market price has been substantially the maximum price; whereas in the light of these provisions, these Member States are also obliged to export a proportion of these quantities of sugar under the same price arrangements; whereas the International Sugar Agreement expires on 31 December 1973 and interim rules are required to ensure that, until the Agreement expires, the rules governing Community levies are not affected by these deliveries at reduced prices;

Whereas these interim rules could be expressed as to ensure that the sugar in question does not circulate freely within the Community; whereas it should be re-exported either in the natural state or processed;

Whereas the feasibility of controlling this trade is assured because the sugar in question is exclusively subject to agreements between Governments of countries of destination and exporting countries; whereas, morever, the Member States concerned should notify the Commission regularly of these quantities of sugar and the Commission should inform all Member States;

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

1. In derogation from the provisions of Article 20 (2), first subparagraph, second indent of Regulation No 1009/67/EEC, sugar exported to the Community from third countries, pursuant to Article 30 of the International Sugar Agreement, shall not circulate freely within the Community.

2. Member States who have the right to take delivery of sugar in accordance with paragraph 1, shall, where appropriate, take all measures necessary to comply with paragraph 1.

Article 2

1. The Member States referred to in Article 1 (2) shall notify the Commission, not later than at the end of each month, of the quantities of sugar of which they have taken delivery during the previous month, pursuant to Article 30 of the International Sugar Agreement. This notification shall distinguish between quantities:

— which have not reached the customs territory of the Member State in question;

— which have entered the customs territory of the Member State in question under arrangements in respect of which the payment of duties, charges and levies is suspended;

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[1] OJ No L 73, 27. 3. 1972, p. 5.
[2] OJ No L 73, 27. 3. 1972, p. 14.
[3] OJ No 308, 18. 12. 1967, p. 1.

— which, following release under arrangements referred to in the preceding indent have been re-exported either in the natural state or after processing.

2. The Commission shall inform the Member States of information received pursuant to this Regulation.

Article 3

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

This Regulation shall apply from 1 February 1973.

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

Done at Brussels, 31 January 1973.

For the Commission

The President

François-Xavier ORTOLI