# REGULATION (EEC) No 458/73 OF THE COMMISSION

## of 2 February 1973

## amending Regulation (EEC) No 2645/70 on the provisions applicable to sugar produced in excess of the maximum quota

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 organization of the market in sugar, as last amended by the Act [2] annexed to the Treaty [3] on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 25 (3) thereof;

Whereas Community provisions concerning sugar produced in excess of the maximum quota, in particular Article 25 of Regulation No 1009/67/EEC and Commission Regulation (EEC) No 2645/70 [4] of 28 December 1970 on the provisions applicable to sugar produced in excess of the maximum quota, require that the sugar produced and the sugar for export be the same;

Whereas it is desirable that the manufacturer concerned be afforded the possibility of exporting sugar not produced by himself; whereas it is necessary to provide in such case for a standard payment, which may in any event be regarded as offsetting any benefit derived from such substitution;

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. Subparagraph (c) of Article 2 (2) of Regulation (EEC) No 2645/70 is hereby repealed.

2. The following paragraph is added to the said Article 2:

'3. Where the sugar exported

(a) was produced by the manufacturer concerned the documents referred to in paragraph 2 must be accompanied by a statement by the manufac turer certifying that the sugar was produced by him;

(b) was not produced by the manufacturer concerned, the latter shall pay a sum of 2·00 units of account per 100 kg of sugar.'

*Article 2*

The following Article 4 (a) is added to Regulation (EEC) No 2645/70:

'*Article 4a*

1. Before the 15 January following the 1 January referred to in Article 1, the Member State concerned shall inform the manufacturers required to pay the amount referred to in Article 2 (3) (b) of the total amount payable.

2. That total amount shall be paid by the manufacturers concerned before 1 February of the same year.'

*Article 3*

This Regulation shall apply from 1 January 1971.

(1) OJ No 308, 18. 12. 1967, p. 1.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No L 283, 29. 12. 1970, p. 48.

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

Done at Brussels, 2 February 1973.

*For the Commission*

*The President*

François-Xavier ORTOLI