REGULATION (EEC) No 3162/74 OF THE COMMISSION

of 13 December 1974

laying down detailed rules for the imposition in the event of sugar supply difficulties of an export charge on certain cereal, rice, milk, fruit and vegetable-based products containing added sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1125/74 [2];

Having regard to Council Regulation No 359/67/EEC [3] of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 1129/74 [4];

Having regard to Council Regulation (EEC) No 804/68 [5] of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 662/74 [6];

Having regard to Council Regulation (EEC) No 865/68 [7] of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 2429/72 [8];

Having regard to Council Regulation (EEC) No 1603/74 [9] of 25 June 1974 on the imposition of an export charge on certain cereal, rice and milk-based products containing added sugar in the event of sugar supply difficulties, and in particular Article 1 (3) thereof;

Having regard to Council Regulation (EEC) No 2980/74 [10] of 26 November 1974 on the imposition of an export charge on certain products processed from fruit and vegetables and containing added sugar in the event of sugar supply difficulties, and in particular Article 1 (4) thereof;

Whereas Article 1 (1) of Regulation (EEC) No 1603/74 provides that where a levy exceeding five units of account per 100 kilogrammes is charged on exports of white sugar a decision may be taken to impose a charge on exports of the products specified in Article 1 of Regulations No 120/67/EEC, No 359/67/EEC and (EEC) No 804/68 containing a minimum of 20 % sucrose or other sugars; whereas Article 1 (1) of Regulation (EEC) No 2980/74 provides for the imposition of a like charge in the like circumstances in respect of the products specified in Article 1 of Regulation (EEC) No 865/68 containing a minimum of 35 % added sugar; whereas certain detailed rules for the application of these provisions must be laid down;

Whereas it would be equitable to exempt from the export charge products in respect of which an export licence with provision for advance fixing of the refund is issued before the provisions concerned entered into force; whereas, furthermore, provision should be made to permit the cancellation of export licences without provision for advance fixing of the refund applied for or issued before the day on which the export charge becomes applicable;

Wheras the day of exportation must be defined; whereas that day should be the day of completion of customs formalities as referred to in Article 15 of Commission Regulation (EEC) No 1373/70 [11] of 10 July 1970 on common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products subject to a single price system, as last amended by Regulation (EEC) No 1796/73 [12];

Whereas, as regards the other detailed rules for applying export charges, recourse should be had to the provisions laid down in Commission Regulation (EEC) No 1279/71 [13] of 17 June 1971 on the use of Community transit documents for the purpose of applying certain measures on the exportation of certain goods, as last amended by Regulation (EEC) No 2766/71 [14];

Whereas in the case of certain export transactions the imposition of an export charge is not economically justifiable; whereas no charge should be applied in respect of such transactions;

Whereas the Management Committees for Cereals, Milk and Milk Products and Products Processed from Fruit and Vegetables have not delivered opinions

[1] OJ No 117, 19. 6. 1967, p. 2269/67.
[2] OJ No L 128, 10. 5. 1974, p. 12.
[3] OJ No 174, 31. 7. 1967, p. 1.
[4] OJ No L 128, 10. 5. 1974, p. 20.
[5] OJ No L 148, 28. 6. 1968, p. 13.
[6] OJ No L 85, 29. 3. 1974, p. 51.
[7] OJ No L 153, 1. 7. 1968, p. 8.
[8] OJ No L 264, 23. 11. 1972, p. 1.
[9] OJ No L 172, 27. 6. 1974, p. 9.
[10] OJ No L 318, 28. 11. 1974, p. 2.
[11] OJ No L 158, 20. 7. 1970, p. 1.
[12] OJ No L 183, 5. 7. 1973, p. 1.
[13] OJ No L 133, 19. 6. 1971, p. 32.
[14] OJ No L 283, 24. 12. 1971, p. 33.

within the time limits set by their respective Chairmen,

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down detailed rules for the application of the export charge on sugar added to the products specified in Article 1 (1) of Regulation (EEC) No 1603/74 and in Article 1 (1) of Regulation (EEC) No 2980/74.

Article 2

1. The export charge shall be levied on all exports to destinations outside the Community of the products concerned where such products come within the terms of Article 9 (2) of the Treaty.

2. The export charge shall also be levied on the products concerned where such products do not come within the terms of Article 9 (2) of the Treaty by reason of the customs status of their packaging or of the fact that they have been incorporated in or added to one or more products not in free circulation.

3. No charge shall however be levied on products in respect of which, before 25 November 1974, an export licence with provision for advance fixing of the rate of the refund has been applied for, irrespective of the date of issue of that licence.

4. In the case of an export licence without provision for advance fixing of the refund, the person concerned may withdraw an application for such a licence or have the licence cancelled, if it has been applied for or issued before the date on which the export charge becomes applicable. In such cases the security shall be released immediately.

5. No export charge shall be levied on :

(a) products intended for victualling within the Community of seagoing vessels or aircraft serving international routes,

(b) products intended for the armed forces of a Member State stationed outside the geographical territory of the Community, within the meaning of Article 3 of Regulation No 1041/67/EEC [1], as last amended by Regulation (EEC) No 2110/74 [2],

(c) small consignments of a non-commercial nature,

(d) goods contained in travellers' personal luggage within the meaning of Regulation (EEC) No 1544/69 [3], weigling not more than three kilogrammes in the aggregate per traveller.

6. Application of the provisions of paragraph 5 (b) shall be subject to production to the competent authorities of a declaration from the armed forces concerned certifying that the products presented to customs for completion of export formalities are intended for those forces, and to the condition that the transactions in question offer adequate assurances as to the arrival of the products concerned at their proper destination.

Article 3

1. The relevant export charge shall be the charge applicable on the day on which the customs formalities referred to in Article 15 (5) (b) of Regulation (EEC) No 1373/70 are completed.

2. The charge shall be levied by the Member State on whose territory the formalities referred to in paragraph 1 are completed. It shall be payable at the latest at the time of completion of those formalities.

Article 4

Where a product which is being transported between two points within the Community would if exported be subject to the charge, then if it appears from the customs document that the product is in the course of being so transported to leave Community territory otherwise than by air, the consignor shall give security in an amount equal to the charge which would be levied if the product were exported from the Community.

Article 5

Where the export charge is applicable, the products in question shall be moved within the Community under the conditions laid down by Regulation (EEC) No 1279/71. In the case referred to in Article 5a of that Regulation, the day on which the formalities required for dispatch of the products are completed shall be considered as being the day of completion of customs formalities as referred to in Article 3 of this Regulation.

Article 6

This Regulation shall enter into force on 23 December 1974.

(1) OJ No 314, 23. 12. 1967, p. 9.
(2) OJ No L 220, 10. 8. 1974, p. 1.
(3) OJ No L 191, 5. 8. 1969, p. 1.

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

Done at Brussels, 13 December 1974.

For the Commission

The President

François-Xavier ORTOLI