REGULATION (EEC) No 3165/74 OF THE COMMISSION

of 13 December 1974

introducing an export charge on certain milk products containing sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 [1] 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 [2];

Having regard to Council Regulation (EEC) No 1603/74 [3] 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;

Whereas under Article 1 (1) of Regulation (EEC) No 1603/74 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 Regulation (EEC) No 804/68 containing a minimum of 20 % sucrose or other sugars expressed as sucrose;

Whereas the export levy on white sugar at present exceeds 100 units of account per 100 kilogrammes;

Whereas experience of the operation of this measure has shown that its effectiveness may be impaired where sugar is exported in the form of certain milk products coming under Regulation (EEC) No 804/68; whereas this is particularly so in the case of products with a relatively high sugar content; whereas an export charge, determined on the basis of the export levy on sugar, should therefore be applied to such products;

Whereas the aim of the export charge is to safeguard Community sugar supplies; whereas in view of that aim and of the situation on the sugar markets and of production and marketing conditions for the relevant milk products, the export charge should be fixed at 20 units of account per 100 kilogrammes of added sugar;

Whereas the rules necessary for the application of this export charge are specified in Commission Regulation (EEC) No 3162/74 [4] 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;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. An export charge shall be levied on products falling within subheading 04.02 B of the Common Customs Tariff which contain more than 35 % by weight of added sucrose (including invert sugar expressed as sucrose).

Provided that no such charge shall be levied on products falling within subheading 04.02 B II of a fat content by weight exceeding 6·9 % but not exceeding 9·5 % and containing not less than 15 % by weight of non-fatty milk solids.

2. The export charge shall be 20 units of account per 100 kilogrammes of added sucrose (including invert sugar expressed as sucrose).

3. Article 2 (3) of Regulation (EEC) No 3162/74 shall apply where, for any product coming within paragraph 1, only one of the two components of the refund has been fixed in advance.

Article 2

This Regulation shall enter into force on 23 December 1974.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 172, 27. 6. 1974, p. 9.

(4) See page 44 of this Official Journal.

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