REGULATION (EEC) No 3170/74 OF THE COMMISSION

of 16 December 1974

laying down detailed rules for the application of the special export levy on sugar beet and sugar cane

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 Regulation (EEC) No 2476/74 [2], and in particular Article 16 (4) thereof;

Whereas Article 16 of Regulation No 1009/67/EEC provides, under certain conditions, for the charging of an export levy or of a special export levy on white sugar and raw sugar; whereas the appropriate general and detailed rules were established by Council Regulation (EEC) No 608/72 [3] of 23 March 1972 laying down rules to be applied in cases of considerable price rises on the world sugar market and by Commission Regulation (EEC) No 1076/72 [4] of 25 May 1972 laying down detailed rules for applying export levies on sugar and amending Regulation (EEC) No 2637/70, as amended by Regulation (EEC) No 58/74 [5];

Whereas, in view of the present situation on the sugar market both within the Community and outside, it has become necessary to apply a special export levy also for the products specified in Article 1 (1) (b) of Regulation No 1009/67/EEC; whereas detailed rules for this must be adopted;

Whereas, in view of the seasonal nature of trade in the products specified in Article 1 (1) (b) of Regulation No 1009/67/EEC, it appears sufficient to provide in principle only one fixation of special export levy for each sugar year; whereas this levy should be applied per metric ton of product; whereas, in calculating this levy, account should be taken, on a flat rate basis, of the difference per 100 kilogrammes of white sugar, between the arithmetic average of the cif prices for the white sugar recorded over a particular period and the threshold price of this sugar applied at the time when the special levy is fixed; whereas this difference must be multiplied by appropriate coefficients which will usually correspond to the natural sucrose content of the products specified in the Annex as generally determined in the Community;

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

This Regulation lays down detailed rules for the charging of the special export levy on products specified in Article 1 (1) (b) of Regulation No 1009/67/EEC.

Article 2

1. The special export levy in the second subparagraph of Article 16 (1) of Regulation No 1009/67/EEC shall be applicable to the products which are specified in the Annex to this Regulation provided such products are in one of the situations described in Article 9 (2) of the Treaty.

2. This special levy shall also be charged on products shown in the Annex which, by reason of the customs status of their packaging or by reason of their incorporation in, or addition to, one or more products not in free circulation, are not in one of the situations described in Article 9 (2) of the Treaty.

Article 3

The provisions of Articles 1 (4), 4 and 5 of Regulation (EEC) No 1076/72 shall also be applicable to the products specified in the Annex to this Regulation.

Article 4

1. The rate of the special levy applicable to the export shall be the levy applicable on the day of completion of the customs formalities referred to in Article 8 (2) (b) of Regulation (EEC) No 1373/70 [6].

2. The special export levy shall be collected by the Member State in whose territory the formalities referred to in paragraph 1 of this Article are completed. It shall be payable at the latest at the time of completion of those formalities.

[1] OJ No 308, 18. 12. 1967, p. 1.
[2] OJ No L 264, 1. 10. 1974, p. 70.
[3] OJ No L 75, 28. 3. 1972, p. 5.
[4] OJ No L 121, 26. 5. 1972, p. 22.
[5] OJ No L 8, 10. 1. 1974, p. 13.
[6] OJ No L 158, 20. 7. 1970, p. 1.

Article 5

1. The special export levy shall be fixed, in principle, once each sugar year in units of account per metric ton.

2. The amount of the levy shall be determined per metric ton of the products referred to in the Annex by multiplying the difference, per 100 kilogrammes of white sugar, between the arithmetic average of the cif prices recorded during the three months preceding the month of the day on which the levy is fixed and the threshold price applied on that day, by a coefficient of :

(a) 1·6 in the case of fresh sugar beet, whole or sliced ;

(b) 5·5 in the case of dried sugar beet, whole, sliced or powdered ;

(c) 1·1 in the case of sugar cane.

Article 6

This Regulation shall enter into force on the third day following 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, 16 December 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

CCT heading No	Description of goods
12.04	Sugar beet, whole or sliced, fresh, dried or powdered ; sugar cane : A. Sugar beet : ex I. Fresh, of a sugar content equal to or greater than 12·5 % II. Dried or powdered B. Sugar cane