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(Acts whose publication is obligatory)

REGULATION (EEC) No 3185/74 OF THE COUNCIL

of 17 December 1974

introducing an export charge on certain goods covered by Regulation (EEC) No 1059/69

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1059/69 (1) of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products, as last amended by Regulation (EEC) No 1491/73 (2), and in particular Article 14 (4) thereof;

Having regard to the proposal from the Commission;

Whereas, in view of the shortfall situation obtaining on the sugar market, the Commission, in application of Article 16 of Council Regulation 1009/67/EEC (3) of 18 December 1967, on the common organization of the market in sugar, as last amended by Regulation (EEC) No 2476/74 (4), fixed a special export levy on white sugar and raw sugar;

Whereas it has also proved necessary to make provision in Regulation (EEC) No 1603/74 (5) for the imposition of an export charge on certain cereal, rice, and milk-based products and in Regulation (EEC) No 2980/74 (6) for the imposition of an export charge on certain products processed from fruit and vegetables and containing added sugar;

Whereas, in addition, the Community has made provision in Council Regulation (EEC) No 2931/74 (7) of 18 November 1974 on the introduction of a subsidy on imports of white and raw sugar for sugar imports to be financed out of Community funds in order to stabilize markets, assure the availability of supplies and ensure that supplies reach consumers at reasonable prices;

Whereas, in spite of these measures, there continue to be sugar supply difficulties within the Community; whereas, therefore, it is appropriate, with a view to strengthening the effect of these measures and to affording equal treatment to products of the various sectors, to supplement these measures by appropriate provisions in respect of the goods with a high sugar content covered by Regulation (EEC) No 1059/69;

Whereas an export charge may constitute a suitable measure; whereas the period of application of this charge must not exceed the period provided for in Article 14 (4) of Regulation (EEC) No 1059/69,

HAS ADOPTED THIS REGULATION:

Article 1

1. Exports from the Community to third countries of goods covered by Regulation (EEC) No 1059/69 falling within one of the categories referred to in Article 9 (2) of the Treaty shall be liable to an export charge if their sucrose content (including invert sugar expressed as sucrose) is at least 35 % by weight.

2. This charge shall also be levied on all exported goods not falling within one of the categories referred to in Article 9 (2) of the Treaty, if at least one of the components on which the calculation of the charge is based falls within one of these categories.

3. However, the charge referred to in paragraph 1 shall not apply to goods which are liable to an export tax in pursuance of Regulation (EEC) No 3348/73 (8), as amended by Regulation (EEC) No 344/74 (9).

(1) OJ No L 141, 12. 6. 1969, p. 1.
(2) OJ No L 151, 7. 6. 1973, p. 1.
(3) OJ No 308, 18. 12. 1967, p. 1.
(4) OJ No L 264, 1. 10. 1974, p. 70.
(5) OJ No L 172, 27. 6. 1974, p. 9.
(6) OJ No L 318, 26. 11. 1974, p. 2.
(7) OJ No L 311, 22. 11. 1974, p. 8.
(8) OJ No L 342, 13. 12. 1973, p. 16.
(9) OJ No L 40, 12. 2. 1974, p. 6.

Article 2

1. Detailed rules for the application of this Regulation shall be adopted by the Commission.

2. The amount of the export charge referred to in Article 1 shall be fixed taking into account in particular the nature of the goods and their sucrose content, the movement of prices and the economic considerations relating to the application of the charge.

3. The Commission shall adopt the measures provided for under this Article after consulting the Member States.

These measures shall be forthwith communicated to the Council.

The Council, acting by a qualified majority, may take a different decision within one month of the date of such communication.

Article 3

This Regulation shall enter into force on 23 December 1974.

It shall apply up to and including 22 June 1975.

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

Done at Brussels, 17 December 1974.

For the Council

The President

M. DURAFOUR