REGULATION (EEC) No 389/74 OF THE COMMISSION

of 14 February 1974

laying down detailed rules for applying the special export levy on syrups and other sugars and amending Regulation (EEC) No 2637/70

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 1928/73 [2], and in particular Article 11 (2) and Article 16 (4) and (5) 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 have been adopted 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, since a shortage of sugar at present prevails on the world market, it could become necessary to introduce a special export levy also for the products referred to in Article 1 (1) (d) of Regulation No 1009/67/EEC; whereas detailed rules for this must be adopted; whereas, because of their particular economic and technical properties, these detailed rules must be appropriate to these products; whereas these provisions however can, as regards certain aspects, correspond to those already adopted by Regulation (EEC) No 1076/72 and by Commission Regulation (EEC) No 1373/70 [6] 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 [7];

Whereas that implies the amendment of Commission Regulation (EEC) No 2637/70 [8] on special detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as last amended by Regulation (EEC) No 59/74 [9];

Whereas, since the products in question in most cases have the characteristics of processed products, it seems appropriate to fix the amounts of the levies in principle at regular intervals and on the basis of the amounts applied to white sugar;

Whereas it seems appropriate to follow for the determination of the sucrose content, including other sugars expressed as sucrose, the provisions of Commission Regulation (EEC) No 394/70 [10] of 2 March 1970 on detailed rules for granting export refunds on sugar;

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 referred to in Article 1 (1) (d) of Regulation No 1009/67/EEC.

Article 2

1. The special export levy referred to in Article 16 (1) second subparagraph of Regulation No 1009/67/EEC shall be applicable to the products which are contained in the Annex to this Regulation and they are in one of the situations referred to 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 regulations regarding 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 referred to in Article 9 (2) of the Treaty.

3. The special levy referred to in paragraph 1 shall not be charged on the products in respect of which, before the date on which it becomes applicable, an

(1) OJ No 308, 18. 12. 1967, p. 1.
(2) OJ No L 199, 19. 7. 1973, p. 7.
(3) OJ No L 75, 28. 3. 1972, p. 5.
(4) OJ No L 121, 25. 5. 1972, p. 22.
(5) OJ No L 8, 10. 1. 1974, p. 13.
(6) OJ No L 158, 20. 7. 1970, p. 1.
(7) OJ No L 183, 5. 7. 1973, p. 1.
(8) OJ No L 283, 29. 12. 1970, p. 15.
(9) OJ No L 8, 10. 1. 1974, p. 15.
(10) OJ No L 50, 4. 3. 1970, p. 1.

export licence with advance fixing of the rate of the fund has been applied for.

Article 3

The following shall be substitued for Article 30 (4) of Regulation (EEC) No 2637/70 :

'4. For the purposes of Article 1 (3) of Regulation (EEC) No 1076/72 and of Article 2 (3) of Regulation (EEC) No 389/74, Section 18 of the export licence shall also contain one of the following endorsements :

"Export levy not applicable",
"prélèvement à l'exportation non applicable",
"Ausfuhrabschöpfung nicht anzuwendenden",
"prelievo all'esportazione non applicabile",
"uitvoerheffing niet van toepassing",
"eksportafgift, der ikke skal anvendes".'

Article 4

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

Article 5

1. The rate of the special levy applicable to the export shall be the levy valid on the day of completion of the customs formalities referred to under (b) of the second subparagraph of Article 8 (2) of Regulation (EEC) No 1373/70.

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

Article 6

1. The special export levy shall be fixed, in principle, at regular intervals. The amount of the levy shall be fixed on the basis of the amount of the special export levy applicable to white sugar and taking into account the economic and technical aspects of the products concerned. It shall be fixed as the basic amount of the special export levy. The basic amount of the special levy shall be fixed per kilogramme of sucrose content, including other sugars expressed as sucrose. These contents shall be determined according to the provisions of Article 13 (1) to (3) of Regulation (EEC) No 394/70.

2. The special export levy per 100 kilogrammes of the products listed in the Annex to this Regulation, shall be equal to the basic amount multiplied by the established sucrose content including, where appropriate, the content of other sugars expressed as sucrose.

Article 7

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, 14 February 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

CCT heading No	Description of goods
17.02	Other sugars ; sugar syrups ; artificial honey (whether or not mixed with natural honey) ; caramel :
	ex D. Invert sugar and other syrups
	ex F. Caramel made from beet sugar and cane sugar
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion :
	ex C. Other, excluding flavoured or coloured molasses