REGULATION (EEC) No 2048/75 OF THE COMMISSION

of 25 July 1975

on special detailed rules for the application of the system of import and export licences for sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 3330/74 [1] of 19 December 1974 on the common organization of the market in sugar, and in particular Articles 12 (2), 16 (5) and 19 (4) thereof;

Whereas special detailed rules for the application of the system of import and export licences established for sugar were laid down by Commission Regulation (EEC) No 2637/70 [2] of 23 December 1970 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 1807/75 [3];

Whereas Regulation (EEC) No 2637/70 also lays down special detailed rules for the application of the system of import and export licences and advance fixing certificates established for other products; whereas that Regulation has been amended many times; whereas experience has shown that its composite nature can make it difficult to administer; whereas, therefore, in the interests of clarity and sound administration, the legislation applicable to each sector should be consolidated and published in the form of a separate Regulation;

Whereas this Regulation should comprise those provisions peculiar to sugar which are required for the application of the system of licences in this sector;

Whereas such provisions either supplement or derogate from the provisions of Commission Regulation (EEC) No 193/75 [4] of 17 January 1975 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products;

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 special detailed rules for the application of the system of import and export licences established by Article 12 of Regulation (EEC) No 3330/74.

Article 2

1. If the refund or special levy on exportation is fixed in pursuance of an invitation to tender held within the Community, the application for an export licence shall be lodged with the competent authority of the Member State in which the notice of award of contract was issued.

2. Section 12 of the licence application and of the licence shall contain one of the following endorsements:

(a) 'Tendering Regulation (EEC) No ... (OJ No ... . of ....)'
'Time limit for submission of tenders expires ...'

(b) 'Règlement d'adjudication (CEE) n° ... (JO n° ..... du ....)'
'délai de présentation des offres expirant le ....'

(c) 'Forordning om licitation (EØF) nr. ... (EFT nr. .... af ...)'
'firsten for indgivelse af tilbud udløber den ...'

(d) 'Ausschreibung – Verordnung (EWG) Nr. ..... (ABl. Nr. ... vom ....)'
'Ablauf der Angebotsfrist am ....'

(e) 'Regolamento di gara (CEE) n..... (GU n. .... del ....)'
'il termine di presentazione delle offerte scade il ....'

(f) 'Verordening m.b.t. inschrijving (EEG) nr ..... PB nr..... van ....)'
'Indieningstermijn aanbiedingen eindigt op ....'

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(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 283, 29. 12. 1970, p. 15.
(3) OJ No L 184, 15. 7. 1975, p. 33.
(4) OJ No L 25, 31. 1. 1975, p. 10.

3. The export licence shall be issued for the quantity entered on the relevant notice of award of contract. Section 18 shall indicate the rate of the refund or export levy, as stated in that notice of award, expressed in the currency of the Member State issuing the licence. To this end, it shall contain one of the following endorsements:

'Rate of refund applicable ...'

'taux de la restitution applicable ...'

'den restitutionssats, der skal anvendes ....'

'Gültiger Erstattungssatz ...'

'tasso di restituzione applicabile ...'

'toe te passen restitutievoet ...'

or, alternatively:

'Rate of export levy applicable ...'

'taux du prélèvement à l'exportation applicable ...'

'størrelsen af den afgift, der skal opkræves ved udførsel ...'

'gültiger Satz der Ausfuhrabschöpfung ...'

'tasso del prelievo all'esportazione applicabile ...'

'toe te passen heffingsvoet bij uitvoer ...'

4. The provisions of Article 19 of Regulation (EEC) No 193/75 may not be invoked when this Article is applied.

Article 3

1. For the purposes of Article 11 (1) (a) of Regulation (EEC) No 3062/74, section 20 of the import licence shall specify the rate of the import subsidy, expressed in the currency of the Member State issuing the licence. To this end, it shall contain one of the following endorsements:

'Import subsidy applicable: ... per 100 kg, to be adjusted as appropriate'

'subvention à l'importation applicable : ... par 100 kg, à adapter le cas échéant'

'tilskud til indførsel ... pr. 100 kg, tilpasses i givet fald'

'Einfuhrsubvention: ...je 100 kg, gegebenenfalls anzupassen'

'sovvenzione all'importazione applicabile: ... per 100 kg, da adattare se necessario'

'invoersubsidie: ... per 100 kg, eventueel aan te passen'

2. For the purposes of Article 11 (1) (c) of Regulation (EEC) No 3062/74, section 18 of the export licence shall contain one of the following endorsements:

'For export without levy or refund (Regulation (EEC) No 3062/74)'

'à exporter sans prélèvement ni restitution (règlement (CEE) n° 3062/74)'

'udføres uden afgift og uden restitution (forordning (EØF) nr. 3062/74)'

'ohne Abschöpfung oder Erstattung auszuführen (Verordnung (EWG) Nr. 3062/74)'

'da esportare senza prelievo né restituzione (regolamento (CEE) n. 3062/74)'

'uit te voeren zonder heffing en restitutie (Verordening (EEG) nr. 3062/74)'

Article 4

For the purposes of Article 11 (1) (a) of Regulation (EEC) No 314/75, section 20 of the import licence shall specify the rate of the import subsidy, expressed in the currency of the Member State issuing the licence. To this end, it shall contain one of the following endorsements:

'Import subsidy applicable ... per 100 kg (Regulation (EEC) No 314/75)'

'Subvention à l'importation applicable ... par 100 kg (règlement (CEE) n° 314/75)'

'Tilskud til indførsel ... pr. 100 kg (forordning (EØF) nr. 314/75)'

'Einfuhrsubvention ... je 100 kg (Verordnung (EWG) Nr. 314/75)'

'Sovvenzione all'importazione applicabile ... 100 kg (regolamento (CEE) n. 314/75)

'Invoersubsidie ... per 100 kg (Verordening (EEG) nr. 314/75)'

Article 5

1. For the purposes of Article 11 (1) (b) of Regulation (EEC) No 558/75, section 20 of the import licence shall contain one of the following endorsements:

'Import subsidy applicable: ... per 100 kg, to be adjusted as appropriate (Regulation (EEC) No 558/75)
— licence valid in (Member State of issue)'

'subvention à l'importation applicable: ... par 100 kg, à adapter le cas échéant, règlement (CEE) n° 558/75

— certificat valable en (Etat membre de délivrance)'

'tilskud til indførsel ... pr. 100 kg, tilpasses i givet fald, forordning (EØF) nr. 558/75

— licens gyldig i (medlemsstat)'

'Einfuhrsubvention: ... je 100 kg, gegebenenfalls anzupassen, Verordnung (EWG) Nr. 558/75

— Lizenz gültig in (Mitgliedstaat)'

sovvenzione all'importazione applicabile: .../100 kg da adattare se necessario, regolamento (CEE) n. 558/75

— titolo valido in (Stato membro)'

'invoersubsidie: ... per 100 kg, eventueel aan te passen, Verordening (EEG) nr. 558/75

— certificaat geldig in (Lid-Staat)'

2. For the purposes of Article 11 (1) (c) of Regulation (EEC) No 558/75, section 18 of the export licence shall contain one of the following endorsements:

'For export without levy or refund (Regulation (EEC) No 558/75)'

'à exporter sans prélèvement ni restitution (règlement (CEE) n° 558/75)'

'udføres uden afgift og uden restitution (forordning (EØF) nr. 558/75)'

'ohne Abschöpfung oder Erstattung auszuführen (Verordnung (EWG) Nr. 558/75)'

'da esportare senza prelievo né restituzione (regolamento (CEE) n. 558/75)'

'uit te voeren zonder heffing en restitutie (Verordening (EEG) nr. 558/75)'

Article 6

1. For the purposes of Article 11 (1) (a) of Regulation (EEC) No 557/75, section 20 of the import licence shall contain one of the following endorsements:

'Import subsidy applicable: ... per 100 kg, to be adjusted as appropriate (Regulation (EEC) No 557/75)

— licence valid in (Member State of issue)'

'subvention à l'importation applicable: ... par 100 kg, à adapter le cas échéant, règlement (CEE) n° 557/75'

— certificat valable en (Etat membre de délivrance)'

'tilskud til indførsel: ... pr. 100 kg, tilpasses i givet fald, Forordning (EØF) nr. 557/75'

— licens gyldig i (medlemsstat)'

Einfuhrsubvention: .../100 kg, gegebenenfalls anzupassen, Verordnung (EWG) Nr. 557/75'

— Lizenz gültig in (Mitgliedstaat)'

'sovvenzione all'importazione applicabile: .../100 kg, da adattare se necessario, regolamento (CEE) n. 557/75'

— titolo valido in (Stato membro)'

'invoersubsidie: ... per 100 kg, eventueel aan te passen, Verordening (EEG) nr. 557/75'

— certificaat geldig in (Lid-Staat)'

2. For the purposes of Article 11 (1) (b) of Regulation (EEC) No 557/75, section 18 of the export licence shall contain one of the following endorsements:

'For export without levy or refund (Regulation (EEC) No 557/75)'

'à exporter sans prélèvement ni restitution (règlement (CEE) n° 557/75)'

'udføres uden afgift og uden restitution (forordning (EØF) nr. 557/75)'

'ohne Abschöpfung oder Erstattung auszuführen (Verordnung (EWG) Nr. 557/75)'

'da esportare senza prelievo né restituzione (regolamento (CEE) n. 557/75)'

'uit te voeren zonder heffing en restitutie (Verordening (EEG) nr. 557/75)'

Article 7

For the purposes of Article 9 (a) of Regulation (EEC) No 630/75, section 18 of the export licence shall contain one of the following endorsements:

'For export without levy or refund (Regulation (EEC) No 630/75)'

'à exporter sans prélèvement ni restitution (règlement (CEE) n° 630/75)'

'udføres uden afgift og uden restitution (forordning (EØF) nr. 630/75)'

'ohne Abschöpfung oder Erstattung auszuführen (Verordnung (EWG) Nr. 630/75)'

'da esportare senza prelievo né restituzione (regolamento (CEE) n. 630/75)'

'uit te voeren zonder heffing en restitutie (Verordening (EEG) nr. 630/75)'

Article 8

1. In the case of exportation under Article 26 (1) of Regulation (EEC) No 3330/74 of undenatured white

or raw sugar produced in excess of the maximum quota, section 12 of the application and of the licence shall contain one of the following endorsements:

'For export under Article 26 (1) of Regulation (EEC) No 3330/74'

'à exporter en vertu de l'article 26 paragraphe 1 du règlement (CEE) n° 3330/74'

'til eksport i medfør af artikel 26 stk. 1 i forordning (EØF) nr. 3330/74'

'gemäß Artikel 26 Absatz 1 der Verordnung (EWG) Nr. 3330/74 auszuführen'

'da esportare in virtù dell'articolo 26, paragrafo 1 del regolamento (CEE) nr. 3330/74'

'uit te voeren krachtens artikel 26 lid 1 van Verordening (EEG) nr. 3330/74'

Section 18 of the licence shall contain one of the following endorsements:

'For export without levy or refund'

'à exporter sans restitution, ni prélèvement'

'udføres uden restitution eller afgift'

'ohne Erstattung und ohne Abschöpfung auszuführen'

'da esportare senza restituzione né prelievo'

'zonder restitutie of heffing uit te voeren'

2. Paragraph 1 shall not apply to sugar on which pursuant to Article 26 (2) of Regulation (EEC) No 3330/74 the export levy provided for in Article 17 of that Regulation is charged.

Article 9

An export licence may be issued for the sugar referred to in Article 8 (1) only after the sugar manufacturer in question has provided the competent body with proof that the quantity for which the licence is requested or an equivalent quantity has actually been produced in excess of the maximum quota for the undertaking concerned, account being taken of any quantities carried forward to the sugar year in question.

Article 10

1. An import licence for products specified in Article 1 (1) (a), (b) and (d) of Regulation (EEC) No 3330/74 shall be valid for 60 days from its day of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75.

2. An import licence for products specified in Article 1 (1) (c) of Regulation (EEC) No 3330/74 shall be valid from its day of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 until the end of the third month following that of issue.

3. Unless it has been decided otherwise under the terms of the invitation to tender, an export licence for products specified in Article 1 (1) of Regulation (EEC) No 3330/74 shall be valid from its day of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 until the end of the third month following that of issue.

However, in the case of the products specified in Article 1 (1) (a) of Regulation (EEC) No 3330/74, if on the day when the application is lodged no refund applies, the export licence for such products, with the exception of the sugar referred to in Article 8 (1), shall be valid for 14 days from its actual day of issue.

The preceding subparagraph shall not apply to exports of white sugar falling within subheading 17.01 B I of the Common Customs Tariff effected under export licences issued for a quantity not exceeding 200 kilogrammes.

Article 11

In respect of preferential sugar to be imported into the Community in accordance with Regulation (EEC) No 824/75 the application for an import licence and the licence itself shall contain:

— in section 12 one of the following endorsements:

'PREFERENTIAL SUGAR (Regulation (EEC) No 824/75)'

'SUCRE PREFERENTIEL (Reglement (CEE) n° 824/75)'

'PRÆFERENCESUKKER (Forordning (EØF) nr. 824/75)'

'PRÄFERENZZUCKER (Verordnung (EWG) Nr. 824/75)'

'ZUCCHERO PREFERENZIALE (Regolamento (CEE) n. 824/75)'

'PREFERENTIELE SUIKER (Verordening (EEG) nr. 824/75)'

— in section 14, the name of the State, country or territory of origin of the product.

The issue of an import licence shall make it obligatory to import in accordance with Regulation

(EEC) No 824/75 from the State, country or territory in respect of which it was issued.

Article 12

By way of derogation from the third indent of Article 4 (3) of Regulation (EEC) No 193/75, no licence shall be required for the purposes of operations relating to a quantity not exceeding 100 kilogrammes.

Article 13

1. The security for licences for the products specified in Article 1 of Regulation (EEC) No 3330/74 shall be, per 100 kg net, as follows:

(a) for import or export licences without advance fixing:

— 0·20 unit of account for products falling within Tariff heading No 17.01,

— 0·02 unit of account for products falling within Tariff heading No 12·04 or 17·03,

— 0·20 unit of account for products falling within Tariff heading No 17·02 or 17·05;

(b) for import licences where the levy is fixed in advance:

— 2·50 units of account for products falling within Tariff heading No 17·01,

— 0·60 unit of account for products falling within Tariff heading No 17.03, where the levy is greater than zero,

— 0·12 unit of account for products falling within Tariff heading No 17·03, where the levy is equal to zero;

(c) for export licences where the refund is fixed in advance or where the levy is fixed in pursuance of an invitation to tender held within the Community:

— 3·00 units of account for products falling within Tariff heading No 17·01,

— 0·60 unit of account for products falling within Tariff heading No 17·03,

— 0·20 unit of account for products falling within Tariff heading No 17.02 or 17.05.

2. Where Article 18 (2) of Regulation (EEC) No 193/75 is applied, the amount to be taken into account when calculating the amount of the security to be forfeit shall be:

(a) for import or export licences without advance fixing, the amount as shown in paragraph 1 (a);

(b) for import licences in respect of products falling within Tariff heading No 17.01 or 17.03 where the levy is fixed in advance, the amount as shown in paragraph 1 (a) plus the difference, if this is a positive amount, between:

— the levy as fixed in advance, increased where appropriate by the premium referred to in Article 16 (2) of Regulation (EEC) No 3330/74, and

— the levy applicable on the last day of validity of the import licence, increased where appropriate by the said premium.

Provided that in the case of products falling within Tariff heading No 17.03 this amount shall in any event be at least 0·12 unit of account per 100 kg net.

(c) for export licences in respect of products falling within Tariff heading No 17.01 or 17.03 where the levy is fixed in advance or where the levy is fixed in pursuance of an invitation to tender held within the Community, the amount as shown in paragraph 1 (a) plus the difference between:

— for raw sugar, the spot price quoted on the London Exchange on the day of issue of the licence within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 and the spot price quoted on the London Exchange on its last day of validity, if the latter price is lower than the former,

— for white sugar, the spot price quoted on the Paris Bourse on the day of issue of the licence within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 and the spot price quoted on the Paris Bourse on its last day of validity, if the latter price is lower than the former,

— for molasses, the refund applicable on the day of issue of the licence within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 and the refund applicable on its last day of validity, if the latter refund is higher than the former.

However, in the case of export licences for raw and white sugar issued in pursuance of an invitation to tender, the references in the first and second indents to the spot prices quoted on the day of issue shall be treated as references to the spot prices quoted on the closing date for the submission of tenders.

When on the days referred to in the first and second indents one of the spot prices is not quoted, that price shall be replaced by the corresponding last quoted spot price.

(d) In the case of export licences in respect of the products of heading Nos 17.02 and 17.05 specified in Article 1 of Regulation (EEC) No 3330/74 where the refund is fixed in advance, the amount shown in the third indent of paragraph 1 (c).

Article 14

1. Without prejudice to the application of Article 22 of Regulation (EEC) No 3330/74, export licences for sugars falling within Tariff heading No 17.01, other than those to which the provisions of Article 8 (1) apply, shall be issued on the third working day following the day on which the application therefor is lodged.

2. By way of derogation from Article 13 (1) (a), the security for export licences as referred to in paragraph 1 issued in accordance with the second subparagraph of Article 10 (3) shall be 3 units of account per 100 kilogrammes net.

Article 15

1. Article 1, in so far as it concerns sugar, and Articles 30 to 33a of Regulation (EEC) No 2637/70 are hereby repealed.

2. All references in Community instruments to one of the abovementioned Articles of Regulation (EEC) No 2637/70 shall be treated as references to the corresponding Article of this Regulation.

Article 16

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply with effect from 1 September 1975.

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

Done at Brussels, 25 July 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission