REGULATION (EEC) No 2850/75 OF THE COMMISSION

of 31 October 1975

laying down detailed implementing rules in respect of the importation of preferential sugar and amending Regulations (EEC) No 955/70 and (EEC) No 2048/75

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, as amended by Regulation (EEC) No 2623/75 [2], and in particular Articles 12 (2), 34, 47 (2) and 48 thereof;

Whereas Commission Regulation (EEC) No 824/75 [3] of 24 March 1975 laying down transitional measures applicable to sugar imported by the Community under preferential arrangements, as last amended by Regulation (EEC) No 1920/75 [4] expires on 31 October 1975;

Whereas Title V of Regulation (EEC) No 3330/74 relating to the system of preferential imports of sugar enters into force on 1 November 1975; whereas detailed implementing rules should be established with effect from that date;

Whereas Council Regulation (EEC) No 1598/75 [5] of 24 June 1975 on the advance implementation of certain provisions of the ACP-EEC Lomé convention relating to trade in goods, defined in its Annex II the concept of 'originating products' and the methods of administrative cooperation applicable to the products originating in the ACP States;

Whereas Council Regulation (EEC) No 1957/75 [6] of 30 July 1975 on the interim trade arrangements with overseas countries and territories associated with the European Economic Community, defined that concept and those methods as they concern the products originating in the overseas countries and territories associated with the European Economic Community;

Whereas it must be made clear that the advantages stemming from this Regulation are reserved for 'originating products' within the meaning of Regulations (EEC) No 1598/75 and (EEC) No 1957/75 and later within the meaning of the ACP-EEC Lomé convention and of the Regulation relating to the association of the overseas countries and territories with the European Economic Community;

Whereas, until the Community rules of origin have been adapted for India, those laid down in Council Regulation (EEC) No 802/68 [7] of 27 June 1968 on the common definition of the concept of the origin of goods, as amended by Regulation (EEC) No 1318/71 [8], shall apply to cane sugar imported into the Community under the Agreement on cane sugar concluded with India; whereas, until such time, in order to permit statistical and other checks to be kept on such imports, supplementary certificates are required;

Whereas it is necessary to lay down certain special rules and for this purpose to amend and to derogate from certain provisions of Commission Regulation (EEC) No 2048/75 [9] of 25 July 1975 on special detailed rules for the application of the system of import and export licences for sugar;

Whereas, moreover, provision should be made for the communication to the Commission of the quantities of preferential sugar in respect of which import certificates have been issued to amend Commission Regulation (EEC) No 955/70 [10] of 26 May 1970 on communications from Member States concerning intervention and trade in the sugar sector, as amended by Regulation (EEC) No 824/75;

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

Where a differential charge has been made on raw preferential sugar which is subsequently refined in a refinery, an amount equal to that of the charge shall be paid to the refiner concerned by the Member State in which the raw sugar is refined, in the currency of that Member State, on production of proof:

(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 268, 17. 10. 1975, p. 1.
(3) OJ No L 79, 28. 3. 1975, p. 8.
(4) OJ No L 195, 26. 7. 1975, p. 23.
(5) OJ No L 166, 28. 6. 1975, p. 1.
(6) OJ No L 201, 31. 7. 1975, p. 5.
(7) OJ No L 148, 28. 6. 1968, p. 1.
(8) OJ No L 139, 25. 6. 1971, p. 6.
(9) OJ No L 213, 11. 8. 1975, p. 31.
(10) OJ No L 114, 27. 5. 1970, p. 16.

(a) that the sugar in question has been refined in a refinery, and

(b) that the differential charge was made at the time of the importation of the sugar.

Article 2

Preferential raw sugar which is not intended for refining and which falls within subheading 17.01 B II b) of the Common Customs Tariff and in respect of which an exemption from the differential charge is claimed shall be subject to customs control or to an administrative inspection offering equivalent safeguards.

Article 3

1. The security referred to in the second indent of Article 46 (2) (a) of Regulation (EEC) No 3330/74 may, at the option of the person concerned, be lodged in the form either of a cash deposit or of a guarantee provided by an institution approved by the Member State in which the customs formalities of importation are completed.

2. Except in case of *force majeure* the security shall be forfeit and treated as differential charge on any quantity of preferential raw sugar in respect of which the person concerned has not within six months from the date of importation furnished proof that the sugar in question was refined in a refinery.

3. Release of the security shall be effected without delay.

Article 4

1. The rules of origin applicable to preferential sugar imported from the States other than India, referred to in Annex III to Regulation (EEC) No 3330/74 shall be those set out in Annex II to Regulation (EEC) No 1598/75.

2. The rules of origin applicable to preferential sugar imported from the overseas countries and territories referred to in Annex III to Regulation (EEC) No 3330/74 shall be those set out in Annex II to Regulation (EEC) No 1957/75.

3. The provisions of paragraphs 1 and 2 shall apply until the entry into force respectively of the ACP-EEC Lomé convention, and of the Regulation relating to the association of the overseas countries and territories with the European Economic Community.

After the entry into force of the said convention and of the said Regulation the rules of origin therein set out shall apply to preferential sugar.

4. Evidence of the originating status of preferential sugar within the meaning of Regulations (EEC) No 1598/75 and (EEC) No 1957/75 shall be given by a movement certificate EUR.1, a specimen of which is given in Annex 5 to Annex II to each of the said Regulations. This certificate shall indicate :

— in section 7, one of the following endorsements :

'Regulation (EEC) No 2850/75 refers',

'Application du règlement (CEE) n° 2850/75',

'Anwendung von Verordnung (EWG) Nr. 2850/75',

'Applicazione del regolamento (CEE) n. 2850/75',

'Toepassing van Verordening (EEG) nr. 2850/75',

'Anvendelse af forordning (EØF) nr. 2850/75',

The certificate shall also indicate in section 7 the date of shipment of the goods and the relevant delivery period as defined for the purposes the undertakings given in respect of preferential sugar. The stated delivery period shall not, however, affect the applicability of the certificate at the time of importation ;

— in section 8, the subheading of the Common Customs Tariff for the goods in question.

5. Member States shall forward to the Commission by the twenty-first day of each month copies of the EUR.1 certificates supplied by the persons concerned, relating to the imports made during the preceding calendar month.

Each copy shall contain in section 8 endorsements in respect of the importation concerned and particulars of the quantities actually imported.

Article 5

1. For the purposes of this Regulation preferential sugar originating in India is sugar for which evidence of such origin has been given by production of a certificate of origin fulfilling the conditions laid down in Article 9 of Regulation (EEC) No 802/68.

2. The importer of preferential sugar originating in India shall in addition submit to the customs authorities of the Community a certificate duly endorsed by the competent authority of India.

This certificate shall :

— bear one of the following endorsements :

'Regulation (EEC) No 2850/75 refers',

'Application du règlement (CEE) n° 2850/75',

'Anwendung von Verordnung (EWG) Nr. 2850/75',

'Applicazione del regolamento (CEE) n. 2850/75',

'Toepassing van Verordening (EEG) nr. 2850/75',

'Anvendelse af forordning (EØF) nr. 2850/75' ;

— indicate the date of shipment of the goods and the relevant delivery period as defined for the purposes of the undertakings given in respect of

preferential sugar. The stated delivery period shall not, however, affect the applicability, at the time of importation, of the certificate of origin referred to in paragraph 1 ;

— indicate the subheading of the Common Customs Tariff of the goods in question.

3. Member States shall forward to the Commission by the twenty-first day of each month copies of the certificate referred to in paragraph 2 supplied by the persons concerned, relating to the imports made during the preceding calendar month.

Each such copy shall contain the particulars endorsed thereon in respect of the importation concerned, and particulars of the quantities actually imported.

Article 6

1. By way of derogation from Article 10 (1) of Regulation (EEC) No 2048/75, an import licence issued in respect of preferential sugar shall be valid for three months from its date of issue within the meaning of Article 9 (1) of Regulation (EEC) No 193/75 (1).

2. By way of derogation from Article 13 of Regulation (EEC) No 2048/75, the amount of the security in respect of import licences for preferential sugar shall be 0·5 unit of account per 100 kilogrammes net.

Article 7

There shall be added to paragraph 1 of Article 5 of Regulation (EEC) No 955/70 the following subparagraph :

'with effect from 1 November 1975, separate particulars for each State, country or territory of origin shall be given not later than the end of each month for the preceding calendar month, in respect of the quantities of preferential sugar for which import licences have been issued with a view to importation under Regulation (EEC) No 2850/75'.

Article 8

Movement certificates and attestations presented to the competent authorities during the period 1 November to 31 December 1975 which make reference to Regulation (EEC) No 824/75 but which otherwise comply with the relevant provisions of the present Regulation shall not for that reason alone be regarded as null and void.

Article 9

In Article 11 of Regulation (EEC) No 2048/75 all references to Regulation (EEC) No 824/75 shall be replaced by references to Regulation (EEC) No 2850/75.

Article 10

This Regulation shall enter into force on 1 November 1975.

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

Done at Brussels, 31 October 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) OJ No L 25, 31. 1. 1975, p. 10.