REGULATION (EEC) No 824/75 OF THE COMMISSION

of 24 March 1975

laying down transitional measures applicable to sugar imported by the Community under preferential arrangements

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 Article 43 thereof;

Whereas the provisions of the Act of Accession (2), and in particular those of Protocol 17 annexed thereto, authorized up to 28 February 1975 preferential imports of cane sugar covered by the Commonwealth Sugar Agreement; whereas that system was operated within the framework of Council Regulation No 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);

Whereas, under the provisions of the abovementioned Act, and in particular those of Protocol 22 annexed thereto, the Community undertook to 'have as its firm purpose' the safeguarding of the interest in the exportation of sugar of certain developing countries; whereas, in implementation of that undertaking, the Protocol on sugar annexed to the ACP-EEC convention of Lomé signed on 28 February 1975 provides for a new system of preferential imports of cane sugar into the Community; whereas by the Council Decision of 25 February 1975, that system has been extended to certain overseas countries and territories;

Whereas pursuant to Article 1 of the Protocol annexed to the convention and to the Decision as aforesaid, the new preferential system must be operated within the framework of the common organization of the market in sugar;

Whereas the preferential nature of the new system requires that the import levies provided for in the framework of the common organization of the market in sugar should not apply to it;

Whereas, in the said convention, rules of origin have been laid down concerning the conditions under which the sugar concerned acquires the status of a product originating in the developing country concerned and the mode of proof and verification of this status; whereas, since these rules do not yet apply in the Community, it is appropriate to include the most important of them in this Regulation; whereas it is appropriate that these rules of origin be extended to the overseas countries and territories concerned;

Whereas it is necessary to take account of differences in refining costs as between the various categories of Community enterprise which refine the cane sugar imported under the new preferential arrangements; whereas these differences warrant in certain cases either the charging of a levy representing the relevant difference in costs or the requirement of equivalent security;

Whereas, moreover, imports must be effected under the system of import licences provided for in the sugar sector; whereas, nevertheless, it is desirable to amplify certain special rules and to this end to amend, and to derogate from, certain provisions of Commission Regulation (EEC) No 2637/70 (5) 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 558/75 (6);

Whereas the provisions of the Protocol annexed to the convention and to the Decision as aforesaid were made effective from 28 February 1975 in order to avoid any discontinuity in the importation of cane sugar under preferential conditions; whereas it is consequently desirable, in particular for purposes of administration of the agreed quantities, to take certain measures with respect to imports made before the entry into force of this Regulation;

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 shall apply to white and raw sugar (hereinafter referred to as 'preferential sugar') falling within subheading 17.01 B I or B II of the Common Customs Tariff, originating in the states, countries and territories set out in Annex I hereto and imported by the Community under the preferential conditions contained in the following:

(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No 308, 18. 12. 1967, p. 1.
(4) OJ No L 264, 1. 10. 1974, p. 70.
(5) OJ No L 283, 29. 12. 1970, p. 15.
(6) OJ No L 59, 5. 3. 1975, p. 16.

(a) the Protocol on sugar annexed to the convention signed at Lomé between the ACP countries and the EEC,

(b) the Council Decision of 25 February 1975 on the importation of cane sugar originating in certain overseas countries and territories.

Article 2

The provisions of Article 14 of Regulation No 1009/67/EEC and of Article 15 of Regulation (EEC) No 3330/74 shall not apply to preferential sugar.

Article 3

1. When preferential raw sugar is put into free circulation it shall be subject to a levy of 1·07 units of account per 100 kg of sugar expressed in white value by reference to a raw sugar yield calculated by doubling the degree of polarization of the raw sugar and deducting 100.

2. By way of derogation from paragraph 1, no levy shall be charged :

— on preferential raw sugar other than for refining (subheading 17.01 B II b) of the Common Customs Tariff), or

— subject to security being lodged in an amount equal to that of the levy, on preferential raw sugar, other than that referred to in the first indent, which is intended for refining in a refinery.

3. Where the levy has been charged on preferential raw sugar which is subsequently refined in a refinery, an amount equal to the levy shall be granted to the refiner concerned after proof has been furnished that the sugar in question has been refined.

4. For the purposes of this Regulation 'refinery' means a technical unit whose sole activity consists in the refining of raw sugar or of syrups produced prior to crystallization.

Article 4

Preferential sugar in respect of which is claimed the exemption from levy provided for in the first indent of Article 3 (2) shall be subject to customs control or to an administrative control offering equivalent safeguards.

Article 5

The security referred to in the second indent of Article 3 (2) 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 customs import formalities are completed.

Except in case of *force majeure*, the security shall be forfeit and treated as levy in respect of any quantity of preferential raw sugar as to 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. Release of the security shall be effected forthwith.

Article 6

The amount referred to in Article 3 (3) shall be paid to the refiner by the Member State in which the preferential raw sugar is refined, in the currency of that Member State, on production of proof :

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

(b) that the levy referred to in Article 3 (1) was charged on the importation of the sugar concerned.

Article 7

1. Sugar to be regarded for purposes of this Regulation as preferential sugar must have originated in the states, countries and territories listed in Annex I, have been exclusively manufactured there from products harvested there, and have been transported from such states, countries or territories to the territory of the Community without going through another territory. However, products constituting one single consignment may be transported through a territory not listed in Annex I, with, should the occasion arise, transhipment or temporary warehousing in such territory, provided that the crossing of the latter territory is justified for geographical reasons or by the needs of transport and that the products concerned have not entered into commerce or been delivered for home use there, and have not undergone operations other than unloading, reloading or any other operation designed to preserve them in good condition.

2. Proof of originating status within the meaning of the preceding paragraph shall be furnished by production of a movement certificate EUR. 1, a specimen of which is shown in Annex II, issued by the customs authorities of the exporting state, country or territory at the time when the goods to which it relates are exported.

Exceptionally, the movement certificate may be issued after the exportation of the goods to which it relates where it was not issued at the time of exportation because of errors, involuntary omissions, or special circumstances. In such a case the certificate shall bear one of the following endorsements : 'Nachträglich ausgestellt', 'Délivré a posteriori', 'Rilasciato a posteriori', Afgegeven a posteriori', 'Issued retrospectively', 'Udstedt efterfølgende'.

The discovery of slight discrepancies between the statements made in the movement certificate EUR. 1 and those made in the other documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the certificate null and void if it is duly

established that the certificate does correspond to the goods submitted.

3. Certificates as referred to in paragraph 2 shall contain :

— in box 7 one of the following endorsements :

'Application règlement (CEE) nº 824/75'
'Anwendung von Verordnung (EWG) Nr. 824/75'
'Applicazione regolamento (CEE) n. 824/75'
'Toepassing van Verordening (EEG) nr. 824/75'
'Anvendelse af forordning (EØF) nr. 824/75'
'Regulation (EEC) No 824/75 refers'.

The certificate shall also indicate in box 7 the date of shipment of the goods and the delivery period (as defined in the documents referred to in Article 1). The stated delivery period shall not, however, affect the applicability of the certificate at the time of importation. With respect to preferential sugar originating in Swaziland or in Malawi, in place of the date of shipment there shall be indicated the date on which the goods crossed the frontier with Mozambique.

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

4. Member States shall forward to the Commission by the 20th of each month copies, supplied by the persons concerned, of EUR. 1 certificates relating to the imports made during the preceding calendar month.

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

Article 8

The text of Article 32a of Regulation (EEC) No 2637/70 is replaced by the following :

'In respect of preferential sugar to be imported into the Community in accordance with the provisions of Regulation (EEC) No 824/75 the import licence shall contain :

— in section 12 one of the following endorsements :

'PRÄFERENZZUCKER (Verordnung (EWG) Nr. 824/75)'
'PREFERENTIAL SUGAR (Regulation (EEC) No 824/75)'
SUCRE PRÉFÉRENTIEL (Règlement (CEE) nº 824/75)'
'ZUCCHERO PREFERENZIALE (Regolamento (CEE) n. 824/75)'
'PREFERENTIËLE SUIKER (Verordening (EEG) nr. 824/75)'
'PRAFERENCESUKKER (Forordning (EØF) nr. 824/75)'

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

The application for the licence shall contain the same entries. The issue of an import licence shall carry with it the obligation to import in accordance with the provisions of Regulation (EEC) No 824/75 from the state, country or territory in respect of which it was issued.'

Article 9

1. By way of derogation from Article 32 (1) of Regulation (EEC) No 2637/70, 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 33 (1) of Regulation (EEC) No 2637/70, the amount of the security in respect of import licences for preferential sugar shall be 0·5 unit of account per 100 kilogrammes.

Article 10

In point 1 of Article 5 of Regulation (EEC) No 955/70 (2) the final semicolon is replaced by a comma and the following is added :

'separate particulars, broken down according to the state, country or territory of origin, to be given in respect of the quantities of preferential sugar for which import licences have been issued pursuant to Regulation (EEC) No 824/75 ;'

Article 11

In respect of preferential sugar imported into the Community before the entry into force of this Regulation, the persons concerned shall notify the competent authority of the importing Member State, which shall inform the Commission accordingly, of the quantities imported and their origins.

Article 12

Member States shall take all such supplementary measures as may be necessary for the implementation of this Regulation.

Article 13

This Regulation shall enter into force on 1 April 1975 and shall apply until 31 July 1975.

(1) OJ No L 25, 31. 1. 1975, p. 10.
(2) OJ No L 114, 27. 5. 1970, p. 16.

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

Done at Brussels, 24 March 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX I

Barbados
Belize
Fiji
Guyana
Jamaica
Kenya
Madagascar
Malawi
Mauritius
République populaire du Congo
St Kitts-Nevis-Anguilla
Surinam
Swaziland
Tanzania
Trinidad and Tobago
Uganda

ANNEX II

MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)

EUR. 1 No

See notes overleaf before completing this form

2. Certificate used in preferential trade between

.....

and

.....

(insert appropriate countries, groups of countries or territories)

3. Consignee (Name, full address, country) (Optional)

4. Country, group of countries or territory in which the products are considered as originating ([3])

5. Country, group of countries or territory of destination

6. Transport details (Optional)

7. Remarks

8. Item number; marks and numbers; Number and kind of packages ([1]); Description of goods	9. Gross weight (kg) or other measure (litres, m^3, etc.)	10. Invoices (Optional)

([1]) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

11. CUSTOMS ENDORSEMENT

Declaration certified

Export document ([2])

Stamp

Form ..... No .....

Customs office .....

Issuing country or territory .....

.....

.....

Date .....

.....

(Signature)

([2]) Complete only where the regulations of the exporting country or territory require.

12. DECLARATION BY THE EXPORTER

I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate.

Place and date .....

.....

(Signature)

([3]) Complete only in cases of exporting country not being indentical to the country where the products are originating. In the contrary case, this box has to be struck through.

13. REQUEST FOR VERIFICATION, to	14. RESULT OF VERIFICATION,
Verification of the authenticity and accuracy of this certificate is requested. ..... (Place and date) Stamp ..... (Signature)	Verification carried out shows that this certificate (1) ☐ was issued by the Customs Office indicated and that the information contained therein is accurate. ☐ does not meet the requirements as to authenticity and accuracy (see remarks appended). ..... (Place and date) Stamp ..... (Signature) (1) Insert X in the appropriate box.

NOTES

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the Customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

APPLICATION FOR A MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)

EUR. 1 No

See notes overleaf before completing this form

2. Application for a certificate to be used in preferential trade between

.....

and

.....

(insert appropriate countries, groups of countries or territories)

3. Consignee (Name, full address, country) (Optional)

4. Country, group of countries or territory in which the products are considered as originating (2)

5. Country, group of countries or territory of destination

6. Transport details (Optional)

7. Remarks

8. Item number; marks and numbers; Number and kind of packages (1); Description of goods	9. Gross weight (kg) or other measure (litres, m^3, etc.)	10. Invoices (Optional)

(1) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

(2) Complete only in cases of exporting country not being identical to the country where the products are originating. In the contrary case this box has to be struck through.

12. DECLARATION BY THE EXPORTER

I, the undersigned, declare that the goods described above meet the conditions required for the issue of the attached certificate.

Place and date .....

.....

(Signature)

DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....

.....

.....

.....

SUBMIT the following supporting documents (1):

.....

.....

.....

.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....

(Place and date)

.....

(Signature)

(1) For example: import documents, movement certificates, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state.