COMMISSION REGULATION (EEC) No 2836/76

of 24 November 1976

supplementing Regulation (EEC) No 442/70 laying down detailed rules for the application of the system of offsetting storage costs 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 of 19 December 1974 on the common organization of the market in sugar [1], as last amended by Regulation (EEC) No 1487/76 [2], and in particular the second subparagraph of Article 8 (2) thereof,

Whereas Article 9 (2) of Commission Regulation (EEC) No 442/70 of 9 March 1970 laying down detailed rules for the application of the system of offsetting storage costs for sugar [3], as last amended by Regulation (EEC) No 1688/74 [4], at present makes no provision for taking shortfalls or surplus quantities into account when calculating the reimbursement of storage costs; whereas to this end the methods already applied by the Member States in this respect should be harmonized;

Whereas it is economically desirable to extend the term 'approved warehouse of the manufacturer' to cover rented warehouses, provided these are approved by the Member State concerned and subject to prior consent by that Member State, save in cases where the processing contract under which the warehouse is rented has already been approved under Article 3 (2) (a) of Commission Regulation (EEC) No 700/73 of 12 March 1973 laying down certain detailed rules for the application of the quota system for sugar [5], as amended by Regulation (EEC) No 1573/76 [6];

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

The following paragraphs 4, 5 and 6 shall be added to Article 9 of Regulation (EEC) No 442/70:

'4. Where discrepancies are found between the actual stocks and the stocks recorded for purposes of the reimbursement of storage costs, the amount of the reimbursement shall be adjusted accordingly. In the case of a shortfall such adjustment shall be retrospective, with effect from the preceding 1 November.

In the case of a surplus, the adjustment shall be

— effective from the month in which the surplus is discovered, as regards surpluses discovered between 1 October and 31 January;
— retrospective with effect from the previous 1 February as regards surpluses discovered between 1 February and 30 September.

The dates referred to in the preceding subparagraphs shall be deferred by three months in respect of the French departments of Guadeloupe and Martinique.

If, however, it is possible to establish the precise date when the discrepancy in question first arose, then that shall be the date by reference to which the adjustment is made.

5. For the purposes of paragraph 1 the expression 'approved warehouse of the manufacturer' shall also cover a warehouse rented from another manufacturer in which is stored sugar processed by the latter under a contract as referred to in Article 3 (2) of Regulation (EEC) No 700/73.

If the rented warehouse is in another Member State, the Member States concerned shall reach agreement on the measures to be taken. Reimbursement shall be made and the levy paid to the Member State in which the principal is established.

6. When a manufacturer finds it necessary to rent in the same Member State a warehouse owned by another manufacturer, or by a proprietor of industrial storage premises for renting, such a warehouse may, subject to prior consent by the Member State concerned, be treated as the first manufacturer's warehouse for purposes of paragraph 1.'

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 167, 26. 6. 1976, p. 9.
(3) OJ No L 55, 10. 3. 1970, p. 10.
(4) OJ No L 176, 30. 6. 1974, p. 5.
(5) OJ No L 67, 14. 3. 1973, p. 12.
(6) OJ No L 172, 1. 7. 1976, p. 52.

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

Done at Brussels, 24 November 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission