COMMISSION REGULATION (EEC) No 719/76

of 30 March 1976

amending for the second time Regulation (EEC) No 2048/75 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 of 19 December 1974 on the common organization of the market in sugar (1), as last amended by Regulation (EEC) No 3058/75 (2), and in particular Articles 12 (2) and 17 (5) thereof,

Whereas operations consisting of exporting white sugar to be offset by the subsequent importing of raw sugar may be carried out either under Article 25 of Council Directive 69/73/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing (3), as last amended by the Act of Accession (4), or under Article 9 of Commission Regulation (EEC) No 645/75 of 13 March 1975 laying down common detailed rules for the application of export levies and charges on agricultural products (5),

Whereas, pursuant to Commission Regulation (EEC) No 193/75 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 (6), as last amended by Regulation (EEC) No 499/76 (7), operations of the above type do not require licences;

Whereas such operations may have a decisive effect on the quantities of sugar available on the Community market; whereas the competent authorities should be enabled constantly to supervise the flow of this trade in order to follow its development and, if necessary, to take any measures that may be required; whereas to this end licences should be required for such operations;

Whereas under Article 9 (2) of Commission Directive 75/349/EEC of 26 May 1975 on detailed rules concerning equivalent compensation and prior exportation under inward processing arrangements (8), the importation of import goods, in this case raw sugar, must take place within a maximum time limit of three months, subject to particular provisions adopted within the framework of the common agricultural policy; whereas a different time limit must be fixed for the importation of raw sugar in the light of market requirements; whereas this time limit must be the same as that fixed for the period of validity of import licences; whereas an identical solution must be adopted for raw sugar imported pursuant to Article 9 of Regulation (EEC) No 645/75;

Whereas, at the present moment for administrative reasons, the exports of white sugar and subsequent imports of raw sugar under Article 25 of the said Council Directive have to take place in the same Member State; whereas the field of application of licences used for these exports and imports should therefore be limited;

Whereas exports in advance of imports involve considerable risks to Community sugar supplies, particularly during a period of shortage on the world market; whereas special provisions should therefore be laid down concerning the security required for the import certificate;

Whereas other special provisions should be laid down with respect to the export licence for white sugar and the import licence for raw sugar to ensure that the purpose of such licences is in fact achieved;

Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

There shall be added to Regulation (EEC) No 2048/75 a new Article numbered 14a:

(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 306, 26. 11. 1975, p. 3.
(3) OJ No L 58, 8. 3. 1969, p. 1.
(4) OJ No L 73, 27. 3. 1972, p. 14.
(5) OJ No L 67, 14. 3. 1975, p. 16.
(6) OJ No L 25, 31. 1. 1975, p. 10.
(7) OJ No L 59, 6. 3. 1976, p. 18.
(8) OJ No L 156, 18. 6. 1975, p. 25.

'*Article 14a*

1. By way of derogation from Article 4 (1) of Regulation (EEC) No 193/75, where, following authorization, either under Article 25 of Council Directive 69/73/EEC of 4 March 1969 or under Article 9 of Regulation (EEC) No 645/75, the prior exportation of white sugar falling within heading No 17.01 of the Common Customs Tariff is followed by the importation of raw sugar falling within heading No 17.01 of the Common Customs Tariff, licences shall be required to export the white sugar and to import the raw sugar.

2. Section 12 of the application for an export licence and of the export licence for white sugar, and of the application for an import licence and of the import licence for raw sugar, shall contain one of the following endorsements :

"— EX/IM, Article 25, Directive — inward processing,
— licence valid in ... (issuing Member State)";

"— EX/IM, Artikel 25, Directiv — aktiv forædling,
— licens gyldig i ... (udstedende medlemstat)";

"— EX/IM, Artikel 25, Richtlinie — aktiver Veredelungsverkehr,
— Lizenz gültig in ... (erteilender Mitgliedstaat)";

"— EX/IM, Article 25, Directive — perfectionnement actif,
— certificat valable en ... (État membre de délivrance)";

"— EX/IM, Articolo 25, Direttiva — perfezionamento attivo,
— titolo valido in ... (Stato membro di rilascio)";

"— EX/IM, Artikel 25, Richtlijn — actieve veredeling,
— certificaat geldig in ... (Lid-staat van afgifte)".

Section 12 of the export licence shall also contain the number of the corresponding import licence, and Section 12 of the import licence the number of the corresponding export licence.

The application for an export licence for white sugar shall not be accepted unless the authorization referred to in paragraph 1 is furnished and at the same time an application for an import licence for raw sugar is lodged.

The application for an import licence shall relate to a quantity of raw sugar of the standard quality which, taking into account the yield, corresponds to the quantity of white sugar shown on the application for an export licence. The yield of the raw sugar shall be calculated by deducting 100 from twice the degree of polarization of the sugar. Where the imported raw sugar does not correspond to the standard quality, the quantity of raw sugar to be imported under the licence shall be calculated by multiplying the quantity of raw sugar of the standard quality by a correction factor. The correction factor shall be obtained by dividing 92 by the percentage of the yield of the raw sugar in fact imported.

3. By way of derogation from Article 10 (1) and (3), the export licence for white sugar and the import licence for raw sugar shall be valid :

— until 30 June of a sugar marketing year where the application has been lodged, within the meaning of Article 6 (1) of Regulation (EEC) No 193/75, after 1 October of the same marketing year ;

— until 30 September of a sugar marketing year where the application has been lodged, within the meaning of Article 6 (1) of Regulation (EEC) No 193/75, after 1 July of the same marketing year.

4. By way of derogation from Article 13 (1) (a), and subject to the following subparagraphs, the security required for the import certificate referred to in paragraph 1 shall be eight units of account per 100 kilogrammes net.

Nevertheless, the amount of the said security shall be adjusted, as shown in the Annex, by reference to the export levy on raw sugar applicable on the day on which the application for the import licence was lodged and on each subsequent Monday during the period of validity of the licence.

Where the application of the preceding subparagraph results in an increase in the security, the applicant for the import licence shall be required to pay the increase on the day on which the request is lodged and/or within three working days after the relevant Monday. On request by the holder of the import licence the competent authority shall release without delay that part of the security which results from any downward adjustment thereof.

5. Article 2 (4) of Regulation (EEC) No 193/75 shall not apply to the export licence referred to in paragraph 1.

6. By way of derogation from Articles 2 (5) and 18 (2) of Regulation (EEC) No 193/75 :

(a) the whole of the security in respect of the import licence shall be released only where the quantities of raw sugar actually imported are equal to or exceed the quantities of white sugar actually exported, taking into account the yield of the raw sugar ;

(b) where the quantities of raw sugar actually imported are less than the quantities of white sugar actually exported, the security shall be forfeit in an amount equal to the difference between the quantities of white sugar actually exported and the quantities of raw sugar actually imported, taking into account the yield of the raw sugar;

(c) any part of the security resulting from the application of second subparagraph 4, which may be forfeit under subparagraph (b), shall be reduced by any amount which may be forfeit under Article 9 (3) of Regulation (EEC) No 645/75 and Article 10 of Commission Directive 75/349/EEC of 26 May 1975. This reduction shall be made only at the request of the person concerned and after presentation of documents justifying the request;

(d) where, when paragraph 4 applies, the holder of an import licence fails to increase the security within the prescribed period, the said security, adjusted as necessary, shall immediately be totally forfeit, except in case of *force majeure*. Nevertheless, the amount forfeit shall be reduced at the date of expiry of the import licence under subparagraph (c).

7. By way of derogation from Article 9 (2) of Commission Directive 75/349/EEC of 26 May 1975 and Article 9 (4) of Regulation (EEC) No 645/75, the time limit within which the importation of raw sugar corresponding to a previous exportation of white sugar must be carried out shall be the same as the period of validity of the import licence for raw sugar.

8. By way of derogation from Article 3 of Regulation (EEC) No 193/75, the rights deriving from export and import licences referred to in paragraph 1 shall not be transferable.

9. Where Article 5 (3) of Regulation (EEC) No 193/75 applies, the cancellation shall simultaneously affect both the import certificate and the export licence.'

Article 2

1. This Regulation shall enter into force on 1 April 1976.

Nevertheless, the production of a licence will not be required in respect of imports of raw sugar made on or after the date of entry into force of this Regulation, provided that such imports correspond to exports of white sugar made before that date.

2. At the request of those concerned, the maximum time limit of three months referred to in Article 9 (2) of Commission Directive 75/349/EEC of 26 May 1975 and in Article 9 (4) of Regulation (EEC) No 645/75 may be extended until 30 June 1976 in respect of authorizations already granted.

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

Done at Brussels, 30 March 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Calculation of the adjustment in the deposit referred to in Article 14a

Export levy on raw sugar (CCT subheading 17.01 B II) leading to an adjustment of the deposit	Amount of the upward or downward adjustment of the deposit
(units of account per 100 kilogrammes net)	
1	2
0 to 3·00	—
3·01 to 6·00	3·00
6·01 to 9·00	6·00
9·01 to 12·00	9·00
and so on by increases of three units of account each time	