COMMISSION REGULATION (EEC) No 101/77

of 19 January 1977

amending Regulation (EEC) No 572/76 fixing monetary compensatory amounts, with special reference to sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States (1), as last amended by Regulation (EEC) No 557/76 (2), and in particular Article 6 thereof,

Whereas it is laid down in Part 7 of Annex I to Commission Regulation (EEC) No 572/76 of 15 March 1976 fixing the monetary compensatory amounts and certain rates for their application (3), as last amended by Regulation (EEC) No 81/77 (4), that no monetary compensatory amount is to be applied to sugar exported pursuant to Article 26 of Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar (5), as last amended by Regulation (EEC) No 3138/76 (6);

Whereas the exportation of such sugar, produced during a given sugar marketing year in excess of the maximum quota of the undertaking, may give rise to deflections of trade since it may be replaced in intra-Community trade by sugar which has been produced within the limits of the quota and is thus subject to the application of compensatory amounts; whereas an operator who engages in such deflections benefits therefrom unfairly;

Whereas, in order to prevent such practices, compensatory amounts should therefore be applied to such sugar where it is exported from a Member State other than that in which it was produced and that such application should be restricted to cases where a compensatory amount is levied on exportation;

Whereas Regulation (EEC) No 572/76 also provides for the non-application of monetary compensatory amounts for certain exports of sugar; whereas the arrangements applicable to those exports have expired; whereas references to them should therefore be omitted from the 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

Footnote (1) to Part 7 of Annex I to Regulation (EEC) No 572/76 is amended to read as follows:

'(1) No monetary compensatory amount shall be applied to sugar exported to non-member countries pursuant to Article 26 of Regulation (EEC) No 3330/74. It shall be levied, however, where the customs export formalities are completed in a Member State other than that in which the export licence was issued.'

Article 2

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

However, it shall not apply to exports effected on the basis of licences issued before the date of entry into force of this Regulation.

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

Done at Brussels, 19 January 1977.

For the Commission

Finn GUNDELACH

Vice-President

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 67, 15. 3. 1976, p. 1.
(3) OJ No L 68, 15. 3. 1976, p. 5.
(4) OJ No L 14, 17. 1. 1977, p. 5.
(5) OJ No L 359, 31. 12. 1974, p. 1.
(6) OJ No L 354, 24. 12. 1976, p. 1.