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(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1465/77

of 30 June 1977

amending 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 1110/77 [2], and in particular the second subparagraph of Article 8 (2) thereof,

Whereas 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 2836/76 [4], has hitherto been applicable only to sugar and to certain syrups produced from beet or cane harvested in the Community; whereas, as a result of the extension with effect from 1 July 1977 to sugar imported under preferential conditions of the system of offsetting storage costs, Regulation (EEC) No 442/70 must be adapted so as to provide special offsetting arrangements for such sugar;

Whereas the formulas used for converting raw sugar into white sugar for the purpose of calculating the reimbursement and levies should at the same time be harmonized;

Whereas from 1 July 1977 the levy is no longer included in the intervention price; whereas it should therefore be provided that the levy is no longer to be charged when the sugar is sold to an intervention agency but only when the sugar is resold by the agency;

Whereas sugar of different origins may be stored on the same premises; whereas strict control measures should therefore be laid down in respect of sugar qualifying under Article 8 of Regulation (EEC) No 3330/74;

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

Regulation (EEC) No 442/70 is amended as follows:

1. The first indent of Article 1 (2) (b) is amended to read as follows:

   '— one of whose main activities consists of wholesale dealing in sugar and who purchases a minimum quantity of 10 000 tonnes of Community sugar and/or preferential sugar in each marketing year;'.

2. Article 3 is amended to read as follows:

   '*Article 3*

   The amounts of the levies shall be fixed per 100 kilograms of white sugar. The reimbursement and the levies shall be applicable per 100 kilograms of white sugar whatever the quality of the white sugar in question.'

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(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 134, 28. 5. 1977, p. 1.
(3) OJ No L 55, 10. 3. 1970, p. 10.
(4) OJ No L 326, 25. 11. 1976, p. 15.

3. Article 4 (1) is amended to read as follows:

'For purposes of the calculation of the reimbursement and levies applicable to raw sugar the latter shall be converted into white sugar equivalent according to one of the following methods at the choice of the Member State concerned:

(a) on the basis of its yield as ascertained according to the provisions of Article 1 of Regulation (EEC) No 431/68 [1]; or

(b) — for raw cane sugar by multiplying the quantity of raw sugar by the factor 0·96,

or

— for raw beet sugar by multiplying the quantity of raw sugar by the factor 0·92.

The method chosen by an individual Member State shall remain unchanged during a given sugar marketing year.

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[1] OJ No L 89, 10. 4. 1968, p. 3.'

4. Article 4 (2) is deleted.

5. An Article 6a as follows is inserted:

'*Article 6a*

Preferential sugar in respect of which customs formalities on importation have been completed and which is thereafter stored in approved premises shall be eligible for the reimbursement of storage costs.'

6. The first sentence of Article 9 (1) is amended to read as follows:

'The levy shall be payable in respect of products as referred to in Article 8 (1) (a) of Regulation (EEC) No 3330/74 which are disposed of.'

7. Further paragraphs as follows are inserted in Article 9 as paragraphs 1a, 1b and 1c:

'1a. In respect of preferential sugar as referred to in Article 8 (1) (b) of Regulation (EEC) No 3330/74 the levy shall be payable on importation. The day of importation shall be the day on which customs formalities on importation are completed.

1b. In respect of preferential sugar as referred to in Article 8 (1) (c) of Regulation (EEC) No 3330/74 the levy shall be payable, in so far as it has not already become payable, at the end of the month during which the sugar is refined.

1c. In respect of stocks of sugar held by the intervention agencies the levy shall become payable by such agencies on the sale of the sugar.'

8. A further paragraph as follows is added to Article 9:

'7. The sale of white or raw sugar to an intervention agency shall not be regarded as disposal within the meaning of paragraph 1.'

9. The following words are added at the end of Article 10 (1) (b):

'and between Community sugar and preferential sugar.'

10. Further paragraphs as follows are inserted in Article 10 as paragraphs 1a and 1b:

'1a. If the notified stock at the end of a month differs from the stock at the beginning of the following month particulars of the latter shall be communicated separately.

1b. All claimants for reimbursement who store in the same premises both sugar eligible for reimbursement and sugar not so eligible shall provide proof that the former is in fact eligible for reimbursement. The same shall apply *mutatis mutandis* as regards the levy.

In such cases, the Member State concerned shall place the sugar in question under customs control or under an administrative control offering equivalent safeguards.'

11. In Article 10 (2) the words 'and broken down according to the provisions of Article 9 (2)' are deleted.

12. Further paragraphs as follows are inserted in Article 10 as paragraphs 2a and 2b:

'2a. Each importer of preferential sugar which is disposed of in the natural state shall communicate, at the same time as the information referred to paragraph 1, particulars of the quantities of sugar as referred to in paragraph 1a of Article 9 imported during the preceding month.

2b. Each refiner of preferential sugar shall communicate, at the same time as the information referred to in paragraph 1, particulars of the

quantities of sugar as referred to in paragraph 1b of Article 9 refined during the preceding month.'

Article 2

This Regulation shall enter into force on 1 July 1977.

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

Done at Brussels, 30 June 1977.

For the Commission

Finn GUNDELACH

Vice-President