COMMISSION REGULATION (EEC) No 1465/78

of 29 June 1978

on granting compensation for disadvantages suffered by certain sugar exporters

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture (1), as last amended by Regulation (EEC) No 976/78 (2), and in particular Article 5 thereof,

Whereas the said Regulation has brought into operation the provisions of Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy (3); whereas Article 4 thereof provides that any person who has obtained advance fixing for a specific transaction may on application obtain cancellation of the advance fixing and of the relevant document or certificate; whereas, however, Article 4 (2) of Regulation (EEC) No 878/77 provides that the second subparagraph of Article 4 (1) of Regulation (EEC) No 1134/68 applies only if the application of the new representative rates is disadvantageous to the party concerned;

Whereas the second subparagraph of Article 4 (2) of Regulation (EEC) No 878/77 provides that the disadvantage may be compensated for by an appropriate measure; whereas such a disadvantage may exist in the case of operations under export certificates issued in the Federal Republic of Germany and for which at the same time no advance fixing of the monetary compensatory amounts was made in accordance with Commission Regulation (EEC) No 243/78 of 1 February 1978 providing for the advance fixing of monetary compensatory amounts (4);

Whereas in the sugar sector any large-scale cancellation of export licences issued following partial invitations to tender held pursuant to Commission Regulation (EEC) No 1634/77 of 19 July 1977 on a standing invitation to tender in order to determine export refunds for white sugar (5), as last amended by Regulation (EEC) No 1182/78 (6), and pursuant to Commission Regulation (EEC) No 1790/77 of 2 August 1977 on a standing invitation to tender in order to determine export refunds for raw beet sugar (7), as amended by Regulation (EEC) No 1182/78, could be seriously prejudicial to Community management of this sector; whereas, to prevent this happening, it is necessary to withhold the right to cancel while at the same time providing appropriate compensation for this disadvantage, and also to lay down the conditions for granting such compensation;

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 compensation referred to in the second subparagraph of Article 4 (2) of Regulation (EEC) No 878/77 shall, for the 1978/79 sugar marketing year, be DM 0·17 per 100 kilograms of sugar expressed in white value.

Article 2

The compensation referred to in Article 1 shall only apply to quantities of sugar from the Federal Republic of Germany being exported with licences in respect of which the following conditions are satisfied:

(a) the export licences have been issued in the Federal Republic of Germany under a partial invitation to tender held pursuant to Regulation (EEC) No 1634/77 or (EEC) No 1790/77;

(b) the successful offer has been made before 12 May 1978;

(c) the customs export formalities are completed on or after 1 July 1978;

(1) OJ No L 106, 29. 4. 1977, p. 27.
(2) OJ No L 125, 13. 5. 1978, p. 32.
(3) OJ No L 188, 1. 8. 1968, p. 1.
(4) OJ No L 37, 7. 2. 1978, p. 5.
(5) OJ No L 181, 21. 7. 1977, p. 35.
(6) OJ No L 145, 1. 6. 1978, p. 46.
(7) OJ No L 197, 4. 8. 1977, p. 11.

(d) the person concerned does not make use of the advance fixing of the monetary compensatory amount for the operation in question.

Article 3

In the case of licences issued in accordance with Article 2 (a) and (b), the right of cancellation provided for in the last subparagraph of Article 4 (1) of Regulation (EEC) No 1134/68 may not be exercised.

Article 4

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 29 June 1978.

For the Commission

Finn GUNDELACH

Vice-President