COUNCIL REGULATION (EEC) No 3042/78

of 18 December 1978

amending Regulation (EEC) No 1358/77 laying down general rules for offsetting storage costs for sugar

THE COUNCIL 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 1396/78 (2), and in particular Article 8 (3) (a) thereof,

Having regard to the proposal from the Commission,

Whereas it is specified in the third subparagraph of Article 8 (1) (a) of Regulation (EEC) No 3330/74 that a levy shall be charged to offset the storage costs for sugar and certain syrups produced from beet and cane harvested in the Community;

Whereas Article 6 (4) of Council Regulation (EEC) No 1358/77 of 20 June 1977 laying down general rules for offsetting storage costs for sugar and repealing Regulation (EEC) No 750/68 (3), as amended by Regulation (EEC) No 1397/78 (4), specifies that this levy shall be collected from manufacturers on the quantities of white and raw sugar and syrups sold;

Whereas the levy is due in general at the moment when the sugar is sold for consumption; whereas this principle should as far as possible, and if the Member State concerned so decides, be applied in cases when raw sugar produced by one undertaking is subsequently refined by another,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 6 (4) of Regulation (EEC) No 1358/77:

'By way of derogation from the first subparagraph, where raw sugar produced by an undertaking is intended for refining by another undertaking established in the same Member State, that Member State may decide to collect the levy from the latter undertaking when this sugar is sold.'

Article 2

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

It shall not apply in cases where the levy was due prior to the entry into force of this Regulation.

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

Done at Brussels, 18 December 1978.

For the Council

The President

J. ERTL

(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 170, 27. 6. 1978, p. 1.
(3) OJ No L 156, 25. 6. 1977, p. 4.
(4) OJ No L 170, 27, 6. 1978, p. 3.