COMMISSION REGULATION (EC) No 407/2001

of 28 February 2001

opening a preferential tariff quota in respect of imports of raw cane sugar originating in the ACP States for supply to refineries in the period 1 March to 30 June 2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector [1], as amended by Commission Regulation (EC) No 1527/2000 [2] and in particular Articles 14(2) and 44(6) thereof,

Whereas:

(1) Article 44 of Regulation (EC) No 2038/1999 lays down that, during the marketing years 1995/1996 to 2000/2001 and in order to ensure adequate supplies to Community refineries, a special reduced duty is to be levied on imports of raw cane sugar originating in States with which the Community has concluded supply arrangements on preferential terms. At present such agreements have been concluded, by Council Decision 95/284/EC [3], only with the ACP States party to Protocol 8 on ACP sugar annexed to the fourth ACP-EEC Lomé Convention and with the Republic of India.

(2) The quantities of special preferential sugar to be imported are calculated in accordance with the said Article 44 on the basis of a Community forecast annual supply balance. The balance has indicated the need to import raw sugar and to open at this stage for the 2000/01 marketing year tariff quotas at the special reduced rate of duty as provided for in the above agreements so that the Community refineries' supply needs can be met for part of the year. Commission Regulation (EC) No 1469/2000 [4] opened quotas for the period 1 July 2000 to 28 February 2001. The forecasts for raw cane sugar production are now available for the 2000/2001 marketing year. The necessary quotas should therefore be opened for the second part of that year. In view of the presumed maximum refining needs fixed by Member State and the shortfall resulting from the forecast supply balance, provision should be made to authorise imports for each refining Member State for the period 1 March to 30 June 2001.

(3) The above agreements lay down that the refiners in question must pay a minimum purchase price equal to the guaranteed price for raw sugar, minus the adjustment aid fixed for the marketing year in question. This minimum price must therefore be fixed by taking account of the factors applying in the 2000/01 marketing year.

(4) In order to avoid disruption of supplies, it should be laid down that, for the quantities to be imported under Regulation (EC) No 1469/2000 for which no licences have been applied for by 28 February 2001, the Member states concerned shall be authorised to issue those licences after that date in the course of the 2000/2001 marketing year.

(5) 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

For the period 1 March to 30 June 2001, a tariff quota of 84 000 tonnes expressed as white sugar originating in the ACP States covered by Decision 95/284/EC is opened in respect of imports of raw cane sugar for refining falling with CN code 1701 11 10.

This tariff quota shall bear the serial number 09.4097.

Article 2

1. A reduced duty of EUR 5,41 per 100 kg of standard quality raw sugar shall apply to imports of the quantity referred to in Article 1.

2. Notwithstanding Article 7 of Commission Regulation (EC) No 1916/95 [5], the minimum purchase price to be paid by Community refiners shall be fixed for the period referred to in Article 1 at EUR 49,68 per 100 kg of standard-quality raw sugar.

[1] OJ L 252, 25.9.1999, p. 1.
[2] OJ L 175, 14.7.2000, p. 59.
[3] OJ L 181, 1.8.1995, p. 22.
[4] OJ L 165, 6.7.2000, p. 14.
[5] OJ L 184, 3.8.1995, p. 18.

Article 3

The following Member States are authorised to issue import licences, under the quota fixed in Article 1 and on the terms laid down in Article 2, for the following quantities expressed as white sugar:

(a) Finland: 15 900 tonnes;

(b) metropolitan France: 15 500 tonnes;

(c) mainland Portugal: 47 600 tonnes;

(d) United Kingdom: 5 000 tonnes.

Article 4

The Member States referred to in Article 3 of Regulation (EC) No 1469/2000 shall be authorised, for the quantities listed in that Article for which no applications for import licences have been submitted by 1 March 2001, to issue licences for the import and refining of those quantities up until 30 June 2001.

Article 5

This Regulation shall enter into force on 1 March 2001.

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

Done at Brussels, 28 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission