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REGULATION (EEC) No 1393/69 OF THE COUNCIL

of 17 July 1969

amending Regulation No 1009/67/EEC on the common organisation of the market in sugar

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas Article 8 of Council Regulation No 1009/67/EEC¹ of 18 December 1967 on the common organisation of the market in sugar, as amended by Regulation (EEC) No 2100/68,² provides for the reimbursement of storage costs for certain syrups produced prior to the crystallising stage although no provision is made for charging the corresponding levy on such syrups when they are marketed in the natural state; whereas the provisions of that Article should be supplemented to make such syrups subject to the same system as white or raw sugar;

Whereas application of the provisions of Article 10 of Regulation No 1009/67/EEC runs into practical and administrative difficulties when sugar is being sold by intervention agencies; whereas these provisions should therefore be adjusted so as to allow sugar held by these agencies to be denatured or exported in accordance with rules which are as close as possible to those already adopted pursuant to Articles 9 and 17 of that Regulation;

Whereas Article 25 of Regulation No 1009/67/EEC provides that the quantity of sugar produced in excess of the maximum quota fixed for a factory or undertaking in any given marketing year should not be disposed of on the internal market; whereas, in order to facilitate application of the principle contained in that provision, it should be specified

that sugar produced after 30 June 1969 must be exported in the natural state within a given period;

Whereas Article 17 (1) of Regulation No 1009/67/EEC provides for an export refund to be granted on white sugar, raw sugar, molasses and on certain syrups falling within headings Nos 17.02 and 17.05 of the Common Customs Tariff, exported in the natural state or in the form of goods listed in the Annex to that Regulation; whereas a considerable quantity of sugar or molasses is used in the manufacture of vermouths and other flavoured wines falling within heading No 22.06 of the Common Customs Tariff and of certain chemical products; whereas such uses represent an important outlet for sugar; whereas these goods should therefore be included in the Annex to Regulation No 1009/67/EEC;

Whereas it should be specified that the provisions supplementing the Annex to Regulation No 1009/67/EEC should only apply from the date scheduled for the application of the provisions on the pre-financing of export refunds;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for the words 'per unit of weight of sugar produced' in the second subparagraph of Article 8 (1) of Regulation No 1009/67/EEC:

- per unit of weight of sugar produced;
- per unit of weight of the syrups referred to in the first subparagraph produced and marketed in the natural state.'

Article 2

The following shall be substituted for Article 10 (1) of Regulation No 1009/67/EEC:

¹ OJ No 308, 18.12. 1967, p. 1.

² OJ No L 309, 24.12.1968, p. 4.

'1 Intervention agencies may only sell sugar at a price which is higher than the intervention price valid for the area in which the sugar is stored.

It may however be decided to allow intervention agencies to sell sugar at a price which is at least equal to the intervention price in question if the sugar is intended:

- for animal feed; or
- for export in the natural state or following processing into the products listed in Annex II to the Treaty or into the goods listed in the Annex to this Regulation.'

Article 3

1. The following shall be added to Article 25 (1) of Regulation No 1009/67/EEC:

'Subject to the provisions of Article 32, the quantity of sugar produced in excess of the maximum quota fixed for a factory or undertaking in any given marketing year after 30 June 1969 shall be exported in the natural state before the 1 January following the end of the relevant marketing year.'

2. The following shall be substituted for the second sentence of Article 25 (3) of Regulation No 1009/67/EEC:

'These detailed rules shall provide in particular for the levying of a charge on that part of the quantity referred to in paragraph 2 disposed of on the internal market or not exported in the natural state before the 1 January following the end of the relevant marketing year.'

Article 4

1. The following shall be inserted in the Annex to Regulation No 1009/67/EEC:

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

Done at Brussels, 17 July 1969.

'22.06 Vermouths, and other wines of fresh grapes flavoured with aromatic extracts

29.15 Polyacids and their anhydrides, acid halides, acid peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives:

A. Acyclic polyacids:

ex V. Other, itaconic acid, its salts and esters

29.44 Antibiotics:

A. Penicillins.'

2. The following shall be substituted for heading No 29.16 in the Annex to Regulation No 1009/67/EEC:

'Alcohol-acids, aldehyde-acids, ketone-acids, phenol-acids and other single or complex oxygen-function acids, and their anhydrides, acid halides, acid peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives:

A. Alcohol-acids:

I. Lactic acid, its salts and esters

IV. Citric acid, its salts and esters

ex I. to VIII. Mannitol or sorbitol esters

ex VIII. Glyceric acid, glycollic acid, saccharonic acid, isosaccharonic acid, heptasaccharic acid, and their salts and esters.'

Article 5

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

2. Article 4 of this Regulation shall apply from 1 October 1969.

For the Council

The President

P. LARDINOIS