

Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96

TITLE III

SPECIAL PREFERENTIAL SUGAR

Article 16

The Commission shall determine, in accordance with the procedure referred to in Article 42(2) of Regulation (EC) No 1260/2001, the shortfall quantities referred to in the second subparagraph of Article 39(3) of Regulation (EC) No 1260/2001 for each marketing year or part of a marketing year on the basis of an exhaustive Community forecast supply balance for raw sugar. Those quantities shall be imported as special preferential sugar under tariff quotas at zero duty. They may be allocated among the Member State specified in Article 39(2) of Regulation (EC) No 1260/2001 on the basis of their maximum presumed needs.

The delivery obligation for the 2003/04, 2004/05 and 2005/06 marketing years shall bear the following serial number: 'ACP-India preferential sugar': No 09.4322.

Article 17

1 A minimum purchase price for standard quality raw sugar (cif free at Community European ports), to be paid by refiners, shall apply to imports under the quotas referred to in Article 16.

2 The minimum purchase price for each marketing year shall correspond to the intervention price for raw sugar referred to in Article 2(2) of Regulation (EC) No 1260/2001, reduced by the amount, multiplied by a yield of 0,92 for raw sugar, of the adjustment aid to the refining industry applicable for the marketing year in question.

Article 18

1 Import licences may be issued only by the Member States specified in Article 39(2) of Regulation (EC) No 1260/2001 and only to refiners who undertake in a declaration accompanying their licence application to refine the quantity of raw sugar concerned before the end of the marketing year during which it is imported.

2 Refiners may transfer their import licences to other refiners. In that event, the parties concerned shall immediately notify the competent authority thereof in the Member State which issued the licences. However, import and refining obligations shall not be transferable and Article 9 of Regulation (EC) No 1291/2000 shall continue to apply.

3 Where release for free circulation does not take place in the Member State which issued the import licence, the importing Member State shall collect the certificate of origin and the supplementary document, completed as provided for in Articles 20 and 21, and forward a copy thereof to the Member State which issued the import licence.

4 The refiner who applied for the import licence shall, within three months following the expiry of the refining period referred to in paragraph 1, provide the Member State which issued the licence with proof acceptable to it that refining has taken place.

5 Where the sugar is not refined within the period set, the refiner who applied for the licence shall pay an amount equal to the full rate of duty applicable during the marketing year concerned to raw sugar falling within CN code 1701 11 90, plus, where appropriate, the highest additional rate of duty recorded during that marketing year.

6 Where it has not been possible for a quantity of sugar to be delivered in sufficient time to enable it to be refined before the end of the marketing year concerned, the importing Member State may, at the request of the refiner, extend the period of validity of the licence for 30 days from the beginning of the following marketing year. In that event, the quantity of raw sugar in question shall count against and be within the limits of the quota for the preceding marketing year.

7 Where it has not been possible to refine a quantity of sugar before the end of the marketing year concerned, the Member State in question may, at the request of the refiner, extend the refining period by a maximum of 90 days from the beginning of the following marketing year. In that case, the raw sugar in question shall be refined within that extended period and shall count against and be within the limits of the quota for the preceding marketing year.

Article 19

Import licence applications and licences shall contain the following entries

- (a) in box 8: the country or countries of origin (country/countries covered by the ACP Protocol, or India);
- (b) in boxes 17 and 18: the quantity of raw sugar expressed as white sugar equivalent;
- (c) ^[F1]in box 20, at least one of the following entries:
 - ‘Azúcar preferente especial, azúcar en bruto destinado al refinado, importado en virtud del apartado 1 del artículo 39 del Reglamento (CE) n° 1260/2001. Contingente n° ... (azúcar preferente especial: n°09.4322)’
 - ‘Zvláštní preferenční cukr, surový cukr určený na rafinaci, dovezený v souladu s čl. 39 ods. 1 nařízení (ES) 1260/2001, kvóta č. ... (AKT-Indie preferenční cukr č. 09.4322)’
 - ‘»Særligt præferencesukker«, råsuksker bestemt til raffinering, der indføres i henhold til artikel 39, stk. 1, i forordning (EF) nr. 1260/2001. Kontingent nr. ... (Særligt præferencesukker: nr. 09.4322)’
 - ‘Sonderpräferenzsucker: gemäß Artikel 39 Absatz 1 der Verordnung (EG) Nr. 1260/2001 eingeführter Rohsucker zur Raffination, Kontingent Nr. ... (Sonderpräferenzsucker: Nr. 09.4322)’
 - ‘Spetsiaalne soodussuhkur, toorsuhkur rafineerimiseks, imporditud vastavalt määruse (EÜ) nr 1260/2001 artikli 39 lõige 1 kohaselt, kvoodi nr ... (AKV-India soodussuhkur: nr 09.4322)’
 - ‘Ειδική προτιμησιακή ζάχαρη, ακατέργαστη ζάχαρη για ραφινάρισμα, εισαγόμενη σύμφωνα με το άρθρο 39 παράγραφος 1 του κανονισμού (ΕΚ) αριθ. 1260/2001, ποσόστωση αριθ. ... (ειδική προτιμησιακή ζάχαρη: αριθ. 09.4322)’
 - ‘Special preferential sugar, raw sugar for refining, imported in accordance with Article 39(1) of Regulation (EC) No 1260/2001, Quota No ... (ACP-India preferential sugar: No 09.4322)’
 - ‘Sucre préférentiel spécial, sucre brut destiné à être raffiné, importé conformément à l'article 39, paragraphe 1, du règlement (CE) n° 1260/2001, contingent n° ... (sucre préférentiel spécial: n°09.4322)’

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1159/2003, TITLE III. (See end of Document for details)

- ‘Zucchero preferenziale speciale, zucchero greggio destinato alla raffinazione importato ai sensi dell'articolo 39, paragrafo 1, del regolamento (CE) n. 1260/2001. Contingente n. ... (zucchero preferenziale ACP-India: n. 09.4322)’
- ‘Ipašs preferenču jēlcukurs, rafinēšanai paredzēts niedru jēlcukurs, kas importēts saskaņā ar Regulas (EK) Nr. 1260/2001, 39. panta 1. punktu, Kvota Nr. ... (ĀKK — Indijas preferenču jēlcukurs: Nr. 09.4322)’
- ‘Ypatingasis lengvatinėmis sąlygomis įvežamas cukrus, rafinuoti skirtas žaliavinis cukranendrių cukrus, importuotas vadovaujantis Reglamento (EB) Nr. 1260/2001, 39 straipsnio 1 dalimi, Kvota Nr. ... (AAO-Indija lengvatinėmis sąlygomis įvežamas cukrus: Nr. 09.4322)’
- ‘Az 1260/2001/EK rendelet 39. cikk (1) bek. szerint importált speciális kedvezményes cukor, nyerscukor finomítás céljára, ... sz. kontingens (kedvezményes cukor AKCS-India: 09.4322 sz.)’
- ‘Zokkor preferenzjali spečjali, zokkor mhux maħdum iddestinat biex jiġi rfinat impurtat b'mod konformi ma' l-Artikolu 39(1) tar-Regolament (KE) Nru 1260/2001, kontingent Nru ... (zokkor preferenzjali spečjali: Nru 09.4322)’
- ‘Bijzondere preferentiële suiker, ruwe suiker bestemd om te worden geraffineerd, ingevoerd overeenkomstig artikel 39, lid 1, van Verordening (EG) nr. 1260/2001, contingent nr. ... (bijzondere preferentiële suiker: nr. 09.4322)’
- ‘Specjalny cukier preferencyjny, cukier surowy przeznaczony do rafinowania, importowany zgodnie z postanowieniami art. 39 ust. 1 rozporządzenia (WE) nr 1260/2001, kontyngent nr (cukier preferencyjny AKP-Indie: nr 09.4322)’
- ‘Açúcar preferencial especial, açúcar bruto para refinação, importado em conformidade com o n.º 1 do artigo 39.º do Regulamento (CE) n.º 1260/2001, Contingente n.º ... (açúcar preferencial especial: n.º 09.4322)’
- ‘Špeciálny preferenčný cukor, surový cukor určený pre rafináciu, dovezený v súlade s čl. 39 ods. 1 nariadenie (ES) 1260/2001, kvóta č. ... (AKT-India preferenčný cukor č. 09.4322)’
- ‘Posebni preferenčni sladkor, surovi sladkor za rafinirejo, uvožen v skladu z členom 39(1) Uredbe (EC) št.1260/2001, Kvota št. ... (ACP-India preferenčni sladkor: št. 09.4322)’
- ‘Erityiseen etuuskohteluun oikeutettu sokeri, puhdistettavaksi tarkoitettu raakasokeri, joka on tuotu asetuksen (EY) N:o 1260/2001 39 artiklan 1 kohdan mukaisesti, kiintiö nro ... (erityiseen etuuskohteluun oikeutettu sokeri: nro 09.4322)’
- ‘Särskilt förmånssocker, råsocker för raffinering som importeras i enlighet med artikel 39.1 i förordning (EG) nr 1260/2001, tullkvot nr ... (särskilt förmånssocker: nr 09.4322)’]

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 96/2004 of 30 December 2003](#) adapting several regulations concerning the sugar market by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1159/2003, TITLE III. (See end of Document for details)

Article 20

1 As well as the proof of origin referred to in Article 14 of Protocol 1 attached to Annex V to the ACP-EC Partnership Agreement, a supplementary document shall be presented, bearing:

[^{F1}a at least one of the following entries:

- Contingente n^o ... (azúcar preferente especial: n^o09.4322) — Reglamento (CE) n^o 1159/2003
- Kvóta č. ... (Speciální preferenční cukr č. 09.4322) — nařízení (ES) č. 1159/2003,
- Kontingent nr. ... (Særligt præferencesukker: nr. 09.4322) — forordning (EF) nr. 1159/2003
- Kontingent Nr. ... (Sonderpräferenzsucker: Nr. 09.4322) — Verordnung (EG) Nr. 1159/2003
- Kvoodi nr ... (spetsiaalne soodussuhkur: nr 09.4322) — määrus (EÜ) nr 1159/2003
- Ποσόστωση αριθ. ... (ειδική προτιμησιακή ζάχαρη: αριθ. 09.4322) — κανονισμός (ΕΚ) αριθ. 1159/2003
- Quota No ... (Special preferential sugar: No 09.4322) — Regulation (EC) No 1159/2003
- Contingent n^o ... (sucre préférentiel spécial: n^o09.4322) — Règlement (CE) n^o 1159/2003
- Contingente n. ... (zucchero preferenziale speciale: n. 09.4322) — Regolamento (CE) n. 1159/2003
- Kvota Nr. ... (īpašs preferenču jēlcukurs: Nr. 09.4322) — Regula (EK) Nr. 1159/2003
- Kvota Nr. ... (Ypatingasis lengvatinėmis sąlygomis įvežamas cukrus: Nr. 09.4322) — Reglamentas (EB) Nr. 1159/2003
- ... sz. kontingens (speciális kedvezményes cukor: 09.4322 sz.) — 1159/2003/EK rendelet
- Kontingent Nru ... (zokkor preferenzjali specjali: Nru 09.4322) — Regolament (KE) Nru 1159/2003
- Contingent nr. ... (bijzondere preferentiële suiker: nr. 09.4322) — Verordening (EG) nr. 1159/2003
- Kontyngent nr ... (specialny cukier preferencyjny: nr 09.4322) — rozporządzenie (WE) nr 1159/2003
- Contingente n.^o ... (açúcar preferencial especial: n.^o09.4322) — Regulamento (CE) n.^o 1159/2003
- Kvóta č. ... (preferenčný cukor AKT-India č. 09.4322) — nariadenie (ES) č. 1159/2003,
- Kvota št. ... (Posebni referenčni sladkor: št. 09.4322) — Uredba (ES) št. 1159/2003
- Kiintiö nro ... (erityiseen etuuskohteluun oikeutettu sokeri: nro 09.4322) — asetus (EY) N:o 1159/2003
- Tullkvot nr ... (särskilt förmånssocker: nr 09.4322) – förordning (EG) nr 1159/2003]

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1159/2003, TITLE III. (See end of Document for details)

2 The party concerned shall provide the competent authority in the importing Member State, for control purposes as required, with a copy of the supplementary document referred to in paragraph 1 containing the information relating to the import operation, in particular the degree of polarisation indicated, and the total quantities, by weight, actually released for free circulation.

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 96/2004 of 30 December 2003 adapting several regulations concerning the sugar market by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union.](#)

Article 21

1 For the purposes of this Title, special preferential sugar whose origin is determined in accordance with the provisions in force in the Community and for which proof of origin is furnished in the form of a certificate of origin issued in accordance with Article 47 of Regulation (EEC) No 2454/93, shall be considered as originating in India.

[^{F12} A supplementary document shall be presented, bearing at least one of the following entries:

- Contingente n° ... (azúcar preferente especial: n°09.4322) — Reglamento (CE) n° 1159/2003
- Kvóta č. ... (zvláštní preferenční cukr č. 09.4322) — nařízení (ES) č. 1159/2003
- Kontingent nr. ... (Særligt præferencesukker: nr. 09.4322) — forordning (EF) nr. 1159/2003
- Kontingent Nr. ... (Sonderpräferenzsucker: Nr. 09.4322) — Verordnung (EG) Nr. 1159/2003
- Kvoodi nr (spetsiaalne soodussuhkur: nr 09.4322) — määrus (EÜ) nr 1159/2003
- Ποσόστωση αριθ. ... (ειδική προτιμησιακή ζάχαρη: αριθ. 09.4322) — κανονισμός (ΕΚ) αριθ. 1159/2003
- Quota No ... (special preferential sugar: No 09.4322) — Regulation (EC) No 1159/2003
- Contingent n° ... (sucre préférentiel spécial: n°09.4322) — règlement (CE) n° 1159/2003
- Contingente n. ... (zucchero preferenziale speciale: n. 09.4322) — Regolamento (CE) n. 1159/2003
- Kvota Nr. ... (īpašs preferenču jēlcukurs: Nr. 09.4322) — Regula (EK) Nr. 1159/2003
- Kvota Nr. ... (Ypatingasis lengvatinėmis sąlygomis įvežamas cukrus: Nr. 09.4322) — Reglamentas (EB) Nr. 1159/2003
- sz. kontingens (speciális kedvezményes cukor: 09.4322 sz.) — 1159/2003/EK rendelet
- Kontingent Nru (zokkor preferenzjali spečjali: Nru 09.4322) — Regolamento (KE) Nru 1159/2003
- Contingent nr. ... (bijzondere preferentiële suiker: nr. 09.4322) — Verordening (EG) nr. 1159/2003
- Kontyngent nr ... (specialny cukier preferencyjny: nr 09.4322) — rozporządzenie (WE) nr 1159/2003
- Contingente n.º ... (açúcar preferencial especial: n.º09.4322) — Regulamento (CE) n.º 1159/2003

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1159/2003, TITLE III. (See end of Document for details)

- Kvóta č. ... (preferenčný cukor AKT-India č. 09.4321) — nariadenie (ES) č. 1159/2003
- Kvota št. ... (Posebni referenčni sladkor: št. 09.4322) — Uredba (ES) št. 1159/2003
- Kiintiö nro ... (erityiseen etuuskohteluun oikeutettu sokeri: nro 09.4322) — asetus (EY) N:o 1159/2003
- Tullkvot nr ... (särskilt förmånssocker: nr 09.4322) – förordning (EG) nr 1159/2003]

3 The party concerned shall provide the competent authority in the importing Member State, for control purposes as required, with a copy of the supplementary document referred to in paragraph 2 containing the information relating to the import operation, in particular the degree of polarisation indicated, and the quantities of raw sugar actually imported.

Textual Amendments

- F1** Substituted by Commission Regulation (EC) No 96/2004 of 30 December 2003 adapting several regulations concerning the sugar market by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union.

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