

REGULATION (EEC) No 3206/74 OF THE COMMISSION

of 18 December 1974

laying down detailed rules for the application of a charge on the exportation of
certain goods covered by Regulation (EEC) No 1059/69

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community ;

Having regard to Council Regulation (EEC) No
3185/74⁽¹⁾ of 17 December 1974 introducing a
charge on the exportation of certain goods covered by
Regulation (EEC) No 1059/69, and in particular
Article 2 (1) thereof ;

Whereas the amount of the charge in question must
not be such as to compromise normal exports of
goods which are traditionally the subject of interna-
tional trade ;

Whereas it is advisable to fix the charge at a single
rate, valid for all destinations ;

Whereas the rate of the charge must be fixed taking
into account in particular the nature of the goods,
their sucrose content, the movement of prices and the
economic considerations relating to the application of
the charge ;

Whereas the particular nature of trade in the goods in
question makes price stability necessary ; whereas it is
consequently advisable to provide for the possibility of
fixing the rate of charge in advance ;

Whereas it is necessary to specify the day on which
exportation is regarded as taking place ; whereas this
should be the day of completion of customs formalities
as referred to in Article 15 of Commission Regula-
tion (EEC) No 1373/70⁽²⁾ of 10 July 1970 on
common detailed rules for the application of the
system of import and export licences and advance
fixing certificates for agricultural products subject to a
single price system, as last amended by Regulation
(EEC) No 2111/74⁽³⁾ ;

Whereas recourse should also be had to the provisions
of Commission Regulation (EEC) No 1279/71⁽⁴⁾ of
17 June 1971 on the use of Community transit docu-
ments for the purpose of applying certain measures
on the exportation of certain goods, as last amended
by the Act⁽⁵⁾ annexed to the Treaty⁽⁶⁾ concerning the
Accession of new Member States to the European
Economic Community and to the European Atomic
Energy Community ;

Whereas it is necessary to make provision to ensure
that if the goods concerned should finally leave the
territory of the Community during transport from one
point to another of the latter the charge applicable is
recovered ;

Whereas in the case of certain export transactions the
imposition of an export charge is not economically
justifiable ; whereas no charge should be applied in
respect of such transactions ;

Whereas the Member States have been consulted on
these measures,

HAS ADOPTED THIS REGULATION :

Article 1

1. The rate of the export charge provided for in
Article 1 of Regulation (EEC) No 3185/74 shall be 20
units of account per 100 kg of sucrose, including
invert sugar expressed as sucrose.
2. The exporter shall declare the sucrose content,
including invert sugar expressed as sucrose, of the
goods to be exported.

Article 2

1. Except where the charge is fixed in advance the
rate of charge shall be that applicable on the day of
completion of customs formalities as referred to in
Article 15 (5) (b) of Commission Regulation (EEC) No
1373/70.
2. The export charge shall be levied by the compe-
tent authorities of the Member State on whose terri-
tory formalities as referred to in paragraph 1 are
completed. It shall be payable not later than the day
on which such formalities are completed.

Article 3

Where the export charge is applicable, the products in
question shall be moved within the Community
under the conditions laid down by Regulation (EEC)
No 1279/71. In the case referred to in Article 5a of
that Regulation, the day on which the formalities
required for dispatch of the products are completed
shall be considered as being the day of completion of

⁽¹⁾ OJ No L 340, 19. 12. 1974, p. 1.

⁽²⁾ OJ No L 158, 20. 7. 1970, p. 1.

⁽³⁾ OJ No L 220, 10. 8. 1974, p. 5.

⁽⁴⁾ OJ No L 133, 19. 6. 1971, p. 32.

⁽⁵⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽⁶⁾ OJ No L 73, 27. 3. 1972, p. 5.

customs formalities as referred to in Article 2 of this Regulation.

Article 4

Where a product which is being transported between two points within the Community would if exported be subject to the charge, then if it appears from the customs document that the product is in the course of being so transported to leave Community territory otherwise than by air, the consignor shall give security in an amount equal to the charge which would be levied if the product were exported from the Community.

Article 5

1. No export charge shall be applicable on :
 - (a) products intended for the victualling within the Community of seagoing vessels or aircraft serving international routes ;
 - (b) products intended for the armed forces of a Member State stationed outside the geographical territory of the Community ;
 - (c) small consignments of a non-commercial nature ;
 - (d) goods contained in travellers' personal luggage within the meaning of Regulation (EEC) No 1544/69 ⁽¹⁾, subject to an overall maximum per traveller of three kilogrammes.
2. Application of the provisions of paragraph 1 (b) shall be subject to production of a declaration from the armed forces concerned certifying that the products presented to customs for completion of export formalities are intended for those forces, and to the condition that the transactions in question offer adequate assurances as to the arrival of the products concerned at their proper destination.

Article 6

1. Where the party concerned so requests, the rate of the charge shall be fixed in advance.
2. Where the rate of charge is so fixed in advance, the benefit of such advance fixing being conditional on the request therefor being lodged before 1 p.m. at the same time as the application for an advance fixing certificate as provided for in paragraph 3 is made, the rate of charge in force on the day on which such application is made shall apply to an export transaction to be carried out at any time during the period of validity of the said certificate.
3. Payment of the charge under the arrangements for advance fixing provided for in paragraph 1 shall be subject to production of an advance fixing certificate

⁽¹⁾ OJ No L 191, 5. 8. 1969, p. 1.

valid throughout the Community, which shall be issued by Member States to any applicant irrespective of the place of his establishment in the Community.

4. The issue of advance fixing certificates shall be conditional on the provision of security guaranteeing that exportation will be carried out during the period of validity of the certificate. If exportation is not carried out, or is only partially carried out, within that period the security shall be wholly or partially forfeit.

5. The provisions of Regulation (EEC) No 1373/70 shall apply to advance fixing certificates.

6. An advance fixing certificate shall be valid from its date of issue within the meaning of Article 8 (1) (a) of Regulation (EEC) No 1373/70 until the end of the fifth month following that in which it is issued.

7. The amount of the security to be provided in respect of the advance fixing certificate shall be 10 units of account per 100 kg of sucrose, including invert sugar expressed as sucrose.

Should the export charge be abolished before the expiry of any period for which the rate of charge has been fixed in advance, the relevant security shall be released.

8. The advance fixing certificate shall include the following special entries :

- in box 12 the words 'advance fixing of sugar charge requested' ;
- in box 17 the words 'refund valid on ... fixed in advance' shall be crossed out and replaced by the words 'charge fixed in advance on ... by ...' ;
- in box 18 the rate in national currency of the charge as fixed in advance shall be entered in words and figures.

Article 7

No export charge shall be levied on goods containing a basic product in respect of which an application for an advance fixing certificate in respect of the refund was lodged before 25 November 1974, irrespective of the date of issue of that certificate.

Article 8

The charge shall be abolished on or before the day on which the special levy on sugar pursuant to Article 16 of Regulation No 1009/67/EEC ⁽²⁾ is abolished.

Article 9

This Regulation shall enter into force on 23 December 1974.

⁽²⁾ OJ No 308, 18. 12. 1967, p. 1.

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

Done at Brussels, 18 December 1974.

For the Commission

The President

François-Xavier ORTOLI
