

COMMISSION DECISION

of 8 February 1973

applying the provisions of Article 3 (2) (a) of Regulation (EEC) No 142/69 in favour
of two Italian sugar manufacturers

(Only the Italian text is authentic)

(73/50/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community;

Having regard to Commission Regulation (EEC) No
142/69 ⁽¹⁾ of 28 January 1969 laying down certain
detailed rules for the application of the quota system
for sugar, as last amended by Regulation (EEC) No
144/73 ⁽²⁾, and in particular Article 3 (3) thereof;

Whereas, by letters dated 10 September 1971
addressed to the Government of Italy, SpA
Zuccherificio del Molise, with its head office at
Bologna and a factory at Termoli (Capobasso) and
SpA Agricola Industriale Emiliana (AIE) with its head
office at Bologna and a factory at San Pietro in
Casale (Bologna) requested that, pursuant to Article
3 (2) (a) of Regulation (EEC) No 142/69, a certain
quantity of sugar produced at the factory San Pietro
in Casale under a contract to make up work between
the two undertakings should be treated as part of the
production of SpA Zuccherificio del Molise; whereas
the reason advanced by the applicants for the
application of the provisions in question was that
damages had occurred to the conveyor belt system at
the Termoli factory which could not be repaired in
the course of production;

Whereas by its Decision of 1 January 1972 the
Commission rejected the request of the two
manufacturers; whereas however this Decision was
later reversed by its Decision of 13 October 1972;

Whereas the Republic of Italy has checked the
information pursuant to Article 3 (3) of Regulation
(EEC) No 142/69; whereas, by agreement with that
Member State, the Commission has obtained further
information;

Whereas the difficulties encountered in the course of
production at the Termoli factory during the sugar
year 1971/72 appear to have been unforeseeable,
unavoidable, and in no way the fault of the principal;

Whereas, in the light of checks carried out, it appears
that the principal was obliged, because of the
difficulties abovementioned, to have a certain
quantity of beet purchased by itself processed by
another undertaking; whereas this quantity of beet
yielded 4 321 251 metric tons of white sugar;

Whereas, in these circumstances, an affirmative reply
should be given to the request of the two
manufacturers.

Whereas the measures provided for in this Decision
are in accordance with the Opinion of the
Management Committee for Sugar;

HAS ADOPTED THIS DIRECTIVE:

Article 1

The provisions of Article 3 (2) (a) of Regulation
(EEC) No 142/69 shall apply to the 4 321 251 metric
tons of white sugar produced under the contract to
make up work between SpA Zuccherificio del Molise,
as principal, and SpA Agricola Industriale Emiliana,
as processor, as notified by each one of them in their
letters to the Government of Italy of 10 September
1971.

Article 2

This Decision is addressed to SpA Zuccherificio del
Molise and SpA Agricola Industriale Emiliana, both
with head offices at Bologna, and to the Republic of
Italy.

Done at Brussels, 8 February 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 20, 27. 1. 1969, p. 1.

⁽²⁾ OJ No L 18, 23. 1. 1973, p. 13.