

REGULATION No 1027/67/EEC OF THE COUNCIL
of 21 December 1967
on the fixing of basic quotas for sugar

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 1009/67/EEC¹ of 18 December 1967 on the common organisation of the market in sugar, and in particular Article 23 (3) thereof;

Having regard to the proposal from the Commission;

Whereas Article 23 (3) of Regulation No 1009/67/EEC lays down that the Council should adopt general rules and any derogations from provisions concerning the distribution of basic quotas;

Whereas Article 23 (1) of that Regulation contains a mathematical formula for fixing quotas; whereas that formula provides for the multiplication of the average annual sugar production of the factory or undertaking concerned during a reference period covering the 1961/62 to 1965/66 marketing years by a coefficient expressing the ratio of the Member State's basic quantity to the average annual sugar production of that State during the same period; whereas, however, in order to take into account special cases in which economic interests require a specific distribution, it is necessary to depart from this strict rule and to provide for adjustments where they are justified by the circumstances of such cases;

Whereas provision should be made for Member States to use a method of calculation suitable for new factories or undertakings which commenced sugar production only after the beginning of the reference period; whereas provision should be made for varying the calculation in cases where a factory or undertaking has had to temporarily suspend sugar production, in whole or in part, during the reference period;

Whereas the calculation must be varied in cases where a factory or undertaking has definitively ceased production after the beginning of the reference

period; whereas provision should be made for the transfer of the production of a factory or undertaking which has closed down to other factories or undertakings in cases where the one factory or undertaking has been taken over by the others;

Whereas, in cases where a factory or undertaking has been unable to process all the beet intended for sugar manufacture because of provisions in the Member State concerned and where a factory or undertaking has produced sugar from imported beet, the Member State should be able to take such circumstances into account;

Whereas provision should be made for Member States to derogate from the method of distribution under special circumstances; whereas such derogations should be restricted in amount to 10% of the basic quantity of the Member State concerned;

Whereas Member States should be able to alter the quotas after the first marketing year and until the end of the transitional period in the light of any structural changes in the sugar industry and in beet cultivation; whereas, in view of the exceptional nature of such derogation, alterations for the whole period should be restricted in amount to 5% of the basic quantity of the Member State concerned;

Whereas provision should be made that the fixing of quotas in special cases shall not in any circumstances result in a discrepancy between the number of quotas fixed and the basic quantity of the Member State concerned; whereas, moreover, in order to make the system laid down in Title III of Regulation No 1009/67/EEC effective for beet growers, Member States must fix basic quotas before sowing takes place;

HAS ADOPTED THIS REGULATION:

Article 1

Member States may fix basic quotas in derogation from Article 23 (1) of Regulation No 1009/67/EEC:

- (a) if a factory or undertaking has taken over in whole or in part the production of another

¹ OJ No 308, 18.12.1967, p. 1.

factory or undertaking which has ceased sugar production during the period from the beginning of the 1961/62 marketing year to 31 August 1967;

- (b) if a factory or undertaking has commenced sugar production after the beginning of the 1961/62 marketing year but before 1 September 1967;
- (c) if, in view of special circumstances, a factory or undertaking has had to temporarily suspend sugar production, in whole or in part, during one or more marketing years during the period from the beginning of the 1961/62 marketing year to the end of the 1965/66 marketing year;
- (d) if a factory or undertaking, under the provisions of the Member State in question concerning the processing of sugar beet for purposes other than sugar production, has not processed into sugar all the beet intended for that purpose;
- (e) if a factory or undertaking has during one of the marketing years 1961/62 to 1965/66 produced sugar from imported beet.

Article 2

No basic quota shall be fixed for factories and undertakings which, during the period from the beginning of the 1961/62 marketing year until 31 August 1967, have definitively ceased sugar production.

Article 3

1. By way of derogation from the provisions of Article 23 (1) of Regulation No 1009/67/EEC, each Member State may, when fixing the basic quotas for the 1968/69 marketing year, distribute a quantity lower than its basic quantity.
2. Each Member State shall, however, distribute at least 90% of its basic quantity in accordance with the distribution procedure laid down in Article 23 (1) of Regulation No 1009/67/EEC and in Article 1 of this Regulation.

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

Done at Brussels, 21 December 1967.

3. The remaining quantity may be distributed by the Member State at its own discretion.

Article 4

1. By way of derogation from the provisions of Article 23 (1) of Regulation No 1009/67/EEC and of Article 1 of this Regulation, each Member State may withdraw from the basic quotas allocated a quantity not exceeding, for the whole period of 1 July 1969 to 30 June 1975, 5% of the basic quota allocated to the factory or undertaking concerned for the 1968/69 marketing year.
2. However, application of the provisions of paragraph 1 must not result in the basic quota allocated to a factory or undertaking being less than 85% of the basic quota calculated for that factory or undertaking in accordance with the provisions of Article 23 (1) of Regulation No 1009/67/EEC and of Article 1 of this Regulation.
3. The Member State may distribute the quantity withdrawn at its own discretion.

Article 5

1. Application of this Regulation must not result in the totality of the basic quotas for factories or undertakings of the Member State concerned being smaller or greater than its basic quantity.
2. Member States shall fix the basic quotas before 1 March 1968.
3. If a Member State applies the provisions of Article 4 it shall fix the altered quotas before 1 March, to apply during the following marketing year.

Article 6

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

For the Council
The President
H. KATZER