

REGULATION (EEC) No 144/67 OF THE COUNCIL

of 21 June 1967

on general rules for granting refunds on exports of sugar to third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 44/67/EEC¹ of 21 February 1967 on certain measures of common organisation of the market in sugar for the 1967/68 marketing year, and in particular Article 5 (2) thereof;

Having regard to the proposal from the Commission;

Whereas, in pursuance of Article 5 (2) of Regulation No 44/67/EEC, the Council must adopt general rules for granting refunds when products referred to in Article 1 (2) (a) and (c) of that Regulation are exported unaltered to third countries, and the criteria for fixing the maximum amount thereof;

Whereas, in respect of the fixing by Member States of the amount of the refund for a specific exportation, provision should be made for different methods of procedure to take account of trade requirements; whereas, to this end, there should be laid down a procedure whereby the refund is established for the date of exportation, an advance fixing procedure under which the refund remains valid for a certain length of time, and a procedure for invitations to tender;

Whereas, in order to obtain the lowest refund for exports of the products falling within heading No 17.01 under the last procedure, which is similar to the advance fixing procedure in that the day of exportation is not known, only tenders which correspond to the best opportunities for the sale of beet and cane sugar on the world market should be taken into account;

Whereas the maximum amounts of the refund should be determined on the basis of the difference existing for white sugar and raw sugar respectively between prices on the domestic market and prices on the world market; whereas, in the case of the products referred to in Article 1 (2) (c) of Regulation No 44/67/EEC for which corresponding prices are not available, maximum amounts of the refund should be determined on the basis of the maximum amount calculated for white sugar;

Whereas the period of validity of the maximum amount of the refund must be limited on account of the fluctuation of prices on the sugar market; whereas, therefore, provision should be made for periodic fixing of the maximum amount, allowing for the possibility of alterations in the intervening time;

HAS ADOPTED THIS REGULATION:

Article 1

Member States may only grant a refund in respect of products referred to in Article 1 (2) (a) and (c) of Regulation No 44/67/EEC which are exported unaltered to third countries, without prejudice to the detailed rules of application provided for in Article 5 (3) of that Regulation, in accordance with the following provisions.

Article 2

If Member States grant a refund for a specific exportation they shall fix its amount:

- (a) after the exportation has been effected; or
- (b) before the exportation is effected:
 - according to the advance fixing procedure, or
 - for the products referred to in Article 1 (2) (a) and (c) of Regulation No 44/67/EEC, by an invitation to tender for export.

¹ OJ No 40, 3.3.1967, p. 597/67.

Article 3

Where Member States fix the refund after the exportation has been effected, the amount of the refund may not exceed the maximum amount ruling on the day of exportation for the product in question.

Article 4

1. Where Member States fix the refund by the advance fixing procedure, the amount of the refund may not exceed the maximum amount ruling on the day the application was submitted.

2. Member States shall issue, on application, refund certificates showing the amount of the refund fixed in advance. Issue of the refund certificates shall be subject to the lodging of a deposit to guarantee the obligation to export within the period of validity of the certificate and the deposit shall be forfeit, in whole or in part, if the exportation is not effected within this period.

3. The certificate shall be valid from its date of issue until the end of the third month following its month of issue, but its validity shall not extend beyond 30 June 1968.

Article 5

1. Where Member States fix the refund by an invitation to tender for export, the amount of the refund may not exceed the maximum amount in force on the date of publication of the invitation to tender for export.

2. The rules of the invitation to tender for export must ensure equal access and treatment for all persons concerned. The successful tenderer shall be the person who submits the tender or tenders requiring the lowest refunds for exporting the quantities which are the subject of the invitation to tender. However, Member States shall disregard any tender which does not correspond to the most favourable opportunity for disposal on the world market.

3. In respect of each tender for which a refund is awarded, Member States shall, after a deposit has been lodged, issue a refund certificate indicating the amount of the refund.

4. The provisions of Article 4 concerning the period of validity of the refund certificate and the deposit shall be applied.

Article 6

1. The maximum amount of the refund for the products referred to in Article 1 (2) (a) of Regulation No 44/67/EEC shall be established on the basis of the difference between the threshold price valid in the Member State in question for the 1967/68 sugar marketing year, and

— for white sugar: the spot price quoted on the Paris Bourse

— for raw sugar: the spot price quoted on the London Stock Exchange.

In addition, other factors concerning the state of the world market may be taken into account when the maximum amount of the refund is being established.

2. The maximum amount of the refund may vary according to destination if the state of the market in the third countries justifies the variation.

3. However, the maximum amount of the refund for raw sugar may not exceed the maximum amount of the refund for white sugar valid for the destination in question and adjusted by the yield coefficient.

The yield coefficient shall be equal to one hundredth of the percentage calculated in accordance with the provisions of Article 6 (2) of Commission Regulation No 97/67/EEC of 18 May 1967.

Article 7

The maximum amount of the refund for the products referred to in Article 1 (2) (c) of Regulation No 44/67/EEC shall be derived from the maximum amount of the refund for white sugar on the basis of their sugar content (including the invert sugar calculated in sucrose by applying a coefficient of 0.95).

Article 8

The maximum amount shall be valid for two-week periods, following consecutively without interruption. It may be altered in the intervening time if the state of the market so requires.

¹ OJ No 94, 19.5.1967, p. 1825/67.

Article 9

The system provided for in this Regulation shall be applicable from 1 July 1967.

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

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

Done at Brussels, 21 June 1967.

For the Council

The President

R. VAN ELSLANDE
