

## REGULATION (EEC) No 2100/68 OF THE COUNCIL

of 20 December 1968

amending Regulation No 1009/67/EEC on the common organisation of the market in sugar

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament<sup>1</sup>;

Whereas Article 8 of Council Regulation No 1009/67/EEC<sup>2</sup> of 18 December 1967 on the common organisation of the market in sugar provides for the reimbursement of storage costs for white sugar and raw sugar; whereas in some instances sugar manufacturers process beet into an intermediate liquid product, known as syrup, which can be stored; whereas this syrup is ultimately processed into white sugar; whereas this sugar is normally disposed of as and when it is manufactured so that, although it is subject to the payment of the levy charged under the arrangements to offset storage costs, it derives little benefit from the reimbursement of these costs; whereas in these circumstances reimbursement of storage costs should be extended to the syrup mentioned above;

Whereas detailed rules are necessary for the application of Article 27 of Regulation No 1009/67/EEC, in particular with regard to the dates on which the levy provided for falls due;

Whereas in the French departments of Guadeloupe and Martinique the manufacturing period for sugar begins in January and finishes towards the end of June; whereas it is therefore necessary in respect of these departments to specify dates other than those specified in Article 32 of Regulation No 1009/67/EEC for the carry-forward from one marketing year to the next;

Whereas Article 17 (1) of Regulation No 1009/67/EEC provides for an export refund to be granted on white sugar, raw sugar and certain syrups falling within headings nos 17.02 and 17.05 of the Common Customs Tariff, exported in the natural state or in the form of goods listed in the Annex to that Regulation; whereas Article 5 (1) of Council Regulation (EEC) No 765/68<sup>3</sup> of 18 June 1968 laying down general rules for the production refund on sugar used in the chemical industry fixed the production refund for 100 kilogrammes of white sugar used in the manufacture of the products listed in Annex 1 to that Regulation, and in particular in the manufacture of mannitol, sorbitol and certain of their derivatives, at an amount equal to the intervention price valid for the area in which the sugar is processed, less 13.30 units of account; whereas the world market price for sugar is normally much lower than 13.30 units of account per 100 kilogrammes; whereas provision should therefore be made for the possibility of granting an export refund not only on mannitol and sorbitol, as provided in Regulation No 1009/67/EEC, but also on their derivatives; whereas the Annex to that Regulation should therefore be amended accordingly;

Whereas active natural bakers' yeasts are the only products falling within heading No 21.06 of the Common Customs Tariff which are obtained from molasses; whereas that Annex should therefore be amended accordingly;

Whereas, in view of the amendments made to the nomenclature of the Common Customs Tariff, a new version of that Annex should be prepared;

HAS ADOPTED THIS REGULATION:

*Article 1*

The following shall be substituted for Article 8 (1) of Regulation No 1009/67/EEC:

<sup>1</sup> OJ No C 135, 14.12.1968, p. 18.

<sup>2</sup> OJ No 308, 18.12.1967, p. 1.

<sup>3</sup> OJ No L 143, 25.6.1968, p. 1.

'1 Subject to the provisions of Article 32 (2), storage costs for white sugar, raw sugar, and certain syrups produced prior to the crystallising stage, manufactured from beet or cane harvested in the Community, shall be reimbursed at a flat rate by the Member States.

Member States shall charge a levy on each sugar manufacturer per unit of weight of sugar produced.

The amount of the reimbursement shall be the same for the whole Community. The same rule shall apply to the levy.'

#### Article 2

1. The second subparagraph of Article 27 (2) of Regulation No 1009/67/EEC is hereby repealed.

2. The following paragraph 5 shall be added to Article 27 of Regulation No 1009/67/EEC:

'5 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 40.'

#### Article 3

The following shall be added to Article 32 (2) of Regulation No 1009/67/EEC:

'As far as factories or undertakings situated in the French departments of Guadeloupe and Martinique are concerned, however, 1 February in the first indent of the first subparagraph shall be replaced by 1 May and the period 1 February to 31 January of the following year in the second indent of the same subparagraph shall be replaced by 1 May to 30 April of the following year. If final production for the marketing year in question falls short of the estimates made when the decision to carry forward was taken, the quantity carried forward may be adjusted retroactively before 1 August of the following marketing year.'

#### Article 4

The text of the Annex to this Regulation shall be substituted for that of the Annex to Regulation No 1009/67/EEC.

#### Article 5

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

2. The provisions of Article 1 shall take effect on 1 July 1968.

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

Done at Brussels, 20 December 1968.

*For the Council*

*The President*

V. LATTANZIO

## ANNEX

CCT heading No	Description of goods
17.04	Sugar confectionery, not containing cocoa: B. Chewing gum C. White chocolate D. Not specified
ex 18.06	Chocolate and other food preparations containing cocoa and sugar (sucrose or invert sugar)
ex 19.02	Preparations of flour, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa, containing sugar (sucrose or invert sugar)
ex 19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion, containing sugar (sucrose or invert sugar)
21.06	Natural yeasts (active or inactive); prepared baking powders: A. Active natural yeasts: II. Bakers' yeast
ex 21.07	Food preparations not elsewhere specified or included, containing sugar (sucrose or invert sugar)
ex 22.02	Lemonade, flavoured spa waters and flavoured aerated waters, and other non-alcoholic beverages, containing sugar (sucrose or invert sugar), not including fruit and vegetable juices falling within heading No 20.07
22.09	Spirits (other than those of heading No 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages:  C. Spirituous beverages: ex V. Other, containing sugar (sucrose or invert sugar)
29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: C. Polyhydric alcohols: II. Mannitol III. Sorbitol
29.16	Alcohol-acids, aldehyde-acids, ketone-acids, phenol-acids and other single or complex oxygen-function acids, and their anhydrides, acid halides, acid peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives: ex A. Mannitol or sorbitol esters; glyceric acid, glycollic acid, saccharonic acid, heptasaccharic acid, and their salts and esters
29.35	Heterocyclic compounds; nucleic acids: ex T. Other, anhydric compounds of mannitol or sorbitol (as, for example, sorbitans) not including maltol and isomaltol
29.43	Sugars, chemically pure, other than sucrose, glucose and lactose; sugar ethers and sugar esters, and their salts, other than products of headings Nos 29.39, 29.41 and 29.42:  ex B. Other, sorbose, its salts and esters; methyl glucosides
38.19	Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included.  R. Foundry core binders based on synthetic resins ex T. Other, sorbitol cracking products