

REGULATION (EEC) No 2275/70 OF THE COUNCIL

of 10 November 1970

amending Regulation (EEC) No 865/68 on the common organisation of the market in products processed from fruit and vegetables, as regards the calculation of the levy on various added sugars

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Article 1

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 Parliament¹;

Whereas Article 2 of the Council Regulation (EEC) No 865/68² of 28 June 1968 on the common organisation of the market in products processed from fruit and vegetables, as last amended by Regulation (EEC) No 1906/69,³ provides for an import levy to be charged on the various added sugars contained in the products listed in Annex I in addition to the customs duty referred to in Article 9; whereas the amount of this levy, expressed per kilogramme of sucrose, is equal to the levy referred to in Article 14 (5) of the Council Regulation No 1009/67/EEC⁴ of 18 December 1967 on the common organisation of the market in sugar;

Whereas this method of calculation calls for frequent alterations to the levy in question; whereas, in view of the nature of the products concerned, it is advisable to amend the said Article 2 so that this levy need only be fixed once a quarter;

Whereas special provisions are necessary for occasions when one of the elements for calculating the levy is not known;

The following shall be substituted for Article 2 of the Regulation (EEC) No 865/68:

- '1. In addition to the customs duty referred to in Article 9 (1), an import levy calculated as described in the paragraphs which follow shall be charged on the various added sugars contained in the products listed in Annex I.
2. For 100 kilogrammes net of imported product, this levy shall be equal to the difference between:
 - (a) the average of the threshold prices for one kilogramme of white sugar for each month of the quarter for which the difference is being determined; and
 - (b) the average of the c.i.f. prices for one kilogramme of white sugar used in fixing the levies on white sugar; the average c.i.f. prices shall be calculated for a period covering the first fifteen days of the month preceding the quarter for which the difference is being determined and the two months immediately preceding that month;

this difference being multiplied by the figure for the product in question appearing in column 1 of Annex I.

No levy shall be charged if the amount at (a) is higher than the amount at (b).

3. The difference provided for in paragraph 2 shall be determined by the Commission for each quarter of the calendar year. It shall be determined for the first time for the first quarter of 1971.

¹ OJ No C 160, 18.12.1969, p. 69.

² OJ No L 153, 1.7.1968, p. 8.

³ OJ No L 247, 1.10.1969, p. 2.

⁴ OJ No 308, 18.12.1967, p. 1.

4. Should the threshold price referred to in paragraph 2 (a) change during a quarter, the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall decide whether there is any need to make an adjustment and, if necessary, determine the measures to be taken to this end.

5. Should one of the elements to be taken into account in calculating the difference referred to in paragraph 2 not be known by the fifteenth day of the month preceding the quarter for which the difference is to be determined, the Commission shall proceed to calculate the difference, substituting for the missing element of the calculation the element which was taken into account in calculating the difference for the current quarter.

The difference shall be corrected by the Commission and made to apply not later than the sixteenth day following the date on which the missing information comes to hand.

The correction shall not be made however if the information only becomes available after the beginning of the last month of the quarter in question.

6. If the added sugar content per 100 kilogramme net weight of imported product established in accordance with paragraph 8 is two kilogrammes or more below the content expressed by the figure for the product in question appearing in column 1 of Annex I, the levy shall, at the importer's request, be calculated per 100 kilogrammes net of imported product by multiplying the difference referred to in paragraph 2 by a figure representing the added sugar content defined in paragraph 8.

7. If the added sugar content per 100 kilogrammes net weight of imported product established in accordance with paragraph 8 is three kilogrammes or more above the content

expressed by the figure appearing in column 1 of Annex I, the levy shall be calculated in accordance with the provisions of paragraph 6.

8. "Added sugar content" shall mean the reading obtained by using a refractometer as described in Annex III, multiplied by 0.93 in the case of products falling within heading No 20.06 of the Common Customs Tariff and by 0.95 in the case of other products listed in Annex I and reduced by the figure for the product in question appearing in column 2 of Annex I.

9. Detailed rules for the application of paragraphs 1 to 8 shall be adopted as necessary in accordance with the procedure laid down in Article 15.

10. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, may amend Annex 1.

Article 2

The following shall be substituted for Article 4 (2) of Regulation (EEC) No 865/68:

'2. Where the provisions of Article 2 (6) or (7) apply, the products listed in Annex I must be accompanied by a declaration from the importer indicating the added sugar content established by the method described in Article 2 (8).

If this requirement is not met, Article 2 (6) shall not apply.'

Article 3

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, 10 November 1970.

For the Council

The President

H. D. GRIESAU