

19.9.69

Official Journal of the European Communities

No L 236/1

REGULATION (EEC) No 1837/69 OF THE COUNCIL

of 16 September 1969

amending Regulation (EEC) No 865/68 on the common organisation of the market in products processed from fruit and vegetables

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 Parliament¹;

Whereas Article 3 of Council Regulation (EEC) No 865/68² of 28 June 1968 on the common organisation of the market in products processed from fruit and vegetables provides for the granting of export refunds on the various sugars contained in those products and for the fixing of the amount of such refunds; whereas it is essential for the proper working of that system that the Council should lay down general rules for its application; whereas the provisions of the Article in question should therefore be amended and amplified;

Whereas Article 9 (1) of Regulation (EEC) No 865/68 prohibits the levying of any charge having equivalent effect to a customs duty; whereas, although it is necessary to prohibit the levying of such charges, the Council should be given power of derogation to meet particular circumstances;

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be substituted for Article 3 of Regulation (EEC) No 865/68:

1. A refund shall be granted to permit exports to third countries of sugars falling within heading

No 17.01 of the Common Customs Tariff, of glucose and of glucose syrup falling within subheading No 17.02 B II of the Common Customs Tariff (whether or not in the form of products falling within subheading No 17.02 B I of the Common Customs Tariff) incorporated in the products listed in Annex II.

The refund shall be granted on application by the party concerned.

2. For 100 kilogrammes net of exported product the amount of the refund granted shall be equal:

- in the case of raw sugar and white sugar, to the amount of the refund per kilogramme of sucrose fixed in accordance with Article 17 of Regulation No 1009/67/EEC and the provisions adopted for its application for the products listed in Article 1 (1) (d) of that Regulation, multiplied by a figure expressing the quantity of sucrose used per 100 kilogrammes net of finished product;
- in the case of glucose and glucose syrup, to the amount of the refunds fixed for each of those products in accordance with Article 16 of Regulation No 120/67/EEC and the provisions adopted for its application, multiplied by a figure expressing the quantity of glucose or glucose syrup used per 100 kilogrammes net of finished product.

The figures expressing the quantities of sucrose, glucose or glucose syrup shall be determined on the basis of the declaration referred to in Article 4.

3. 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 adopt general rules for granting refunds.

4. Detailed rules for the application of this Article shall be adopted as necessary in

¹ OJ No C 63, 28.5.1969, p. 29.

² OJ No L 153, 1.7.1968, p. 8.

accordance with the procedure laid down in Article 15.'

Article 2

The following shall be substituted for Article 9 (1) of Regulation (EEC) No 865/68:

'1. The Common Customs Tariff shall be applied to the products listed in Article 1. Save as otherwise provided in this Regulation or where

derogation therefrom is decided by the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, the levying of any charge having equivalent effect to a customs duty shall be prohibited.'

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, 16 September 1969.

For the Council

The President

P. LARDINOIS