COMMISSION REGULATION (EEC) No 342/81

of 10 February 1981

amending Regulation (EEC) No 2990/76 on special detailed rules for the application of the system of import and export licences for sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar [1], as last amended by Regulation (EEC) No 3455/80 [2], and in particular Articles 12 (2), 17 (5), 19 (4), and 26 (3) thereof,

Whereas Article 26 of Regulation (EEC) No 3330/74 lays down that sugar produced in excess of the maximum quota fixed for an undertaking and not carried forward to the following marketing year pursuant to Article 31 of that Regulation must be exported in the natural state without refund or levy before 1 January following the end of the relevant marketing year;

Whereas Commission Regulation (EEC) No 2990/76 [3], as last amended by Regulation (EEC) No 1367/78 [4], lays down the rules for export licences for sugar produced in excess of the maximum quota;

Whereas Article 8 (4) of Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [5] provides that where the quantity imported or exported is greater by not more than 5 % than the quantity indicated in the licence or certificate it shall be considered to have been imported or exported under that licence or certificate; whereas, in the case of an export of sugar produced in excess of the maximum quota and in order to allow for the proper management of the sugar market without the risk of discrimination between the persons concerned, the export refunds and levies should apply to the quantity of sugar exported over and above the quantity of sugar indicated on the licence within the 5 % tolerance;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The third subparagraph of Article 3 (1) of Regulation (EEC) No 2990/76 is replaced by the following:

'The export refunds or export levies shall apply to the quantities exported in accordance with the tolerance specified in Article 8 (4) of Regulation (EEC) No 3183/80.

Section 18a of the licence shall contain one of the following endorsements:

— "for export without refund or levy ... (quantity for which the licence is issued) kg; licence valid in ... (Member State)";

— "udføres uden restitution eller afgift ... (den mængde, for hvilken denne licens er udstedt) kg; licens gyldig i ... (medlemsstat)";

— "ohne Erstattung und ohne Abschöpfung auszuführen ... (Menge, für die diese Lizenz erteilt wurde) kg; Lizenz gültig in ... (Mitgliedstaat)";

— "πρός έξαγωγή χωρίς έπιστροφή οὔτε εἰσφορά ... (ποσότης γιά τήν ὁποία ἐξεδόθη τό πιστοποιητικό αὐτό) χγρ · πιστοποιητικό ἰσχύον εἰς ... (Κράτος μέλος)";

— "à exporter sans restitution ni prélèvement ... (quantité pour laquelle ce certificat a été délivré) kg; certificat valable en ... (État membre)";

— "da esportare senza restituzione ne prelievo ... (quantitativo per il quale il titolo in causa stato rilasciato) kg; titolo valido in ... (Stato membro)";

— "zonder restitutie of heffing uit te voeren ... (hoeveelheid waarvoor dit certificaat werd afgegeven) kg; certificaat geldig in ... (Lid-Staat)".'

Article 2

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

(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 360, 31. 12. 1980, p. 17.
(3) OJ No L 341, 10. 12. 1976, p. 14.
(4) OJ No L 166, 23. 6. 1978, p. 24.
(5) OJ No L 338, 13. 12. 1980, p. 1.

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

Done at Brussels, 10 February 1981.

For the Commission

Poul DALSAGER

Member of the Commission