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COMMISSION REGULATION (EC) No 1381/2002

of 29 July 2002

laying down detailed rules for opening and administration of the tariff quotas for raw cane sugar for refining, originating in the least developed countries, for the marketing years 2002/03 to 2005/06

(OJ L 200, 30.7.2002, p. 14)

Corrected by:

►**C1** Corrigendum, OJ L 302, 6.11.2002, p. 35 (1381/2002)

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period 1 January 2002 to 31 December 2004 [1], and in particular Article 9(6) thereof,

Whereas:

(1) Article 9(5) of Regulation (EC) No 2501/2001 lays down that, until Common Customs Tariff duties are entirely suspended, a global tariff quota at zero duty is to be opened for every marketing year for products of CN code 1701 11 10, originating in a country that according to Annex I to that Regulation, benefits from the special arrangements for least developed countries. The tariff quota for the marketing year 2002/03 is to be equal to 85 313 tonnes, white sugar equivalent, for products of CN code 1701 11 10. For each of the following marketing years, the quotas shall be increased by 15 % over the quotas of the previous marketing year.

(2) Those provisions have to be implemented within the framework of the common trading system established by Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [2], as last amended by Commission Regulation (EC) No 680/2002 [3].

(3) The quantities of raw sugar benefiting from the global tariff quotas should be imported under conditions which meet the refining needs of the Member States referred to in Article 39(2) of Regulation (EC) No 1260/2001.

(4) The experience gained under Commission Regulation (EC) No 1978/2001 of 10 October 2001 on opening a tariff quota for raw cane sugar for refining, originating in the least developed countries, for the marketing year 2001/02 [4], justifies establishing detailed rules governing the opening and management of the quotas for a longer period. That period should cover four marketing years.

(5) To ensure an adequate price for the raw cane sugar exported by the least developed countries to the Community, a minimum price to be paid by the refiners should be fixed. The minimum price should take into account the factors applying for the marketing years 2002/03 to 2005/06.

(6) The general rules as regards import licences of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [5], as last amended by Regulation (EC) No 2299/2001 [6], as well as the special detailed rules for the sugar sector established by Commission Regulation (EC) No

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[1] OJ L 346, 31.12.2001, p. 1.
[2] OJ L 178, 30.6.2001, p. 1.
[3] OJ L 104, 20.4.2002, p. 26.
[4] OJ L 270, 11.10.2001, p. 9.
[5] OJ L 152, 24.6.2000, p. 1.
[6] OJ L 308, 27.11.2001, p. 19.

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1464/95 [1], as last amended by Regulation (EC) No 996/2002 [2], should apply. To facilitate the administration of the quotas under the present Regulation and to ensure the respect of the annual quota quantity, detailed rules concerning the issue of the licences for the import of raw sugar expressed as white sugar equivalent should be decided.

(7) The provisions concerning the proof of origin set out in Articles 67 to 97 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [3], as last amended by Regulation (EC) No 444/2002 [4], establish the definition of the concept of originating products to be used for the purposes of generalised tariff preferences.

(8) Since the Council in fixing the global tariff quotas has not provided for a margin to exceed these quantities, the full Common Customs Tariff duty should apply to all quantities converted into white sugar equivalent, imported in excess of those figuring on the import licence. In order to avoid excess of imported raw sugar in the Community from the least developed countries, provisions are necessary to ensure that the imported quantities of sugar are effectively refined by the end of the marketing year concerned or before a certain date set by the Member State.

(9) In order to respect the annual quota quantity as set out by Regulation (EC) No 2501/2001, the Member States should communicate to the Commission quantities of raw sugar expressed in white sugar equivalent.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Generalised Preferences Committee,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the rules for opening and administration of the tariff quotas for raw cane sugar for refining referred to in Article 9(5) of Regulation (EC) No 2501/2001, for the marketing years 2002/03, 2003/04, 2004/05 and 2005/06.

Article 2

For the purposes of this Regulation:

— ‘marketing year’ shall mean the marketing year referred to in Article 1(2)(m) of Regulation (EC) No 1260/2001,

— ‘refiner’ shall mean a person who imports for the needs of his refinery within the meaning of Article 7(4), fourth indent, of Regulation (EC) No 1260/2001.

Article 3

1. The following global tariff quotas at zero duty of products of CN code 1701 11 10, expressed as white sugar equivalent, are opened for the following marketing years for imports originating in a country that according to Annex I to Regulation (EC) No 2501/2001 benefits from the special arrangements for least developed countries:

— 85 313 tonnes for the marketing year 2002/03,

— 98 110 tonnes for the marketing year 2003/04,

— 112 827 tonnes for the marketing year 2004/05, and

[1] OJ L 144, 28.6.1995, p. 14.
[2] OJ L 152, 12.6.2002, p. 11.
[3] OJ L 253, 11.10.1993, p. 1.
[4] OJ L 68, 12.3.2002, p. 11.