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REGULATION (EEC) No 1426/71 OF THE COUNCIL

of 2 July 1971

laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 865/68[1] 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 1425/71,[2] and in particular Article 3 (a) thereof;

Having regard to the proposal from the Commission;

Whereas the export refunds provided for in Article 3 (a) of Regulation (EEC) No 865/68 must be fixed in accordance with certain criteria which would make it possible to cover the difference between prices within the Community for products processed from fruit and vegetables and prices ruling in international trade; whereas to this end the supply situation and prices for products processed from fruit and vegetables within the Community and, also, the price situation in international trade must be taken into account;

Whereas, given the disparity between the prices at which products processed from fruit and vegetables are offered, costs incurred in placing those products on the market must be taken into account if the difference between the prices in international trade and those ruling in the Community is to be covered;

Whereas, if price trends are to be noted, prices must be determined in accordance with general principles; whereas, to that end, prices on third country markets and offer prices at the Community frontier should be taken into account when prices in international trade are being determined; whereas the ruling prices which appear most favourable from the point of view of exportation should be used as a basis for determining prices within the Community;

Whereas provision should be made for the possibility of varying the amount of the refunds according to the destination of the products, since special conditions apply to imports in certain countries of destination;

Whereas, to avoid distortions of competition, the administrative conditions to which transactions are subject must be indentical throughout the Community;

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general rules for fixing and granting export refunds on the products listed in Article 1 of Regulation (EEC) No 865/68.

Article 2

The following shall be taken into account when refunds are being fixed:

(a) the existing situation and future trends with regard to:

— prices and availabilities on the Community market of products processed from fruit and vegetables;

— prices ruling in international trade;

(b) minimum marketing and transport costs from the Community markets to ports or other points of export in the Community, as well as costs incurred in placing the products on the markets of the countries of destination;

(c) the economic aspect of the proposed exports.

[1] OJ No L 153, 1.7.1968, p. 8.
[2] OJ No L 151, 7.7.1971, p. 1.

Article 3

1. When prices on the Community market are being determined, account shall be taken of the ruling prices which are most favourable from the point of view of exportation.

2. The following shall be taken into account when prices in international trade are being determined:

(a) prices ruling on third country markets;

(b) the most favourable prices in third countries of destination for third country imports;

(c) producer prices recorded in exporting third countries;

(d) offer prices at the Community frontier.

Article 4

Where the situation in international trade or the specific requirements of certain markets make this necessary, the refund for the Community on a given product may be varied according to destination.

Article 5

1. The refund shall be paid upon proof:

— that the products have been exported from the Community, and

— that the products are of Community origin.

2. Where Article 4 applies, the refund shall be paid under the conditions laid down in paragraph 1 provided it is proved that the product has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3, provided conditions are laid down which offer equivalent guarantees.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 15 of Regulation (EEC) No 865/68.

Article 6

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

It shall apply from 15 July 1971.

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

Done at Brussels, 2 July 1971.

For the Council

The President

M. FERRARI-AGGRADI