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REGULATION (EEC) No 155/71 OF THE COUNCIL

of 26 January 1971

on the production refund on olive oil used in the manufacture of certain preserved foods

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 136/66/EEC[1] of 22 September 1966 on the establishment of the common organisation of the market in oils and fats, as last amended by Regulation (EEC) No 2554/70,[2] and in particular the second paragraph of Article 19 thereof;

Having regard to Council Regulation No 162/66/EEC[3] of 27 October 1966 on trade in oils and fats between the Community and Greece, and in particular Article 8 thereof;

Having regard to the proposal from the Commission;

Whereas Council Regulation No 169/67/EEC[4] of 27 June 1967 introduced a system of production refunds on olive oil used in the manufacture of preserved fish and vegetables; whereas experience has shown that this system should be retained, but in a simplified form;

Whereas that Regulation referred only to sub-heading Nos 16.04 B, C, D and E of the Common Customs Tariff; whereas, following an amendment to the Tariff, the products formerly listed under those sub-headings now fall within sub-heading Nos 16.04 B, C, D, E, F and G;

Whereas the production refund should enable interested parties to buy the quality of oil which they normally use in manufacturing on the Community market at prices close to those ruling on the world market; whereas to that end the production refund must be fixed on the basis of the variable component of the import levy on oils obtained by refining virgin olive oil;

Whereas interested parties must be assured of a certain degree of stability in the cost price of olive oil used in the preserved foods; whereas to that end the refund must be fixed for a fairly long period, relatively slight alterations in the import levies being disregarded;

Whereas the refund must be granted only in respect of the quantities actually used in the preserved foods; whereas Member States should therefore ensure that a suitable system of control is applied;

Whereas experience has shown that a cash payment of the production refund enables the parties concerned to derive the greatest benefit from the relevant provisions of Regulation No 136/66/EEC;

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down conditions for applying the system of production refunds on olive oil used in the manufacture of certain preserved foods with effect from 1 May 1971.

Article 2

A production refund shall be granted in respect of olive oil used in the manufacture of preserved fish falling within sub-heading Nos 16.04 B, C, D, E, F and G of the Common Customs Tariff and preserved vegetables falling within heading No 20.02 of that Tariff.

Article 3

1. The Commission shall fix the production refund every two months.

[1] OJ No 172, 30.9.1966, p. 3025/66.
[2] OJ No L 275, 19.12.1970, p. 5.
[3] OJ No 197, 29.10.1966, p. 3393/66.
[4] OJ No 130, 28.6.1967, p. 2594/67.

2. The amount of the refund shall be equal to the average of the variable components of the levies on imports of olive oil falling within sub-heading No 15.07 A I (a) of the Common Customs Tariff during the period from the sixteenth day of the third month to the fifteenth day of the last month preceding the month in which the refund began to apply.

However, the refund previously fixed shall be retained if the difference between the refund and the average referred to in the first subparagraph does not exceed an amount to be determined.

Article 4

1. Entitlement to the refund shall be aquired once the oil is used in the manufacture of the preserved foods.

2. Member States shall ensure by a control system that the production refund is granted only in respect of olive oil used in the manufacture of the preserved fish and vegetables referred to in Article 2 of this Regulation.

Article 5

The production refund shall be granted in the form of a cash payment.

Article 6

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

Article 7

Regulation No 169/67/EEC is hereby repealed with effect from 1 May 1971; it shall, however, continue to apply to olive oil placed under control before that date.

Article 8

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, 26 January 1971.

For the Council

The President

M. COINTAT