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REGULATION (EEC) No 615/71 OF THE COMMISSION

of 24 March 1971

on detailed rules for the application of the production refund on olive oil used in the manufacture of certain preserved foods

THE COMMISSION 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 a common organisation of the market in oils and fats, as last amended by Regulation (EEC) No 2554/70[2];

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;

Having regard to Council Regulation (EEC) No 155/71[4] of 26 January 1971 on the production refund on olive oil used in the manufacture of certain preserved foods, and in particular Article 6 thereof;

Whereas the control system provided for in Article 4 (2) of Regulation (EEC) No 155/71 must ensure that the production refund is granted only in respect of olive oil which satisfies the conditions laid down in this Regulation and in Regulation (EEC) No 155/71; whereas, in principle, the refund should be granted only after that control has been effected;

Whereas, if the control is to be properly effected, the application to have it effected should be submitted in good time and should contain certain basic information;

Whereas the control must extend over a period which will allow processors to plan their production in the light of cost prices and to obtain supplies of olive oil;

whereas, for the same reasons, the refund to be granted should be the refund valid on the day on which the application to have the control effected is submitted;

Whereas, to enable the parties concerned to buy the olive oil they require, Member States should be free to pay the amount of the refund in advance, subject to the lodging of a deposit;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Oils and Fats;

HAS ADOPTED THIS REGULATION:

Article 1

1. The production refund shall be granted in respect of olive oil used for the manufacture of the preserved foods referred to in Article 2 of Regulation (EEC) No 155/71 on receipt of an application from the manufacturer of these foods (hereinafter called 'the party concerned') on condition that the control provided for in Article 4 of that Regulation has been effected in accordance with the provisions of this Regulation.

2. The application referred to in paragraph 1 of this Article must indicate inter alia the quantity of oil actually used in the manufacture of the preserved foods. It must be submitted by the party concerned within a period of six months following the complete utilisation of the oil.

Article 2

1. The control referred to in Article 4 (2) of Regulation (EEC) No 155/71 shall be effected on application by the party concerned.

[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 L 22, 28.1.1971, p. 5.

2. The application referred to in paragraph 1 shall be submitted to the competent authority at least ten days before the manufacture of the preserved foods in which the olive oil is to be used begins. The application must contain at least the following information:

(a) the name and address of the party concerned;

(b) the dates on which manufacture is to begin and end;

(c) the quantity and type of preserved food to be manufactured and the quantity of olive oil to be used.

3. The application for control shall be valid only for a manufacturing process to be completed within a period ending not later than the last day of the third month following that in which the application was submitted, on condition that the oil is in the factory concerned when the application is submitted.

Article 3

The control shall include in particular:

(a) a check that the quantity of olive oil shown on the application for control was already in the factory concerned when the application was submitted;

(b) a check on the quantity of the oil actually used in the manufacture of the preserved foods referred to in Article 2 of Regulation (EEC) No 155/71.

Article 4

The refund granted shall be the refund valid on the day on which the application for control referred to in Article 2 was submitted.

Article 5

The refund previously fixed shall be retained if the difference between the refund and the average referred to in Article 3 (2) of Regulation (EEC) No 155/71 does not exceed 0·50 units of account.

However, if the average is O, the refund shall be fixed at O.

Article 6

The refund shall be paid when the Member State concerned has verified that the quantity of oil shown in the application for the refund and the quantity actually used tally.

However, at the request of the party concerned, part of the refund may be paid in advance as soon as the check referred to in Article 3 (a) has been made, on condition that a deposit is lodged to guarantee that the oil will be used for the purposes envisaged.

Article 7

This Regulation shall enter into force on 1 May 1971.

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

Done at Brussels, 24 March 1971.

For the Commission

The President

Franco M. MALFATTI