REGULATION (EEC) No 1938/75 OF THE COMMISSION

of 25 July 1975

laying down detailed rules for the importation of olive oil from Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 306/74 (1) of 4 February 1974 on imports of olive oil from Turkey, and in particular Article 6 thereof;

Whereas, by Regulation (EEC) No 306/74, the Council adopted rules for the application of the special treatment of imports of olive oil from Turkey provided for in the Agreement between the European Economic Community and Turkey; whereas detailed procedures must be adopted for the application of those rules;

Whereas Article 1 of Regulation (EEC) No 306/74 provides that when Turkey applies a special export charge on olive oil other than that having undergone a refining process the levy applicable shall be reduced by (i) 0·50 u.a./100 kg and (ii) an amount equal to that of the special charge levied, subject to a maximum of 4·5 u.a./100 kg;

Whereas, in pursuance of Article 2 of Regulation (EEC) No 306/74, the arrangements for reducing the levy are to be applied to all imports in respect of which it can be proved that the special charge is reflected in the import price; whereas, for the purposes of applying the above arrangements, it should be laid down that the importer supply proof of having refunded the charge in question to the exporter;

Whereas, if the arrangements are to function correctly, the importer must be able to inform the exporter of the amount both of the levy and of the charge applicable to the imported product;

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. Application of the arrangements provided for in Article 1 of Regulation (EEC) No 306/74 shall be subject to production by the importer of proof that he has refunded to the exporter, subject to the maximum specified in the second indent of that Article, the special export charge deductible at the time of importation into the Community.

2. For the purpose of this Regulation, 'the exporter' means the person indicated on certificate ATR 1.

3. The proof referred to in paragraph 1 may be supplied only by submission of a receipt issued by a bank approved for the purpose into which the sum referred to in paragraph 1 has been paid by way of refund of the charge such receipt must contain at least the following:

— particulars of the exporter,

— the number of the document ATR 1 relating to the transaction,

— particulars of the amount paid.

Article 2

The bodies responsible in the Member States for collecting the import levy shall issue to the importer a document containing the following information:

(a) details of the export document as given under the heading 'Customs endorsement' on the certificate ATR 1 relating to the product in question, or the number of that certificate;

(b) the net weight of the olive oil as recorded by the relevant authorities when customs import formalities are completed;

(c) the rate of the levy applicable to the products in question, calculated in accordance with the provisions of Article 13 of Regulation No 136/66/EEC, less 0·50 unit of account/100 kg;

(d) the amount refunded by the importer to the exporter.

Article 3

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 34, 7. 2. 1974, p. 11.

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

Done at Brussels, 25 July 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission