COMMISSION REGULATION (EEC) No 1394/76

of 17 June 1976

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 1235/71 of 7 June 1971 on imports of olive oil from Turkey (1), as last amended by Council Regulation (EEC) No 2277/71 (2), and in particular Article 4 thereof,

Whereas Turkey has not notified the completion of the procedures necessary for implementing in the Agreement in the form of an exchange of letters, signed on 23 November 1973 ; whereas Council Regulation (EEC) No 306/74 (3) and Commission Regulation (EEC) No 1938/75 (4) are consequently not in application ; whereas by Regulation (EEC) No 1235/71 the Council adopted rules for the special treatment of imports of olive oil provided for in the said Agreement and consequently detailed procedures for their application must be adopted ;

Whereas, if the incidence of the charge on the price of the imported product exceeds the amount by which the levy may be reduced under Article 2 of Regulation (EEC) No 1235/71, the consequences are unfavourable for Community importers ; whereas, in the opposite case, the economic advantages for Turkey under the Agreement do not occur ; whereas it must be provided that the incidence of the tax on the price of the imported product and the amount of the reduction of the levy should be the same ;

Whereas, under Article 3 of Regulation (EEC) No 1235/71, the arrangements for reducing the levy shall be applied to all imports in respect of which it can be proved that the special export charge has been paid by the exporter ; whereas, moreover, under the Agreement, the amount of the charge must be reflected in the price of the imported product ; whereas, for the purposes of applying the above arrangements, it should therefore be laid down that the importer should supply proof of having refunded the above charge 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 applied to the imported products ;

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

The levy to be charged on imports, calculated in accordance with Article 1 of Regulation (EEC) No 1235/71, shall be reduced by an amount equal to the special export charge referred to in Article 2 thereof, up to a maximum of :

(a) 4·50 units of account per 100 kilogrammes, if the levy calculated as aforesaid is 4·50 units of account per 100 kilogrammes or more ;

(b) the amount of the levy calculated as aforesaid if it is less than 4·50 units of account per 100 kilogrammes.

Article 2

1. Application of Article 1 shall be subject to production by the importer of proof that he has refunded to the exporter the special export charge referred to in Article 2 of Regulation (EEC) No 1235/71 up to the amount deductible at the time of importation of the oil into the Community.

2. For the purpose of this Regulation 'exporter' means the person indicated on certificate A. TR. 1 (5).

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 ; this receipt must contain at least the following :

— particulars of the exporter,

— number of the document A. TR. 1 relating to the transaction,

— particulars of the amount paid.

(1) OJ No L 130, 16. 6. 1971, p. 55.
(2) OJ No L 241, 27. 10. 1971, p. 2.
(3) OJ No L 34, 7. 2. 1974, p. 11.
(4) OJ No L 198, 29. 7. 1975, p. 30.
(5) OJ No L 59, 5. 3. 1973, Annex to Regulation (EEC) No 428/73.

Article 3

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 A. TR. 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 per 100 kilogrammes ;

(d) the amount of the special export charge refunded by the importer to the exporter.

Article 4

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, 17 June 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission