COUNCIL REGULATION (EEC) No 1794/76

of 20 July 1976

introducing a derogation from Regulation (EEC) No 155/71 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 the Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats (1), as last amended by Regulation (EEC) No 1707/73 (2), and in particular the second paragraph of Article 19 thereof,

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

Having regard to the proposal from the Commission,

Whereas Article 3 (2) of Council Regulation (EEC) No 155/71 of 26 January 1971 on the production refund on olive oil used in the manufacture of certain preserved foods (4) provides that the amount of the production refund must be equal to the average of the variable components on the levies on imports of refined olive oil;

Whereas Council Regulation (EEC) No 601/76 of 15 March 1976 laying down special measures in particular for the determination of the offers of olive oil on the world market (5) and Council Regulation (EEC) No 602/76 of 15 March 1976 laying down special measures in particular for the determination of the offers of olive oil on the Greek market (6) provide that, when certain conditions are fulfilled, the import levies must be fixed by tendering procedure;

Whereas, when applying this procedure, the Commission fixes a minimum import levy for refined olive oil; whereas, in such case, it is necessary to derogate from Article 3 of Regulation (EEC) No 155/71 by providing that the production refund should be fixed on the basis of the minimum levies determined by the Commission under the said procedure,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 3 of Regulation (EEC) No 155/71, where the tendering procedure referred to in Article 2 of Regulations (EEC) No 601/76 and (EEC) No 602/76 applies, the production refund on olive oil used in the manufacture of preserved fish, falling within subheadings 16.04 B, C, D, E, F and G, and preserved vegetables, falling within heading No 20.02 of the Common Customs Tariff, shall be fixed by the Commission on the basis of the minimum levies determined under that procedure for oil, falling within subheading 15.07 A I a) of the Common Customs Tariff.

2. The Commission shall fix the production refund in accordance with paragraph 1 for the first time on expiry of a refund fixed under Article 3 of Regulation (EEC) No 155/71, provided that at least two minimum levies have been fixed.

The production refund shall be fixed for two months.

3. When a decision is taken to terminate the tendering procedure, the Commission shall fix the production refund in accordance with Article 3 of Regulation (EEC) No 155/71 on expiry of the period during which the production refund has been fixed under this Regulation, after at least eight levies have been fixed pursuant to Article 13 of Regulation No 136/66/EEC.

Article 2

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

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 175, 29. 6. 1973, p. 5.
(3) OJ No 197, 29. 10. 1966, p. 3393/66.
(4) OJ No L 22, 28. 1. 1971, p. 5.
(5) OJ No L 72, 28. 3. 1976, p. 1.
(6) OJ No L 72, 28. 3. 1976, p. 3.

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

Done at Brussels, 20 July 1976.

For the Council

The President

A. P. L. M. M. van der STEE