COUNCIL REGULATION (EEC) No 518/77

of 14 March 1977

laying down general rules for granting export refunds on the various added sugars in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables [1], and in particular Article 5 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Article 5 (3) of Regulation (EEC) No 516/77 provides that the Council shall adopt general rules for granting export refunds on the products listed in Annex II to that Regulation;

Whereas provision should be made for the refund to be granted not only on products of Community origin but also on products imported from and re-exported to third countries; whereas, however, to prevent speculation, the grant of a refund in such cases should be subject to certain conditions;

Whereas to avoid distortions of competition between Community traders, the administrative conditions under which they operate must be identical throughout the Community,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general rules for granting the export refunds referred to in Article 5 (3) of Regulation (EEC) No 516/77.

Article 2

1. The refund shall be granted on exports of products listed in Annex II to Regulation (EEC) No 516/77:

(a) which are of Community origin;

(b) which have been imported from third countries and on which the import levy referred to in Article 2 (1) of that Regulation has been paid, provided the exporter proves:

— that the product to be exported and the product previously imported are one and the same, and

— that the levy was collected on importation.

2. In the cases covered by subparagraph 1 (b), the refund on each product shall be equal to the levy collected on importation where this levy is lower than the refund applicable on the day of exportation; the refund shall be equal to the refund applicable on the day of exportation where the levy collected on importation is higher than this refund.

Article 3

The refund shall be paid upon proof:

— that the products fulfil one or other of the two conditions set out in Article 2 (1), and

— that the products have been exported from the Community.

Article 4

1. Council Regulation (EEC) No 1838/69 of 16 September 1969 laying down general rules for granting export refunds on the various added sugars in products processed from fruit and vegetables [2], is hereby repealed.

[1] See page 1 of this Official Journal.

[2] OJ No L 236, 19. 9. 1969, p. 2.

2. All references to the Regulation repealed by virtue of paragraph 1 shall be treated as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 April 1977.

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

Done at Brussels, 14 March 1977.

For the Council

The President

J. SILKIN