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COUNCIL REGULATION (EC) No 2008/97

of 9 October 1997

laying down certain rules for the application of the special arrangements for imports of olive oil and certain other agricultural products originating in Turkey

(OJ L 284, 16.10.1997, p. 17)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 846/98 of 22 April 1998	L 120	13	23.4.1998
►**M2**	Regulation (EU) No 255/2014 of the European Parliament and of the Council of 26 February 2014	L 84	57	20.3.2014

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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laying down certain rules for the application of the special arrangements for imports of olive oil and certain other agricultural products originating in Turkey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Additional Protocol to the Agreement creating an Association between the European Economic Community and Turkey on new concessions for imports of Turkish agricultural products into the Community ([1]) provides for special arrangements for imports of durum wheat and canary grass, rye and malt originating in Turkey; whereas those arrangements grant a reduction in the levy applicable to imports of durum wheat and canary grass, a reduction in the levy applicable to imports of rye, provided that Turkey levies a special export charge on that product, and a reduction in the fixed component of the levy applicable to imports of malt;

Whereas, for olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10, Decision No 1/77 of the EC-Turkey Association Council provides for special arrangements comprising a flat rate deduction of ECU 0,7245 per 100 kilograms from the levy applicable to that oil; whereas, provided that Turkey levies an export charge, those arrangements provide for a further reduction of that levy corresponding to the amount of the special charge, but not exceeding ECU 13,14 per 100 kilograms, representing the reduction provided for in Article 2 of the Association Agreement and a reduction of ECU 13,14 per 100 kilograms, representing the additional amount provided for in Annex IV to that Agreement; whereas the Community has concluded an agreement in the form of an exchange of letters with Turkey extending the aforementioned special arrangements for the duration of the Association Agreeement with Turkey, on the basis of a flat-rate reduction in the customs duties ([2]);

Whereas the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations ([3]) provides that the agricultural levies are to be replaced by fixed customs duties from 1 July 1995;

Whereas continuation of the arrangements calls for the adoption of new implementing rules and the deletion of certain Articles of Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ([4]);

([1]) OJ 217, 29.12.1964, p. 3687/64.
([2]) OJ L 277, 30.10.1996, p. 39.
([3]) OJ L 336, 23.12.1994, p. 22.
([4]) OJ L 142, 9.6.1977, p. 10. Regulation as last amended by Regulation (EC) No 2063/96 (OJ L 277, 30.10.1996, p. 4).

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Whereas, in accordance with the agreements, the special export charge should be reflected in the price of the olive oil upon importation into the Community; whereas, to ensure the correct application of the arrangements in question, the necessary measures should be adopted to ensure that the charge is paid at the latest when the oil is imported;

Whereas, if the present conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or if a new agreement is concluded, it may be necessary to adjust this Regulation to incorporate those changes; whereas provision should be made for those adjustments to be adopted by the Commission in accordance with the procedure laid down in Article 38 of 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] or in the corresponding Articles of the other Regulations on the common organization of the markets affected by the special arrangements;

Whereas, in Regulation (EC) No 2146/95 [2] and Regulation (EC) No 1214/96 [3], the Commission introduced autonomous systems as a transitional measure expiring on 30 June 1997; whereas this Regulation should therefore apply from 1 July 1997,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down certain rules for the application of the special arrangements for imports of olive oil and certain other agricultural products originating in Turkey.

Article 2

1. The rate of customs duty applicable to imports into the Community of olive oil other than that which has undergone a refining process, falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10, wholly obtained in Turkey and transported direct from that country to the Community, shall be reduced by ►**M1** 10 % ◄.

▼**M1**

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Article 3

1. The rate of customs duty applicable to imports into the Community of olive oil having undergone a refining process falling within CN code 1509 90 00, wholly obtained in Turkey and transported direct from that country to the Community, shall be reduced by ►**M1** 5 % ◄.

2. The rate of customs duty applicable to imports into the Community of olive oil having undergone a refining process falling within CN code 1510 00 90, wholly obtained in Turkey and transported direct from that country to the Community, shall be reduced by ►**M1** 5 % ◄.

(1) OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1581/96 (OJ L 206, 16.8.1996, p. 11).
(2) OJ L 215, 9.9.1995, p. 1.
(3) OJ L 161, 29.6.1996, p. 46.

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Article 4

The rates of duty applicable to imports into the Community of durum wheat falling within CN code 1001 10 00, originating in Turkey and transported direct from that country to the Community, shall be that set up pursuant to Article 10 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], less ECU 0,73 per tonne.

Article 5

1. The rate of duty applicable to imports into the Community of rye falling within CN code 1002 00 00, originating in Turkey and transported direct from that country to the Community, shall be that set pursuant to Article 10 (2) of Regulation (EEC) No 1766/92, less an amount equal to the special charge on exports to the Community levied by Turkey on that product, but not exceeding ECU 11,68 per tonne.

2. The arrangements provided for in paragraph 1 shall apply to all imports for which the importer provides proof that the special export charge has been paid by the exporter, of an amount not exceeding that set pursuant to Article 10 (2) of Regulation (EEC) No 1766/92, nor exceeding ECU 11,68 per tonne.

Article 6

The rate of duty applicable to imports into the Community of malt, whether or not roasted, falling within CN code 1107, originating in Turkey and transported direct from that country to the Community, shall be reduced by ECU 6,57 per tonne.

▼M2

Article 7

The Commission shall, by means of implementing acts, adopt rules necessary for the application of the special import arrangements laid down in this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8b(2).

Article 8

In order to comply with international commitments and where the Council has decided to approve the amendments of the present conditions of the special arrangements provided for in the Association Agreement or to conclude a new agreement, the Commission shall be empowered to adopt delegated acts in accordance with Article 8a concerning the resulting amendments to this Regulation.

[1] OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EEC) No 923/96 (OJ L 126, 24.5.1996, p. 37).

▼M2

Article 8a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for a period of five years from 9 April 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 8 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 8 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 8b

1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ([1]). That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council ([2]).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or at least a quarter of committee members so request.

([1]) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

([2]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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Article 9

Articles 6 to 10 of Regulation (EEC) No 1180/77 are hereby deleted.

Article 10

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

It shall apply from 1 July 1997.

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