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REGULATION (EEC) No 316/71 OF THE COMMISSION

of 12 February 1971

supplementing Regulation (EEC) No 497/70 on rules for the application of export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Regulation No 159/66/EEC¹ laying down further provisions for the common organisation of the market in fruit and vegetables, as amended by Regulation (EEC) No 2515/69,² and in particular Article 11 (a) (4) thereof;

Having regard to Council Regulation (EEC) No 2518/69,³ of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts, and in particular Article 5 (3) thereof;

Whereas the amount of the refund for fruit and vegetables may be higher than the incidence of the Common Customs Tariff; whereas, since these products can be exported from the Community and then reimported without any great expense, care should be taken to ensure that no refund is paid if they have not been dispatched to their destination or, where this destination is a country bordering on the Community, offered for consumption in one of these countries;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Fruit and Vegetables;

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 2b shall be added to Regulation (EEC) No 497/70⁴.

¹ OJ No 192, 27.10.1966, p. 3286/66.

² OJ No L 318, 18.12.1969, p. 10.

³ OJ No L 318, 18.12.1969, p. 19.

⁴ OJ No L 62, 18.3.1970, p. 15.

Article 2b

Account being taken of the amount of the refund in relation to the incidence of the Common Customs Tariff, it may be decided when refunds for fruit and vegetables are being fixed that payment shall be subject:

- to the production of proof that the products in question have been offered for consumption in that country where the destination of the products is a third country bordering on the Community,
- to the production of proof that the products in question have reached their destination where the destination of the products is a third country other than those referred to in the first indent.

Proof shall be given:

- regarding the offering for consumption, by the production of the customs document drawn up in the country of destination or of a copy thereof; however, in cases where, in respect of export to a country bordering on the Community with a state-controlled trade system; this document or a copy thereof cannot be supplied, the competent national departments may accept some other appropriate document as proof;
- regarding the destination, in accordance with Article 8 of Regulation No 1041/67/EEC⁵.

Article 2

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

⁵ OJ No 314, 23.12.1967, p. 9.

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

Done at Brussels, 12 February 1971.

For the Commission

The President

Franco M. MALFATTI
