

Leaflet ET4

The rules and obligations described in this leaflet arise from European Community regulations and directives which are binding in the United Kingdom. These will change from time to time, and when they do we will issue amendments to this leaflet. There can be a delay in doing this. Although we try our best, we cannot guarantee that all the information in this leaflet (and any amendments) is complete and accurate.

If you are in any doubt about the interpretation of the regulations you should seek legal advice. You should note that the ultimate authority is the European Court of Justice.

This leaflet deals only with EC regulations and directives and the procedures and forms required for the purposes of the Common Agricultural Policy (CAP).

Time limits apply to many of the procedures described in this leaflet. It is important that you meet them. If you do not, you may lose your security or entitlement to refunds.

"Data Protection – Any personal data provided to the RPA is protected in accordance with the Data Protection Act 1998. The data will be used primarily for the purpose of the application for which it is supplied. However, it may also be used in accordance with the Data Protection Act and subject to the safeguards of that Act for purposes connected with: administration of the Common Agricultural Policy, ERDP and other aid schemes; the production and safety of food; management of land and other environmental controls; animal health and welfare; and occupational health and welfare. Data may be passed (when necessary for these purposes) to other bodies such as Customs and Excise (for import/export purposes) and local authorities (for milk/health purposes) – these are merely examples. The data collected may also be used in connection with the Agricultural Census as a basis for statistical returns not identifying individuals. It may also be used when necessary to comply with the Environmental Information Regulations, the Code of Practice on Access to Government Information and the Freedom on Information Act."

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About this leaflet

This leaflet (ET4) deals with trade in oils and fats. It gives details of the rules for import and export licensing and claiming export refunds.

There is a list of products covered by these rules in section A of this leaflet.

We share the administration of these rules with HM Customs and Excise, who are referred to as Customs throughout this leaflet.

You can find out more about what Customs do from their Public Notices.

How to use this leaflet

You should also read appropriate Notices to Traders which are issued by us.

These leaflets give the rules for trading specific goods:

ET2	Sheepmeat and goatmeat
ET3	Sugar
ET4	Oils and fats
ET5	Whisky
ET6	Eggs
ET7	Poultrymeat
ET8	Pigmeat
ET9	Beef and veal
ET10	Milk and milk products
ET11	Fresh fruit and vegetables
ET11a	Bananas
ET12	Processed fruit and vegetables
ET13	Cereals
ET14	Rice
ET15	Wine
ET17	Processed goods
ET19	Victualling
ET21	Hemp

You can get these leaflets from the Trader Scheme Management Unit on 0191 226 5426.

You should read this leaflet in conjunction with leaflet ET1 which gives an outline of the basic rules for licensing and claiming export refunds on all types of goods covered by the CAP.

The leaflet is in 4 parts:

- **Part 1:** lists the goods dealt with in this leaflet.
- **Part 2:** explains procedures for importing oils and fats.
- **Part 3:** explains procedures for exporting oils and fats and claiming export refunds.
- **Appendices:** gives information we think you will need to refer to more than once. We have laid it out in appendices 1-2.

If you cannot find the information you need, please get in touch with us.

For more information about this leaflet

You can telephone our Oils and Fats Section on:
0191 226 5286 (Export Refunds/Export Licensing)
0191 226 5267 (Import Licensing)

If you need extra copies of any leaflet or amendment, you can get them from the Trader Scheme Management Unit on 0191 226 5426.

Keeping this leaflet up to date

We issue amendments to leaflets whenever EC rules change.

You should insert the new pages according to the instructions you will get with each amendment.

You can keep a note of amendments by using the Amendments table.

Amendments to version 3.0

Number	Date amended
3.1	
3.2	
3.3	
3.4	
3.5	
3.6	
3.7	
3.8	
3.9	
3.10	
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3.23	
3.24	
3.25	

1 Introduction

A Goods dealt with in this leaflet

A Goods dealt with in this leaflet

This leaflet deals with procedures for importing and exporting oils and fats. The specific products covered by these procedures are as follows:

CN Code	Description
0709 9039}	Olives, other than used in the production of oil
0711 2090}	
1509	Olive oil and its fractions
1510 00	Other oils and their fractions obtained from olives
1522 0031}	Vegetable residues
1522 0039}	
2306 9019	Oil cake containing more than 3% olive oil

2 Imports

- B Import licences
- C Import duties
- D Reduced duty import quota licences

B Import licences

Further details about licences can be found in section D of leaflet ET1.

You will need an import licence to import more than 100 kgs of olive oil, olives, olive oil residues or oil cakes.

R136/66, A2
R1476/95
R1291/00, A5

You will however need a licence to import any quantity of olive oil under the special quota scheme described at section C of this leaflet.

In the UK licences are issued electronically. However if you want to use your licence in another Member State you should request a paper licence when you submit your application.

Applying for import licences

Leaflet ET1, section S explains how to apply for a licence.

However, there are additional requirements for the special schemes described at section C of this leaflet.

Licence validity

Your licence will be valid for a specified length of time. There is a list of validity periods at Appendix 2.

R1476/95

Licence security

You may be required to lodge a security with us when applying for your licence. This security will be refunded in full if you import at least 95% of the quantity on the licence within its validity period and return it to us within 2 months of its expiry date. If you do not comply with these requirements we may keep some or all of the security lodged with us.

R1476/95
R1291/00, A35

We may waive security if it totals less than 100 euro (€).

There is a list of security rates at Appendix 2.

C Import duties

You can obtain current rates of import duty from your local Customs office.

You will have to pay import duty on olive oil, olives, olive oil residues and oil cakes imported into the Community.

Import duties are set by the Commission and:

- Vary according to the type of product being imported
- Are collected by Customs at the point of import
- May be reduced under the special import schemes described below.

You will usually have to pay the duty in force on the day you import your goods. However, imports of some olive oil may be eligible for a reduced rate of duty if you apply for an import licence under a special import scheme. To be eligible for these reduced rates you must have a licence available for Customs to check when you import the goods and you must comply with any specific scheme conditions.

D Reduced import quota licences

Imports of olive oil from Algeria, Lebanon, Morocco and Turkey

Imports of unrefined olive oil under CN codes:

- 1509 1010
- 1509 1090
- 1510 0010

152/98
148/98
2007/97
2008/97

produced in and imported from these countries may be eligible for a reduced rate of duty. Your licence application must show in boxes 7 and 8 the country of origin and export. It will be compulsory to import from that country. The reduction will be the same as any export charge imposed by the exporting country (subject to specified limits). You must however be able to prove to Customs that you have paid this charge.

Imports of olive oil from Tunisia

R312/2001

From 1 January each year a quota of untreated oil falling within CN codes 1509 10 10 and 1509 10 90 wholly obtained in Tunisia and transported directly into the Community may be imported at a zero rate of duty.

For each year licences may be applied for the following quantities:

1000 tonnes	-	each month in January and February
4000 tonnes	-	in March
8000 tonnes	-	in April
10000 tonnes	-	each month from May to October

If any of the quantities are unused within the month in question, they may be transferred to the following month. However the Commission will consider all applications submitted on a weekly basis and may decide to suspend the issue of import licences under the quota.

You can apply for a licence on Monday and Tuesday each week and your application must be accompanied by a security of **€15 per 100 kgs.**

Your licence application must:

- **Be accompanied by a copy of the purchase contract concluded with the Tunisian exporter**
- **Show in boxes 7 and 8 the country Tunisia and the compulsory box "yes" should be ticked**
- **Show in section 20 the statement "Customs duty fixed by Council Decision 2000/822/EC"**

Provided your application is accepted we will issue your licence on the Monday following the date of your application. It will include the information shown on your application, and will be valid only for the quantity applied for – it will not carry an upward tolerance. Your licence will be valid for 60 days from its date of issue.

You must return your licence within two months of its expiry to ensure you do not forfeit your licence security, however if you are unable to use your licence and return it to us within the first two thirds of its validity the security forfeit for under use shall be reduced by 40%.

The security forfeit will be reduced by 25% should the licence be returned within the last third of its validity or within 15 days of its expiry.

3 Exports

- E Export licences/advance fixing certificates (AFCs) for olive oil
- F Export refunds for olive oil
- G Tendering for export refunds on olive oil

E Export licences/advance fixing certificates (AFCs) for olive oil

You will need an export licence to export more than 100 kgs of olive oil.

R2731/00
R1291/00, A5

If you are claiming an export refund you must advance fix the refund rate on your licence (in which case your licence will be termed an advance fixing certificate (AFC)) if you are exporting more than 100 kgs of olive oil.

R800/99
R1291/00, A5

Your licence/AFC must be available for Customs to check when you export your goods.

In the UK licences are issued electronically. However if you want to use your licence in another Member State you should request a paper licence when you submit your application.

Applying for a licence/AFC

Section S of ET1 explains how to apply for an export licence/AFC. In addition:

- You must show in section 15 of your application the full description of the product
- You must show in section 16 of your application only one 12 digit CN code
- You can only apply for AFCs from Tuesday to Thursday each week up to 12 noon
- You can apply any day of the week for export licences which have no waiting period.

R2543/95, A2

R2543/95, A2

R2543/95, A3

Licence validity

Your export licence/AFC will be valid for a specified length of time. There is a list of validity periods at Appendix 2.

R2543/95

Licence security

You may be required to lodge a security with us when applying for your licence. This will be refunded in full if you export at least 95% of the quantity specified on your licence/AFC within the validity period and return it to us within 2 months of its expiry date. If you fail to do so, we may keep some or all of the security lodged with us.

R2543/95
R1291/00, A35

We may waive security if it totals less than €100.

R1291/00, A15

If the Commission decide to refuse applications or reduce the quantities applied for licence security will be released immediately for the quantities not accepted.

R2543/95, A3

There is a list of security rates at Appendix 2.

Issue of licences

Special measures could include rejecting applications or reducing the quantities applied for.

With the exception of licences issued in connection with invitations to tender, AFCs will be issued on the following Tuesday (as long as no special measures are taken in the meantime). You must therefore make sure you apply for your licence/AFC in good time.

If the Commission allow less than 80% of the quantities applied for you may either withdraw your application or request immediate issue of your licence. Otherwise licences will be issued by the 11th working day following publication of the Commission's decision. R2543/95, A3

F Export refunds for olive oil

For further details see 'How to claim an export refund' below.

Traders who export olive oil from the Community to a non-Member State or to an entitled destination within the Community may get an export refund.

This section details how refund rates are set and how to apply for a refund.

How the rate of refund is applied

Export refund rates are set by the Commission and may vary according to the composition of the product and the destination to which the olive oil is being exported.

Section E of leaflet ET1 gives more details about advance payment and prefinancing.

Export refunds may, against appropriate security, be:

R800/99, A24

- Paid in advance under advance payment arrangements
- Paid in advance under prefinancing arrangements
- Tendered for above the basic rate.

Your refund is based on the rate in force on the date you applied for your AFC, or on the tendered rate.

See section D of leaflet ET1 for details of when an AFC is not required.

Where an AFC is not required your refund will be based on the rate in force on the date you placed your goods under Customs control.

How to claim an export refund

Export refunds will only be paid on goods of Community Origin.

You should read leaflet ET1, section G for the general procedures for the completion and submission of claims for export refund. The commodity codes to be shown on your claim form are listed at Appendix 1.

You should also remember that if you are exporting more than 100 kg of olive oil you must have an AFC available for Customs to check when you export your goods. If you do not do so we may not be able to pay a refund.

Proof of import

For further details see Appendix 11 of leaflet ET1.

If the rate of refund varies according to destination you may be required to provide proof of import into the country stated on your claim form.

R800/99

For further details see section H of leaflet ET1.

If you are exporting your goods via another Member State we will need to see the Community transit document (form T5) before we can pay your refund.

R800/99

Supplementary declaration codes

If you are exporting olive oil you must include three supplementary declarations (SD) codes on your NES declaration. These codes form a declaration that your product meets certain criteria which allow us to pay your refund. If you do not include these SD codes, payment of refund will be delayed.

The SD codes are as follows:

- 0401 : I declare that the free fatty acid content expressed as oleic acid is not more than 30 grammes per 100 grammes
- 0402 : I declare that the tetrachloroethylene content measured by the method indicated in Article 2(3) of Commission Regulation (EEC) No 1058/77 is 0.1 milligrams per kilogram or less
- 0403 : I declare that the oil does not come from intervention stocks.

G Tendering for export refunds on olive oil

R136/66/EEC, A3

The marketing year for olive oil is from 1 November until 31 October of the following year.

As well as setting standard export refunds which you can advance fix by applying for an AFC, you can also, under certain circumstances, tender for an enhanced rate of refund.

Each year, the Commission issues a standing invitation to tender for export refunds, which usually remains open for the full marketing year. Under this standing invitation the Commission will issue 'partial' invitations to tender for exports to specific destinations outside the EC. You can only tender for 5 tonnes or more if the oil is in containers of less than 5 litres or 20 tonnes or more if different container sizes.

When to apply

You can only submit a tender application during certain periods. We will send you a Notice to Traders each year to advise you of when you can apply.

How to apply

You may apply in person, or by letter (registered post is recommended), or fax and your application must include the following details:

- The Regulation number(s) of the invitation to tender
- Your name and address
- The quantity, quality and CN code of the olive oil being exported
- Whether the oil is in containers of 5 litres or less, or greater than 5 litres
- Country of destination
- Rate of refund tendered in Euro per 100 kg and
- Amount of tender security lodged to support the bid in sterling.

Security rates can be found at Appendix 2.

We can only consider your bid if you include all this information and you lodge sufficient security before the end of the application period.

The Commission will look at all the bids submitted and decide either to award a maximum rate of refund, and accept bids for refund rates equal to or less than this rate, or make no award and reject all bids. You cannot withdraw or amend your bid once it is submitted. Your tender security will be returned in full if your bid is unsuccessful.

See part D of this leaflet for details of how to apply for a licence and Appendix 2 for licence validity periods.

If your bid is successful you must apply for an export licence from us within 2 days. We will use your tender security as your licence security. You will not be able to transfer the rights of your licence to anyone else.

Reference material

- 1 Export refund nomenclature - olive oil
- 2 Validity periods and security rates

Appendix 1 Export refund nomenclature - olive oil

CN code	Description of goods - pure	Product code		Supplementary declaration codes
1509	Olive oil and its fractions, whether or not refined, but not chemically modified:			
1509 10	• Virgin:			
1509 1010	•• Lampante virgin olive oil	1509 1010	9000	Yes
1509 1090	•• Other:			
	••• - In immediate packings of a net capacity of 5 litres or less	1509 1090	9100	Yes
	••• - Other	1509 1090	9900	Yes
150990 00	• Other:			
	•• - In immediate packings of a net capacity of 5 litres or less	1509 9000	9100	Yes
	•• - Other	1509 9000	9900	Yes
CN code	Description of goods - pure	Product code		Supplementary declaration codes
151000	Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading No 1509:			
151000 10	• Crude oils	1510 0010	9000	Yes
151000 90	• Other:			
	•• - In immediate packings of a net capacity of 5 litres or less	1510 0090	9100	Yes
	•• - Other	1510 0090	9900	Yes

Appendix 2 Validity periods and security rates

CN code	Product	Validity period		Rate of security, euro/100 kgs			
		Import	Export	Import	Import from Tunisia	Export with refund	Export without refund
1509	Olive oil and its fractions	60 days	Month of issue plus 3 months	10	15	10	1
1510	Other olive oils and their fractions	60 days			15		
0709 9039	Olives)					
0711 2090	Olives)					
1522 0031) 0039)	Vegetable residues) 60 days	N/A	10		N/A	
2306 9019	Oil cake)					