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REGULATION (EEC) No 153/69 OF THE COMMISSION

of 27 January 1969

on detailed rules concerning the advance fixing of the import levy on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 136/66/EEC[1] of 22 September 1966 on the establishment of a common organisation of the market in oils and fats, as last amended by Regulation (EEC) No 2146/68,[2] and in particular Article 16 (2) thereof;

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

Whereas Council Regulation (EEC) No 19/69[4] of 20 December 1968 on the advance fixing of the levy on imports of olive oil laid down general rules for the advance fixing of the levy;

Whereas Article 2 of Regulation (EEC) No 19/69 provides that applications for the advance fixing of the levy must be accompanied by a deposit which, except in case of *force majeure,* is forfeited in whole or in part if importation is not effected within the period specified in that Regulation; whereas to this end the deposit system — the amount of the deposit and the conditions under which it may be forfeited — should be defined;

Whereas, in view of normal practice in the olive oil trade, provision should be made for a certain margin between the quantity imported and the quantity in respect of which the application for advance fixing was lodged;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the deposit referred to in Article 2 of Regulation (EEC) No 19/69 shall be 4 units of account per 100 kilogrammes net of olive oil.

2. The deposit may be lodged in cash or in the form of a guarantee conforming to the criteria laid down by each Member State.

Article 2

1. The whole deposit shall be forfeited if the quantity of olive oil imported during the period of validity of the advance fixing does not amount to at least 5% of the quantity shown on the import licence.

2. Part of the deposit shall be forfeited if the quantity of olive oil imported during that period of validity is 5% or more but less than 95% of the quantity shown on the import licence. In such cases the proportion of the deposit to be forfeited shall be calculated on the basis of the difference between the quantity shown on the licence, less 5%, and the quantity imported.

Article 3

1. If importation cannot be effected during the period of validity of the advance fixing for reasons of *force majeure,* the Member State concerned shall decide that the obligation to import is annulled and that the deposit shall not be forfeited. However, if the party concerned so requests, the Member State may extend the period of validity of the advance

[1] OJ No 172, *30.9.1966,* p. *3025/66.*
[2] OJ No L 314, 31.12.1968, p. 1.
[3] OJ No 197, 29.11.1966, p. 3393/66.
[4] OJ No L 3, 7.1.1969, p. 2.

fixing for as long as is considered necessary in view of the circumstances invoked.

Where the period of validity of the advance fixing is extended, the amount of the levy fixed in advance shall be corrected on the basis of the threshold price in force during the month of importation.

2. If a circumstance affecting the exporting country is invoked as a case of *force majeure,* that circumstance cannot be recognised as such unless the exporting country was entered on the certificate or was indicated to the competent authority at least seven days before the case of *force majeure* occurred.

3. Member States shall notify the Commission of the circumstances which they consider to constitute cases of *force majeure.*

Article 4

This Regulation shall enter into force on 10 February 1969.

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

Done at Brussels, 27 January 1969.

For the Commission

The President

Jean REY