REGULATION (EEC) No 3255/73 OF THE COMMISSION
of 30 November 1973
fixing the import levies 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 organization of the market in oils and fats, as last amended by Regulation (EEC) No 1707/73 (2), and in particular Article 13 (4) 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 Articles 3 (4) and 9 thereof ;

Having regard to Council Regulation (EEC) No 443/72 (4) of 29 February 1972 on the levies on refined olive oil and on certain products containing olive oil, and in particular Article 9 thereof ;

Having regard to Council Regulation (EEC) No 2165/70 (5) of 27 October 1970 on imports of olive oil from Tunisia, as amended by Regulation (EEC) No 2277/71 (6), and particular Article 5 thereof ;

Having regard to Council Regulation (EEC) No 463/71 (7) of 1 March 1971 on imports of olive oil from Morocco, as amended by Regulation (EEC) No 2277/71, and in particular Article 5 thereof ;

Having regard to the Opinion of the Monetary Commitee ;

Whereas Article 13 of Regulation No 136/66/EEC and Article 3 of Regulation No 162/66/EEC requires the Commission to fix a levy on unrefined olive oil imported into the Community ;

Whereas, in the case of imports subject to Article 13 of Regulation No 136/66/EEC and to Article 9 of Regulation No 162/66/EEC, the levy is equal to the difference between the threshold price and the cif price ; whereas, in the case of imports subject to Article 3 of Regulation No 162/66/EEC, the levy is equal to the difference between the threshold price and the free-at-frontier price, less a standard amount ;

Whereas the threshold price and the standard amount are fixed by the Council every year ; whereas they have been fixed for the 1973/74 marketing year by Council Regulation (EEC) No 3207/73 (8) of 27 November 1973 fixing the threshold price for olive oil for the 1973/74 marketing year and by Council Regulation (EEC) No 3210/73 (9) of 27 November 1973 on the standard amount for unrefined olive oil produced entirely in Greece and transported directly from that country into the Community ;

Whereas the Commission determines the cif price and the free-at-frontier price in relation to a Community frontier crossing point ; whereas this crossing point was fixed by Council Regulation No 165/66/EEC (10) of 27 October 1966 on price measures to be applied to olive oil for the 1966/67 marketing year ;

Whereas those prices must be established on the basis of the most favourable actual purchasing opportunities ; whereas the Commission must, theoretically, take into account all offers for olive oil of the types listed in 1 and 4 of the Annex to Regulation No 136/66/EEC made on the world market and on the Greek market ; whereas, if there are no such offers or if such offers are not representative, the Commission must take account of all offers made on the wholesale markets in the Community which are representative for the importation (from the world market and the Greek market) of these oils ;

Whereas Article 2 (2) of Commission Regulation (EEC) No 1004/71 (11) of 14 May 1971, amended by Regulation (EEC) No 486/73 (12), on the fixing of levies on unrefined olive oil provides, however, that the Commission must disregard offers for products of mediocre quality, long-dated offers, and offers for small lots and lots presented in small containers ; whereas offers which are considered not to be representative of the real trend of the market and those to which Article 13 (3) of Regulation No 136/66/EEC applies must also be disregarded ;

Whereas, if no offers of the type mentioned above have been made or if the offers made cannot be considered, the prices ruling on the domestic markets of the main oil-producing and oil-exporting third countries and on the Greek market should be

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 175, 29. 6. 1973, p. 5.
(3) OJ No 197, 29. 10. 1966, p. 3393/66.
(4) OJ No L 54, 3. 3. 1972, p. 3.
(5) OJ No L 238, 29. 10. 1970, p. 4.
(6) OJ No L 241, 27. 10. 1971, p. 2.
(7) OJ No L 53, 5. 3. 1971, p. 9.
(8) OJ No L 327, 28. 11. 1973, p. 13.
(9) OJ No L 327, 28. 11. 1973, p. 17.
(10) OJ No 197, 29. 10. 1966, p. 3399/66.
(11) OJ No L 109, 15. 5. 1971, p. 17.
(12) OJ No L 48, 21. 2. 1973, p. 10.

taken into account for the purpose of determining the cif price and the free-at-frontier price ; whereas in such cases those prices should be increased by marketing, loading, transport and insurance costs ;

Whereas, of the offers taken into consideration, c and f offers should, pursuant to Article 4 of Regulation (EEC) No 1004/71, be increased by 1 % ; whereas cif offers for frontier crossing points other than the one referred to above should be adjusted for transport and insurance costs ; whereas offers for delivery fas, fob or otherwise should be increased by transport and insurance costs from the point of shipment or loading to the abovementioned frontier crossing point and, in the case of fas offers, by loading costs ;

Whereas, if the offers taken into consideration are offers on the Community market, they should be reduced by unloading or disembarkation costs, import duties and levies and, where appropriate, by forwarding or other costs incurred from the cif or free-at-frontier stage to the marketing stage for which the offers were made ;

Whereas, for the purpose of adjusting the offers taken into consideration, the Commission should take account only of the costs which to its knowledge are the lowest ;

Whereas the cif price and the free-at-frontier price should be determined for the product presented in bulk ; whereas, if oil is presented otherwise than in bulk, the consequent increase in value should be deducted from the offers for unfiltered oil, whether virgin, extra fine or ordinary, and should be increased by an amount which allows for filtering costs ;

Whereas, in order to obtain comparable information on oil of the type and quality for which the threshold price was fixed, it is necessary to deduct or add to the offers considered, according to the type and quality in question, the values resulting from the provisions of Commission Regulation No 172/66/EEC [1] of 5 November 1966 fixing coefficients of equivalence for the different types and qualities of unrefined olive oil, as last amended by Regulation (EEC) No 992/72 [2] ; whereas, in exceptional circumstances, different or derived coefficients of equivalence may be applied for a limited period ;

Whereas a comparison of the information thus obtained makes it possible to determine the most favourable offers on both the world market and on the Greek market ;

Whereas, if no offer can be considered for the purpose of determining the cif price and the free-at-frontier price, the price previously taken into account should be maintained ;

Whereas, when the levies on refined (olive) oil, on olives falling within subheadings Nos 07.01 N II and 07.03 A II and on the products listed in Article 1 (2) (e) of Regulation No 136/66/EEC are being calculated, the adjustment provided for in Articles 2, 3, 5 (1) and Article 6 of Regulation (EEC) No 443/72 should be applied to the levies previously defined and, in the case of those same products produced entirely in Greece and transported directly from that country into the Community, the adjustments provided for in Article 4 (1) of Regulation No 162/66/EEC and Articles 4, 5 (2) and 7 of Regulation (EEC) No 443/72 ;

Whereas the fixed component of the levy determined pursuant to Article 14 of Regulation No 136/66/EEC is not charged on imports of refined olive oil produced entirely in Tunisia or Morocco and transported directly from those countries into the Community ;

Whereas Article 5 (1) of Regulation (EEC) No 443/72 provides that the levy on olives falling within subheadings Nos 07.01 N II and 07.03 A II should be reduced by the amount resulting from the application of the customs duty to the value of the imported product ; whereas that amount was fixed at a standard rate by Commission Regulation (EEC) No 617/72 [3] on determining the incidence of customs duty on imports of certains olives ;

[1] OJ No 202, 7. 11. 1966, p. 3482/66.

[2] OJ No L 115, 17. 5. 1972, p. 7.
[3] OJ No L 78, 31. 3. 1972, p. 3.

Whereas the levy on unrefined olive oil falling within subheading No 15.07 A II of the Common Customs Tariff, produced entirely in Spain, Tunisia or Morocco and transported directly from those countries into the Community is defined in Council Regulation (EEC) No 2164/70 (1) of 27 October 1970 on imports of olive oil from Spain, as amended by Regulation (EEC) No 2277/71 and by Regulations (EEC) No 2165/70 and (EEC) No 463/71 ; whereas the levy to be charged on products other than those defined in the abovementioned Regulations is calculated in accordance with Article 13 of Regulation No 136/66/EEC ;

Whereas, in accordance with Article 42 (a) of Regulation No 136/66/EEC, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff ;

Whereas the levies should be fixed as frequently as is necessary to ensure stability of the Community market and in such a way as to ensure that they can be applied at least once a week ; whereas the levies previously fixed should be retained where variations in the factors used to calculate the levy would lead to an increase or reduction of less than 0·50 unit of account in such levies ;

Whereas, however, levies cannot be fixed in accordance with this periodicity in the case of the application of the export levies referred to in Article 18 of Regulation No 136/66/EEC and during the whole of the period in which these export levies apply ;

Whereas Article 13 (3) of Regulation No 136/66/EEC provides that where free quotations on the world market are not a determining factor for the offer price and where this price is lower than world market prices, a price determined on the basis of the offer price shall be substituted for the cif price in respect of these imports and these imports only, whereas this situation exists at present for offers of virgin olive oil sold in small containers originating in or coming from Spain, whereas it is therefore desirable to fix a special levy for these imports ;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis :

— in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2·25 %, a rate of exchange based on their effective parity ;

— for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph ;

Whereas it follows from applying all these provisions to the offer prices known to the Commission that the levies should be fixed as shown in the Table annexed to this Regulation ;

HAS ADOPTED THIS REGULATION :

Article 1

The import levies referred to in Article 13 of Regulation No 136/66/EEC, Article 3 of Regulation No 162/66/EEC, Article 9 of Regulation (EEC) No 443/72, Article 5 of Regulation (EEC) No 2165/70 and Article 5 of Regulation (EEC) No 463/71 are hereby fixed as shown in the Table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 1973.

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

Done at Brussels, 30 November 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) OJ No L 238, 29. 10. 1970, p. 3.

ANNEX I

Levies on imports from 1 December 1973 in u.a./100 kg

CCT heading No	Products entirely obtained in one of these countries and transported directly from one of these countries to the Community			Products not entirely obtained in Greece or not transported from that country to the Community	Third countries
	Greece	Morocco	Tunisia		
07.01 N II	0	0	0	0	0
07.03 A II	0	0	0	0	0
15.07 A I a)	0	0	0	3·200	3·200
15.07 A I b)	0	0	0	6·000	6·000
15.07 A II	0	0 (1)	0 (1)	0	0 (2)(3)
15.17 A I	0	0	0	0	0
15.17 A II	0	0	0	0	0
23.04 A	0	0	0	0	0

(1) The levy to be charged on imports of this product is defined in Council Regulations (EEC) No 2165/70 and (EEC) No 463/71 and in Commission Regulations (EEC) No 2495/71 and (EEC) No 2697/71.

(2) The levy to be charged on imports of olive oil other than refined, entirely obtained in Spain or in Turkey and transported directly from one of these countries to the Community, is defined in Council Regulations (EEC) No 2164/70 and (EEC) No 1235/71.

(3) Subject to the special levy fixed by Article 13 (3) of Regulation 136/66/EEC.

ANNEX II

Special levy applicable to imports effected from 1 December 1973

CCT heading No	Description of goods	Amount in u.a./100 kg
ex 15.07 A II	Virgin olive oil in immediate packings of a net capacity of 5 kg or less originating or coming from Spain	25·131 (1)

(1) The levy charged for this product shall be reduced by 0·50 u.a./100 kg in accordance with Regulation (EEC) No 2164/70.