REGULATION (EEC) No 3495/73 OF THE COMMISSION
of 21 December 1973
on the buying-in of olive oil for a buffer stock

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) ;

Having regard to Council Regulation (EEC) No 3414/73 (3) of 11 December 1973 on the formation of a buffer stock of olive oil, and in particular Article 8 thereof ;

Whereas, according to Article 2 of Regulation (EEC) No 3414/73, the buffer stock shall consist exclusively of virgin oil ; whereas, for purposes of good administrative management, the virgin oils which are of a less than normal quality should be excluded from the stock ;

Whereas to ensure the correct application of the buffer stock system as well as the subsidy system for the oils sold for the buffer stock, the minimum information which should be given in the submission offer should be defined ;

Whereas Article 4 (1) of Regulation (EEC) No 3414/73 provides the possibility for the producers to obtain permission to retain some oil for their personal consumption ; whereas for purposes of good administration, the criteria to be used in determining the quantity of oil in question should be defined ;

Whereas Article 5 of Regulation (EEC) No 3414/73 provides for the application of increases and reductions to the buying-in price, to take account of the value of the various qualities of oil offered ; whereas, to this end, the table of increases and reductions set out in the Annex to Commission Regulation No 785/67/EEC (4) of 30 October 1967 on the buying-in of olive oil by intervention agencies, as last amended by Regulation (EEC) No 2501/71 (5), should be maintained ;

Whereas to promote the formation of the totality of the buffer stock, a certain tolerance should be permitted in respect of the maximum quantity referred to in Article 2 (3) of Regulation (EEC) No 3414/73 ;

Whereas to promote the formation of a buffer stock, the payment of the buying-in price as well as the subsidy within a short period after the delivery of the oil should be provided for ; whereas, with the same end in view, it appears necessary that the intervention agency should take account of differing costs which may result for the seller from the transport of the oil to a centre other than that which he has named ;

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

Only virgin olive oil having a free fatty acid content expressed as oleic acid of not more than 13 grammes per 100 grammes, and with a moisture, and impurities content of not more than 1·5 %, shall be eligible for the buffer stock provided for in Regulation (EEC) No 3414/73.

Article 2

The Member State concerned shall fix :

(a) the buying-in price, in accordance with Article 5 of Regulation (EEC) No 3414/73. It shall inform the Commission of this price, once it is fixed ;

(b) the intervention centres for the formation of the buffer stock.

Article 3

1. The submission offer referred to in Article 4 (2) of Regulation (EEC) No 3414/73 should include at least the following information :

(a) the name, forenames and address of the person making the offer ;

(b) the quantity of olives produced ;

(c) the quantity of virgin olive oil produced ;

(d) the place where the oil is being stored when the offer is made ;

(e) the intervention centre to which he wishes to make the delivery.

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 175, 29. 6. 1973, p. 5.
(3) OJ No L 351, 20. 12. 1973, p. 1.
(4) OJ No 264, 31. 10. 1967, p. 11.
(5) OJ No L 258, 23. 11. 1971, p. 7.

2. The submission offer should be accompanied by the cultivation declaration referred to in Article 2 of Regulation (EEC) No 3209/73 (1).

3. The intervention agency shall decide for each producer who submits an offer the amount of oil which may be used for his personal consumption, taking into account in particular the average consumption in the oil-producing regions as well as the number of dependants of each producer.

Article 4

1. The buying-in price shall be adjusted out by applying the increases and reductions indicated in Regulation No 785/67/EEC.

2. Payment for the quantity of oil delivered shall be effected following deduction of the weight of moisture and impurities in excess of 0·2 %.

3. The buying-in price shall be that valid on the day of delivery and calculated in accordance with Article 7 for goods delivered to the warehouse but not unloaded, allowance being made for the increases and reductions provided for in paragraph 1.

Article 5

In the formation of the buffer stock a tolerance of 1 % in respect of the maximum quantity referred to in Article 2 (3) of Regulation (EEC) No 3414/73 shall be permitted.

Article 6

1. The payment for the oil bought by the intervention agency for the buffer stock, as well as of the subsidy for the oil produced, shall be effected within a maximum period of 15 days after that on which the intervention agency has taken over the oil.

2. Each month the Member State concerned shall inform the Commission of the quantities of oil bought during the previous month by the intervention agency for the buffer stock.

Article 7

1. The intervention agency shall determine the place where the oil shall be taken over.

If, at the request of the intervention agency, the oil is delivered :

— to a centre other than that named in the offer, any resulting increase in transport costs to the seller shall be taken into account when payment is being effected ;

— to a place other than an intervention centre, any resulting increase or decrease in transport costs to the seller shall be taken into account when payment is being effected.

2. The intervention agency shall designate a place of delivery other than the centre indicated by the holder of the oil if, at the time of the transaction, that centre does not have sufficient storage capacity for the product in question or does not provide sufficient guarantee that the products which have been the subject of intervention will be kept in good condition.

The place of delivery to be designated by the intervention agency shall be the place, out of all places with sufficient storage capacity and facilities for keeping products in good condition, in which the total expenditure resulting from storage costs and changes in transport costs is the most favourable.

Article 8

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

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

Done at Brussels, 21 December 1973.

For the Commission

The President

François-Xavier ORTOLI

(1) OJ No L 327, 28. 11. 1973, p. 15.