REGULATION (EEC) No 540/73 OF THE COMMISSION

of 23 February 1973

altering the compensatory amount for imports of certain olive oil originating in or coming from Spain

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 the Act [2] annexed to the Treaty [3] concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community signed at Brussels on 22 January 1972 ;

Having regard to Council Regulation No 143/67/EEC [4] of 21 June 1967 on the compensatory amount applicable to imports of certain vegetable oils, as last amended by Regulation (EEC) No 2077/71 [5] and in particular Article 6 thereof ;

Whereas pursuant to the second subparagraph of Article 3 (6) of Regulation No 136/66/EEC, a compensatory amount may be charged on imports of oil falling within heading No 15.07 of the Common Customs Tariff, excluding olive oil other than that having undergone a refining process and falling within subheading No 15.07 A II, where, as a result of direct or indirect subsidies or premiums granted by a third country or of equivalent measures, the offer prices for such oil do not correspond to the prices which would prevail in teh absence of such measures or practices and where such a situation creates or is likely to create serious problems for Community production of the oil in question ;

Whereas Article 1 of Regulation No 143/67/EEC provides in particular that where prices on importation into the Community of olive oils falling within subheading No 15.07 A I of the Common Customs Tariff are, as a result of measures having an effect equivalent to a subsidy or premium, in a ratio to the prices of the raw materials from which they have been obtained differing from the ratio which would exist in the absence of such measures, a compensatory amount may be charged on imports of the oils originating in or coming from that country ;

Whereas for the purpose of calculating this ratio, the value of oil cake and processing costs shall be taken into account ;

Whereas Article 2 of Regulation No 143/67/EEC provides that any ban on exports, any charge on exports or any equivalent measure applied to the products from which the oil is obtained, is considered to be a measure having equivalent effect to a premium or subsidy ;

Whereas offers of large quantities of olive oil falling within subheading No 15.07 A I of the Common Customs Tariff originating in or coming from Spain on the Community market at low prices ; whereas, moreover, Spain applies a charge on exports of raw materials, in a amount appreciably higher than that of the charge applied on the oils in uestion ;

Whereas, in accordance with Articles 1 and 2 of Regulation No 283/67/EEC, offers of oils and raw materials must be converted to the fob stage ;

Whereas, these costs must, pursuant to Article 3 of Commission Regulation No 283/67/EEC [6] of 11 July 1967 on detailed rules for the application of the compensatory amount applicable to imports of certain vegetable oils, as amended by Regulation (EEC) No 501/73 [7], should be estimated on the basis of factors which reflects as closely as possible conditions prevailing in that country ; whereas pursuant to Article 4 of that Regulation, reference must be made, for the purpose of calculating the aforesaid ratio, to the yields in the xporting country or in the country of origin ; whereas, however, they may be estimated on the basis of known average yields for these products ;

Whereas the present prices of imports into the Community of olive oil falling within subheading No 15.07 A I of the Common Customs Tariff originating in or coming from Spain are appreciably lower than the prices at whcih taht oil might be

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No 125, 26. 6. 1967, p. 2463/67.
(5) OJ No L 220, 30. 9. 1971, p. 1.
(6) OJ No 151, 13. 7. 1967, p. 5.
(7) OJ No L 49, 22. 2. 1973, p. 18.

offered if it had been obtained from raw materials at a price corresponding to the price at which raw materials are offerd in the Community ; whereas therefore these prices are, as theresu lt of a measure having an effect equivalent to a subsidy or premium taken by Spain, in a ratio to the prices of the raw materials different form the ratio which would exist in the absence of such a measure ;

Whereas this creates serious problems for the Community processing industry, and whereas these problems could become worse in the future ; whereas it therefore appears necessary to fix a compensatory amount for imports of olive oil falling within subheading No 15.07 A I of the Common Customs Tariff originating in or coming from Spain ;

Whereas pursuant to Article 3 of Regulation No 143/67/EEC such compensatory amount may not exceed the incidence of the measure taken by that country on the price ratio ; whereas this incidence coresponds to the aforesaid price disparity ;

Whereas, in application of Article 4 of Regulation No 143/67/CEE, this amount should apply to any oil falling within subheading No 15.07 A I of the Common Customs Tariff for which a price disparity has been recorded ;

Whereas Regulation (EEC) No 502/73 [1] has fixed a compensatory amount for imports of certain olive oil originating in or coming from Spain ; whereas since the adoption of this Regulation it appears that application of the rules set out above to the price disparity established by the Commission warrants an alteration of the compensatory amount fixed by Regulation (EEC) No 502/73.

Whereas the Management Committee for Oils and Fats has not deliverd an opinion within the time limit set by its Chairman ;

HAS ADOPTED THIS REGULATION :

Article 1

The Member States shall apply to imports of olive oils falling within subheading No 15.07 A I of the Common Customs Tariff, originating in or coming from Spain, a compensatory amount equal to :

— 14 u.a./100 kg for oil in immediate packings of a net capacity not exceeding 0·916 kg ;

— 6 u.a./100 kg for oil in immediate packings of a net capacity of more than 0·916 kg but not exceeding 5 kg.

Article 2

This Regulation shall enter into force on 25 February 1973.

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

Done at Brussels, 23 February 1973.

For the Commission
The President
François-Xavier ORTOLI

[1] OJ No L 49, 22. 2. 1973, p. 20.