REGULATION (EEC) No 2762/74 OF THE COMMISSION

of 31 October 1974

fixing the export 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);

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;

Having regard to Council Regulation No 171/67/EEC (4) of 27 June 1967 on export refunds and levies on olive oil, as last amended by Regulation (EEC) No 2429/72 (5), and in particular Article 10 (3) thereof;

Having regard to the Opinion of the Monetary Committee;

Whereas, pursuant to Article 18 of Regulation No 136/66/EEC, a levy equal at most to the difference between prices on the world market and prices within the Community may be charged on exports of olive oil where the former are higher than the latter; whereas the levy on unrefined olive oil is equal to the difference between the cif price and the market target price;

Whereas Council Regulation (EEC) No 1121/74 (6) of 29 April 1974, as amended by Regulation (EEC) No 2496/74 (7), fixed the market target price and the intervention price for olive oil for the 1974/75 marketing year;

Whereas the Commission determines the cif price for a Community frontier crossing point; whereas this point was fixed by Council Regulation No 165/66/EEC (8) of 27 October 1966 on price measures to be applied to olive oil for the 1966/67 marketing year;

Whereas this price must be established on the basis of the most favourable actual purchasing opportunities; whereas the Commission must, theoretically, take into account all known 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; 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 of these oils;

Whereas Article 2 (2) of Commission Regulation (EEC) No 1004/71 (9) of 14 May 1971 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 taken into account for the purpose of determining the cif 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 1775/69, 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;

(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 130, 28. 6. 1967, p. 2600/67.
(5) OJ No L 264, 23. 11. 1972, p. 1.
(6) OJ No L 128, 5. 10. 1974, p. 7.
(7) OJ No L 268, 3. 10. 1974, p. 1.
(8) OJ No 197, 29. 10. 1966, p. 3399/66.
(9) OJ No L 109, 15. 5. 1971, p. 17.

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 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 and the additional cost to the importer added to them; whereas offers for unfiltered oil, whether virgin, extra, fine or ordinary, 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 from 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] 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 the world market; whereas, if no offer can be considered for the purpose of determining the cif price, the price previously taken into account should be maintained;

Whereas the export levy on refined olive oil is equal to the difference between the cif price and the market target price, this difference being adjusted as provided for in Articles 2 or 3, as the case may be, of Council Regulation (EEC) No 443/72 [3] of 29 February 1972 on the levies on refined olive oil and on certain products containing olive oil;

Whereas, pursuant to Article 3 of Commission Regulation (EEC) No 616/72 [4] of 27 March 1972 on detailed rules for the application of export refunds and levies on olive oil, as amended by Regulation (EEC) No 2563/72 [5], exports of olive oil falling within subheading 15.07 A I of the Common Customs Tariff and subheading 15.07 A II a) referred to in the first indent of Article 2 of that Regulation, in immediate packings of a net capacity not exceeding 5 kg, are granted an exemption from the levy amounting to seven units of account per 100 kg of oil exported;

Whereas no export levies are fixed for olive oil falling within subheading 15.07 A of the Common Customs Tariff, in immediate packings of a net capacity of more than 5 kg, unless the difference referred to in the first subparagraph of Article 10 (2) of Regulation No 171/67/EEC is 2·5 units of account or more; whereas no export levy is fixed for olive oil falling within subheadings 15.07 A I and 15.07 A II a), in immediate packings of a net capacity not exceeding 5 kg, unless exports of this oil are likely to cause disturbances on the Community market or the world market; whereas the levies are 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 per 100 kilogrammes in such levies;

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,

(1) OJ No 202, 7. 11. 1966, p. 3482/66.
(2) OJ No L 115, 17. 5. 1972, p. 7.
(3) OJ No L 54, 3. 3. 1972, p. 3.
(4) OJ No L 78, 31. 3. 1972, p. 1.
(5) OJ No L 274, 7. 12. 1972, p. 11.

HAS ADOPTED THIS REGULATION :

Article 1

The export levies referred to in Article 18 of Regulation No 136/66/EEC are hereby fixed as shown in the Table annexed to this Regulation.

The levies shall apply to products falling within subheading 15.07 A in immediate packings of a net capacity exceeding 5 kg.

Article 2

This Regulation shall enter into force on 1 November 1974.

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

Done at Brussels, 31 October 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Levies on olive oil to third countries and Greece

CCT heading No	Amounts in u.a./100 kg
ex 15.07 A I a)	70·023
ex 15.07 A I b)	93·995
ex 15.07 A II	63·084