COMMISSION REGULATION (EEC) No 1046/76

of 4 May 1976

on detailed rules for the implementation of the special measures for the determination of offers of olive oil on the world market and the Greek market

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 of 22 September 1966 on the establishment of a common organization of the market in oils and fats (1), as last amended by Regulation (EEC) No 1707/73 (2),

Having regard to Council Regulation No 162/66/EEC of 27 October 1966 on trade in oils and fats between the Community and Greece (3),

Having regard to Council Regulation (EEC) No 601/76 of 15 March 1976 laying down special measures in particular for the determination of the offers of olive oil on the world market (4), and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 602/76 of 15 March 1976 laying down special measures in particular for the determination of the offers of olive oil on the Greek market (5), and in particular Article 5 thereof,

Whereas, under Article 2 of Regulations (EEC) No 601/76 and (EEC) No 602/76, when fixing the levies by tendering procedure, the persons concerned shall, at regular intervals, submit an application for an import licence; whereas in order to ensure that the system referred to in the said Article 2 is applied uniformly, these applications should be submitted twice monthly to enable the minimum levy to enter into force on the first and 16th days of each month;

Whereas the special security should be fixed at a level which permits the procedure referred to in Article 2 of Regulations (EEC) No 601/76 and (EEC) No 602/76 to work properly; whereas, to simplify the administration, this special security should replace the one provided for in Article 7 of Commission Regulation (EEC) No 2041/75 of 25 July 1975 (6), as last amended by Regulation (EEC) No 3020/75 (7);

Whereas in order to ensure that the minimum levy is fixed at a level as near as possible to that resulting from the actual trend of the market, the matters to be taken into consideration when fixing such a levy should be defined;

Whereas the special detailed rules for the application of the system of import licences were laid down by Commission Regulation (EEC) No 2041/75; whereas this Regulation must be supplemented by the special provisions necessary for the application of the system of levy fixed by tendering procedure in the olive oil sector;

Whereas these special provisions either complement or derogate from those of Commission Regulation (EEC) No 193/75 (8) of 17 January 1975, as amended by Regulation (EEC) No 499/76 (9);

Whereas all imports of olive oil become subject to the tendering procedure from the time when the Commission decides to use it;

Whereas, under Article 10 of Commission Regulation (EEC) No 2041/75, no application for an import licence is required in respect of imports of products in the olive oil sector not exceeding 100 kilogrammes, although such imports remain subject to the levy; whereas, for the sake of administrative simplicity, this provision should be retained;

Whereas, in certain Member States, traders bring in imports which involve small quantities; whereas if such traders had to submit their offers under the tendering procedure, the administrative load of the competent bodies in the Member States would be increased, without there being any improvement in their knowledge of the market situation; whereas the tendering procedure should be applied only to applications for licences relating to quantities of the product in question in excess of 1 000 kg;

Whereas in order to avoid any risk of disturbance of the Community market a levy should be charged in the two cases referred to above; whereas imports not exceeding 1 000 kg should be made subject to the minimum levy applicable on the day of importation for each of the categories of olive oil in question;

Whereas certain imports will take place under licences applied for before the entry into force of the Decision referred to in Article 1 during the currency of the tendering procedure; whereas, in order to ensure that these operations are carried out in conditions which permit the import system to work prop-

(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 72, 18. 3. 1976, p. 1.
(5) OJ No L 72, 18. 3. 1976, p. 3.
(6) OJ No L 213, 11. 8. 1975, p. 1.
(7) OJ No L 299, 19. 11. 1975, p. 11.
(8) OJ No L 25, 31. 1. 1975, p. 10.
(9) OJ No L 59, 6. 3. 1976, p. 18.

erly, they should be subject to the last levy valid before such period, adjusted by reference to the threshold price valid at the time of import;

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

As soon as the conditions referred to in Article 2 of Regulations (EEC) No 601/76 and (EEC) No 602/76 are satisfied, the Commission shall issue a Decision opening the tendering procedure referred to in the said Article in respect of the products concerned. The Decision of the Commission shall be published forthwith in the *Official Journal of the European Communities.*

Article 2

1. Applications for import licences shall be submitted to the competent agencies in the Member States during the first seven days of and between the 16th and 23rd days of each month.

2. Sections 13 and 14 of the application for the licence shall indicate the third country from which the product comes.

The licence shall carry the obligation to import from the third country so indicated. Nevertheless, the person concerned may furnish this information within 15 days of the entry into force of the minimum levy.

3. The statement referred to in Article 2 (2) of Regulations (EEC) No 601/76 and (EEC) No 602/76 shall indicate:

(a) the description of the product concerned,

(b) the quantity of the product, and if known, the quality of olive oil in question, and

(c) the rate of the levy per 100 kg of oil which the applicant undertakes to pay at the time of import.

4. The rate of the levy referred to in paragraph 3 shall be expressed in the national currency of the Member State in which the application is lodged.

5. The Member States shall communicate to the Commission by telex not later than the second working day following the final date for the submission of applications, the total number of applications submitted under paragraph 1 and, in respect of each such application, the information required under paragraph 3.

Article 3

1. The rate of the special security referred to in Article 2 (2) of Regulations (EEC) No 601/76 and (EEC) No 602/76 shall be equal to 15 % of the levy offered by each applicant in respect of the quantity of the product to be imported.

This security shall replace the one provided for in Article 7 of Regulation (EEC) No 2041/75.

2. The security shall be released forthwith where no import licence is issued.

3. When the statement referred to in Article 2 (2) of Regulations (EEC) No 601/76 and (EEC) No 602/76 relates to products covered by the Decision referred to in Article 1 which fall within a part of a tariff subheading, Section 7 of the application for the import licence and the licence shall show the description of the product in accordance with that Decision and the Common Customs Tariff number contained in Section 8 shall be preceded by an 'ex'.

Article 4

1. The determination by the Commission of the minimum rate of levy shall be in units of account per 100 kg for each of the products and shall be based on an examination of the situation:

— both in the world or Greek market (whichever is appropriate),

— and in the Community market,

and also of the rates of levy indicated (if any) by the tenderer.

In the case of products other than olive oil, the Commission shall also take into account their oil content.

2. The minimum levy shall be fixed so that it enters into force:

— on the 16th day of each month, for those applications submitted during the first seven days of the relevant month,

— the first day of each month, for those applications submitted between the 16th and 23rd day of the preceding month.

Article 5

1. Section 20 of the licence shall contain one of the following endorsements:

— Rate of levy applicable (in national currency) per 100 kg;

— Gældende afgiftssats (i national valuta) pr. 100 kg;

— Gültiger Abschöpfungssatz (in Landeswährung) je 100 kg;

— Taux du prélèvement applicable (en monnaie nationale) par 100 kg;

— Tasso del prelievo applicabile (in moneta nazionale) per 100 kg;

— Toe te passen heffing (in nationale valuta) per 100 kg.

2. For products falling within subheading 23.04 A of the Common Customs Tariff, Section 7 of the appli-

cation for the licence and the licence shall indicate that the oil content exceeds 3 % and the Common Customs Tariff number contained in Section 8 shall be preceded by an 'ex'.

Article 6

The import licence shall be issued as soon as the information referred to in Article 2 (2) has been furnished, and at the latest on the 15th day following the entry into force of the minimum levy.

The certificate shall be valid with effect from its actual date of issue until the end of the third month following the month of issue.

Article 7

Products in respect of which import licences have been applied for before the date of opening of the tendering procedure, and which are imported during the currency of that procedure, shall be subject to the last levy valid before such period, adjusted by reference to the threshold price valid at the time of import.

However, at the request of the person concerned, such licences may be cancelled and the relevant securities released forthwith.

Article 8

1. This Regulation shall not apply to imports of 1 000 kg or less. Such imports, excluding imports of 100 kg or less, shall be subject to the system of licences laid down in Regulations (EEC) No 193/75 and (EEC) No 2041/75.

2. For as long as the tendering procedure referred to in Article 1 applies, the imports referred to in the first sentence of the preceding paragraph shall be subject to the last minimum levy fixed prior to the day of importation.

Article 9

The provisions of this Regulation shall not apply to those products falling within subheading ex 23.04 A of the Common Customs Tariff which have an oil content of 3 % or less.

Article 10

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

It shall apply until 31 October 1976.

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

Done at Brussels, 4 May 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission