COMMISSION REGULATION (EEC) No 1785/76
of 22 July 1976
on the offering for sale of olive oil held by the Italian intervention agency

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), and in particular Article 11 (5) thereof,

Whereas, pursuant to Article 11 (1) of Regulation No 136/66/EEC, the Italian intervention agency bought in large quantities of olive oil during the 1975/76 marketing year; whereas the state of the Italian market in olive oil is at present favourable for the re-sale of the said oil; whereas, in view of characteristics of the market, the sale should be carried out as soon as possible;

Whereas Commission Regulation (EEC) No 589/68 of 14 May 1968 on detailed rules for the sale of olive oil held by the intervention agencies (3) laid down the conditions for the sale by tender on the Community market of oil held by the intervention agencies; whereas the procedure laid down therein involves time limits which are incompatible with the need to offer the said oil for sale as quickly as possible;

Whereas, moreover, experience has shown that the said procedure involves delivery periods which are imcompatible with commercial practices and requirements; whereas special measures should therefore be laid down to counteract those drawbacks; whereas this objective may be achieved by providing for the sale of the oil to the purchaser who, subject to a minimum price, makes the highest offer;

Whereas Article 11 (3) of Regulation No 136/66/EEC specified the price conditions under which oil bought in by the intervention agencies must be offered for sale; whereas, in order to ensure observance of those terms, minimum selling prices should be fixed at the levels shown in Annex II hereto;

Whereas, in order to ensure that the selling operations are properly carried out, certain information should be provided in the application for purchase, in particular as regards the exact definition of the product to which it relates;

Whereas, in order to guarantee the fulfilment of the obligations resulting from the submission of an application, provision should be made for the lodging of a security;

Whereas, since the quantity of oil sold may be different from that actually withdrawn, the final selling price cannot be calculated until the end of the withdrawal operation; whereas, in order to ensure that the sale is properly conducted, the provisional price should be paid before withdrawal;

Whereas, in order to ensure the rapid disposal of the oil sold, the time at which the oil must be placed at the purchaser's disposal and the final date for completion of the withdrawal of the oil should be laid down; whereas it should also be provided that any consequences of delay in the withdrawal should be borne by the purchaser;

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

The Italian intervention agency, 'Azienda di Stato per gli interventi nel Mercato Agricolo', hereinafter referred to as 'the AIMA', shall offer for sale the following quantities and qualities of olive oil:

(a) 9 730 metric tons of extra virgin olive oil,

(b) 5 664 metric tons of lampante olive oil,

from the intervention purchases of the 1975/76 oil marketing year, in acordance with the provisions of this Regulation.

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 175, 29. 6. 1973, p. 5.
(3) OJ No L 112, 15. 5. 1968, p. 6.

Article 2

The lots of olive oil offered for sale and the place where they are stored are listed in Annex I hereto.

Article 3

The minimum selling prices shall be those laid down in Annex II. These prices are net of tax and relate to 100 kilogrammes net of olive oil delivered in the purchaser's oil drums, loaded on to the purchaser's vehicle ex warehouse, or in the purchaser's tank ex warehouse.

Article 4

1. The sale of oil shall take place on the 3 August 1976. Any lots or parts of lots which have not been allocated shall be put up for sale again on 20 and 31 August 1976. After each sale, the AIMA shall display, at its registered place of business, details of the sale which shall include a list of lots or parts of lots remaining unsold, and shall inform the stocking agencies thereof without delay.

2. Any interested parties may examine the oil offered for sale at the warehouse and may obtain a sample thereof, in containers supplied by them for that purpose, on payment of a price determined on the basis of the minimum price laid down in the Annex. This sample shall be put into two containers, which shall be labelled and sealed in the presence of both the vendor and the purchaser or his duly authorized agent. One container shall be given to the party concerned and the other to the storer so that, if necessary, if the oil is sold to the party concerned, a check may be made to ensure that the oil applied for corresponds to the oil delivered.

Article 5

1. Applications for purchase shall reach the AIMA, Via Palestro 81, Rome, Italy not later than 1 p.m. (Italian time) on the day preceding that of the sale.

2. Applications for purchase shall include at least the following information :

(a) the name and full postal address of the applicant,

(b) the container number or numbers with the corresponding lot number and the site of the warehouse,

(c) an acknowledgement of the accuracy of the quality description under which the oil concerned is offered for sale,

(d) the the offer price per 100 kilogrammes.

3. Any application which does not offer at least the minimum price set for the lot concerned shall be refused.

4. Any application for purchase shall relate to all the oil in at least one container.

5. Applications shall not be withdrawn.

Article 6

1. No application for purchase shall be valid unless it is accompanied by a security of Lit 12 000 per 100 kilogrammes.

2. The security shall be in cash or by way of a guarantee issued by a credit institution satisfying the criteria laid down by the Member State in which it is situated.

3. The security shall be released if no sale is made to the party concerned. It shall also be released when the purchaser pays the final price referred to in Article 11.

Article 7

The sale of oil in a particular container shall be made to the applicant whose application for purchase is valid and who offers the highest price.

Where the same highest offer is made by more than one applicant, the purchaser shall be chosen by lot by the AIMA.

Article 8

1. Immediately after the sale has been concluded, seals shall be placed in the presence of both parties upon the container or containers to which the application relates. The container or containers concerned shall remain sealed until the withdrawal of the oil by the purchaser.

2. When the oil is of the lampante variety, an analysis shall be carried out in the presence of both parties before the placing of the seals referred to in paragraph 1. If the degree of acidity of such oil does not correspond to that referred to in point 2 of Annex II, the selling price shall be adjusted in accordance with that Annex.

Article 9

1. The purchaser shall be required to pay to the AIMA, before withdrawing the oil and in any event at the latest by the 15th day following the day of the sale, the provisional amount of the selling price. Without prejudice to any domestic taxes applicable, such amount shall be calculated by multiplying the quantity indicated as being contained in the lot by the price offered for that lot.

2. If the provisional amount is not paid to the AIMA within the period laid down in paragraph 1, the AIMA may consider the sale as automatically cancelled, without any special formalities and without a legal declaration. In this event, the security referred to in Article 6 shall be forfeit.

Article 10

1. The withdrawal of the oil by purcahasers may begin as soon as the provisional amount referred to in Article 9 (1) has been paid and shall be completed at the latest by the 30th day following the day of the sale.

2. The quantity of oil delivered may differ from the quantity in respect of which the application for purchase was lodged, depending on the actual quantity in the containers at the time of delivery.

Article 11

1. When the withdrawal of the oil is completed, the AIMA shall draw up an invoice for the final amount of the selling price.

Without prejudice to any domestic taxes applicable, the final amount shall be calculated by multiplying the quantity actually withdrawn by the price offered for the lot concerned.

2. The invoice shall show the debit or credit balance, which shall be equal to the difference between :

— the provisional amount,

— the final amount of the selling price, plus, where applicable, the storage change provided for in Article 12 (b).

The balance shall be paid within 30 days following the competition of the withdrawal of the oil.

Article 12

If the total withdrawal of the oil is not completed by the date laid down in Article 10 (1) :

(a) the oil shall remain in storage at the purchaser's own risk ;

(b) the purchaser shall pay to the AIMA a storage charge calculated on the basis of the quantity still to be withdrawn at the rate of Lit 1 000 per 100 kilogrammes for each period of 30 days of additional storage or part thereof.

Article 13

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, 22 July 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX I

Quantities of extra virgin olive oil offered for sale

A. Virgin olive oil : EXTRA

No of lot	No of container comprising each lot	Site of warehouse	Intervention centre	Quantities (quintals)
I	da 59 a 61, 66-72, 72, 79-82, 84, 85, 87, 88, 90-97, 102-108, 112-115, 117-130 incluso	Minervino Murge, via Canosa (CAI Bari-Brindisi)	Bari	14 216,44
II	39-47, 49-58, 60-72 incluso	Mariotto (Bitonto), via Traetta 28 (CAI Bari-Brindisi)	Bari	11 637,10
III	21-22, 32-36, 43-50, 57-64, 66-68, 105-106, 108-109, 111-131 incluso	Ruvo di Puglia, via Estramurale Scarlatti (CAI Bari-Brindisi)	Bari	14 796,46
IV	1-13, 15-36, 38-65, 67-68, 70-99, 101-107, 110-111, 117-123, 125, 126	Bari-Mungivacca, via Caduti del lavoro (CAI Bari-Brindisi)	Bari	29 352,00
V	1, 2, 4, 5, 6, 8	Bari-Mungivacca, magazzino n. 3, via Torre di Mizzo 23 (Centrale oleifici R.F. Bari)	Bari	3 100,00
VI	da 1 a 5	Palombaio (Bitonto), via delle Matine (Centrale oleifici R.F. Bari)	Bari	1 075,00
VII	da 17 a 19, 24 e 25	Bistritto, Piazza Umberto (Centrale oleifici R.F. Bari)	Bari	371,00
VIII	5,7-16, 18, 20-35, 37-39, 40-45, 63-69	Cerignola, via San Ferdinando (CAP Foggia)	Foggia	8 641,00
IX	da 1 a 6, 12, 13, 16, 19 e 20	Cerignola, strada statale n. 16 (CAP Foggia)	Foggia	2 474,00
X	da 1 a 6	Serracapriola, via Cavour (CAP Foggia)	Foggia	853,00
XI	da 1 a 14	Trinitapoli, via Libertà 24 (CAP Foggia)	Foggia	2 470,00
XII	da 1 a 6 e 8	San Ferdinando, via Barletta 216 (CAP Foggia)	Foggia	1 690,00
XIII	da 3 a 10	Vico del Gargano, via S. Menaio (CAP Foggia)	Foggia	957,00
XIV	da 1 a 4, 7 e 8	Manduria, via Roma 64 (CAP Taranto)	Taranto	864,08
XV	11, 12, 14-16	Grottaglie, via Venezia 1 (CAP Taranto)	Taranto	759,92
XVI	4, 8, 9	Massafra, magazzino B, località San Sergio (Centrale oleifici R.F. Bari)	Taranto	399,00
XVII	2	Massafra, magazzino C, località San Sergio (Centrale oleifici R.F. Bari)	Taranto	227,00
XVIII	5, 7-14 e 27	Pescara, via Circuito 79 (CAI Pescara e Chieti)	Pescara	1 000,00
XIX	20	Lametia terme, via Stazione (CAP Catanzaro)	Catanzaro	370,00
XX	da 21 a 23	Nicastro, Contrada Lenti (CAP Catanzaro)	Catanzaro	1 110,00
XXI	3, 15, 18, 19	Sassari, strada per Fertilia, km 0,600 (Consorzio olcario sardo)	Sassari	936,00

B. Virgin olive oil : LAMPANTE

No of lot	No of container comprising each lot	Site of warehouse	Intervention centre	Quantities (quintals)
XXII	da 1 a 12	Ostuni, via Pisanelli, 6 (CAI Bari-Brindisi)	Brindisi	3 291,17
XXIII	da 1 a 5, 7, 8, 10 e 24	Ostuni, via Cispi 51 (CAI Bari-Brindisi)	Brindisi	3 708,83
XXIV	da 13 a 15	S. Pietro Vernotico, circonvallazione (Centrale oleifici R.F. Bari)	Brindisi	270,00
XXV	2, 3, 10, 12-34, 41-54, 56-60 incluso	Novoli, via S. Giovanni (CAP Lecce)	Lecce	14 163,00
XXVI	da 1 a 6 e 10	Matino, via Piave (CAP Lecce)	Lecce	2 570,00
XXVII	da 1 a 8 e 10	Colle Passo, via Roma (CAP Lecce)	Lecce	3 082,00
XXVIII	4, 11, 12, 16-19	Scorrano, via provinciale per Supersano (Centrale oleifici R.F. Bari)	Lecce	1 182,00
XXIX	1, 4, 7, 10, 13, 16, 19, 22 e 25	Ruffano, via provinciale per Montesano (Centrale oleifici R.F. Bari)	Lecce	1 700,00
XXX	da 1 a 4	Taurisano, via Miggiano (Centrale oleifici R.F. Bari)	Lecce	529,00
XXXI	10, 15, 17, 18	Casamassella, via Uggiano (Centrale oleifici R.F. Bari)	Lecce	603,00
XXXII	7	Leverano, via vicinale Corasa (Centrale oleifici R.F. Bari)	Lecce	214,00
XXXIII	15 e 18	Nardò, strada provinciale per Avetrana (Centrale oleifici R.F. Bari)	Lecce	246,00
XXXIV	da 1 a 23, 25 e 26 interr. 1-12 soprael.	Maruggio, via Makallè 12 (CAP Taranto)	Taranto	3 211,90
XXXV	da 1 a 9	Girifalco, via Milano (CAP Catanzaro)	Catanzaro	1 460,25
XXXVI	da 1 a 4	S. Onofrio, contrada Cao (CAP Catanzaro)	Catanzaro	552,30
XXXVII	da 1 a 12, 1/M, A, B, 15, 18, 21 e 23	Vibo Valentia, viale Stazione (CAP Catanzaro)	Catanzaro	4 591,64
XXXVIII	L/S, L/M, 1 e 5	Maida, contrada Frassa (CAP Catanzaro)	Catanzaro	915,01
XXXIX	1, 2, 6-16 incluso	Gioia Tauro, via Rimembranze, 20/22 (CAP Reggio Calabria)	Reggio Calabria	1 482,68
XC	8, 9, 13, 15, 19, 22, 23, 29-32, 34-37, 40, 44 e 45	Gioia Tauro, via Roma (CAP Reggio Calabria)	Reggio Calabria	5 018,73
XCI	5-8, 11, 16-24, 26-33 incluso	Gioia Tauro, via Trento 14 (CAP Reggio Calabria)	Reggio Calabria	3 996,31
XCII	1, 2, 9-12, 24-26, 28, 34 e 35	Gioia Tauro, via Roma (CAP Reggio Calabria)	Reggio Calabria	3 510,57
XCIII	4 e 16	Sassari, strada per Fertilia, km 0,600 (Consorzio olearo sardo)	Sassari	343,02

ANNEX II

Minimum selling prices of the olive oil held by the Italian intervention agency

1. Extra 1° virgin olive oil : Lit 152 000/100 kg ;

2. 3° base lampante olive oil : Lit 125 000/100 kg.

For lampante olive oil with a different degree of acidity, there shall be an increase or reduction of Lit 1 000/100 kg respectively for each degree of acidity more or less than 3°.