COMMISSION REGULATION (EEC) No 3188/76

of 23 December 1976

on rules for the implementation of the special measures for the determination of offers of olive oil on the world market and on 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 2843/76 of 23 November 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 2844/76 of 23 November 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 special rules for the application of the system of import licences were laid down by Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats (6), as last amended by Regulation (EEC) No 3020/75 (7); whereas this Regulation must be supplemented by the special provisions necessary for the application of the system of levies fixed by tender in the olive oil sector;

Whereas these special provisions either complement or derogate from those of Commission Regulation (EEC) No 193/75 of 17 January 1975 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (8), as last amended by Regulation (EEC) No 499/76 (9);

Whereas under Article 2 of Regulations (EEC) No 2843/76 and (EEC) No 2844/76, where levies are fixed by tender, the persons concerned must submit an application for an import licence at regular intervals; whereas, in order to ensure the harmonious operation of the system provided for in the said Article 2, these applications should be submitted so as to enable the minimum levy to enter into force once a week;

Whereas the special security should be fixed at a level which permits the system provided for in Article 2 of Regulations (EEC) No 2843/76 and (EEC) No 2844/76 to function properly; whereas, for the sake of administrative simplicity, this special security should replace that provided for in Article 7 of Commission Regulation (EEC) No 2041/75;

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 factors to be taken into consideration when fixing that levy should be defined;

Whereas all imports of the products in question become subject to the tendering procedure from the time when the Commission decides to apply 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 kilogrammes;

(1) OJ No L 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 175, 29. 6. 1973, p. 5.
(3) OJ No L 197, 29. 10. 1966, p. 3393/66.
(4) OJ No L 327, 26. 11. 1976, p. 4.
(5) OJ No L 327, 26. 11. 1976, p. 6.
(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.

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 kilogrammes 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, in order to ensure that the levy system functions correctly, the number of applications for licences in respect of the quantities referred to above which may be submitted by any one importer should be limited; whereas to this same end such licences should be made non-transferable;

Whereas special provisions should be laid down regarding the arrangements applicable to products with an oil content of between 3 and 4 % falling within subheading 23.04 A of the Common Customs Tariff;

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 laid down in Article 2 of Regulations (EEC) No 2843/76 and (EEC) No 2844/76 are satisfied, the Commission shall take a Decision initiating the tendering procedure referred to in the said Articles in respect of the products concerned.

The Commission Decision 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 on the Monday or Tuesday of each week.

2. Where the applicant wishes to qualify for special arrangements arising from agreements concluded between the Community and certain non-member countries, he must indicate the said non-member country in accordance with Article 2 of Regulation (EEC) No 2041/75 within 15 days of the entry into force of the minimum levy; however, in the case of Greece this information must be furnished on the licence application.

In cases other than those referred to above, the applicant may supplement his licence application at any time within 15 days following the entry into force of the minimum levy by entering the words 'non-member countries' in Sections 13 and 14.

3. In the case of products falling within subheading 23.04 A of the Common Customs Tariff, Section 7 of the licence application and of the licence shall state that the olive oil content exceeds 3 % and the Common Customs Tariff number contained in Section 8 shall be preceded by an 'ex'.

4. The statement referred to in Article 2 (2) of Regulations (EEC) No 2843/76 and (EEC) No 2844/76 shall include:

(a) the description of the product concerned, the relevant tariff heading or subheading, and, in the case of a product produced entirely in Greece and transported direct from that country to the Community, the word 'Greece';

(b) the quantity of the product and, where appropriate, the quality of olive oil in question;

(c) the rate of the gross levy per 100 kilogrammes of product which the applicant undertakes to pay at the time of importation. This rate 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, on the first working day following the final date for the submission of applications, the number of applications as referred to in paragraph 1, broken down by origin, and, in respect of each such application, all the information required under paragraph 4.

Article 3

1. The rate of the special security referred to in Article 2 (2) of Regulations (EEC) No 2843/76 and (EEC) No 2844/76 shall be equal to 20 % 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.

Article 4

1. The Commission shall fix the gross rate of the minimum levy in units of account per 100 kilogrammes for each of the products concerned, on the basis of an examination of the situation:

— on the world or Greek markets, as appropriate, and

— on the Community market,

and of the rates of levy indicated by the tenderers. 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 so fixed that it enters into force once a week.

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,

— gültiger Abschöpfungssatz (in Landeswährung) per 100 kg,

— tasso del prelievo applicabile (in moneta nazionale) per 100 kg,

— toe te passen heffing (in nationale valuta) per 100 kg,

— gældende afgitssats (i national valuta) pr. 100 kg,

— taux de prélèvement (en monnaie nationale) par 100 kg.

2. The rate indicated on the licence shall be that referred to in Article 2 (4) (c). However, where Sections 13 and 14 of the licence issued contain the name of a non-member country with which the Community has signed an agreement, the levy actually paid by the importer shall be that referred to above adjusted pursuant to the provisions of Council Regulations :

— (EEC) No 2164/70 of 27 October 1970 on imports of olive oil from Spain (1), as last amended by Regulation (EEC) No 2277/71 (2),

— (EEC) No 1235/71 of 7 June 1971 on imports of olive oil from Turkey (3), as amended by Regulation (EEC) No 2277/71,

— (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia (4),

— (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria (5),

— (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco (6),

— (EEC) No 2598/76 of 25 October 1976 on the standard amount for unrefined olive oil produced entirely in Greece and transported direct from that country to the Community (7).

Article 6

1. If the licence application contains the word 'Greece' the licence shall be issued on the entry into force of the minimum levy with the word 'Greece' in Sections 13 and 14.

2. For imports from non-member countries other than Greece, the licence shall be issued as soon as the applicant has furnished the information referred to in Article 2 of Regulation (EEC) No 2041/75 to the competent agency, or has requested that Sections 13 and 14 of the licence contain the words 'non-member countries'.

Where the applicant fails to furnish the above information within 15 days following the entry into force of the minimum levy, the licence shall be issued upon the expiration of this period. In this event Sections 13 and 14 shall contain the words 'all non-member countries'.

3. The licence shall be valid with effect from its actual date of issue until the expiry of three months from the date on which the minimum levy enters into force.

4. The issue of a licence shall carry with it the obligation to import from the non-member country indicated in Sections 13 and 14.

Article 7

1. This Regulation shall not apply to imports of 1 000 kilogrammes or less. Such imports, excluding imports of 100 kilogrammes 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.

3. Each applicant may each week submit only one application for a licence relating to a quantity greater than 100 kilogrammes but not exceeding 1 000 kilogrammes. By way of derogation from Article 3 of Regulation (EEC) No 193/75, such licences shall not be transferable.

Article 8

1. When, on the placing in free circulation of a product falling within subheading 23.04 A of the Common Customs Tariff, an import licence not containing the statement referred to in Article 2 (3) is presented and analysis of the product reveals an oil content in excess of 3 % but not exceeding 4 %, the levy to be paid shall be the last minimum levy fixed before the date of importation.

2. 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.

(1) OJ No L 238, 29. 10. 1970, p. 3.
(2) OJ No L 241, 27. 10. 1971, p. 2.
(3) OJ No L 130, 16. 6. 1971, p. 55.
(4) OJ No L 169, 28. 6. 1976, p. 9.
(5) OJ No L 169, 28. 6. 1976, p. 24.
(6) OJ No L 169, 28. 6. 1976, p. 43.
(7) OJ No L 297, 28. 10. 1976, p. 2.

Article 9

The Commission shall inform the Member States once a month of the application of the system of fixing levies by tender.

Article 10

This Regulation shall enter into force on 1 January 1977.

It shall apply until 31 October 1977.

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

Done at Brussels, 23 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission