COMMISSION REGULATION (EEC) No 2413/77

of 31 October 1977

amending Regulation (EEC) No 3188/76 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 and Regulation (EEC) No 205/73 on communications between Member States and the Commission concerning oils and fats

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), as amended by Regulation (EEC) No 2361/77 (5), 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 (6), as amended by Regulation (EEC) No 2361/77, and in particular Article 5 thereof,

Whereas Article 2 (1) of 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 (7), as last amended by Regulation (EEC) No 983/77 (8), provides that applications for import licences must be submitted by a specified hour on the Monday or Tuesday of each week; whereas experience has shown that, because of the relatively limited nature of this period, applications are sometimes submitted outside the deadline;

Whereas, in order to facilitate trade, it should therefore be provided that such applications will automatically be valid for the following tendering procedure;

Whereas Article 2 (2) of Regulation (EEC) No 3188/76 provides that the applicant must state the origin of the product to be imported within 15 days following the entry into force of the minimum levy; whereas, in view of trade practices in the sector, applicants cannot in some cases observe this time limit; whereas it should therefore be extended;

Whereas Article 7 of Regulation (EEC) No 3188/76 limits the tendering procedure to applications for licences in respect of more than 1 000 kilograms; whereas imports of that quantity or less are subject to the minimum levy in force on the day of importation for each category of olive oil concerned;

Whereas experience has shown that imports of 10 000 kilograms or less are rare and have no real effect on the market; whereas, in order to simplify administrative procedure, the arrangements in force for quantities of 1 000 kilograms or less should be applied to such imports;

Whereas, pursuant to the provisions of Article 5 of 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 (9), as last amended by Regulation (EEC) No 3020/75 (10), import licences applied for otherwise than under the tendering arrangements are subject to a waiting period of four days; whereas experience has shown that applications for licences for such quantities are rare; whereas the abovementioned waiting period is therefore unnecessary;

Whereas, in view of the relaxation of the arrangements applicable to these imports, it is desirable to monitor more closely trade movements in respect of such quantities; whereas Commission Regulation (EEC) No 205/73 of 25 January 1973 on communications between Member States and the Commission concerning oils and fats (11), as last amended by Regulation (EEC) No 1733/76 (12), should therefore be supplemented;

(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 327, 26. 11. 1976, p. 4.
(5) OJ No L 277, 29. 10. 1977, p. 2.
(6) OJ No L 327, 26. 11. 1976, p. 6.
(7) OJ No L 359, 30. 12. 1976, p. 26.
(8) OJ No L 118, 11. 5. 1977, p. 7.
(9) OJ No L 213, 11. 8. 1975, p. 1.
(10) OJ No L 299, 19. 11. 1975, p. 11.
(11) OJ No L 23, 29. 1. 1973, p. 15.
(12) OJ No L 194, 20. 7. 1976, p. 7.

Whereas Regulations (EEC) No 2843/76 and (EEC) No 2844/76 have been extended until 31 October 1978; whereas Regulation (EEC) No 3188/76 should therefore be likewise extended;

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 following third and fourth subparagraphs are added to Article 2 (1) of Regulation (EEC) No 3188/76:

'Any applications submitted after the deadline on the Tuesday, or on any other subsequent day of the week, shall be deemed to have been submitted on the Monday of the following week.

However, the provisions of the preceding subparagraph shall not apply to applications submitted after the deadline on the Tuesday unless the applicant has stated in his application that he wishes them to apply.'

Article 2

In Article 2 (2) of Regulation (EEC) No 3188/76 '15 days' is replaced by '30 days'.

Article 3

Article 7 of Regulation (EEC) No 3188/76 is amended to read as follows:

'Article 7

1. This Regulation shall not apply to imports of 10 700 kilograms or less in the case of products falling within subheading 23.04 A of the Common Customs Tariff or imports of 10 500 kilograms or less in the case of other products.

Subject as provided in paragraph 3 hereof, such imports, excluding imports of 100 kilograms 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 kilograms but not exceeding 10 000 kilograms. By way of derogation from Article 3 of Regulation (EEC) No 193/75, such licences shall not be transferable. Article 5 of Regulation (EEC) No 2041/75 shall not apply thereto.'

Article 4

In the second paragraph of Article 10 of Regulation (EEC) No 3188/76 the date '31 October 1977' is replaced by '31 October 1978'.

Article 5

The following Article 6a is added to Regulation (EEC) No 205/73:

'Article 6a

With regard to the system of import levies referred to in Article 2 of Regulations (EEC) No 2843/76 and (EEC) No 2844/76, Member States shall inform the Commission, not later than the Wednesday of each week, of the number of import licences for quantities not exceeding 10 000 kilograms applied for in the preceding week and of the quantities involved, broken down by product and, in the case of olive oil, by quality.'

Article 6

This Regulation shall enter into force on 1 November 1977.

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

Done at Brussels, 31 October 1977.

For the Commission

Finn GUNDELACH

Vice-President