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COMMISSION REGULATION (EC) No 2543/95
of 30 October 1995
laying down special detailed rules for the application of the system of export licences for olive oil

(OJ L 260, 31.10.1995, p. 33)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 2126/96 of 5 November 1996	L 284	15	6.11.1996
►**M2**	Commission Regulation (EC) No 726/98 of 31 March 1998	L 100	46	1.4.1998

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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COMMISSION REGULATION (EC) No 2543/95

of 30 October 1995

laying down special detailed rules for the application of the system of export licences for olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 the Act of Accession of Austria, Finland and Sweden, and by Regulation (EC) No 3290/94 [2], and in particular Articles 2 and 3 thereof,

Whereas Regulation No 136/66/EEC provides that from 1 November 1995 all exports for which export refunds are requested shall be subject to the presentation of an export licence with advance fixing of the refund; whereas, therefore, specific implementing rules should be laid down for the olive oil sector which should in particular include provisions for the submission of the applications and the information which must appear on the applications and licences, in addition to those contained in Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing licences for agricultural products [3], as last amended by Regulation (EC) No 2137/95 [4];

Whereas, in order to assure proper administration of the system, the rate of the security for and the duration of validity of export licences under the said system should be fixed;

Whereas Article 3 (9) of Regulation No 136/66/EEC provides that compliance with the obligations arising from agreements concluded during the Uruguay Round of multilateral trade negotiations regarding export volume shall be ensured on the basis of export licences; whereas, therefore, a detailed schedule for the lodging of applications and for the issuing of licences should be laid down;

Whereas, in addition, the decision regarding applications for export licences should be communicated only after a period of consideration; whereas this period would allow the Commission to assess the quantities applied for as well as the expenditure involved and, if appropriate, to take specific measures applicable in particular to the applications which are pending; whereas it is in the interest of traders to allow the licence application to be withdrawn after the acceptance coefficient has been fixed;

Whereas, in order to ensure an exact follow up of the quantities to be exported, a derogation from the rules regarding the tolerances laid down in Regulation (EEC) No 3719/88 should be laid down;

Whereas the Commission must dispose of precise information concerning applications for licences and the use of licences issued, in order to be able to manage this system; whereas, in the interests of efficient administration, the notifications from Member States to the Commission should be made according to a uniform model;

Whereas the provisions 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 [5], as last amended by Regulation (EEC) No 557/

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(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 349, 31. 12. 1994, p. 105.
(3) OJ No L 331, 2. 12. 1988, p. 1.
(4) OJ No L 214, 8. 9. 1995, p. 21.
(5) OJ No L 213, 11. 8. 1975, p. 1.

▼B

91 [1], are replaced by the provisions of this Regulation and Commission Regulation (EC) No 1476/95 [2] and should therefore be repealed;

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:

▼M1

Article 1

Export licences shall be presented for exports of products covered by CN codes 1509 and 1510 00.

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Article 2

1. Export licences shall be valid from the date of issue, within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88, until the end of the third month following that date.

2. Applications for licences and licences shall bear, in section 15, the description of the product and, in section 16, the ►M2 12-digit ◄ product code of the agricultural product nomenclature for export refunds.

▼M2

3. The security for export licences shall be:

(a) ECU 10 per 100 kilograms net in the case of licences where the refund is fixed in advance;

(b) ECU 1 per 100 kilograms net in other cases.

4. Notwithstanding the fourth indent of Article 5(1) of Regulation (EEC) No 3719/88, the licence is not required when a quantity of 50 kilograms or less is exported.

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Article 3

▼M2

1. Applications for export licences with advance fixing of the refund must be lodged with the competent authorities from Tuesday to Thursday of each week. Applications lodged on Friday and Monday shall be deemed to have been lodged on the following Tuesday.

2. Export licences with advance fixing of the refund shall be issued on the first working day from the Tuesday of the week following the period referred to in paragraph 1, provided that none of the particular measures referred to in paragraph 3 have since been taken by the Commission.

▼M1

However, licences shall only be issued for quantities covered by applications communicated in accordance with Article 5 (1) (a).

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3. Where:

(a) the issue of the licences applied for appears likely to result in an overrun in the budgetary amounts available or in the exhaustion of the total quantities for disposal, taking account of the limits laid down in Article 3 (1) of Regulation No 136/66/EEC and/or the relevant expenditure during the period under consideration; or

(b) the issue of the licences applied for does not allow the continuity of exports to be guaranteed during the rest of the marketing year.

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[1] OJ No L 62, 8. 3. 1991, p. 23.
[2] OJ No L 145, 29. 6. 1995, p. 35.

▼B

In such cases, account shall be taken, as regards the product in question, of:

— the seasonal nature of trade, the market situation and in particular the trend in prices on the market and the export conditions resulting therefrom,

— the need to prevent speculative applications leading to distortion of competition between traders,

the Commission may:

— set a single percentage by which the quantities applied for are accepted,

— refuse the applications for which export licences have not yet been awarded,

— suspend the lodging of applications for export licences for a maximum of five working days. A suspension for a longer period may be decided in accordance with the procedure provided for in Article 38 of Regulation No 136/66/EEC. In these cases, applications for export licences lodged during the suspension period shall be inadmissible.

▼M2

These measures relate to export licences with advance fixing of the refund and vary according to the product code in the nomenclature of agricultural products for export refunds.

▼B

4. Where quantities applied for are rejected or reduced, the security shall be released immediately for all quantities for which an application was not satisfied.

5. Notwithstanding paragraph 2, where a single percentage of acceptance less than 80 % is set, the licence shall be issued at the latest by the 11th working day following publication of that percentage in the *Official Journal of the European Communities*. During the 10 working days following its publication, the operator may:

— either withdraw his application, in which case the security is released immediately,

— or request immediate issuing of the licence, in which case the competent authority shall issue it without delay but no sooner than the ►M2 Tuesday ◄ following the lodging of the licence application. ►M2 Where the single percentage of acceptance less than 80 % concerns only licences conferring entitlement to a refund, the operator may request that a licence not giving entitlement to a refund be issued for the remaining quantity within the same time limit. ◄

▼M2

6. Applications for export licences without advance fixing of the refund shall be lodged with the competent authorities from Monday to Friday of each week. The licences shall be issued immediately.

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Article 4

The quantity exported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88 shall not give entitlement to payment of the refund.

In section 22 of the licence, at least one of the following shall be indicated:

— Restitución válida por … toneladas (cantidad por la que se expida el certificado)

— Restitutionen omfatter … tons (den mængde, licensen vedrører)

— Erstattung gültig für … Tonnen (Menge, für welche die Lizenz ausgestellt wurde)

— Επιστροφή ισχύουσα για … τόνους (ποσότητα για την οποία έχει εκδοθεί το πιστοποιητικό)

— Refund valid for … tonnes (quantity for which the licence is issued)

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— Restitution valable pour … tonnes (quantité pour laquelle le certificat est délivré)

— Restituzione valida per … t (quantitativo per il quale il titolo è rilasciato)

— Restitutie geldig voor … ton (hoeveelheid waarvoor het certificaat wordt afgegeven)

— Restituição válida para … toneladas (quantidade relativamente à qual é emitido o certificado)

— Tuki on voimassa … tonnille (määrä, jolle todistus on myönnetty)

— Ger rätt till exportbidrag för … ton (den kvantitet för vilken licensen utfärdats).

This Article shall only apply to licences for the export of products for which a refund is payable.

Article 5

1. Member States shall communicate to the Commission by 2 p.m. each ►**M2** Friday ◄ at the latest, by fax:

▼**M2**

(a) applications for export licences with advance fixing of the refund lodged from Tuesday to Thursday in accordance with Article 3(1);

▼**B**

(b) the quantities for which export licences have been issued ►**M2** between the previous Friday and the Thursday of that week, listing licences with advance fixing of the refund and those without advance fixing of the refund separately ◄;

(c) the quantities for which applications for export licences have been withdrawn pursuant to Article 3 (5) during the preceding week ►**M1** and the relevant refunds ◄.

2. ►**M2** The notification of the applications referred to in paragraph 1(a) and, where Article 3(5) applies, the information referred to in paragraph 1(b) shall specify ◄:

— the quantity for each quality and type of packaging,

— the breakdown by destination in the case where the rate of refund varies according to the destination,

— ►**M2** where appropriate, ◄ the rate of refund applicable,

— the total amount of refund in ecu per category.

▼**M2**

This information shall be given separately where the licences are to be issued for food aid operations.

▼**M1**

3. Each month following the expiry of the term of validity of export licences, Member States shall communicate the quantities covered by and the refunds relating to unused export licences to the Commission ►**M2** , stating the marketing year during which the licence was issued ◄.

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4. All notifications referred to in paragraphs 1 and 3, including 'nil' notifications, shall be made in accordance with the model set out in the Annex.

Article 6

Commission Regulations (EEC) No 3665/87 [1] and (EEC) No 3719/88 shall apply except where otherwise provided for in this Regulation.

Article 7

Regulation (EEC) No 2041/75 is repealed.

[1] OJ No L 351, 14. 12. 1987, p. 1.

▼B

It shall remain applicable, however, for advance fixing certificates issued before 1 November 1995 pursuant to that Regulation.

Article 8

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

It shall apply to export licences applied for pursuant to this Regulation as from 1 November 1995.

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

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ANNEX

Application of Regulation (EC) No 2543/95

COMMISSION OF THE EUROPEAN COMMUNITIES — DG VI/C/4 — Olive oil sector

Application for export licences — olive oil

Sender : .....

Date : .....

Period : Monday ... to Wednesday ...

Member State : .....

Person to contact : .....

Telephone : .....

Fax : .....

Addressee : DG VI/C/4 — fax : (32 2) 296 60 09

— Part A — Weekly notification (to be completed separately for each category)

Category	Quantity	Rate of refund (ECU/100 kg)	Total amount of prefixed refunds
Total per category			

Category	Total quantities applied for by categories

▼M2

— Part B — Weekly notification

a) Licences with advance fixing of the refund:

Category	Total quantities issued by categories between the previous Friday and the Thursday of that week (1)	Rate of refund (ECU/100 kg)

(1) Where Article 3(5) applies, state the date on which the application for a licence was lodged and the percentage applied.

b) Licences without advance fixing of the refund:

Category	Total quantities issued by categories between the previous Friday and the Thursday of that week

▼M1

— Part C — Weekly notification

Category	Total quantities withdrawn by category during the previous week	Refund fixed in advance	Total of refunds fixed in advance

▼M2

— Part D — Monthly notification

Category	Unused quantities	Marketing year during which the licence was issued	Refund fixed in advance	Total amount of refunds fixed in advance