

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (75) 632 final.

Brussels, 1 December 1975.

Proposal for a

REGULATION (EEC) OF THE COUNCIL

laying down special measures in particular for the determination of the offers of olive oil the world market

Proposal for a

REGULATION (EEC) OF THE COUNCIL

laying down special measures in particular for the determination of the offers of olive oil on the Greek market

(submitted to the Council by the Commission)

COM(75) 632 final.

EXPLANATORY MEMORANDUM

1. While awaiting the amendments to be made to the common organization of the market in the olive oil sector, in accordance with the decision taken by the Council in 1974, the Commission, in view of the urgent need to amend the trading system, considers it essential to submit to the Council certain amendments to the said system. It should be noted that at the time of the 1973 proposals, the Commission had observed that it was becoming increasingly difficult to fix the levies on account of the inadequate data available owing to the limited world market and the way in which supplies are offered and had proposed that the system should be changed.

Difficulties arise from the facts that

- a) owing to the particular characteristics of the market in olive oil it is not always possible to make a precise study of its true tendencies and therefore to fix the levy correctly;
- b) Community regulations provide for all unrefined olive oil a levy based on a single c.i.f. price for the Community, whereas it has been noted that offer prices for different qualities of olive oil show varying trends at certain times and reflect the play of supply and demand on the market leading to the formation of parallel and independent markets.

Urgent measures should therefore be taken to eliminate these difficulties particularly in view of the foreseeable trend on the Community market during 1975/1976 marketing year and current negotiations with certain non-Member countries.

2. By this proposal the Commission plans:

- a) to supplement the levy system by a tendering procedure, limited to unrefined olive oil. During the operation of the tendering procedure, import certificates with advance fixing of the levy will only be issued to persons making tenders.

Thus, while respecting the principle of free imports and a single levy, it will be possible to limit the consequences arising from the difficulties of fixing the levies, by providing for a special system to replace the advance fixing when the offers quoted on the world market justify such a special system.

- b) To provide for the possibility of fixing different c.i.f. prices for the different qualities of olive oil under tariff heading 15.07 A II of the CCT.

3. At the same time the Commission considers it necessary likewise to propose a simplification of the application of the levy system applied to olives and to some by-products of olive oil. In these products the current system provides for the fixing of a levy the amount of which is determined on the basis of the oil content in the imported product, derived from the levy applicable to olive oil. However, the experience gained since 1966 has shown that for these products it would be sufficient to provide for the application of the CCT.
4. The Commission proposes to lay down similar provisions for olive oil imported from Greece, in order to avoid the danger of discrimination against oil from that country.
5. In the circumstances and in view of the urgency of amending the trading system for the above reasons it is proposed:
 - a) to provide for the immediate amendment of the trading system provided in Regulation No 136/66/EEC on the basis of Article 36 of the said Regulation while keeping the amendments to this system down to a necessary minimum;
 - b) to apply the said amendment only until 31 October 1976, the end of the 1975/76 marketing year.

The definitive and complete amendment to the trading system will be taken up in a proposal for a comprehensive amendment to the olive oil regime so that the institutions referred to in the Treaty may on this question as on others give their opinions.

REGULATION (EEC) NO 175 OF THE COUNCIL

laying down special measures in particular for the determination of the offers of olive oil on the world market

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 136/66/EEF¹⁾ of 22 September 1966 on the establishment of a common organization of the market in oils and fats, as last amended by Regulation (EEC) No 1707/73²⁾, and in particular Article 36 thereof;

Having regard to the proposal from the Commission;

Whereas the provisions currently in force provide for a single levy for the different qualities of unrefined olive oil; whereas the offers taken into consideration for the fixing of the said levy may, in certain cases, be unrepresentative of the real trend of offers for one or more of the above qualities; whereas, in these conditions, it appears necessary to provide for the possibility of replacing the c.i.f. price by a price determined in respect of the real offer price for these qualities;

Whereas the world market in olive oil is limited and lacks transparency, thereby sometimes preventing the precise study of its true tendency and therefore the correct fixing of import levies; whereas a consequence of this situation is that in certain cases olive oil can be imported into the Community at other than the threshold price level;

Whereas in order to ascertain the real situation on the world market and to obtain more precise information, the current system should be supplemented by the determination of the levy on the basis of price details obtained within the framework of a tendering procedure; whereas, however, it appears to be sufficient to limit the application of this system to qualities of unrefined olive oil;

Whereas olives and the by-products are subject to an import levy derived from that applicable to olive oil; whereas experience has shown that in practice there are practically no imports of olives and by-products with a low oil content to be used for extraction of such oil; whereas therefore no import levy should be fixed for such products;

Whereas the provisions currently in force permit operators, by fixing the levy in advance, to import to know the cost price of the product they are importing; whereas

1) OJ No 172, 30. 9.1966, p. 3025/66.

2) OJ No L 175, 29. 6.1974, p. 5.

the application of the abovementioned special measures permits the operators making tenders to obtain the same results; whereas, therefore, where recourse is had to the tendering procedure, the possibility of fixing the levy in advance should be limited to only those operators who are making tenders;

Whereas the period of validity of this Regulation should be limited to a period sufficient to assess its efficacy,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas free quotations on the world market are not a determining factor for the offer price for one or more qualities of unrefined olive oil, a price determined on the basis of the offer price shall be substituted for the c.i.f. price referred to in Article 13 of Regulation 136/66/EEC for only these qualities concerned.

Article 2

1. When offers of unrefined olive oil on the world market do not correspond to real purchasing possibilities in quantities which are representative of the market, a special import levy may be fixed by tendering procedure.
2. When it is decided to carry out a tendering procedure referred to in paragraph 1, the levy referred to in Article 13 of Regulation No 136/66/EEC shall remain in force for the duration of the tendering procedure in question. At the end of the procedure, the levy shall be fixed on the basis of the information arising from it..

Article 3

By way of derogation from Article 15 of Regulation No 136/66/EEC no levy shall be fixed on imports from non-member countries of :

- a) olives falling within sub-headings 07.01 N II and 07.03 A II of the Common Customs Tariff;
- b) oil-cakes and other residues falling within sub-heading 23.04 A of the Common Customs Tariff.

Article 4

When recourse is had to the tendering procedure referred to in Article 2, applications for import certificates with advance fixing of the levy may only be made by the operators making tenders.

Article 5

The detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure provided for in Article 38 of Regulation No 136/66/EEC.

Article 6

This Regulation shall enter into force on 15 January 1976.

It shall be applicable until 31 October 1976.

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

Done at

For the Council

REGULATION (EEC) NO 75 OF THE COUNCIL

laying down special measures in particular for the determination of
the offers of olive oil on the Greek market

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 162/66/EEC¹⁾ of 27 October 1966 on trade in oils and fats between the Community and Greece, and in particular Article 10 thereof;

Having regard to the proposal from the Commission;

Whereas the provisions currently in force provide for a single levy for the different qualities of unrefined olive oil; whereas the offers taken into consideration for the fixing of the said levy may, in certain cases, be unrepresentative of the real trend of offers for one or more of the above qualities; whereas, in these conditions, it appears necessary to provide for the possibility of replacing the free-at-frontier price by a price determined in respect of the real offer price for these qualities;

Whereas the Greek market in olive oil is limited and lacks transparency, thereby sometimes preventing the precise study of its true tendency and therefore the correct fixing of import levies; whereas a consequence of this situation is that in certain cases olive oil can be imported into the Community at other than the threshold price level;

Whereas in order to ascertain the real situation on the Greek market and to obtain more precise information, the current system should be supplemented by the determination of the levy on the basis of price details obtained within the framework of a tendering procedure; whereas, however, it appears to be sufficient to limit the application of this system to qualities of unrefined olive oil;

Whereas olives and the by-products are subject to an import levy derived from that applicable to olive oil; whereas experience has shown that in practice there are practically no imports of olives and by-products with a low oil content to be used for extraction of such oil; whereas therefore no import levy should be fixed for such products;

Whereas the provisions currently in force permit operators, by fixing the levy in advance, to import to know the cost price of the product they are importing; whereas

1) OJ No 197, 29.10.1966, p. 3393/66.

the application of the abovementioned special measures permits the operators making tenders to obtain the same results; whereas, therefore, where recourse is had to the tendering procedure, the possibility of fixing the levy in advance should be limited to only those operators who are making tenders;

Whereas the period of validity of this Regulation should be limited to a period sufficient to assess its efficacy,

HAS ADOPTED THIS REGULATION.

Article 1

Whereas free quotations on the Greek market are not a determining factor for the offer price for one or more qualities of unrefined olive oil, a price determined on the basis of the offer price shall be substituted for the free-at-frontier price referred to in Article 3 of Regulation 162/66/EEC for only three qualities concerned.

Article 2

1. When offers of unrefined olive oil on the Greek market do not correspond to real purchasing possibilities in quantities which are representative of the market, a special import levy may be fixed by tendering procedure.
2. When it is decided to carry out a tendering procedure referred to in paragraph 1, the levy referred to in Article 3 of Regulation No 162/66/EEC shall remain in force for the duration of the tendering procedure in question. At the end of the procedure, the levy shall be fixed on the basis of the information arising from it.

Article 3

By way of derogation from Article 5 of Regulation No 162/66/EEC no levy shall be fixed on imports from non-member countries of:

- a) olives falling within sub-headings 07.01 N II and 07.03 A II of the Common Customs Tariff;
- b) olive oil-cakes and other residues falling within sub-heading 23.04 A of the Common Customs Tariff.

Article 4

Imports of the products referred to in Article 9 of Regulation No 162/66/EEC shall be subject to Regulation (EEC) No 175¹⁾.

Article 5

When recourse is had to the tendering procedure referred to in Article 2, applications for import certificates with advance fixing of the levy may only be made by the operators making tenders.

Article 6

The detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure provided for in Article 38 of Regulation No 136/66/EEC.

1) OJ No....., D.

Article 7

This Regulation shall enter into force on 15 January 1976.

It shall be applicable until 31 October 1976.

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

Done at

For the Council
