

COMMISSION REGULATION (EEC) No 1975/84

of 11 July 1984

amending for the 10th time Regulation (EEC) No 3172/80 laying down
implementing rules in respect of the system of consumption aid for olive oil

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 1556/84 ⁽²⁾,
and in particular Article 11 (8) thereof,

Whereas Commission Regulation (EEC) No
3172/80 ⁽³⁾, as last amended by Regulation (EEC) No
570/84 ⁽⁴⁾, lays down in Article 9 a time limit for the
submission of applications for consumption aid;
whereas once this time limit has passed applications
can no longer be accepted; whereas, however, expe-
rience has shown that applications submitted after the
time limit should be accepted, subject to a reduction
of the aid in proportion to the delay in submitting the
application;

Whereas Article 14 (4) of the abovementioned Regula-
tion laid down the conditions on which the security in
respect of imported olive oil is released; whereas expe-
rience has shown that application of these conditions
in the case of re-exportation of olive oils that are not
directly edible may give occasion for misapplication of
the consumption aid scheme; whereas, therefore,
when such oils are exported release of the security
should be limited to instances where the acidity does
not exceed 30°;

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

Regulation (EEC) No 3172/80 is hereby amended as
follows:

1. The following subparagraph is added to Article 9
(1):

'However, applications lodged after the period
specified above has expired but within two months
of the expiry of that period at the latest shall be
accepted but shall carry a reduction of the aid to be
paid of 10% for each month or part of a month by
which the application has been delayed.'

2. Article 14 (4) is replaced by the following:

'4. The security shall be released on presentation,
save in cases of *force majeure*, of the original copy
of the certificate referred to in Article 15 (3) within
six months of the date of release for free circula-
tion. The security shall be released in respect of the
quantity of oil released into free circulation or, if
appropriate, for an equivalent quantity of oil which
the certificate shows to have been rendered ineli-
gible for consumption aid.'

The period on the expiry of which the security
becomes forfeit may be extended to 12 months by
the Member State concerned in cases where oil
released into free circulation and packaged in
immediate containers of a net content of not more
than 5 litres is rendered ineligible for aid under the
terms of Article 15 (1) (d).

Should the time limits specified above not be
complied with the security shall be forfeit.
However, if the certificate referred to in Article 15
(3) is presented within a period of six months at the
latest following the date of expiry of the period
specified in the first subparagraph the security shall
be repaid.

If the certificate is presented between the 13th and
the 21st month following the date of release for
free circulation of the oil the security shall be
repaid subject to deduction of 10% of the security
lodged for each month or part of a month by which
presentation has been delayed.

Where olive oil released into free circulation falling
within subheading 15.07 A I a) of the Common
Customs Tariff and packaged in immediate con-
tainers of a net content of more than 5 litres is
rendered ineligible for aid under the terms of
Article 15 (1) (a) the entire security shall be released
on presentation by the interested party of certifi-
cates as referred to in Article 15 (3) for a quantity
equivalent to at least 99% of that in respect of
which the security was lodged.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 150, 6. 6. 1984, p. 5.

⁽³⁾ OJ No L 331, 9. 12. 1980, p. 27.

⁽⁴⁾ OJ No L 62, 3. 3. 1984, p. 11.

Where the export of olive oil as referred to in Article 15 (1) (b) concerns olive oil falling within subheadings 15.07 A I b) or 15.07 A I c) of the Common Customs Tariff the security may not thereupon be released unless the free fatty acid content expressed as a proportion of the oleic acid does not exceed 30 grams per 100 grams of oleic acid. In such cases the security released shall be equal to 88 and 40% respectively of the quantity shown on the certificate referred to in Article 15 (3).

Where the conditions set out in this Article are met for only a part of the oil concerned the security shall be released in proportion to that quantity.

Article 2

This Regulation shall enter into force on the third 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, 11 July 1984.

For the Commission

Poul DALSGER

Member of the Commission
