

## REGULATION (EEC) No 589/68 OF THE COMMISSION

of 14 May 1968

on detailed rules for the sale of olive oil held by intervention agencies

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<sup>1</sup> of 22 September 1966 on the establishment of a common organisation of the market in oils and fats, and in particular Article 11 (5) thereof;

Having regard to Council Regulation No 162/66/EEC<sup>2</sup> of 27 October 1966 on trade in oils and fats between the Community and Greece;

Having regard to Council Regulation No 171/67/EEC<sup>3</sup> of 27 June 1967 on export refunds and levies on olive oil, and in particular Article 11 thereof;

Whereas olive oil held by intervention agencies must be sold without discrimination among Community buyers; whereas for that purpose it is appropriate that sales should take place under the tendering system;

Whereas transactions carried out by intervention agencies take place at the wholesale stage; whereas, therefore, those agencies should lay down for each invitation to tender for sale on the Community market the minimum quantity below which tenders may be refused;

Whereas Article 11 (3) of Regulation No 136/66/EEC laid down the price at which oil bought in by intervention agencies should be sold; whereas, therefore, the minimum price for sales by tender must be fixed at a level making it possible to achieve this end; whereas, however, prices of imported oil should not impede sales by intervention agencies;

Whereas, however, invitations to tender for export which are issued as a result of intervention agencies needing to dispose of stocks held by them must not, however, cause distortions detrimental to normal exports; whereas, therefore, a minimum price to be

observed should be fixed in each case; whereas, however, several minimum prices may be fixed in each case on the basis of the distance from the Community market of the countries of destination and the special conditions applying to imports in certain countries of destination;

Whereas the price for invitations to tender for export may be lower than the price for invitations to tender for sales on the Community market; whereas, therefore, in connection with an invitation to tender for exports, the lodging of a special deposit should be required as a guarantee that the oil thus acquired is in fact exported from the Community and, where appropriate, reaches its destination;

Whereas the minimum price for invitations to tender for export is fixed on the basis of world market price; whereas, therefore, it is not necessary to grant an export refund on oil acquired by tender;

Whereas to take account of current administrative facilities in the Member States customs export formalities should be completed in the Member State in which the invitation to tender is issued;

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 sale of olive oil held by intervention agencies shall take place by tender under the terms laid down in the following Articles.

*Article 2*

The terms of the invitation to tender, where the oil is held, must ensure equal access and treatment to all interested parties irrespective of the place of their establishment in the Community.

*Article 3*

'Invitation to tender' means a competition in which all interested parties are invited to submit tenders,

<sup>1</sup> OJ No 172, 30.9.1966, p. 3025/66.

<sup>2</sup> OJ No 197, 20.10.1966, p. 3393/66.

<sup>3</sup> OJ No 130, 28.6.1967, p. 2600/67.

the contract being awarded to the person offering the highest price, subject to observance of the minimum prices fixed in accordance with the following provisions.

#### Article 4

1. For each tender the invitation to submit tenders must be published in particular in the *Official Journal of the European Communities*.
2. Interested parties shall take part in the invitation to tender by submitting tenders in writing and in sealed envelopes.

#### Article 5

1. When an intervention agency issues an invitation to tender for sale on the Community market, the relevant Member State belongs shall notify the Commission at least ten days before the date of publication.
2. When the invitation to submit tenders is published, the terms of the invitation to tender shall be specified, in particular the minimum price to be observed and the minimum quantity below which tenders may be refused.
3. The invitation to submit tenders referred to in paragraph 2 shall be published in the *Official Journal of the European Communities* at least twenty days before the final date fixed for the submission of tenders.

#### Article 6

1. The minimum price referred to in Article 5 (2) shall be fixed by the intervention agency at such a level that the cost price of oil sold by tender shall not be lower at the Community frontier crossing point referred to in Article 13 (2) of Regulation No 136/66/EEC than the market target price ruling on the day of tender less one unit of account per 100 kg.
2. If the oil offered is not of the standard quality for which the intervention price is fixed, the price increases and reductions listed in the Annex to Commission Regulation No 785/67/EEC<sup>1</sup> of 30 October 1967 on detailed rules for the buying-in of olive oil by intervention agencies shall apply to the selling price.

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

Done at Brussels, 14 May 1968.

#### Article 7

1. The terms of the invitation to tender for export shall be adopted in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

The terms to be laid down shall concern in particular:

- the minimum price;
- the deposit referred to in paragraph 3;
- the minimum quantity below which tenders may be refused.

2. The minimum price shall be fixed at such a level that it does not interfere with the other exports of olive oil, and on the basis of the trends and needs of the market.

When the situation on the world market for the specific needs of certain markets so require, different minimum prices may be fixed, according to destination.

3. Intervention agencies inviting tenders for export shall require a special deposit to be lodged by the exporter who submits the successful tender. This deposit shall be released when proof is furnished that the oil acquired by tender has in fact been exported from the Community and, where appropriate, has reached its destination.

4. Oil which has been exported shall not benefit from the export refund fixed in accordance with Regulation No 171/67/EEC.

#### Article 8

Customs export formalities shall be completed in the Member State in which the invitation to tender is issued.

#### Article 9

Olive-oil producing Member States shall assist one another in applying the provisions of this Regulation.

#### Article 10

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

For the Commission  
The President  
Jean REY

<sup>1</sup> OJ No 264, 30. 10. 1967, p. 11.