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COMMISSION REGULATION (EEC) No 2828/93

of 15 October 1993

laying down common rules on verification of the use and/or destination of imported products falling within CN codes 1515 90 59 and 1515 90 99

(OJ L 258, 16.10.1993, p. 15)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Commission Regulation (EC) No 3495/93 of 20 December 1993	L 319	15	21.12.1993
► <u>M2</u> Commission Regulation (EC) No 347/94 of 16 February 1994	L 44	19	17.2.1994
► <u>M3</u> Commission Regulation (EC) No 2206/94 of 9 September 1994	L 236	16	10.9.1994
► <u>M4</u> Commission Regulation (EC) No 3061/94 of 15 December 1994	L 323	20	16.12.1994
► <u>M5</u> Commission Regulation (EC) No 592/95 of 17 March 1995	L 60	1	18.3.1995

Corrected by:

- **C1** Corrigendum, OJ L 50, 7.3.1995, p. 36 (2206/94)

▼B**COMMISSION REGULATION (EEC) No 2828/93****of 15 October 1993****laying down common rules on verification of the use and/or destination of imported products falling within CN codes 1515 90 59 and 1515 90 99**

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 2046/92⁽²⁾, and in particular Article 16 (6) thereof,

Whereas the Annex to Regulation No 136/66/EEC lays down the descriptions and definitions of the olive oils and olive residue oils marketed within each Member State and traded between the Member States and with third countries;

Whereas Commission Regulation (EEC) No 2658/91⁽³⁾, as last amended by Regulation (EEC) No 620/93⁽⁴⁾, lays down the characteristics of olive oils and olive residue oils and the relevant methods of analysis;

Whereas Council Regulation (EEC) No 2658/87⁽⁵⁾, whose Annexes I and II were last amended by Commission Regulation (EEC) No 2505/93⁽⁶⁾, provides that oils falling within CN codes 1515 90 59 and 1515 90 99 are to be subject to import duties equal to 15 % of the customs value;

Whereas the physico-chemical characteristics of the oils falling within the abovementioned tariff heading are such as to prevent their being marketed as products accepted for marketing as olive oil; whereas, however, these characteristics may be modified simply by mixing with other oils; whereas, therefore, to ensure that the system of levies on olive oil imports is applied correctly, measures must be taken to ensure that oils falling within CN codes 1515 90 59 and 1515 90 99 cannot be diverted from the uses to which they must be put;

Whereas Commission Regulation (EEC) No 3566/92⁽⁷⁾, on the documents to be used for the purpose of implementing Community measures entailing verification of the use and/or destination of goods supplies the customs instruments needed in order to monitor the movement of imported oils within the Community and to prevent their being diverted to uses not provided for in the agricultural legislation applicable to the sector in question; whereas applying that Regulation in the case of imports of oils falling within CN codes 1515 90 59 and 1515 90 99 may reduce the risk which currently exists until the special rules for the application of the Common Customs Tariff are amended;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 248, 5. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 66, 18. 3. 1993, p. 29.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 267, 14. 9. 1992, p. 1.

⁽⁷⁾ OJ No L 362, 11. 12. 1992, p. 11.

▼B

HAS ADOPTED THIS REGULATION:

▼M1*Article 1***▼M3**

1. The release for free circulation of oils covered by CN codes 1515 90 59 and 1515 90 99, with the exception of the products listed in the Annex hereto, shall be subject to the issue of a T 5 control copy in accordance with the procedure laid down in Regulation (EEC) No 3566/92.

▼M5

However, the placing in free circulation of a quantity of the abovementioned oils less than 1 000 kg or presented in packagings meeting the conditions of the first indent of Article 3 shall be excluded from the scope of this Regulation.

▼M1

The quantities exempted shall be communicated to the Commission by the Member States at the end of each quarter. However, they shall inform the Commission without delay if the quantities in question are abnormal.

The customs office where the customs formalities for release to free circulation are completed shall issue the T 5 control copy after a security calculated in accordance with the rules in paragraph 3 has been provided;

2. The T 5 copy shall include:

- in box 104, the indication 'products to be used as provided for in the first subparagraph of Article 3 of Regulation (EEC) No 2828/93',
- in box 106, where appropriate, the name and address of the packaging and/or processing company, where such operations are not carried out by the consignee referred to in box 8;

3. The amount of the security referred to in paragraph 1 shall be equal to ►**M4** ECU 80 per 100 kg ◀.'

▼B*Article 2*

Member States shall take all necessary steps to ensure that:

- the destination and/or use of the oils is verified,
- products placed in free circulation are not stored with other oils or fats.

Article 3

Products placed in free circulation shall be regarded as having met the requirements concerning use and/or destination where, except cases of *force majeure*, within 12 months:

▼M1

- they have been placed, either in the unaltered state or after processing, in packagings with a content of not more than five litres of oils other than olive oils,
- or

▼M2

- their final utilization, where applicable after processing, has been as products other than olive oil,

▼M1

- or
- they have left the customs territory of the Community.

▼B

The intervention agency shall be responsible for verifying the use and/or destination of the products concerned, unless the competent authorities of the Member States designate another control body.

▼B

The security referred to in Article 1 shall be released on presentation of the T5 control copy duly certified by the bodies which checked the operations in respect of which the T5 control copy was issued.

▼M1

However, if the time limit down is exceeded by a period not exceeding two months, the security shall be released after deduction of 10 % per month of delay or part thereof.

▼M5

Notwithstanding (SIC! Notwithstanding) the above, the securities lodged for the products listed in the Annex hereto and placed in free circulation before 17 September 1994 shall be released at the request of the interested party without being subject to presentation of the T 5 control copy.

▼B*Article 4*

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

▼M1

This Regulation shall apply also to products which, on the date on which it enters into force, have been placed in free circulation but are still stored in customs warehouses, subject to the issuing of the T 5 control copy retroactively in accordance with Article 16 of Regulation (EEC) No 3566/92.

▼B

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

▼ M3*ANNEX*

- Indian illipe butter
 - Shea butter
 - Sal fat and stearin
 - Mango butter
 - Kokum butter
 - Dhupa butter
- } and solid fractions
- Avocado oil
 - Borage oil
 - Blackcurrant seed oil
 - Pumpkin seed oil
 - Macadamia oil
 - Poppy seed oil
 - Evening primrose oil
 - Neem oil
 - Passionflower seed oil
 - Pecan oil
 - Rice germ oil
 - Walnut oil
 - Wheat germ oil