COMMISSION DECISION

of 10 July 1974

issuing a standing invitation to tender for the export of 443 128 metric tons of barley held by the German intervention agency

(Only the German text is authentic)

(74/414/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1346/73 [2], and in particular Article 7 (5) thereof;

Having regard to Commission Regulation (EEC) No 376/70 [3] of 27 February 1970 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies, as last amended by Regulation (EEC) No 129/73 [4] and in particular Article 5 (1) and (7) thereof;

Whereas the Federal Republic of Germany, in its communication of 26 June 1974, informed the Commission of the intention of the German intervention agency to issue an invitation to tender for the export of barley;

Whereas the 443 128 metric tons of barley to be tendered for, will be exported from the frontier crossing posts for which the tenders are made by the tenderers; whereas the barley is stored elsewhere; whereas the German intervention agency, in order to place all those participating in the tendering procedure in the same competitive position shall sell at the same price; whereas in order to do this it will bear the cost of transport from the place of storage to the frontier crossing point stipulated;

Whereas, under Article 5 (5) of Regulation (EEC) No 376/70, it may be provided that a tender shall only be valid if it is accompanied by an application for an export licence and by an application for advance fixing of the refund for the destination in question; whereas the intention of this provision is to allow for better assessment of the tender lodged by the tenderer;

Whereas Council Regulation (EEC) No 1968/73 [5] of 19 July 1973 laying down general rules to be applied in the event of the cereals market being disturbed, as last amended by Regulation (EEC) No 676/74 [6], provided for the possibility of fixing an export levy; whereas, according to Article 3 (4) of that Regulation, this levy may be subject to advance fixing;

Whereas it is only possible to make a proper assessment of a tender if the tender is linked with the export levy applicable on the day on which it is lodged; whereas, in order to take account of this, it is appropriate to apply to the export levy by analogy the rules of Article 5 (5) of Regulation (EEC) No 376/70 and to extend the application of all the provisions made under this Article to the export levy;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Management Committee for Cereals,

HAS ADOPTED THIS DECISION:

Article 1

The German intervention agency, may under the conditions hereinafter laid down, issue a standing invitation to tender for the export of barley held by it.

Article 2

1. The invitation to tender refers to a quantity of 443 128 metric tons of barley.

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[1] OJ No 117, 19. 6. 1967, p. 2269/67.
[2] OJ No L 141, 28. 5. 1973, p. 8.
[3] OJ No L 47, 28. 2. 1970, p. 49.
[4] OJ No L 17, 20. 1. 1973, p. 17.
[5] OJ No L 201, 21. 7. 1973, p. 10.
[6] OJ No L 83, 28. 3. 1974, p. 3.

2. The places in which the 443 128 metric tons of barley are stored are listed in the Annex.

Article 3

1. The minimum selling price is to be fixed for the following places in accordance with Article 5 (7) of Regulation (EEC) No 376/70: North Sea or Baltic ports of export and/or frontier crossing points in the Federal Republic of Germany, Rotterdam, Amsterdam, Antwerpen and Gent.

2. Tenders must be made for one or more of these ports or exit points. The tenderer shall specify the port or ports or exit points for which the tender is made.

The tenders shall be for barley:

— which is in harbour silos from which it can be loaded directly into a seagoing vessel or canal barge, or

— which is supplied undischarged at the place of embarkation at the port or exit point.

3. In cases where an export refund or levy is applicable on the day on which tenders are lodged, the tenders shall only be valid if they are accompanied by an application for an export licence lodged by the tenderer and a corresponding application:

— for advance fixing of the refund for the destination in question or

— for advance fixing of the export levy. In this case the provisions made under Article 5 (5) of Regulation (EEC) No 376/70 shall apply.

4. As regards the quantities of barley which are not at the places referred to in the first and second indents of paragraph 2, the most advantageous transport costs between the place of storage and the place of embarkation at the port or exit point which may be reached at the most advantageous costs, shall be reimbursed to the exporter-tenderer by the German intervention agency.

Article 4

The German intervention agency shall lay down in the notice of invitation to tender the dates on which tenders may be submitted.

There must be at least 10 days between publication of the notice of invitation to tender and the first date laid down for submission of tenders. The last date on which tenders may be submitted is 25 June 1975.

Article 5

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 10 July 1974.

For the Commission

The President

François-Xavier ORTOLI

Place of storage	Approximate quantities stored (in metric tons)
Schleswig-Holstein/Hamburg	20 242
Niedersachsen/Bremen	120 675
Nordrhein-Westfalen	268 211
Hessen	4 000
Rheinland-Pfalz/Baden-Württemberg	30 000