II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 July 1974

issuing a Standing Invitation to Tender for the export of 50 000 metric tons of common wheat held by the Netherlands intervention agency

(Only the Dutch text is authentic)

(74/462/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 Kingdom of the Netherlands in its communication of 26 June 1974 informed the Commission of the intention of the Netherlands intervention agency to issue an invitation to tender for the export of 50 000 metric tons of common wheat;

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 possible to make a proper assessment of a tender only 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, the rules of Article 5 (5) of Regulation (EEC) No 376/70 should be applied to the export levy by analogy and the application of all the provisions made under this Article should be extended 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 Netherlands intervention agency may, under the conditions hereinafter laid down, issue a standing invi-

[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.

tation to tender for the export of common wheat held by it.

Article 2

The invitation to tender refers to a quantity of 50 000 metric tons of common wheat which is stored at Rotterdam.

Article 3

1. The minimum selling price is to be fixed for Rotterdam in accordance with Article 5 (7) of Regulation (EEC) No 376/70.

2. Tenders must be made for this port.

The tenders shall be for common wheat :

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

or

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

3. In cases where an export refund or levy is applicable on the day on which tenders are lodged, the tenders shall be valid only 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.

Article 4

The Netherlands 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 20 December 1974.

Article 5

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 10 July 1974.

For the Commission

The President

François-Xavier ORTOLI