COMMISSION DECISION

of 30 October 1974

on the opening of a standing invitation to tender for the export to the Republic of India of 150 000 metric tons of common wheat held by the German intervention agency

(Only the German text is authentic)

(74/564/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 1996/74 [2], and in particular Articles 7 (5) and 12 (2) 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 supply situation for certain third countries is extremely difficult and of such countries the Republic of India is particularly threatened; whereas the Community wishes to contribute to an improvement of the situation in that country by making available for that destination those products held in respect of which this Member State informed the Commission on 24 October 1974 of the intention of its intervention agency to invite tenders for the export of 150 000 metric tons of common wheat;

Whereas the 150 000 metric tons of common wheat to be tendered for will be exported from certain ports from among which selection is to be made by the tenderers; whereas the common wheat is stored elsewhere; whereas the German intervention agency, in order to place all those participating in the tendering procedure on the same competitive footing, must sell at a uniform price; whereas it must accordingly bear the cost of transport from the place of storage to the export ports stipulated;

Whereas under Article 5 (5) of Regulation (EEC) No 376/70 it may be provided that a tender shall be valid only if 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 facilitate assessment of the tender;

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], makes provisions for the fixing of an export levy; whereas pursuant to Article 3 (4) of that Regulation such 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 to this end it is appropriate to apply to the export levy the rules of Article 5 (5) of Regulation (EEC) No 376/70 together with all the other provisions applicable in such cases;

Whereas the successful tenderer undertakes to export to a certain destination; whereas compliance with that obligation can be ensured by the requirement that special security must be provided for the purposes of the invitation to tender;

Whereas with a view to the smooth operation of the invitation to tender, a minimum quantity to be tendered for should be specified and it should be provided that the rights arising from licences issued in connection with the invitation to tender shall not be transferable;

Whereas Commission Regulation (EEC) No 1223/74 [7] of 15 May 1974 derogating from Regulation (EEC) No 2637/70 as regards the period of validity of export licences for cereals and rice fixed such period of validity in the case of the basic cereals at 90 days; whereas this period is too short for the operations envisaged in connection with the present invitation; whereas the provisions of Article 1 (1) of Regulation (EEC) No 1223/74 should accordingly not be applied to licences issued in connection with this invitation to tender; whereas it follows that in the case of such licences the provisions of Article 21 (1) of Commission Regulation (EEC) No 2637/70 [8] of 23 December 1970 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 209, 31. 7. 1974, p. 1.
(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.
(7) OJ No L 133, 16. 5. 1974, p. 22.
(8) OJ No L 283, 29. 12. 1970, p. 15.

products as last amended by Regulation (EEC) No 2599/74 (1) will apply;

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, open a standing invitation to tender for the export of common wheat held by it.

Article 2

1. The invitation to tender shall relate to a quantity of 150 000 metric tons of common wheat to be exported to the Republic of India.

2. The regions in which the said common wheat is stored are specified in the Annex hereto.

Article 3

1. The places for which a minimum selling price shall be fixed in accordance with Article 5 (7) of Regulation (EEC) No 376/70 shall be as follows: Hamburg, Emden, Unterweserhäfen, Rotterdam, Amsterdam, Antwerp.

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

Tenders shall be understood to relate to common wheat which is either:

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

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

3. Where an export refund or levy is applicable on the day on which tenders are lodged, tenders shall be valid only if 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 there shall be applied those provisions of Regulations (EEC) No 2637/70 and (EEC) No 376/70 applicable in the event of Article 5 (5) of the last-named Regulation being applied; moreover, where Article 5 (3) (a) of Regulation (EEC) No 376/70 applies, proof of arrival at the destination shall be furnished as provided in the second, third and fourth subparagraphs of Article 8 (1) of Regulation No 1041/67/EEC.

4. As regards those quantities of common wheat not stored or supplied as provided in the second subparagraph of paragraph 2, successful tenderers shall be entitled to reimbursement by the German intervention agency in respect of the cost of transport on the most favourable terms from the place of storage to that place of embarkation as the ports specified in paragraph 1 which may be reached at the lowest cost.

Article 4

A tender shall not be valid unless it relates to an amount of not less than 10 000 metric tons.

Article 5

By way of derogation from Article 3 of Regulation (EEC) No 1373/70, the rights arising from export licences issued in connection with this invitation to tender shall not be transferable.

Article 6

The provisions of Article 1 (1) of Regulation (EEC) No 1223/74 shall not apply to licences issued in connection with this invitation to tender.

Article 7

The German intervention agency shall specify in the notice of invitation to tender the dates for the submission of tenders.

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 shall be 18 December 1974.

Article 8

The Commission Decision of 10 July 1974 issuing a standing invitation to tender for the export of 400 000 metric tons of common wheat held by the German intervention agency is repealed.

Article 9

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 30 October 1974.

For the Commission

The President

François-Xavier ORTOLI

(1) OJ No L 277, 12. 10. 1974, p. 32.

ANNEX

Region of storage	Quantities stored (metric tons)
Schleswig-Holstein / Hamburg	4 236
Niedersachsen / Bremen	15 380
Nordrhein-Westfalen	12 434
Hessen	6 241
Rheinland-Pfalz, Baden-Württemberg, Saarland	40 467
Bayern	71 840