REGULATION (EEC) No 1101/73 OF THE COMMISSION

of 26 April 1973

on a standing invitation to tender for the sale for export of white sugar held by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 1009/67/EEC [1] of 18 December 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 174/73 [2], and in particular Articles 10 (3) and 11 (2) thereof;

Whereas, in view of the problems created by the storage of certain quantities of sugar held by the French intervention agency, a standing invitation to tender should be issued for the sale of the said sugar in lots, whereas the sale should be for export;

Whereas the general and detailed rules for the sale of sugar by tender were laid down by Council Regulation (EEC) No 447/68 [3] of 9 April 1968 laying down general rules for intervention buying of sugar, as last amended by Regulation (EEC) No 2274/70 [4], and by Commission Regulation (EEC) No 258/72 [5] of 3 February 1972 laying down detailed rules concerning the sale by tender of sugar by intervention agencies;

Whereas a minimum quantity appropriate to the intended use and ensuring the participation of the greatest possible number of interested parties should be prescribed below which tender shall not be considered;

Whereas the quality of the sugar to be sold falls within the categories specified in Council Regulation (EEC) No 793/72 [6] of 17 April 1972 fixing the standard quality for white sugar and by Commission Regulation (EEC) No 1280/71 [7] of 18 June 1971 laying down detailed rules for the buying-in of sugar by intervention agencies, as amended by Regulation (EEC) No 2417/71 [8];

Whereas it is possible that the quantity of sugar delivered might be lower than the quantity specified in the certificate of award, whereas it is only fair that the French intervention agency should then correct the certificate;

Whereas, in view of the particular situation obtaining on the market in sugar, rules differing from those laid down in Commission Regulation (EEC) No 2637/70 [9] of 23 December 1970 laying down special detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as last amended by Regulation (EEC) No 775/73 [10], should be laid down for the period of validity of export licences issued in connection with the present tendering procedure;

Whereas it is impossible to ensure that sugar which is exported under this invitation to tender will be the sugar which has been sold by the French intervention agency, whereas from then a sugar, for which aid has been granted in the United Kingdom, in accordance with the Commission Regulation (EEC) No 473/73 [11] of 31 January 1973 authorizing the United Kingdom to grant aid as a transitional measure for sugar to be consumed in its territory amended by Regulation (EEC) No 552/73 [12], could be exported instead of the sugar in question; whereas in order to prevent any distortion of competition and any deflection of trade it is necessary to provide that white sugar in free circulation in the United Kingdom may not be exported to third countries under cover of a licence issued under this standing invitation to tender;

Whereas, for purely legal reasons, a number of old regulations on standing invitations to tender by intervention agencies, which are still in force although no longer operative, should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Sugar;

(1) OJ No 308, 18. 12. 1967, p. 1.
(2) OJ No L 25, 30. 1. 1973, p. 1.
(3) OJ No L 91, 12. 4. 1968, p. 5.
(4) OJ No L 246, 12. 11. 1970, p. 3.
(5) OJ No L 31, 4. 2. 1972, p. 22.
(6) OJ No L 94, 21. 4. 1972, p. 1.
(7) OJ No L 133, 19. 6. 1971, p. 34.
(8) OJ No L 250, 11. 11. 1971, p. 30.
(9) OJ No L 283, 28. 12. 1970, p. 15.
(10) OJ No L 74, 22. 3. 1973, p. 11.
(11) OJ No L 53, 26. 2. 1973, p. 59.
(12) OJ No L 54, 27. 2. 1973, p. 21.

HAS ADOPTED THIS REGULATION :

Article 1

1. The French intervention agency shall issue a standing invitation to tender for the sale for export of white sugar which it holds. The tendering procedure shall determine the export refund on the said sugar.

2. Tenders submitted in response to the standing invitation shall relate to quantities of white sugar made up into lots as indicated in the Annex.

Article 2

The standing and partial invitations to tender shall be issued in accordance with the provisions of Regulations (EEC) Nos 447/68 and 258/72, and with the provisions hereunder.

Article 3

The invitation to tender shall remain open until a date to be fixed later.

Article 4

In derogation from Articles 4 (3) and 5 (3) (b) of Regulation (EEC) No 258/72, the period for submission of tenders for the first individual invitation to tender shall expire at 9.30 a.m. on the first Tuesday following publication of the notice of partial invitation to tender in the *Official Journal of the European Communities*.

Article 5

A tender shall not be valid unless it relates :

— to a quantity of at least 1 000 metric tons, or

— to the remaining quantity of a lot, where such quantity is less than 1 000 metric tons, or

— to a lot, where the lot is of less than 1 000 metric tons, as the case may be.

Article 6

The price to be paid by the successful tenderer shall be fixed per 100 kg in respect of each lot, as indicated in the Annex. The price is quoted ex storage depot, goods laden and presented in the manner described in the Annex, as appropriate to the particular lot, but exclusive of internal taxes.

Article 7

1. The French intervention agency shall include in the certificate of award a reservation as to the quantity awarded.

2. Where the quantity delivered by the French intervention agency is lower than that specified in the certificate of award, the certificate shall be amended to exclude the difference found.

3. The successful tenderer shall not be entitled to any other rights by reason of the difference in quantity found under paragraph 2.

Article 8

The French intervention agency shall each week, by displaying notices, publish the quantities sold under this tendering procedure. In addition notices shall be displayed in the Commission headquarters in Brussels, in places set aside for the purpose.

Article 9

1. Article 33a of Regulation (EEC) No 2637/70 shall not apply to white sugar to be exported under this tendering procedure.

2. Export licences issued in connection with an individual invitation to tender shall be valid from the date of issue until 30 September 1973.

Article 10

The white sugar in free circulation in the United Kingdom shall not be exported under cover of an export licence issued under this standing invitation to tender.

Article 11

Regulations (EEC) Nos 822/70 [1], 1652/70 [2], 393/71 [3], 564/71 [4] and 279/72 [5] are repealed.

Article 12

This Regulation shall enter into force on 28 April 1973.

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

Done at Brussels, 26 April 1973.

For the Commission

The President

François-Xavier ORTOLI

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[1] OJ No L 98, 5. 5. 1970, p. 7.
[2] OJ No L 180, 14. 8. 1970, p. 28.
[3] OJ No L 46, 25. 2. 1971, p. 15.
[4] OJ No L 65, 18. 3. 1971, p. 14.
[5] OJ No L 35, 9. 2. 1972, p. 13.

ANNEXE — ANHANG — ALLEGATO — BIJLAGE — ANNEX — BILAG

1 Référence du lot Bezeichnung des Loses Riferimento della partita Referentie-nummer van de partij Reference number of the lot Partiets betegnelse	2 Entreposeur et lieu d'entreposage Lagerhalter und Lagerort Immagazzinatore e luogo di deposito Depothouder ; opslagplaats Storer and storage place Lagerindehaveren og oplageringsstedet	3 Quantité (t) Menge (t) Quantità (t) Hoeveelheid (t) Quantity (t) Mængde (t)	4 Dénomination qualitative Qualitäts-bezeichnung Designazione qualitativa Kwaliteits-aanduiding Quality description Kvalitets-betegnelse	5 Présentation Verpackung Presentazione Verpakking Presentation Præsentation	6 Prix (UC/100 kg) Preis (RE/100 kg) Prezzo (u.c./100 kg) Prijs (R.E./100 kg) Price (u.a./100 kg) Prisen (R.E./100 kg)
A 1	Entrepôts, magasins généraux et transports du Nord-Est à Soissons (02)	1 500	1	Sac jute neuf (100. kg)	24,60
A 2	Entrepôts, magasins généraux et transports du Nord-Est à Soissons (02)	500	1	Sac papier 5 sacs (50 kg)	24,34
A 3	Entrepôts, magasins généraux et transports du Nord-Est à Soissons (02)	460	1	Sac jute neuf (100 kg)	24,60
A 4	Entrepôts, magasins généraux et transports du Nord-Est à Eppeville (80)	1 600	1	Sac jute neuf (100 kg)	24,60
B 1	Entrepôts, magasins généraux et transports du Nord-Est à Soissons (02)	450	2	Sac jute neuf (100 kg)	24,00
B 2	Chambre de commerce et d'industrie de Lille-Roubaix-Tourcoing, Port de Lille à Lille (59)	1 500	2	Sac jute neuf (100 kg)	24,00
B 3	Magasins généraux Clamageran et Cie à Rouen (76)	800	2	Sac jute neuf (100 kg)	24,00
B 4	Société des docks et entrepôts de Cambrai à Cambrai (59)	1 800	2	Sac jute neuf (100 kg)	24,00
B 5	Société des docks et entrepôts de Cambrai à Cambrai (59)	1 500	2	Vrac (1)	23,34
B 6	Société des docks et entrepôts de Cambrai à Cambrai (59)	500	2	Sac jute neuf (100 kg)	24,00
B 7	Société des docks et entrepôts de Cambrai à Cambrai (59)	2 490	2	Sac jute neuf (100 kg)	24,00
B 8	Société des docks et entrepôts de Cambrai à Cambrai (59)	360	2	Vrac (1)	23,34

(1) En fait, le sucre est présenté conditionné en sac jute (100 kg) usagé ; le mode de présentation pour l'enlèvement est à convenir entre l'adjudicataire et l'offrant du sucre à l'intervention.

(1) In Wirklichkeit ist der Zucker in 100-kg-Jutesack, gebraucht, verpackt ; für die Übernahme ist die Verpackungsart zwischen dem Zuschlagsempfänger und demjenigen, der den Zucker zur Intervention angeboten hat, zu vereinbaren.

(1) In realtà, lo zucchero si presenta condizionato in sacco iuta usato da 100 kg ; il modo di presentazione per il ritiro è da convenire tra l'aggiudicatario e l'offerente dello zucchero all'intervento.

(1) In werkelijkheid wordt de suiker aangeboden verpakt in gebruikte jutezak van 100 kg ; de presentatie voor de afname moet worden overeengekomen tussen de koper en de aanbieder van de interventiesuiker.

(1) In fact, the sugar is presented packed in used jute bags of 100 kg ; the type of presentation for removal shall be agreed between the successful tenderer and the offerer of the sugar to the intervention agency.

(1) I virkeligheden befinder sukkeret sig i en brugt jutesæk (100 kg) ; præsentationen for overtagelsen skal ske gennem interventionsorganet mellem tilbudsgiveren og køberen.