REGULATION (EEC) No 1601/73 OF THE COMMISSION

of 15 June 1973

concerning the sale by tender 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 Article 10 (3) and Article 38 thereof;

Whereas, in view of the problems arising in connection with the stocking of certain quantities of sugar held by the French intervention agency and having regard to availabilities existing on the internal Community market, it is desirable to issue an invitation to tender for the purchase by lots of that sugar over a period of time;

Whereas the sugar for which tenders are to be invited is stored under storage contracts concluded for fixed periods; whereas the French intervention agency may thus be obliged move certain quantities of sugar rapidly to other places of storage if it has not been sold in time; whereas that agency should therefore be permitted to withdraw from the tendering procedure the quantities of sugar concerned;

Whereas general and detailed rules for the sale of sugar by tender were adopted in 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 Community 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 for which tenders may be submitted should be fixed at such level as will enable the largest possible number of tenderers to take part;

Whereas the sugar put up for sale will be of the standard quality defined in Council Regulation (EEC) No 793/72 [6] of 17 April 1972 fixing the standard quality for white sugar; whereas the minimum price for sugar is fixed per 100 kg on the basis of the intervention price operative at the time when the sugar is put up for sale and represents the price ex-storage depot, for goods laden for transport and presented in the appropriate manner as described in Article 17 of 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], but exclusive of internal taxes;

Whereas it is not impossible that the quantity of sugar delivered following an award of contract may be less than that mentioned in the communication as to the award; whereas it is proper that in such case the French intervention agency should correct the communication;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The French intervention agency shall issue an invitation to tender for the sale of white sugar held by it.

2. The invitation to tender shall relate to the selling price. The quantity of sugar to be sold shall be of standard quality, divided into lots as specified in the Annexes to this Regulation made up as follows:

(a) 16 250 metric tons in Annex I;

(b) 37 460 metric tons in Annex II.

3. The lots specified:

(a) in Annex I shall be put up for sale upon publication of the Notice of the invitation to tender in the *Official Journal of the European Communities*;

(b) in Annex II shall be put up for sale from 1 July 1973.

4. The French intervention agency shall have the right to withdraw quantities of sugar from the tendering procedure if it is obliged to move them to another place of storage.

Article 2

The tendering procedure shall be in accordance with the relevant provisions of Regulation (EEC) No 447/68 and of Regulation (EEC) No 258/72 and with the provisions set out below.

Article 3

In derogation from Article 4 (3) of Regulation (EEC) No 258/72, publication of the Notice of invitation to

(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.

tender in the *Official Journal of the European Communities* shall take place at least two days before the expiry of the period stipulated in Article 4 (1) (a) of this Regulation.

Article 4

1. The period during which tenders may be submitted for :

(a) the lots in Annex I shall begin on the day on which the Notice of the invitation to tender is published in the *Official Journal of the European Communities* and shall end at 9.30 a.m. on Wednesday, 20 June 1973 ;

(b) the lots in Annex II shall begin on 1 July 1973 and shall end at 9.30 a.m. on Wednesday, 4 July 1973.

2. If on expiry of the time limits set in paragraph 1 contracts have not been awarded for all the quantities specified in Article 1 (2), the French intervention agency shall, in respect of the remaining quantities, issue further invitations to tender until those quantities are exhausted.

3. For the purposes of applying paragraph 2, the period for submission of tenders in response to the second or subsequent invitations to tender :

(a) shall run from the first working day following the end of the immediately preceding period and,

(b) shall expire on the Wednesday of the following week at 9.30 a.m.

However, the period for the submission of tenders which is otherwise due to expire on Wednesday, 15 August 1973 shall expire at 9.30 a.m. on Tuesday, 14 August 1973.

Article 5

A tender shall be valid only if it relates :

— to a quantity of at least 250 metric tons, or

— if the remaining quantity in a lot is less than 250 metric tons, to that remaining quantity,

as the case may be.

Article 6

The minimum price per 100 kilogrammes of white sugar is fixed as shown in respect of each lot in Annexes I and II.

That price is quoted ex-storage depot, goods laden for transport and presented in the manner appropriate to the particular lot, but exclusive of internal taxes.

2. The minimum prices for the sugar of lots or parts of lots in Annex I which have not been sold by 1 July 1973 shall be increased by 0·23 units of account per 100 kilogrammes as from that date.

Article 7

Immediately following each award of contracts, the quantities awarded and the quantities remaining shall be communicated to the Commission.

The quantities, if any, withdrawn from the tendering procedure shall be communicated to the Commission without delay.

Article 8

1. The French intervention agency shall, in the communication indicating the award of contract, make a reservation concerning the quantity awarded.

2. If the quantity supplied by the French intervention agency is lower than the quantity mentioned in the communication as to the award, the communication shall be corrected to exclude the difference.

3. The sucessful tenderer concerned shall not be entitled to exercise any other rights in relation to the deficiency referred to in paragraph 2.

Article 9

1. If any quantities are withdrawn, as provided for in Article 1 (4) the French intervention agency shall by means of notices announce what quantities are involved, at the latest on the first day of the period for submission of tenders in response to the first invitation to which the withdrawal applies.

2. In the case referred to in Article 4 (2) the French intervention agency shall, on each occasion that contracts are awarded, announce by means of notices the quantities in respect of which contracts have been awarded and the quantities, if any, still remaining.

3. The notices referred to in paragraphs 1 and 2 shall also be posted at the appropriate premises of the Commission in Brussels.

Article 10

This Regulation shall enter into force on 15 June 1973.

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

Done at Brussels, 15 June 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEXE I — ANHANG I — ALLEGATO I — BIJLAGE I — ANNEX I — BILAG I

1	2	3	4	5	6
Référence du lot **Bezeichnung des Loses** **Riferimento della partita** **Referentie-nummer van de partij** **Reference number of the lot** **Partiets betegnelse**	Entreposeur et lieu d'entreposage Lagerhalter und Lagerort Immagazzinatore e luogo di deposito Depothouder ; opslagplaats Storer and storage place Lagerindehaver og oplagringsstedet	Quantité (t) Menge (t) Quantità (t) Hoeveelheid (t) Quantity (t) Mængde (t)	Dénomination qualitative Qualitäts-bezeichnung Designazione qualitativa Kwaliteits-aanduiding Quality description Kvalitets-betegnelse	Présentation Verpackung Presentazione Verpakking Packing Præsentation	**Prix (UC/100 kg)** **Preis (RE/100 kg)** **Prezzo (u.c./100 kg)** **Prijs (R.E./100 kg)** **Price (u.a./100 kg)** **Prisen (RE/100 kg)**
B I	Sucrerie de Saint-Germainmont (08)	3 000	2	Sac jute neuf (100 kg)	24,05
B 2	Sucrerie de Monchy-Humières (60)	5 000	2	Sac jute neuf (100 kg)	24,05
B 3	Magasins généraux Clamageran et Cie à Rouen (76)	1 000	2	Sac jute neuf (100 kg)	24,05
B 4	SAFBA à Fontaine-le-Dun (76)	1 300	2	Sac papier 5 sacs (50 kg)	23,79
B 5	Magasins généraux Clamageran et Cie à Rouen (76)	3 000	2	Sac papier 5 sacs (50 kg)	23,79
B 6	Magasins généraux Clamageran et Cie à Rouen (76)	2 950	2	Sac papier 5 sacs (50 kg)	23,79

ANNEXE II — ANHANG II — ALLEGATO II — BIJLAGE II — ANNEX II — BILAG II

1	2	3	4	5	6
Référence du lot Bezeichnung des Loses Riferimento della partita Referentie-nummer van de partij Reference number of the lot Partiets betegnelse	Entreposeur et lieu d'entreposage Lagerhalter und Lagerort Immagazzinatore e luogo di deposito Depothouder ; opslagplaats Storer and storage place Lagerindehaver og oplagringsstedet	Quantité (t) Menge (t) Quantità (t) Hoeveelheid (t) Quantity (t) Mængde (t)	Dénomination qualitative Qualitäts-bezeichnung Designazione qualitativa Kwaliteits-aanduiding Quality description Kvalitets-betegnelse	Présentation Verpackung Presentazione Verpakking Packing Præsentation	Prix (UC/100 kg) Preis (RE/100 kg) Prezzo (u.c./100 kg) Prijs (R.E./100 kg) Price (u.a./100 kg) Prisen (RE/100 kg)
B 7	Sucrerie de Saint-Germainmont (08)	1 000	2	Vrac	23,62
B 8	Sté Vermandoise de sucreries à Beauchamps (80)	5 000	2	Vrac	23,62
B 9	Sucrerie de Vic-sur-Aisne (02)	8 000	2	Vrac	23,62
B 10	Sucrerie de Berneuil-sur-Aisne (02)	4 000	2	Vrac	23,62
B 11	Sucrerie de Solesmes (59)	4 000	2	Vrac	23,62
B 12	Sucrerie d'Iwuy (59)	2 500	2	Vrac (1)	23,62
B 13	Sucrerie de Lillers (62)	6 000	2	Vrac	23,62
B 14	Magasins généraux du Nord-Est à Eppeville (80)	3 600	2	Vrac (1)	23,62
B 15	Magasins généraux du Nord-Est à Eppeville (80)	660	2	Vrac (1)	23,62
B 16	Magasins généraux de Cambrai (59)	300	2	Vrac (1)	23,62
B 17	Magasins généraux Clamageran et Cie à Rouen (76)	1 000	2	Vrac (1)	23,62
B 18	Magasins généraux Clamageran et Cie à Rouen (76)	1 400	2	Vrac (1)	23,62

(1) En fait, le sucre est présenté conditionné en sac de jute neuf de 100 kg poche polyéthylène ; 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 neuem Jutesack mit einer Polyäthyleneinlage 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 di juta nuovo 100 kg con rivestimento in polietilene ; 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 nieuwe jutezak 100 kg met een binnenzak van polyethyleen ; 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 new jute bag of 100 kg with lining of polyethylene ; the type of presentation for removal shall be agreed between the successful tenderer and the sugar to the intervention agency.

(1) I virkeligheden befinder sukkeret sig i en ny jutesæk af 100 kg med et lag of polyæthylen ; præsentation for overtagelsen skal ske gennen interventionsorganet mellem tilbudsgiveren og køberen.