REGULATION (EEC) No 1977/73 OF THE COMMISSION

of 20 July 1973

on a standing invitation to tender for the sale for export of white sugar held by the German 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 1014/73 [2], and in particular Article 10 (3) and Article 11 (2) thereof;

Whereas, it is desirable to issue an invitation to tender for the purchase by lots of sugar held by the German intervention agency, whereas the sale should be for export;

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 category 1 defined in Council Regulation (EEC) No 1280/71 [6] 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 [7];

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 German intervention agency should correct the communication;

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 [8] 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 1570/73 [9], 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 German intervention agency; whereas from then a sugar, for which aid has been granted in the United Kingdom, in accordance with Commission Regulation (EEC) No 473/73 [10] 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 [11], 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 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 German 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.

(1) OJ No 308, 18. 12. 1967, p. 1.
(2) OJ No L 106, 20. 4. 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 133, 19. 6. 1971, p. 34.
(7) OJ No L 250, 11. 11. 1971, p. 30.
(8) OJ No L 283, 29. 12. 1970, p. 15.
(9) OJ No L 157, 14. 6. 1973, p. 17.
(10) OJ No L 53, 26. 2. 1973, p. 59.
(11) OJ No L 54, 27. 2. 1973, p. 21.

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

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

Article 4

1. In derogation from Articles 4 (3) and 5 (3) (b) of Regulation (EEC) No 258/72, publication of the Notice of invitation to tender in the *Official Journal of the European Communities* shall take place at least two days before expiry of the period for submission of tenders for the first individual invitation to tender.

2. In derogation from Article 5 (4) (b) of Regulation (EEC) No 258/72 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 500 metric tons, or if the remaining quantity in a lot is less than 500 metric tons, to that remaining quantity.

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

2. Where the quantity delivered by the German 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 German 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 33 (a) 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

This Regulation shall enter into force on 23 July 1973.

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

Done at Brussels, 20 July 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

1	2	3	4	5	6
Reference number of the lot	'Land', storer and storage place	Quantity (t)	Quality description	Packing	Price (u.a./100 kg)
A 1	NORDRHEIN-WESTFALEN RHENUS AG Düsseldorf Hafen Kaistraße 4-6	1 000	1	Jutesäcke mit Polyäthylen (50 kg)	25·05
A 2	NORDRHEIN-WESTFALEN RHENUS AG Düsseldorf Hafen Kaistraße 4-6	500	1	Jutesäcke mit Polyäthylen (50 kg)	25·05