REGULATION (EEC) No 2711/73 OF THE COMMISSION

of 4 October 1973

on the opening of a standing invitation to tender for the purpose of determining denaturing premiums for white sugar for feeding to bees

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty (1) concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972;

Having regard to Council Regulation No 1009/67/EEC (2) of 18 December 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 1928/73 (3), and in particular Article 9 (8) thereof;

Having regard to Council Regulation (EEC) No 241/73 (4) of 31 January 1973 laying down general rules for the system of compensatory amounts for sugar following the Accession of new Member States to the Community, as amended by Regulation (EEC) No 1638/73 (5), and in particular Article 4 thereof;

Whereas Article 9 (2) of Regulation No 1009/67/EEC allows intervention agencies to grant denaturing premiums for sugar rendered unfit for human consumption; whereas Article 2 of Council Regulation (EEC) No 2049/69 (6) of 17 October 1969 laying down general rules on the denaturing of sugar for animal feed, as last amended by Regulation (EEC) No 1640/73 (7), provides that denaturing premiums shall be fixed, for example, as the result of an invitation to tender only if total sugar surpluses available for denaturing in the Community and the economic aspects of the proposed denaturing justify it;

Whereas the supply balance sheet for the 1972/73 marketing year and the outlook for the 1973/74 marketing year would permit a certain amount of white sugar being made available for denaturing; whereas, in apiculture, sugar is the only feedingstuff for which there is no substitute; whereas it is therefore necessary to use the quantity of sugar available for feeding to bees, and to take various appropriate measures to ensure that it is so used;

Whereas an invitation to tender, which ensures equality of access and treatment to all persons concerned, would seem to be the most appropriate procedure for determining denaturing premiums which relate closely to the market situation, and at the same time the only one capable of ensuring that the quantities of sugar denatured do not exceed the actual requirements of apiculture;

Whereas the general principles and detailed rules for fixing denaturing premiums were laid down in Regulation (EEC) No 2049/69 and Commission Regulation (EEC) No 100/72 (8) of 14 January 1972 laying down detailed rules on the denaturing of sugar for animal feed, as last amended by Regulation (EEC) No 2847/72 (9);

Whereas a minimum quantity per tender should be laid down to enable the greatest possible number of interested parties to reply to the invitation to tender, while enabling the competent authorities to carry out the necessary checks;

Whereas Article 4 (3) of Regulation (EEC) No 2049/69 provides that where the terms of the invitation to tender do not specify a maximum amount for the denaturing premium for white sugar, this shall be fixed following examination of the tenders submitted and taking into account, in particular, the intervention price for white sugar in the Community area with the largest surplus; whereas for the 1973/74 sugar marketing year the prices fixed for white sugar for all regions of Ireland and the United Kingdom are lower than those fixed for the Community as originally constituted and for Denmark; whereas it is therefore necessary for the said premiums to be paid in each of the regions of Ireland and the United Kingdom net of the appropriate accession compensatory amount fixed for white sugar for the 1973/74 sugar marketing year by Commission Regulation (EEC) No 1756/73 (10) of 29 June 1973 fixing accession compensatory amounts for the 1973/74 sugar marketing year;

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

(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No 308, 18. 12. 1967, p. 1.
(3) OJ No L 199, 19. 7. 1973, p. 7.
(4) OJ No L 29, 1. 2. 1973, p. 19.
(5) OJ No L 165, 22. 6. 1973, p. 4.
(6) OJ No L 263, 21. 10. 1969, p. 1.
(7) OJ No L 165, 22. 6. 1973, p. 6.
(8) OJ No L 12, 15. 1. 1972, p. 15.
(9) OJ No L 299, 31. 12. 1972, p. 4.
(10) OJ No L 176, 30. 6. 1973, p. 75.

HAS ADOPTED THIS REGULATION :

Article 1

1. Member States shall issue a standing invitation to tender for the purpose of determining the denaturing premiums for white sugar for animal feed.

2. The white sugar in respect of which a denaturing premium is awarded as the result of an invitation to tender as provided for in paragraph 1 shall be used for the feeding of bees. It shall be denatured by one of the processes listed in II. 3 of the Annex to Regulation (EEC) No 100/72.

3. Member States shall take all measures they consider appropriate to ensure that the denatured sugar is used for the purpose intended. When the denatured sugar is forwarded from one Member State to another Member State the importer shall send to the competent agency of the importing Member State a declaration whereby he undertakes to put the white sugar in question to the use specified in paragraph 2.

Article 2

The standing invitation to tender and the partial invitations shall be organized in accordance with the relevant provisions of Regulations (EEC) No 2049/69 and (EEC) No 100/72, and in accordance with the following provisions of this Regulation.

Article 3

The standing invitation to tender shall remain valid until a date to be determined at a later stage.

Article 4

1. A tender shall be valid only if it relates to a quantity of not less than 10 metric tons of white sugar.

2. A tender must include a declaration by the tenderer whereby he undertakes, should his tender be successful, to put the white sugar in question to the use specified in Article 1 (2).

Article 5

A maximum quantity for which denaturing premiums may be awarded may be fixed after the tenders in response to each of the partial invitations have been examined.

Article 6

1. The denaturing premium certificate issued pursuant to an award under a partial invitation to tender shall indicate the reference number of the invitation, the use to which the sugar is to be put and the denaturing process used.

In the case of Ireland and the United Kingdom, the certificate shall indicate the amount of the denaturing premium granted under Article 7.

2. By way of derogation from Article 16 (1) of Regulation (EEC) No 100/72, denaturing premium certificates issued pursuant to an award under a partial invitation to tender shall be valid only until 30 September 1974.

Article 7

In the case of Ireland and the United Kingdom, denaturing premiums awarded under a partial invitation to tender shall be paid net of the compensatory amount for white sugar fixed in Regulation (EEC) No 1756/73 in respect of trade between each of those Member States and the Community as originally constituted and Denmark.

Article 8

This Regulation shall enter into force on 5 October 1973.

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

Done at Brussels, 4 October 1973.

For the Commission

The President

François-Xavier ORTOLI