REGULATION (EEC) No 622/73 OF THE COMMISSION

of 1 March 1973

on the opening by the new Member States 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, and in particular Article 63 (1) of the Act (2) annexed thereto, hereinafter called 'the Act' ;

Having regard to Council Regulation No 1009/67/EEC (3) of 18 December 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 174/73 (4), and in particular Article 9 (8) thereof ;

Whereas denaturing premiums for white sugar have been granted for a certain period in respect of certain users in the Community as originally constituted, and whereas the users in question have been issued with denaturing premium certificates valid until 30 September 1973 ; whereas, in view of existing requirements, similar users in the new Member States should therefore also be eligible to receive a denaturing premium ; whereas the tendering system, which ensures equality of access and treatment to all presons 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 sugar is used for a particular purpose, namely feeding to bees ;

Whereas the general principles and detailed rules of the tender procedure for determining denaturing premiums for sugar for animal feed were laid down in Council Regulation (EEC) No 2049/69 (5) of 17 October 1969 laying down general rules on the denaturing of sugar for animal feed, as amended by Regulation (EEC) No 2863/71 (6), and in Commission Regulation (EEC) No 100/72 (7) 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 (8) ;

Whereas it is essential, in view of the use to which the sugar is to be put, to limit in accordance with the needs of the Member States concerned the quantity of sugar in respect of which denaturing premiums may be granted under the standing tender procedure and to provide that the total amounts tendered for by any one tenderer may not exceed the quantity necessary to the Member State in which the tenders are made ;

Whereas only the sugar requirements for feeding bees in the various Member States concerned should be catered for ; whereas it is accordingly necessary to ensure that sugar is actually denatured in the Member State issuing the certificate and hence to provide that the denaturing premium certificates issued in the Community as originally constituted, pursuant to Commission Regulation (EEC) No 1574/72 (9) of 24 July 1972 fixing the denaturing premium for white sugar intended for animal feed, as amended by Regulation (EEC) No 2351/72 (10), may not be used by way of substitution in the new Member States ;

Whereas denaturing premiums are calculated on the basis of the prices fixed for the sugar in question for Denmark, Ireland and the United Kingdom ; whereas some of these prices are lower than the prices fixed for the Community as originally constituted ; whereas it is therefore necessary to provide that denaturing premiums awarded be paid net of any compensatory amount fixed pursuant to Article 55 of the Act in respect of the new Member State concerned ;

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 L 73, 27. 3. 1972, p. 14.
(3) OJ No 308, 18. 12. 1967, p. 1.
(4) OJ No L 25, 30. 1. 1973, p. 1.
(5) OJ No L 263, 21. 10. 1969, p. 1.
(6) OJ No L 288, 31. 12. 1971, p. 1.
(7) OJ No L 12, 15. 1. 1972, p. 15.
(8) OJ No L 299, 31. 12. 1972, p. 4.
(9) OJ No L 167, 25. 7. 1972, p. 18.
(10) OJ No L 253, 9. 11. 1972, p. 11.

HAS ADOPTED THIS REGULATION :

Article 1

1. Denmark, Ireland and the United Kingdom shall each issue a standing invitation to tender for the purpose of determining the denaturing premiums for white sugar for animal feed.

2. All white sugar in respect of which a denaturing premium is awarded under a tender procedure as provided for in paragraph 1 shall be used for the feeding of bees.

3. The maximum quantity of white sugar for which denaturing premiums may be awarded under a standing tender procedure shall be 4 350 metric tons, apportioned as follows :

(a) for Denmark 1 200 metric tons ;

(b) for Ireland 150 metric tons ;

(c) for the United Kingdom 3 000 metric tons.

Article 2

The standing invitation to tender and the partial invitation 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. The total quantity tendered for by a single tenderer in any one of the Member States specified in Article 1 (1) under a partial invitation to tender may not exceed the maximum laid down in paragraph 3 of that Article for the Member State concerned or, where appropriate, the proportion of that maximum in respect of which denaturing premiums have not yet been awarded.

3. 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

1. The denaturing premium certificate issued pursuant to an award under a partial invitation to tender shall indicate the use to which the sugar is to be put, the denaturing premium granted, net of any deduction under Article 6.

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 1973.

3. Article 20 of Regulation (EEC) No 100/72 shall not apply in the Member States specified in Article 1 (1) to denaturing premium certificates issued pursuant :

— to an award under a partial invitation to tender, or,

— to Regulation (EEC) No 1574/72.

Article 6

Denaturing premiums awarded under a partial invitation to tender shall be paid net of any compensatory amount fixed pursuant to Article 55 of the Act in respect of trade between the new Member State concerned and the Community as originally constituted.

Article 7

This Regulation shall enter into force on 3 March 1973.

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

Done at Brussels, 1 March 1973.

For the Commission

The President

François-Xavier ORTOLI