REGULATION (EEC) No 3037/74 OF THE COMMISSION

of 2 December 1974

on an invitation to tender for the export levy for husked long grain rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 359/67/EEC [1] of 25 July 1967 on the common organization of the market in rice, as last amended by Regulation (EEC) No 1129/74 [2];

Having regard to Council Regulation (EEC) No 2737/73 [3] of 8 October 1973 laying down general rules to be applied in the event of the rice market being disturbed, and in particular Article 4 (2) thereof;

Whereas, having regard to the current situation on the rice market, an invitation to tender for the export levy provided for in the first indent of Article 2 (1) of Regulation (EEC) No 2737/73 should be opened in respect of husked long grain rice;

Whereas the detailed rules relating to the organization of the invitations to tender for the purpose of fixing the export levy are contained in Commission Regulation (EEC) No 3197/73 [4] of 23 November 1973 establishing the conditions for the application of the system of tendering for export levies of rice;

Whereas the objective of the invitation to tender can be attained only if the successful tenderer fulfils all the commitments entered into by him when submitting his tender; whereas these commitments include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to give security when submitting their tenders; whereas it follows that such security will not be released where no such application is lodged;

Whereas provision must be made to ensure the smooth operation of the procedure for tendering for export levies; whereas to this end it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders lodged with the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export levy provided for in the first indent of Article 2 (1) of Council Regulation (EEC) No 2737/73.

2. The invitation to tender shall relate to husked long grain rice.

3. The invitation shall remain open until 31 January 1975. During this period weekly awards shall be made, the time limits for the submission of tenders being as prescribed in the notice of invitation to tender.

4. By way of derogation from Article 1 (2) of Regulation (EEC) No 3197/73, the period required between publication of the notice of invitation to tender and the first closing date for the submission of tenders shall be eight days.

Article 2

A tender shall be valid only if it relates to an amount of not less than 20 metric tons.

Article 3

If a tenderer fails to comply with the undertaking given by him pursuant to Article 2 (3) (b) of Regulation (EEC) No 3197/73, no export licence shall be issued and the security provided pursuant to Article 3 of that Regulation shall accordingly be forfeit.

Article 4

1. Where the obligation to export has not been fulfilled, the security mentioned in Article 3 (1) of Regulation (EEC) No 3197/73 shall be forfeit in respect of a quantity equal to the difference between:

(a) 93 % of the net quantity indicated on the export licence, and

(b) the net quantity actually exported.

(1) OJ No 174, 31. 7. 1967, p. 1.
(2) OJ No L 128, 29. 4. 1974, p. 20.
(3) OJ No L 282, 9. 10. 1973, p. 13.
(4) OJ No L 326, 27. 11. 1973, p. 10.

2. However, if the quantity exported is equal to or less than 7 % of the net quantity indicated on the licence, the security shall be forfeit in its entirety.

3. On request by the titular holder of the licence, Member States may release the security by instalments in proportion to the quantities of product in respect of which proof of export as required under Article 7 (1) of Regulation (EEC) No 3197/73 has been furnished, provided that such proof establishes that a quantity equal to at least 7 % of the net quantity indicated on the licence has been exported.

Article 5

The tenders lodged must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly lodging of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

Where no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 6

During the period in which Summer Time applies in Italy, the deadlines for the receipt of tenders shall be regarded in that Member State as extended by one hour. During the period during which Summer Time does not apply in the United Kingdom and in Ireland the deadlines for the receipt of tenders shall be regarded in those Member States as brought forward by one hour.

Article 7

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 2 December 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Weekly tender for the export levy for milled long grain rice

Notice of invitation to tender published in Official Journal No .....

Closing date for submission of tenders (date/time).

1	2	3
Numbering of tenders	Quantity in metric tons	Amount of export levy in national currency per metric ton
1		
2		
3		
4		
5		
etc.		