REGULATION (EEC) No 3220/74 OF THE COMMISSION

of 20 December 1974

on an invitation to tender for the levy for the export of common wheat to the Republic of India

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1996/74 [2];

Having regard to Council Regulation (EEC) No 1968/73 [3] of 19 July 1973 laying down general rules to be applied in the event of the cereals market being disturbed, as last amended by Regulation (EEC) No 676/74 [4], and in particular Article 4 thereof;

Whereas the world market in common wheat is characterized by a continuing rise in prices; whereas this rise is due in particular to a growing imbalance between supply and demand; whereas the supply of certain markets is especially threatened in consequence; whereas with a view to improving this situation there should be issued in respect of common wheat an invitation to tender for the export levy provided for in the first indent of Article 2 (1) of Regulation (EEC) No 1968/73, such invitation to be limited so as to apply only in respect of the Republic of India;

Whereas the detailed rules relating to the organization of invitations to tender for the purpose of fixing the export levy are contained in Commission Regulation (EEC) No 3130/73 [5] of 16 November 1973 establishing the conditions for the application of the system of tendering for export levies for cereals;

Whereas the objective of the invitation to tender can be attained only if a 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 and to export to the prescribed destination; whereas compliance with these obligations may be ensured by requiring tenderers to give security when submitting their tenders;

Whereas, in order to ensure equal treatment to all concerned, it is necessary to make provision such that the effective period of validity of licences issued to successful tenderers in connection with the invitation to tender is identical;

Whereas the purpose of fixing an export levy by means of a tendering procedure is to permit better management of the market; whereas this objective could be jeopardized if the period of validity for export licences were too short; whereas use should therefore be made of the powers provided under the second subparagraph of Article 1 (1) of Regulation (EEC) No 3130/73 to fix a special period of validity for licences issued in connection with the invitation to tender;

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 and to provide that rights in respect of licences issued in connection with the invitation to tender should not be transferable;

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 1968/73.

2. The invitation to tender shall relate to common wheat for export to the Republic of India.

3. The invitation shall remain open until 13 February 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.

Article 2

A tender shall be valid only if it relates to an amount of not less than 10 000 metric tons.

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 209, 31. 7. 1974, p. 1.
(3) OJ No L 201, 21. 7. 1973, p. 10.
(4) OJ No L 83, 28. 3. 1974, p. 3.
(5) OJ No L 319, 20. 11. 1973, p. 10.

Article 3

1. By way of derogation from the second subparagraph of Article 3 (1) of Regulation (EEC) No 3130/73, the security to be provided in connection with the invitation to tender pursuant to this Regulation shall be equal to 50 % of the export levy proposed by the tenderer concerned and may in any event not be less than 25 units of account per metric ton.

2. By way of derogation from the provisions of Article 7 (1) of Regulation (EEC) No 3130/73, the security provided for in paragraph 1 shall, subject to *force majeure,* be released only in respect of any quantity for which the tender was not accepted or for which the tenderer furnishes proof of arrival at its destination, such proof to be furnished as provided in the second, third and fourth subparagraph of Article 8 (1) of Regulation No 1041/67/EEC.

The security shall be released immediately.

Article 4

The application for a licence and the licence itself shall bear in box 13 the following words : 'Republic of India'. Every licence shall carry with it an obligation to export to that destination.

Article 5

If a tenderer fails to comply with the undertaking given by him pursuant to Article 2 (3) (b) of Regulation (EEC) No 3130/73, no export licence shall be issued and the security provided pursuant to Article 3 of that Regulation shall accordingly be forfeit.

Article 6

1. By way of derogation from the provisions of Article 8 (1) of Regulation (EEC) No 1373/70 [1], export licences issued under Article 8 (1) of Regulation (EEC) No 3130/73 shall for the purpose of determining their period of validity be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in the previous paragraph, until the end of the fifth month following that of issue.

Article 7

1. Where the obligation to export to the prescribed destination has not been fulfilled, the security mentioned in Article 3 (1) shall be forfeit in respect of a quantity equal to the difference between 93 % of the net quantity indicated on the export licence and the net quantity actually exported.

2. However, if the quantity exported is 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 for which proof as referred to in Article 3 (2) 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 to the destination in question.

Article 8

In accordance with Article 8 (2) of Regulation (EEC) No 3130/73, rights in respect of export licences issued in connection with the invitation to tender pursuant to this Regulation shall not be transferable.

Article 9

The tenders submitted 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 submission of tenders as specified in the notice of the invitation to tender. They must be communicated in the form indicated in the Annex hereto.

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

Article 10

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

Article 11

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

[1] OJ No L 158, 20. 7. 1970, p. 1.

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

Done at Brussels, 20 December 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Weekly tender for the levy for the export of common wheat to India

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.		