REGULATION (EEC) No 441/74 OF THE COMMISSION

of 20 February 1974

on an invitation to tender for the sale for export of hindquarters of beef and veal 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 (EEC) No 805/68 (1) of 27 June 1968 on the common organization of the market in beef and veal, as last amended by Regulation (EEC) No 187/73 (2), and in particular Article 7 (3) thereof;

Whereas the possibility of permanent intervention has led to the build-up of certain stocks particularly in Germany; it is therefore necessary to arrange for the sale of these stocks in order to free the cold stores;

Whereas in the present market situation which is characterized by relatively low and unstable prices, it is not desirable to distribute the meat on the Community market, therefore it is necessary to link the sale to an obligation to export the goods;

Whereas under these conditions the release from storage can be made according to Article 1 (2) (a) of Council Regulation (EEC) No 98/69 (3) of 16 January 1969, laying down general rules for the disposal of frozen beef and veal bought-in by the intervention agencies;

Whereas for this purpose it appears necessary to make arrangement for sale by tender in order to allow the release from storage in the most economical conditions as laid down in Commission Regulation (EEC) No 216/69 (4) of 4 February 1969 on detailed rules for the disposal of frozen beef and veal bought-in by the intervention agencies; whereas there is cause to make provision, in these circumstances, for a deposit of an amount covering, besides the amount fixed in Article 10 of Regulation (EEC) No 216/69, the refund applicable to the meat in question, in order to ensure its export;

Whereas, however, *force majeure* as defined by the Court of Justice of the European Communities in cases 4-68 (5) and 11-70 (6) may occur during the release from storage and export; therefore in this case the intervention agencies are allowed to take the necessary measures;

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

HAS ADOPTED THIS REGULATION:

Article 1

Hindquarters of beef and veal bought-in by the German intervention agency under Article 6 (1) of Regulation (EEC) No 805/68, shall be sold.

Article 2

The sale shall take place by tendering procedure as provided for by Regulation (EEC) No 216/69, and in particular Articles 6 to 14 thereof, and by this Regulation.

Article 3

A tender shall not be valid unless accompanied by a written statement in which the tenderer undertakes to take out and to export the meat within eight weeks of the day on which he is informed that his tender has been accepted.

Article 4

1. By way of derogation from Article 10 (1) of Regulation (EEC) No 216/69, the deposit shall be 52 units of account per 100 kg of the product.

2. In addition to the circumstances specified in Article 14 (2) of Regulation (EEC) No 216/69, the deposit shall be forfeit in respect of any quantities of meat in respect of which the successful tenderer does not provide proof of importation into a third country.

3. Proof of importation into a third country shall be provided in the same way as for the purposes of export refunds.

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 25, 30. 1. 1973, p. 23.
(3) OJ No L 14, 21. 1. 1969, p. 2.
(4) OJ No L 28, 5. 2. 1969, p. 10.
(5) Case-book 1968, 549.
(6) Case-book 1970, 1125.

Article 5

No refund shall be granted in respect of meat exported pursuant to this Regulation.

Article 6

In case of *force majeure,* the intervention agencies shall adopt the measures which appear warranted by the circumstances invoked.

The intervention agencies shall inform the Commission of each case of *force majeure* and of the measures taken in respect of it.

Article 7

This Regulation shall enter into force on 25 February 1974.

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

Done at Brussels, 20 February 1974.

For the Commission

The President

François-Xavier ORTOLI