REGULATION (EEC) No 603/74 OF THE COMMISSION

of 15 March 1974

on an invitation to tender for the levy for export of common wheat to certain third countries

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 1346/73 [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 amended by Regulation (EEC) No 2632/73 [4], and in particular Article 4 thereof;

Whereas the world market in common wheat is characterized by a continuing increase in prices; whereas this increase is due in particular to a growing imbalance between the quantity on offer and the demand; whereas, as a result of this, the supply of certain traditional export markets of the Community is threatened; whereas, with the aim of improving this situation, an invitation should be issued, for common wheat, to tender for the export levy provided for in Article 2 (1), first indent, of Regulation (EEC) No 1968/73 and this should be limited to the markets concerned which are situated in the Zone I provided for in the Annex to Commission Regulation (EEC) No 941/72 [5] of 5 May 1972, redefining the destination zones for export refunds on cereals and rice;

Whereas the detailed rules relating to the tendering procedure to fix the export levy are contained in Commission Regulation (EEC) No 3130/73 [6], 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 tendering procedure can be attained only if a successful tenderer fulfils all the commitments entered into at the moment of lodging his tender; whereas among these commitments is the obligation to lodge an application for an export licence; whereas the security for tender exacted when the tender is lodged can ensure that this obligation is respected;

Whereas, in order to ensure equal treatment to all interested parties, it is necessary to provide that the effective period of validity of licences issued under the tendering procedure to successful tenderers will be identical;

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

Whereas the smooth working of a procedure for tendering for export levies must be ensured; whereas to this end it is appropriate to prescribe a minimum quantity as well as the period during which tenders can be lodged and the form of 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. An invitation to tender shall be issued for the export levy provided for in Article 2 (1), first indent, of Council Regulation (EEC) No 1968/73.

2. The invitation shall relate to common wheat for export to countries of the Zone I provided for in the Annex to Regulation (EEC) No 941/72.

3. The invitation is open until 31 May 1974. During this period weekly invitations shall be issued for which the time limits for lodging of tenders shall be laid down in the notice of the tender.

4. By way of derogation from Article 1 (2) of Regulation (EEC) No 3130/73, the period which is required between publication of the notice of tender and the first date fixed for the deposit of tenders shall be 10 days.

(1) OJ No 117, 19. 6. 1967, p. 2269/67.
(2) OJ No L 141, 28. 5. 1973, p. 8.
(3) OJ No L 201, 21. 7. 1973, p. 10.
(4) OJ No L 272, 29. 9. 1973, p. 18.
(5) OJ No L 107, 6. 5. 1972, p. 10.
(6) OJ No L 319, 20. 11. 1973, p. 10.

Article 2

A tender shall be valid only if it relates to an amount of not less than 250 metric tons.

Article 3

1. By way of derogation from the provisions of Article 3 (1) second subparagraph of Regulation (EEC) 3130/73, the security to be lodged under this invitation to tender must be equal to 50 % of the export levy proposed by the tenderer concerned and may not be less than 15 units of account per metric ton.

2. By way of derogation from the provisions of Article 7 (1) of Regulation (EEC) No 3130/73 and except in cases of *force majeure,* the security provided for in paragraph 1 shall only be released in respect of the quantity for which the tenderer has provided proof that it has been put into free circulation in one of the countries of the zone referred to in Article 1 (2), or for which the tender has not been pursued.

The proof referred to in the previous subparagraph shall be provided by the production of the customs document or a copy or photocopy thereof certified as true by the competent authorities.

The security shall be released immediately.

Article 4

The application for a licence and the licence shall have indicated in Box 13 the destination zone referred to in Article 1 (2).

The licence shall oblige the holder to export to that destination.

Article 5

When the commitment mentioned in Article 2 (3) (b) of Regulation (EEC) No 3130/73 is not respected the export licence shall not be issued and, in consequence, the security exacted under the provisions of Article 3 of that Regulation shall be forfeit.

Article 6

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

Export licences issued under this invitation to tender shall be valid from their date of issue, within the meaning of the previous paragraphs, until the end of the second month following that of issue.

Article 7

1. When the obligation to export to the destination provided for has not been fulfilled, the security mentioned in Article 3 (1) 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.

2. However, if this exported quantity is less than 7 % of the net quantity indicated on the licence, the security shall be forfeit in totality.

3. On request by the titular holder, Member States may release parts of the security in proportion to the quantities of product for which the proof referred to in the second subparagraph of Article 3 (2) has been delivered and in so far as that provides evidence 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

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

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

Article 9

During the period in which Summer Time applies in Italy, the times fixed for the lodging of offers 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 times fixed for the lodging of offers shall be regarded in those Member States as brought forward by one hour.

Article 10

This Regulation shall enter into force 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, 15 March 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

Weekly tender for the levy for export of common wheat to third countries

Expiry of the period for lodging tenders (date/time)

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