REGULATION (EEC) No 873/74 OF THE COMMISSION

of 8 April 1974

on an invitation to tender for the sale for processing of forequarters of beef 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 for direct consumption; whereas certain possibilities to distribute the meat to the processing industry exist;

Whereas the conditions of release from storage 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 are fulfilled;

Whereas 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 in the particular situation in which this tender is held it appears necessary to adapt the minimum quantity of meat placed on sale;

Whereas, however, *force majeure* may occur during the release from storage and processing; 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

Approximately 4 000 metric tons of forequarters of beef 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

(a) accompanied by a written statement in which the tenderer agrees that the meat he has been allotted shall be processed within four months of the day on which he is informed that his tender has been accepted, and

(b) by derogation from Article 9 (3) of Regulation (EEC) No 216/69, it is for a minimum quantity of 60 metric tons.

Article 4

By way of derogation from Article 13 (2) of Regulation (EEC) No 216/69, the price is paid *pro rata* on the quantities withdrawn when the goods leave the warehouse and at the latest on the day preceding each removal.

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(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.

Article 5

When, for reasons of *force majeure* the tenderer cannot meet the time limit for taking over processing, the intervention agency 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 6

This Regulation shall enter into force on 11 April 1974.

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

Done at Brussels, 8 April 1974.

For the Commission

The President

François-Xavier ORTOLI