REGULATION (EEC) No 313/75 OF THE COMMISSION

of 7 February 1975

concerning *inter alia* the reopening of the standing invitation to tender in respect of the importation of sugar pursuant to Regulation (EEC) No 3062/74

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation No 1009/67/EEC (1) of 18 December 1969 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 2476/74 (2), and in particular Article 16 (5) thereof ;

Having regard to Council Regulation (EEC) No 608/72 (3) of 23 March 1972 laying down rules to be applied in cases of considerable price rises on the world sugar market, and in particular Article 3 thereof ;

Having regard to Council Regulation (EEC) No 191/75 (4) of 21 January 1975 concerning an additional quantity in respect of the subsidized importation of sugar and amending Regulation (EEC) No 2931/74, and in particular Article 4 (2) thereof ;

Whereas Commission Regulation (EEC) No 3062/74 (5) of 3 December 1974 on a standing invitation to tender to determine subsidies for imports of white and raw sugar, as amended by Regulation (EEC) No 3094/74 (6), opened a standing invitation to tender which was suspended by Regulation (EEC) No 122/75 (7) ;

Whereas Regulation (EEC) No 191/72 provides for the granting of an import subsidy on an additional quantity of 200 000 metric tons of sugar ; whereas the abovementioned standing invitation to tender should therefore be reopened ; whereas the imports qualifying for a subsidy may be wholly or partly limited to deficit regions of the Community ; whereas, having regard to current provisional supply figures for the Community for the 1974/75 sugar marketing year, subsidized importations should be limited to those regions which according to the figures are deficit areas ;

Whereas, in the light of experience, the terms of the invitation to tender should be amended and provisions should be adopted in order to ensure that the imported sugar is ultimately consumed in the Member State in which it is put into free circulation and to fix a higher maximum selling price to be complied with by successful tenders without subsequent adjustment of the subsidy by reference to any variation in the target price ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The standing invitation to tender opened pursuant to Regulation (EEC) No 3062/74 and suspended pursuant to Regulation (EEC) No 122/75 shall be reopened.

2. The date '11 December 1974' in Article 4 (1) (b) of Regulation (EEC) No 3062/74 is replaced by '12 February 1975'.

Article 2

Article 1 of Regulation (EEC) No 3062/74 is replaced by the following :

'Article 1

1. Germany, Italy, the Netherlands and the United Kingdom, hereinafter called "Member States", shall open a standing invitation to tender in respect of subsidies for the importation from third countries of white and raw sugar, and during the period of validity of such standing invitation to tender they shall issue partial invitations to tender.

2. Sugar may qualify for the subsidy only if it is intended for free circulation and ultimate consumption in one of the Member States specified in paragraph 1 and is put up for tender in that country.

"Ultimate consumption" means consumption by the processing industry or retail sale.

(1) OJ No 308, 18. 12. 1967, p. 1.
(2) OJ No L 264, 1. 10. 1974, p. 70.
(3) OJ No L 75, 28. 3. 1972, p. 5.
(4) OJ No L 20, 25. 1. 1975, p. 39.
(5) OJ No L 324, 4. 12. 1974, p. 7.
(6) OJ No L 327, 7. 12. 1974, p. 28.
(7) OJ No L 13, 18. 1. 1975, p. 24.

3. If on the occasion of any partial invitation to tender it appears from the supply figures concerning a Member State not mentioned in paragraph 1 that, having regard to its production, imports and exports, its supply cannot be considered ensured, that Member State shall be added to paragraph 1 ; conversely, any Member State in the reverse situation shall be deleted'.

Article 3

Article 4 (3) of Regulation (EEC) No 3062/74 is replaced by the following :

'3. By way of derogation from paragraph 2 (b) the time limits for the submission of tenders which would normally expire on Wednesday 19 March and on Wednesday 30 April 1975 shall expire at 10 a.m. on Tuesday 18 March and Tuesday 29 April 1975 respectively'.

Article 4

Article 5 (2) (e) of Regulation (EEC) No 3062/74 is replaced by the following :

'(e) The Member State in whose territory the imported sugar is to be put into free circulation and ultimately consumed'.

Article 5

Article 5 (4) of Regulation (EEC) No 3062/74 is replaced by the following :

'4. A tender may stipulate that it is to be regarded as having been submitted only if the contract awarded relates to the entire quantity indicated in the tender or to a specified part thereof'.

Article 6

Article 10 (2) (d) of Regulation (EEC) No 3062/74 is replaced by the following :

'(d) The Member State in whose territory the sugar to be imported is to be put into free circulation and ultimately consumed'.

Article 7

In the second indent of Article 11 (1) (b) of Regulation (EEC) No 3062/74 the words 'in the Community' are replaced by the words 'in the Member State in which the sugar is put into free circulation'.

Article 8

The second subparagraph of Article 11 (1) of Regulation (EEC) No 3062/74 is replaced by the following :

'The rights and obligations as specified in (a) and (b) arising from the invitation to tender shall not be transferable'.

Article 9

Second and third subparagraphs as follows are added to Article 12 (1) of Regulation (EEC) No 3062/74 :

'With respect to the partial invitations to tender to be issued after 8 February 1975 the figure :

— "32·40" in (a) above is replaced by "35·81" ;

— "27·82" in (c) above is replaced by "30·96", and "32·40" by "35·81" ;

— "32·40" in (d) above is replaced by "35·81".

Furthermore, in the cases referred to in (a) and (c) the successful tenderer shall include in his contract of sale a clause stipulating that the imported sugar be ultimately consumed in the Member State in which it is put into free circulation'.

Article 10

A third subparagraph as follows is added to Article 12 (3) of Regulation (EEC) No 3062/74 :

'However, the provisions of the preceding subparagraphs shall not apply to the partial invitations to tender to be issued after 8 February 1975'.

Article 11

Article 13 (2) of Regulation (EEC) No 3063/74 is replaced by the following :

'2. A successful tenderer shall not become finally entitled to the subsidy referred to in paragraph 1 until he has fulfilled the relevant obligations and has paid any amount to be deducted from the subsidy by virtue of Article 16 (1)'.

Article 12

A paragraph 3 as follows is added to Article 16 of Regulation (EEC) No 3062/74 :

'3. However, the provisions of paragraph 2 shall not apply to the partial invitations to tender to be issued after 8 February 1975'.

Article 13

This Regulation shall enter into force on 8 February 1975.

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

Done at Brussels, 7 February 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission