REGULATION (EEC) No 363/75 OF THE COMMISSION

of 13 February 1975

amending Regulations (EEC) No 3062/74 and (EEC) No 314/75 concerning certain standing invitations to tender for the importation of sugar

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 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 2476/74 [2], and in particular Articles 11 (2), 16 (5) and 38 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 ;

Whereas Commission Regulation (EEC) No 3062/74 [4] of 3 December 1974 on a standing invitation to tender to determine subsidies for imports of white and raw sugar, as last amended by Regulation (EEC) No 313/75 [5], opened a standing invitation to tender ; whereas at the same time Commission Regulation (EEC) No 314/75 [6] on a standing invitation to tender to determine subsidies on the importation of white and raw sugar without authorization to export subsequently free of levy a corresponding quantity opened a second standing invitation to tender ;

Whereas, to secure as many tenders as possible under the two tendering arrangements it is appropriate to allow, under certain conditions, a single applicant to tender on the same date under both arrangements in respect of the same quantity of sugar ; whereas, for this purpose in particular, it is necessary to amend certain of the provisions now in force ;

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

The following is added at the beginning of Article 5 (3) (b) of Regulations (EEC) No 3062/74 and (EEC) No 314/75 :

'... subject as provided in the third subparagraph of paragraph 4 thereof.'

Article 2

Article 7 (2) of Regulations (EEC) No 3062/74 and (EEC) No 314/75 is amended to read as follows :

'2. Tenders, and any cancellations of tenders in the case of dual tenders, shall be notified to the Commission without delay and in a manner which respects the anonymity of the tenderers.'

Article 3

Article 5 (4) of Regulations (EEC) No 3062/74 and (EEC) No 314/75 is amended to read as follows :

'4. A tender may stipulate that it is to be regarded as having been submitted only if :

(a) the maximum amount of the subsidy provided for in Article 8 (1) is fixed on the day on which the time limit for the submission of tenders expires ;

(b) the contract awarded relates to the entire quantity indicated in the tender or to a specified part thereof.

Moreover, a tenderer may submit tenders in respect of one and the same quantity of sugar in response to a partial invitation to tender conducted under Regulation (EEC) No 3062/74 and in response to a partial invitation to tender of the same date conducted under Regulation (EEC) No 314/75. The two tenders concerned shall be submitted to the competent agency of a single Member State and shall be marked "Dual tender". In respect of tenders marked "Dual tender" the tenderer shall have :

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(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 324, 4. 12. 1974, p. 7.
(5) OJ No L 35, 8. 2. 1975, p. 8.
(6) OJ No L 35, 8. 2. 1975, p. 11.

— the right to lodge in respect of the quantity of sugar concerned one only of the securities for tender required in respect of the two partial invitations to tender, and,
— the obligation, if both his tenders are successful, to cancel one of them by notifying in writing the competent agency in the Member States concerned within two working days following the expiry of the time limit for the submission of tenders.'

Article 4

The texts of the endorsements as specified in Article 30 of Regulation (EEC) No 2637/70 (1) to be entered for purposes of Regulation (EEC) No 314/75 in certain import licences are amended to read as follows :

'Subvention à l'importation applicable ... par 100 kg (règlement (CEE) nº 314/75)' ;
'Einfuhrsubvention ... je 100 kg (Verordnung (EWG) Nr. 314/75)' ;
'Import subsidy applicable : ... per 100 kg (Regulation (EEC) No 314/75)' ;
'Sovvenzione all'importazione applicabile ... /100 kg (regolamento (CEE) n. 314/75)' ;
'Invoersubsidie ... 100 kg (Verordening (EEG) nr. 314/75)' ;
'Tilskud til indførsel ... pr. 100 kg (forordning (EØF) nr. 314/75)'.

Article 5

This Regulation shall enter into force on 14 February 1975.

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

Done at Brussels, 13 February 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) OJ No L 283, 29. 12. 1970, p. 15.