COMMISSION REGULATION (EEC) No 945/76

of 26 April 1976

laying down conditions for invitations to tender for colza and rape seed held by the Danish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats [1], as last amended by Regulation (EEC) No 1707/73 [2], and in particular Article 26 (3) thereof,

Whereas pursuant to Article 26 of Regulation No 136/66/EEC, the Danish intervention agency bought certain quantities of colza and rape seed during the 1975/76 marketing year;

Whereas Commission Regulation (EEC) No 189/68 of 16 February 1968 on certain detailed rules for the disposal of oil seeds bought in by intervention agencies [3], as amended by Regulation (EEC) No 1594/72 [4], laid down the conditions for sale by invitation to tender on the Community market of seeds held by intervention agencies; whereas in view of the present situation of the market for seeds in the Community the quantities held by the Danish intervention agency cannot be expected to be sold in accordance with the price conditions laid down in Article 5 of Regulation (EEC) No 189/68; whereas, therefore, special measures should be taken for the disposal of these oil seeds;

Whereas it is impossible at present to market colza and rape seed in the Community on the basis of a price that is more closely related to the real market situation than the price fixed in accordance with Article 5 of Regulation (EEC) No 189/68;

Whereas in order to ensure favourable conditions for sale, the seeds should be put up for sale in lots;

Whereas a deposit should be provided to ensure observance of the obligations arising, from the submission of a tender; whereas further, this deposit should prevent seeds for which a tender has been accepted from being offered for intervention a second time; whereas, therefore, the deposit should be forfeited, in particular, where the successful tenderer fails to furnish proof that the seeds have been placed under control at an oil mill as provided for in Article 2 of Council Regulation (EEC) No 2114/71 of 28 September 1971 on the subsidy for oil seeds [5], as amended by Regulation (EEC) No 2730/71 [6], or have been exported;

Whereas the minimum selling price which corresponds nearest to the real market situation shall be fixed on the basis of tenders received;

Whereas the contract should be awarded to the person offering the highest price; whereas, moreover, rules governing the award of the contract in the event of several tenders of the same amount being lodged, should be made;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

1. The total quantity of about 7 000 metric tons of colza and rape seed bought in during the 1975/76 marketing year and held by the Danish intervention agency shall be offered for sale by tender on the Community market in seven lots.

2. Subject to the provisions of this Regulation the provisions of Regulation (EEC) No 189/68 shall apply.

Article 2

The invitation to tender shall be published in the *Official Journal of the European Communities* not less than 10 days before the final date for the submission of tenders. This shall be not later than 2 p.m. on 14 May 1976.

[1] OJ No 172, 30. 9. 1966, p. 3025/66.
[2] OJ No L 175, 29. 6. 1973, p. 5.
[3] OJ No L 43, 17. 2. 1968, p. 7.
[4] OJ No L 169, 27. 7. 1972, p. 18.
[5] OJ No L 222, 2. 10. 1971, p. 2.
[6] OJ No L 282, 23. 12. 1971, p. 18.

Article 3

1. Only tenders lodged for lots shall be accepted. The said price shall be for delivery ex warehouse.

2. The tender shall be valid only if it is accompanied by a deposit of two units of account per 100 kg.

This deposit shall be provided in cash or in the form of a guarantee complying with criteria laid down by Denmark.

Article 4

The deposit referred to in Article 3 (2) shall be released provided :

(a) the tenderer has not withdrawn his tender before the award of the contract and his tender has been unsuccessful ;

(b) the successful tenderer, except in case of *force majeure,* has paid the intervention agency the amount corresponding to his tender, has taken over the oil seeds awarded to him under the contract and has furnished proof that the oil seeds have been placed under control at an oil mill pursuant to Article 2 of Regulation (EEC) No 2114/71 or have been exported.

Article 5

In the light of the tenders submitted, a minimum selling price shall be fixed in accordance with the procedure laid down in Article 38 of Regulation (EEC) No 136/66/EEC.

The price shall be fixed, ex warehouse, for oil seeds of the standard quality for which intervention prices are fixed. Where the oil seeds offered for sale are not of the said standard quality, their weight shall be determined by the method described in the Annex to Commission Regulation (EEC) No 1204/72 of 7 June 1972 laying down detailed rules for the application of the subsidy system for oil seeds [1], as last amended by Regulation (EEC) No 676/76 [2] and the selling price shall be increased or reduced as specified in the Annex to Commission Regulation No 282/67/EEC of 11 July 1967 on detailed rules for intervention for oil seeds [3], as last amended by Regulation (EEC) No 2645/75 [4].

Article 6

Subject to the minimum price referred to in Article 5, the contract for each lot shall be awarded to the highest bidder.

If several tenderers tender the same amount, the successful tenderer shall be chosen by lot.

Article 7

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 26 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

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[1] OJ No L 133, 10. 6. 1972, p. 1.
[2] OJ No L 81, 27. 3. 1976, p. 22.
[3] OJ No 151, 13. 7. 1967, p. 1.
[4] OJ No L 269, 18. 10. 1975, p. 28.