COMMISSION REGULATION (EEC) No 1320/77

of 20 June 1977

opening an invitation to tender for the purpose of determining premiums for white sugar for feeding to bees

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar (1), as last amended by Regulation (EEC) No 1110/77 (2), and in particular Article 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2049/69 of 17 October 1969 laying down general rules on the denaturing of sugar for animal feed (3), as last amended by Regulation (EEC) No 1640/73 (4), and in particular Article 4 (3) thereof,

Whereas Article 9 (2) of Regulation (EEC) No 3330/74 allows denaturing premiums to be granted for sugar rendered unfit for human consumption; whereas Article 2 of Council Regulation (EEC) No 2049/69 provides that denaturing premiums shall be fixed, for example by invitation to tender, only if total sugar surpluses available for denaturing in the Community and the economic aspects of the proposed denaturing operation justify this;

Whereas the supply and demand situation for the sugar year 1976/77 and that foreseen for the sugar year 1977/78 permit of a certain amount of white sugar being made available for denaturing; whereas, in beekeeping, sugar is the only feedingstuff for which there is no substitute; whereas, therefore, a certain quantity of the sugar denatured could be used for feeding to bees;

Whereas an invitation to tender ensures equality of access and treatment to all interested persons in the Community; whereas this would accordingly seem to be the most appropriate procedure for determining the denaturing premiums, which reflect closely the market situation; whereas a total amount of 1 000 000 units of account is available for the payment of such premiums;

Whereas a minimum quantity and a maximum quantity per tender should be laid down, and in order to encourage as many persons to tender as possible, tenderers should be limited to one tender for each invitation to tender;

Whereas the principles and detailed rules for fixing denaturing premiums are laid down in Regulation (EEC) No 2049/69 and in Commission Regulation (EEC) No 100/72 of 14 January 1972 laying down detailed rules on the denaturing of sugar for animal feed (5), as last amended by Regulation (EEC) No 2847/72 (6);

Whereas Article 4 (3) of Regulation (EEC) No 2049/69 provides that where the terms of the invitation to tender do not specify a maximum amount for the denaturing premium for white sugar, this shall be fixed following examination of the tenders submitted and taking into account, in particular, the intervention price for white sugar in the Community region with the largest surplus; whereas, where two or more tenders propose the same denaturing premiums, and, if they were accepted in their totality, the total amount of 1 000 000 units of account would be exceeded, the amount available should be apportioned to the quantity among them by reference specified in each tender;

Whereas experience has shown that the most suitable methods should be sought to ensure that denatured sugar is used for the purpose intended; whereas this aim can be achieved by increasing the responsibility of the person entitled to the denaturing premium, by means of a provision making him liable to repay the premiums already received; whereas the control measures to be taken by the Member States should be reinforced and provision should be made for cooperation between the bodies responsible for supervising intra-Community trade in denatured sugar;

Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 134, 28. 5. 1977, p. 1.
(3) OJ No L 263, 21. 10. 1969, p. 1.
(4) OJ No L 165, 22. 6. 1973, p. 6.
(5) OJ No L 12, 15. 1. 1972, p. 15.
(6) OJ No L 299, 31. 12. 1972, p. 4.

HAS ADOPTED THIS REGULATION :

Article 1

1. Member States shall issue an invitation to tender for the purpose of determining the premiums for white sugar for animal feed. The total amount available for the purpose of awarding such premiums shall be 1 000 000 units of account.

2. The white sugar in respect of which a denaturing premium is awarded as a result of an invitation to tender provided for in paragraph 1 shall be used for the feeding of bees. It shall be denatured by one of the processes set out in point II 3 of the Annex to Regulation (EEC) No 100/72.

3. Save in case of *force majeure,* sugar so denatured must be used for the purpose laid down in paragraph 2 by 30 November 1977 at the latest.

4. Member States shall take all necessary measures to ensure that the denatured sugar is used for the intended purpose. If it is found that the undertaking provided for in Article 6 has not been complied with the Member State which paid the premium shall require the person who was entitled to the denaturing premium to repay it.

Article 2

The invitation to tender shall be organized in accordance with the relevant provisions of Regulations (EEC) No 2049/69 and (EEC) No 100/72 and in accordance with the following provisions of this Regulation.

Article 3

1. By way of derogation from Article 2 (3) of Regulation (EEC) No 100/72, the period during which tenders may be submitted shall begin on the day on which the notice of invitation to tender is published in the *Official Journal of the European Communities* and shall expire on Wednesday, 29 June 1977 at 9·30 a.m.

2. If the total amount of the denaturing premiums awarded under the invitation to tender provided for in paragraph 1 fails to reach 1 000 000 units of account, the intervention agencies concerned shall issue further invitations to tender to utilize the balance outstanding. The period during which tenders may be submitted in response to those invitations :

(a) shall begin on the first working day following the end of the preceding period, and

(b) shall end on the Wednesday of the following week at 9·30 a.m.

It may, however, be decided that the present invitation to tender should be closed before the abovementioned amount has been fully utilized.

Article 4

The closing times specified in Article 3 of this Regulation and in Article 16 (2) of Regulation (EEC) No 100/72 shall be regarded as :

(a) brought forward by one hour in the United Kingdom and in Ireland during the period in which summer time does not apply in those Member States ;

(b) extended by one hour in the other Member States during any period in which summer time does apply there.

Article 5

1. No tenderer may submit more than one tender per invitation to tender, and the tender must be submitted to the competent body in the Member State in which the tenderer is resident or has his registered place of business.

2. To be valid a tender must be made in respect of at least 10 but not more than 1 000 tonnes of white sugar.

3. Where two or more tenders propose the same denaturing premiums, and, if they were accepted in their totality, the amount specified in Article 1 (1) would be exceeded, the amount available shall be apportioned among them by reference to the quantity specified in each of them.

Article 6

Every tender must include a declaration by the tenderer in which he undertakes, if awarded a denaturing premium, to put the denatured sugar to the use specified in Article 1 (2).

Article 7

By way of derogation from Article 16 (1) of Regulation (EEC) No 100/72, denaturing premium certificates issued pursuant to an award made under this invitation to tender shall be valid only until 30 September 1977.

Article 8

By way of derogation from Article 25 of Regulation (EEC) No 100/72, the following provisions shall apply to the dispatch of denatured white sugar from one Member State to another :

1. Before denatured sugar is dispatched from one Member State to another, a denaturing certificate issued by the agency referred to in Article 19 of Regulation (EEC) No 100/72 shall be submitted to the customs office of departure.

This certificate shall be numbered and shall show at least the following :

(a) the date and place of denaturing ;

(b) that the sugar has been denatured in accordance with point II 3 of the Annex to Regulation (EEC) No 100/72 and is to be used for the feeding of bees ;

(c) the number and type of packages, together with any distinguishing marks or numbers;

(d) the gross and net weights of the sugar;

(e) references to Regulation (EEC) No 100/72 and to the present Regulation;

(f) the address of the agency which paid the denaturing premium.

This certificate shall be kept by the customs office of departure.

2. The relevant Community transit document accompanying the denatured sugar shall contain in Section 31 the number of the certificate referred to in paragraph 1 and one of the following entries:

'Denatured sugar intended for feeding bees, Regulation (EEC) No 1320/77.'

'Sucre dénaturé destiné à l'alimentation des abeilles, règlement (CEE) n° 1320/77.'

'Denaturierter Zucker, der zur Bienenfütterung bestimmt ist, Verordnung (EWG) Nr. 1320/77.'

'Zucchero denaturato destinato all'alimentazione delle api, regolamento (CEE) n. 1320/77.'

'Gedenatureerde suiker bestemd voor de voeding van bijen, Verordening (EEG) nr. 1320/77.'

'Denatureret sukker bestemt til foder for bier, forordning (EØF) 1320/77.'

Section 31 shall also contain the information referred to in point (f) paragraph 1.

3. If the Community transit document is replaced by a new one, Section 31 of the latter shall contain all the information contained in Section 31 of the former.

4. When the sugar in question is transported under Regulation (EEC) No 304/71 [1], the information referred to in paragraphs 2 and 3 above shall be entered in the box 'description of goods' on the International Consignment Note (CIM) or the International Express Parcels Consignment Note (TIEX) and authenticated by the stamp of the customs office of departure.

5. The Member State of destination shall take all necessary steps to ensure that, by 30 November at the latest, the denatured sugar has been used for the pupose specified in Article 1 (2).

It shall immediately report to the agency referred to in paragraph 1 (f) every case in which this condition has not been complied with. On receipt of this information the Member State which paid the premium shall require the person who was entitled thereto to return it.

Article 9

This Regulation shall enter into force on 21 June 1977.

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

Done at Brussels, 20 June 1977.

For the Commission

Finn GUNDELACH

Vice-President

[1] OJ No L 35, 12. 2. 1971, p. 31.