COMMISSION REGULATION (EEC) No 1790/77

of 2 August 1977

on a standing invitation to tender in order to determine export refunds for raw beet sugar

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 Articles 12 (2), 19 (4) and 34 thereof,

Whereas, due to the size of the foreseeable Community surplus of raw beet sugar as well as the state, evolution and tendencies of the world market in white and raw sugar it is economically desirable for the Community to export such beet sugar to third countries; whereas, to this aim, a standing invitation to tender should be opened;

Whereas the general rules governing invitations to tender for the purpose of determining export refunds for sugar were laid down by Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar (3), as last amended by Regulation (EEC) No 1489/76 (4); whereas the relevant rules of application were laid down in Commission Regulation (EEC) No 394/70 of 2 March 1970 (5), as amended by Regulation (EEC) No 1467/77 (6);

Whereas, in view of the present state of the world market in sugar, it would be advisable to waive certain rules or time limits laid down in Regulation (EEC) No 394/70 or in Commission Regulation (EEC) No 2990/76 of 9 December 1976 on special detailed rules for the application of the system of import and export licences for sugar (7), as amended by Regulation (EEC) No 278/77 (8);

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

A standing invitation to tender shall be issued to determine export refunds for raw sugar obtained from sugar beet harvested in the Community. During the period of validity of the standing invitation, partial invitations to tender shall be issued.

Article 2

1. The standing invitation to tender and the partial invitations shall be organized in accordance with Regulations (EEC) No 766/68 and (EEC) No 394/70 and the following provisions.

2. The standing invitation to tender shall remain open until a date to be determined later.

Article 3

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

(a) shall begin on the day on which notice of the standing invitation to tender is published in the *Official Journal of the European Communities,*

and

(b) shall end on 17 August 1977 at 10 a.m.

2. The periods during which tenders may be submitted in response to each of the subsequent partial invitations to tender:

(a) shall begin on the first working day following the end of the preceding period for the submission of tenders in question

and

(b) shall expire at 10 a.m. on the Wednesday of the following week.

3. By way of derogation from paragraph 2 (b), the periods for submitting tenders which are to end:

(a) on Wednesday, 2 November 1977, shall end on Thursday, 3 November 1977, at 10 a.m.;

(b) on Wednesday, 16 November 1977, shall end on Thursday, 17 November 1977, at 10 a.m.

By way of derogation from paragraph 2, the partial invitation to tender scheduled for Wednesday, 28 December 1977 shall not be issued.

(1) OJ No L 359, 31. 12. 1974, p. 1.
(2) OJ No L 134, 28. 5. 1977, p. 1.
(3) OJ No L 143, 25. 6. 1968, p. 6.
(4) OJ No L 167, 26. 6. 1976, p. 13.
(5) OJ No L 50, 4. 3. 1970, p. 1.
(6) OJ No L 162, 1. 7. 1977, p. 6.
(7) OJ No L 341, 10. 12. 1976, p. 14.
(8) OJ No L 39, 10. 2. 1977, p. 17.

4. The time limit fixed in the preceding paragraphs shall :

(a) be brought forward by one hour in Ireland and the United Kingdom outside the periods of summer time in those Member States ;

(b) be put back by one hour in the other Member States when they apply summer time.

Article 4

1. A tender shall be valid only if :

— the quantity of raw sugar to be exported is not less than 250 tonnes,

— the amount of the refund proposed is stated per 100 kilograms of raw sugar of standard quality,

— it includes a declaration by the tenderer that the sugar to be exported referred to in the tender is raw sugar obtained from sugar beet harvested in the Community.

2. By way of derogation from Article 3 (2) (c) of Regulation (EEC) No 394/70, the quantity to be exported referred to in the tender shall be expressed by weight in the unaltered state.

Article 5

By way of derogation from Article 4 (1) of Regulation (EEC) No 394/70, the tendering security shall be equal to three units of account per 100 kilograms of raw sugar to be exported.

Article 6

Without prejudice to Article 5 of Regulation (EEC) No 394/70, tenders shall be notified immediately and anonymously to the Commission.

Article 7

Once the tenders have been examined, a maximum quantity may be fixed by partial invitation to tender.

Article 8

For the purposes of this Regulation :

— the period laid down in Article 7 (2) of Regulation (EEC) No 394/70 shall be replaced by a period of ten days,

— the possibility of cancellation laid down by Article 5 (3) of Regulation (EEC) No 193/75 [1] shall not apply.

Article 9

1. Article 9 of Regulation (EEC) No 2990/76 shall not apply to raw sugar to be exported in accordance with this Regulation.

2. Export licences issued pursuant to a partial invitation to tender shall be valid from the date of their issue to the end of the fifth month following that in which the said tender was made.

However,

(a) export licences issued pursuant to partial invitations to tender made between 17 August 1977 and 30 September 1977 shall be valid only until 31 December 1977 ;

(b) export licences issued pursuant to a partial invitation to tender made subsequently after 30 April 1978 shall be valid only until 30 September 1978.

3. By way of derogation from the first indent of Article 8 (1) (d) of Regulation (EEC) No 2990/76, the security relating to licences issued for exports pursuant to this Regulation shall be eight units of account per 100 kilograms of raw sugar.

Article 10

This Regulation shall enter into force on 5 August 1977.

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

Done at Brussels, 2 August 1977.

For the Commission

Finn GUNDELACH

Vice-President

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[1] OJ No L 25, 31. 1. 1975, p. 10.