COMMISSION REGULATION (EEC) No 2316/78

of 3 October 1978

on an invitation to tender for the refund for the export of common wheat to Zone VII

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 1254/78 (2),

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds (3), and in particular Article 5 thereof,

Whereas, having regard to the current situation on the cereals market, there should be opened in respect of common wheat an invitation to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75 ; whereas, in order to safeguard Community supplies whilst at the same time permitting exporters to participate in the supply of certain markets, the invitation to tender for export should be limited to the markets concerned, which are situated in Zone VII as defined in Annex I to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zone for export refunds or levies and for certain export licences for cereals and rice (4) ;

Whereas the tender procedure is governed by Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application of the system of tendering for export refunds on cereals (5) ;

Whereas the objective of the tendering procedure can be attained only if every successful tenderer fulfils all the commitments entered into by him when submitting his tender ; whereas these commitments include an obligation to lodge an application for an export licence ; whereas compliance with this obligation may be ensured by requiring the tenderer to give security when submitting his tender ;

Whereas, in order to ensure equal treatment to all concerned, it is necessary to make provision such that the effective period of validity of licences issued to successful tenderers in connection with the invitation to tender is in all cases the same ;

Whereas provision must be made to ensure the smooth operation of the invitation to tender for export refunds ; whereas to this end it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.

2. The invitation to tender shall relate to common wheat for export to Zone VII as defined in Annex I to Regulation (EEC) No 1124/77.

3. The invitation shall remain open until 21 December 1978. During this period weekly awards shall be made, the time limits for the submission of tenders to be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

1. The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 10 units of account per tonne.

2. By way of derogation from Article 7 (1) of Regulation (EEC) No 279/75, the security provided for in paragraph 1 shall, subject to *force majeure*, be released only in respect of any quantity for which the tender was not accepted or for which the tenderer furnishes proof of arrival at its destination, such proof to be furnished as provided for in Article 11 (1) of Regulation (EEC) No 192/75 (6).

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 156, 14. 6. 1978, p. 1.
(3) OJ No L 281, 1. 11. 1975, p. 78.
(4) OJ No L 134, 28. 5. 1977, p. 53.
(5) OJ No L 31, 5. 2. 1975, p. 8.
(6) OJ No L 25, 31. 1. 1975, p. 1.

Article 4

The zone of destination as specified in Article 1 (2) shall be indicated in section 13 of the licence application and of the export licence itself. The issue of a licence shall carry with it the obligation to export to that destination.

Article 5

If a tenderer fails to comply with the undertaking given by him pursuant to Article 2 (3) (b) of Regulation (EEC) No 279/75, no export licence shall be issued and the security specified in Article 3 (1) of this Regulation and lodged pursuant to Article 3 of Regulation (EEC) No 279/75 shall accordingly be forfeit.

Article 6

1. By way of derogation from the provisions of Article 9 (1) of Regulation (EEC) No 193/75 [1], export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with this invitation to tender shall be valid from their date of issue, as defined in the previous paragraph, until the end of the fourth month following that of issue.

Article 7

1. If the obligation to export is not fulfilled, the security mentioned in Article 3 of Regulation (EEC) No 279/75 shall be forfeit in respect of a quantity equal to the difference between 93 % of the net quantity indicated on the export licence and the net quantity actually exported.

2. However, if the quantity exported is less than 7 % of the net quantity indicated on the licence, the security shall be forfeit in its entirety.

3. On request by the titular holder of the licence, Member States may release the security by instalments in proportion to the quantities of product for which proof of exportation as referred to in Article 7 (1) of Regulation (EEC) No 279/75 has been furnished, provided that such proof establishes that a quantity equal to at least 7 % of the net quantity indicated on the licence has been exported.

Article 8

The tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 9

The time limits fixed for the submission of tenders shall be :

— brought forward by one hour in Ireland and the United Kingdom during the period in which summer time does not apply in those Member States,

— extended by one hour in the other Member States when the latter are applying summer time.

Article 10

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, 3 October 1978.

For the Commission

Finn GUNDELACH

Vice-President

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

ANNEX

Weekly tender for the refund for the export of common wheat to Zone VII

Expiry of the period for the submission of tenders (date/time)

1	2	3
Number of tender	Quantity in tonnes	Amount of export refund in national currency per tonne
1		
2		
3		
4		
5		
etc.		