COMMISSION REGULATION (EEC) No 1042/79

of 28 May 1979

on invitations to tender for export of forequarters and hindquarters of beef stocked by certain intervention agencies and amending Regulation (EEC) No 1687/76

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal (1), as last amended by Regulation (EEC) No 425/77 (2), and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EEC) No 878/77 of 25 April 1977 on the exchange rates to be applied in agriculture (3), as last amended by Regulation (EEC) No 705/79 (4),

Whereas the possibility of offering beef to intervention has led to substantial stocks being built up in certain Member States ; whereas market prices are relatively low and it is therefore not appropriate to dispose of all this meat on the Community market ; whereas the sale of a certain quantity of this meat should therefore be subject to the obligation to export the goods ;

Whereas the tender system should be adopted to ensure that stocks are disposed of in the most economical way ;

Whereas the sale should be subject to the provisions of Commission Regulation (EEC) No 216/69 (5) ; whereas, however, it seems necessary to lay down the details for the invitation to tender in order to take account of experience gained ; whereas, in particular, it should be laid down that offers must be made in national currencies ;

Whereas, under Article 4 (2) of Council Regulation (EEC) No 1134/68 (6) sums referred to in the said Article are to be paid on the basis of the conversion rate applicable at the time when the transaction or part transaction is carried out ; whereas under Article 6 of the same Regulation, the time when a transaction is carried out shall be considered as being the date on which the event occurs, as defined by Community rules or, in the absence of and pending adoption of such rules, by the rules of the Member State concerned, which gives entitlement to the amount involved in the transaction ; whereas, however, by virtue of Article 4 (3) of Regulation (EEC) No 878/77, derogations may be made from the abovementioned provisions ;

Whereas the time limit for export is extended if exporters wish to make use of the possibilities provided for by Council Regulation (EEC) No 441/69 (7), as last amended by Regulation (EEC) No 2707/78 (8) ;

Whereas it is necessary to amend the Annex to Regulation (EEC) No 1687/76 (9), as last amended by Regulation (EEC) No 828/79 (10) ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The sale shall be undertaken of beef forequarters and hindquarters bought in before 1 February 1979 and held by the following intervention agencies :

	Forequarters	*Hindquarters*
— Danish intervention agency, approximately	—	1 820 tonnes
— German intervention agency, approximately	—	5 200 tonnes
— French intervention agency, approximately	250 tonnes	250 tonnes
— Irish intervention agency, approximately	3 300 tonnes	5 500 tonnes
— Netherlands intervention agency, approximately	160 tonnes	500 tonnes

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 61, 5. 3. 1977, p. 1.
(3) OJ No L 106, 29. 4. 1977, p. 27.
(4) OJ No L 89, 9. 4. 1979, p. 1.
(5) OJ No L 28, 5. 2. 1969, p. 10.
(6) OJ No L 188, 1. 8. 1968, p. 1.
(7) OJ No L 59, 10. 3. 1969, p. 1.
(8) OJ No L 327, 22. 11. 1978, p. 5.
(9) OJ No L 190, 14. 7. 1976, p. 1.
(10) OJ No L 105, 27. 4. 1979, p. 22.

Article 2

1. The sale shall take place by tender in accordance with the provisions of Regulation (EEC) No 216/69, and in particular Articles 6 to 14 thereof, subject to the provisions of this Regulation.

2. Only tenders which reach the intervention agencies not later than 2 p.m. on 13 June 1979 will be taken into consideration. This time limit shall be one hour earlier in Denmark, in the Federal Republic of Germany and in Ireland.

3. By way of derogation from the provisions of Article 6 (3) of Regulation (EEC) No 216/69, publication of the notice of invitation to tender in the *Official Journal of the European Communities* shall be made not less than five days before expiry of the time limit laid down for submitting tenders.

Article 3

1. By way of derogation from the provisions of Article 13 (3) of Regulation (EEC) No 216/69, the tender shall not be valid unless it is accompanied by a written undertaking by the tenderer to withdraw and export the meat before 1 September 1979.

2. However, if the purchaser places the meat under the system referred to in Article 3 of Regulation (EEC) No 441/69, the date referred to in the above paragraph shall be changed to 1 January 1980, in respect of the obligation to export only.

3. The purchaser shall take delivery of the product by the date referred to in paragraph 1. After that date the contract shall be cancelled in respect of the quantity which has not been withdrawn.

Article 4

By way of derogation from the provisions of Article 13 (1) of Regulation (EEC) No 216/69, each tenderer shall be informed by the intervention agency concerned of the decision on his tender. This information shall be given within three working days of the communication by telex to the Member States of the Decision fixing the minimum prices.

Article 5

The rate used to convert

— tenders into ECU, and

— minimum sale prices into national currency

shall be the representative rate in force on the closing date for submission of tenders.

Article 6

The tender shall be submitted in one of the official languages of the Community. However, if a tender is not submitted in the language or one of the languages of the Member State concerned, the intervention agency may require that it be accompanied by a translation.

Article 7

By way of derogation from the provisions of Article 13 (2) of Regulation (EEC) No 216/69, payment shall be made for each quantity of goods not later than the day before delivery of that quantity is taken.

Article 8

In the Annex to Regulation (EEC) No 1687/76, under 'I. products intended to be exported without further processing', the following paragraph and footnote [11] shall be inserted after paragraph 10 :

'11. Commission Regulation (EEC) No 1042/79 of 28 May 1979 on invitations to tender for forequarters and hindquarters of beef stocked by certain intervention agencies and amending Regulation (EEC) No 1687/76 [11].

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[11] OJ No L 132, 30. 5. 1979, p. 11.'

Article 9

This Regulation shall enter into force on the day of 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, 28 May 1979.

For the Commission

Finn GUNDELACH

Vice-President