COMMISSION REGULATION (EEC) No 1660/86

of 29 May 1986

on a standing invitation to tender for the determination of export refunds following the sale of white sugar held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar (1), as last amended by Regulation (EEC) No 934/86 (2), and in particular Articles 11 (3) and 13 (2) thereof,

Whereas, in view of the time limits imposed for the storage of sugar offered to the German intervention agency, a standing invitation to tender should be opened for the sale of the said sugar in lots ; whereas this sugar, or an equivalent quantity, should be for export ;

Whereas the general and detailed rules for the sale of intervention sugar by tender were laid down by Council Regulation (EEC) No 447/68 (3), as last amended by Regulation (EEC) 1359/77 (4), and by Commission Regulation (EEC) No 258/72 (5), which shall apply to this invitation to tender with the exception of Articles 4 (3), 5 (3) (b), 6 (4), 7 (1), 11 and 19 of the latter Regulation ;

Whereas a minimum quantity per tender, appropriate to the intended use but at the same time encouraging the participation of the greatest possible number of prospective purchasers, should be prescribed ;

Whereas the quality of the sugar to be sold falls within the categories specified in Council Regulation (EEC) No 793/72 of 17 April 1972 fixing the standard quality for white sugar (6) and Commission Regulation (EEC) No 2103/77 of 23 September 1977 laying down detailed rules for the buying-in by intervention agencies of sugar manufactured from beet or cane harvested in the Community (7), as last amended by Regulation (EEC) No 1708/83 (8) ;

Whereas, in view of the specific nature of the transactions involved, appropriate provisions should be laid down with regard to export licences issued in connection with the standing invitation to tender and there should be a derogation from Commission Regulation (EEC) No 2630/81 of 10 September 1981 on special detailed rules for the application of the system of import and export licences for sugar (9), as last amended by Regulation (EEC) No 3819/85 (10) and from Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance fixing for agricultural products (11), as last amended by Regulation (EEC) No 592/86 (12) ;

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

1. The German intervention agency shall issue a standing invitation to tender for the sale for export of white sugar which it holds and to issue partial invitations to tender each week during the period of validity of that standing invitation to tender. The invitations to tender shall be in respect of the export refunds applicable to the quantity which is being sold or to an equivalent quantity of sugar.

2. The standing invitation to tender shall relate to quantities of white sugar made up into lots within the meaning of Article 2 (2) of Regulation (EEC) No 258/72 and the characteristics of which are indicated in the Annex hereto.

Article 2

The standing invitation to tender and partial invitations thereunder shall be conducted in accordance with provisions relating to Regulation (EEC) No 447/68, the relevant provisions of Regulation (EEC) No 258/72 and the provisions hereinafter set out.

Article 3

The standing invitation to tender shall remain open until the date of the partial award at which the determination of the refunds is completed for all of the lots in question or, as the case may be, for the remaining lot or part of a lot. The standing invitation shall thereupon automatically be closed from that date.

(1) OJ No L 177, 1. 7. 1981, p. 4.
(2) OJ No L 87, 2. 4. 1986, p. 1.
(3) OJ No L 91, 12. 4. 1968, p. 5.
(4) OJ No L 156, 25. 6. 1977, p. 7.
(5) OJ No L 31, 4. 2. 1972, p. 22.
(6) OJ No L 94, 21. 4. 1972, p. 1.
(7) OJ No L 246, 27. 9. 1977, p. 12.
(8) OJ No L 166, 25. 6. 1983, p. 15.
(9) OJ No L 258, 11. 9. 1981, p. 16.
(10) OJ No L 368, 31. 12. 1985, p. 25.
(11) OJ No L 338, 13. 12. 1980, p. 1.
(12) OJ No L 58, 1. 3. 1986, p. 4.

Article 4

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire on Wednesday, 4 June 1986 at 9.30 a.m.

2. The time limits laid down in respect of this standing inviation to tender are expressed in Belgian time.

Article 5

An offer shall be valid only if :

(a) the security specified in Article 7 (1) has been lodged or if proof of the lodging thereof is furnished to the German intervention agency before expiry of the time limit for the submission of tenders ;

(b) it relates to a quantity of not less than 500 tonnes or, when the residual quantity of a lot is less than 500 tonnes, to that residual quantity ;

(c) it includes a declaration by the tenderer in which he undertakes, in respect of the quantity for which he may be successful, to :

— carry out the collection of the sugar within the peirod laid down,

— pay the price referred to in Article 8,

— apply for the export licence for the quantity of sugar in question within the time limit referred to in Article 6 (1) (b),

— where the obligation to export resulting from the licence is not fulfilled, supplement the security specified in Article 10 (1) by payment of the amount referred to in paragraph 2 of the said Article.

Article 6

1. A successful tenderer will have :

(a) the right to receive in the circumstances referred to under (b), in the Federal Republic of Germany, for the quantity in respect of which the export refund is applicable, an export licence mentioning in particular the export refund specified in the tender ;

(b) the obligation to lodge, in accordance with Regulation (EEC) No 3183/80, an application for an export licence in respect of the quantity referred to under (a). The lodging of the application is to be made in accordance with the relevant provisions of the said Regulation and within four working days of the partial award under which it is issued ;

(c) the obligation :

— to lodge the security in guarantee of payment of the price or have effected a form of payment in accordance with Article 14 (2) of Regulation (EEC) No 258/72, for the quantity referred to under (a), and

— to carry out the collection of this quantity within the time limit laid down in Article 13 (1) of that Regulation.

2. This right and these obligations are not transferable.

Article 7

1. The amount of the security applicable to the tender is 5 ECU per 100 kilograms of white sugar.

2. The security shall be lodged in Germany. It may, at the tenderer's discretion, be lodged either in cash, in German currency, or in the form of a guarantee given by a bank approved by the German authorities.

3. Except in the case of *force majeure,* the security referred to in paragraph 1, above, will be released :

(a) with regard to unsuccessful tenderers, in respect of the quantity for which no award has been made ;

(b) with regard to successful tenderers who have complied with the obligation referred to in Article 6 (1) (b), to the extent of 2 ECU per 100 kilograms of the quantity in question ;

(c) with regard to successful tenderers who have complied with the obligation referred to in Article 6 (1) (c), to the extent of 3 ECU per 100 kilograms of the quantity in question.

4. The security referred to in paragraph 1 of this Article or, where applicable, a part thereof, which is not released shall be forfeit in respect of the quantity of sugar for which the obligations applicable have not been fulfilled.

5. In cases of *force majeure,* the German intervention agency shall determine the measures it judges to be necessary in view of the circumstances invoked by the interested party.

Article 8

The price to be paid by the successful tenderer shall be fixed per 100 kilograms in respect of each lot, as shown in the Annex hereto. The price for each lot is quoted ex storage depot, goods laden and presented in the manner described in the Annex, but exclusive of internal taxes.

Article 9

The German intervention agency shall publish weekly notices stating the quantities for which contracts have been awarded.

Article 10

1. The amount of the security applicable to the export certificates issued under the present Regulation is 9 ECU per 100 kilograms of white sugar.

2. Except in cases of *force majeure,* if the obligation to export has not been fulfilled within the meaning of Articles 29 (b) and 30 (1) (b), first subparagraph of Regulation (EEC) No 3183/80 and if the security referred to in paragraph 1 is less than the difference between :

(a) the export refund referred to in Article 2 of Council Regulation (EEC) No 766/68 [1] in force on the last day of validity of the licences,

and

(b) the amount of the export refund as shown on the licence,

then, under the provisions of Article 33 of Regulation (EEC) No 3183/80 for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount, per 100 kilograms, equal to that difference, less the security referred to in paragraph 1 of this Article.

3. In cases of *force majeure,* the German intervention agency shall determine the measures it judges to be necessary in view of the circumstances invoked by the interested party.

Article 11

1. The provisions of Article 9 (1) of Regulation (EEC) No 2630/81 shall not apply to white sugar for export under the present standing invitation to tender.

2. The export licences issued pursuant to the partial award shall be valid from the day of issue until 30 September 1986.

3. By way of derogation from Article 21 (1) of Regulation (EEC) No 3183/80 export licences issued in connection with this Regulation shall, for the purposes of determining their period of validity, be regarded as having been issued on the last day of the period during which tenders may be submitted in response to the partial invitation to tender concerned.

4. Article 12 (2) of Regulation (EEC) No 3183/80 cannot be invoked in order to cancel an application for a licence submitted in connection with this standing invitation to tender.

5. The holder of a certificate shall inform the German intervention agency, within 30 days of the date on which the period of validity of the certificate in question ends, of any quantites for which the certificate has not been utilized.

Article 12

This Regulation shall enter into force on 31 May 1986.

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

Done at a Brussels, 29 May 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

[1] OJ No L 143, 25. 6. 1968, p. 6.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Referencia del lote Partiets betegnelse Bezeichnung des Loses Αριθμός παρτίδας Reference number of the lot Référence du lot Riferimento della partita Referentienummer van de partij Referência do lote	a) Almacenista a) Lagerholder a) Lagerhalter a) Υπεύθυνος για την αποθήκευση a) Storer a) Entreposeur a) Immagazzinatore a) Depothouder a) Armazenista	b) Lugar del almacenamiento b) Oplagringssted b) Lagerort b) Χώρος αποθήκευσης b) Storage place b) Lieu d'entreposage b) Luogo di deposito b) Opslagplaats b) Lugar de armazenagem	Cantidad (t) Mængde (t) Menge (t) Ποσότητα (t) Quantity (t) Quantité (t) Quantità (t) Hoeveelheid (t) Quantidade (t)	Denominaciòn cualitativa Kvalitetsbetegnelse Qualitätsbezeichnung Ποιοτικός χαρακτηρισμός Quality description Dénomination qualitative Designazione qualitativa Kwaliteitsaanduiding Denominaçào qualitativa	Presentación Præsentation Verpackung Παρουσίαση Presentation Présentation Presentazione Verpakking Apresentação	Precio (ECUs/100 kg) Prisen (ECU/100 kg) Preis (ECU/100 kg) Τιμή (ECU/100 kg) Price (ECU/100 kg) Prix (Écus/100 kg) Prezzo (ECU/100 kg) Prijs (ECU/100 kg) Preço (ECU/100 kg)
1	2		3	4	5	6
1	a) August Töpfer & Co. GmbH Raboisen 58 2000 Hamburg Telefon : 040/30031 b) 3014 Laatzen 1 Karlsruher Straße 14 Telefon : 05102/73219		22 000,00	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
2	a) Süddeutsche Zucker AG Maximilianstraße 10 Postfach 2066 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 6501 Bodenheim (Rhenania AG) Am Kümerling 2 Telefon : 0621/461411 + 461313		7 080,00	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
3	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 6800 Mannheim-Mühlauhafen Werfthallenstraße 31 (Fa. Rhenus) Telefon : 0621/461411 + 461313		2 994,60	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
4	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 6800 Mannheim Parkring 47a (Fa. Damco) Telefon : 0621/461411 + 461313		1 800,00	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
5	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 7107 Nordheim Landturmstraße 5 (Fa. Kleemann) Telefon : 0621/461411 + 461313		1 196,75	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
6	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 8400 Regensburg-Hafen Wiener Straße 20-22 (Fa. Streit & Co) Telefon : 0621/461411 + 461313		1 628,55	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838

Referencia del lote Partiets betegnelse Bezeichnung des Loses Αριθμός παρτίδας Reference number of the lot Référence du lot Riferimento della partita Referentienummer van de partij Referência do lote	a) Almacenista a) Lagerholder a) Lagerhalter a) Υπεύθυνος για την αποθήκευση a) Storer a) Entreposeur a) Immagazzinatore a) Depothouder a) Armazenista	b) Lugar del almacenamiento b) Oplagringssted b) Lagerort b) Χώρος αποθήκευσης b) Storage place b) Lieu d'entreposage b) Luogo di depositó b) Opslagplaats b) Lugar de armazenagem	Cantidad (t) Mængde (t) Menge (t) Ποσότητα (t) Quantity (t) Quantité (t) Quantità (t) Hoeveelheid (t) Quantidade (t)	Denominaciòn cualitativa Kvalitetsbetegnelse Qualitätsbezeichnung Ποιοτικός χαρακτηρισμός Quality description Dénomination qualitative Designazione qualitativa Kwaliteitsaanduiding Denominaçào qualitativa	Presentación Præsentation Verpackung Παρουσίαση Presentation Présentation Presentazione Verpakking Apresentação	Precio (ECUs/100 kg) Prisen (ECU/100 kg) Preis (ECU/100 kg) Τιμή (ECU/100 kg) Price (ECU/100 kg) Prix (Écus/100 kg) Prezzo (ECU/100 kg) Prijs (ECU/100 kg) Preço (ECU/100 kg)
1	2		3	4	5	6
7	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 8400 Regensburg Lagerstraße 2 (Fa. Schenker & Co) Telefon : 0621/461411 + 461313		1 564,50	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
8	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 6000 Frankfurt/Main Hirtenstraße (Fa. Rhenus) Telefon : 0621/461411 + 461313		506,10	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
9	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 7100 Heilbronn/N. Hafenstraße 39-63 (Fa. Rhenus) Telefon : 0621/461411 + 461313		3 381,00	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
10	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 6927 Bad Rappenau Raiffeisenstraße (ehem. Betrieb Benger Ribana) Telefon : 0621/461411 + 461313		1 996,45	2	Neue 50 kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838
11	a) Süddeutsche Zucker AG Maximilianstraße 10 6800 Mannheim 1 Telefon : 0621/461411 + 461313 b) 600 Frankfurt/Main Westhafen, Halle 5 (Fa. Rhenus) Telefon : 0621/461411 + 461313		1 190,00	2	Neue 50 · kg-Jutesäcke mit 0,05 mm Polyäthyleneinlage (420 g)	59,838