COMMISSION REGULATION (EEC) No 338/89

of 10 February 1989

opening an invitation to tender for the sale for export of baled tobacco held by the Italian 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 727/70 of 21 April 1970 on the common organization of the market in raw tobacco (1), as last amended by Regulation (EEC) No 2267/88 (2), and in particular Article 7 (4) thereof,

Whereas Commission Regulation (EEC) No 3389/73 (3), as last amended by Regulation (EEC) No 3263/85 (4), lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the costs of storage, an invitation to tender should be opened for the sale of the tobacco in lots; whereas this tobacco should be intended for export, without refund;

Whereas payment for all these lots is made before the tobacco is removed; whereas it should be provided that, at the request of the successful tenderer, the security should be released progressively as the quantities of tobacco are exported;

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

HAS ADOPTED THIS REGULATION:

Article 1

Ten lots of baled raw tobacco from the 1985, 1986 and 1987 harvests, held by the Italian intervention agency, with a total weight of 12 389 423 kilograms divided by varieties as shown in the Annex hereto, shall be sold for export.

Article 2

The sale shall take place in accordance with the tendering procedure provided for in Regulation (EEC) No 3389/73.

Article 3

The deadline for the submission of tenders at the headquarters of the Commission of the European Communities shall be 3 p.m., local time, on 13 April 1989.

Article 4

The closing date referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for removal of the tobacco by the successful tenderer shall be:

(a) at the end of the fourth month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*, in respect of at least one-third of the lots;

(b) at the end of the sixth month following the said date for the remaining tobacco.

Article 5

1. The security specified in Article 5 of Regulation (EEC) No 3389/73 must be lodged with and by the Azienda di Stato per gli interventi nel mercato agricolo, sezione specializzata per il tabacco (AIMA), via Duccio Galimberti 47, I-00136 Roma.

2. The Commission shall inform the relevant intervention agency forthwith of the result of the sale by tender. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 (c) of the said Regulation has been furnished.

Article 6

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

(1) OJ No L 94, 28. 4. 1970, p. 1.
(2) OJ No L 199, 26. 7. 1988, p. 18.
(3) OJ No L 345, 15. 12. 1973, p. 47.
(4) OJ No L 311, 22. 11. 1985, p. 22.

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

Done at Brussels, 10 February 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Lot No	Variety	Harvest	Weight (kilograms)
1	Xanti Yakà	1985	32 863
		1986	464 673
	Perustitza	1985	36 464
		1986	297 233
	Erzegovina	1985	90 951
		1986	263 355
	Kentucky	1986	97 790
			1 283 329
2	Bright	1986	817 440
	Kentucky	1986	98 062
	F. Havana	1986	582 675
			1 498 177
3	Burley I	1986	820 249
	Badischer Burley	1986	11 220
	Kentucky	1986	98 062
	F. Havana	1986	582 875
			1 512 406
4	Mavra	1986	563 104
	F. Havana	1986	670 162
			1 233 266
5	F. Havana	1986	1 312 971
6	F. Havana	1986	455 599
7	Tsebelia	1986	798 628
8	Tsebelia	1986	1 228 683
9	Tsebelia	1987	1 618 576
10	Tsebelia	1987	1 447 788
		Total	12 389 423