COMMISSION REGULATION (EEC) No 1302/91

of 17 May 1991

on the issuing of a standing invitation to tender for the resale on the Community internal market of 1 200 tonnes of durum wheat held by the Danish 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 2727/75 of 29 October 1975 on the common organization of the market in cereals [1], as last amended by Regulation (EEC) No 3577/90 [2], and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals [3], as last amended by Regulation (EEC) No 2203/90 [4], provides that cereals held by intervention agencies are to be sold by invitation to tender at prices enabling market disturbance to be avoided;

Whereas Commission Regulation (EEC) No 1836/82 [5], as last amended by Regulation (EEC) No 2619/90 [6], lays down the procedures and conditions for the sale of cereals held by intervention agencies;

Whereas Denmark has intervention stocks of durum wheat which have been in storage for a long time; whereas this prolonged storage has brought about a deterioration in the quality of the cereals; whereas as a consequence the latter cannot be sold on the internal market at the prices laid down in Article 5 of Regulation (EEC) No 1836/82; whereas provision should accordingly be made for the resale of the cereals in question at a specific price and for a given purpose;

Whereas the cereals must be disposed of in animal feed within the Community; whereas, in order to ensure that the cereals are used for the purpose laid down, the successful tenderer must be required to lodge a security and the conditions under which it is to be released should be laid down; whereas, in addition, as regards verification of use Commission Regulation (EEC) No 569/88 of 16 February 1968 laying down common detailed rules for verifying the use and/or destination of products from intervention [7], as last amended by Regulation (EEC) No 1187/91 [8], should apply;

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

The Danish intervention agency shall sell by standing invitation to tender on the Community internal market 1 200 tonnes of durum wheat for disposal in animal feed.

Article 2

The sale provided for in Article 1 shall take place in accordance with the terms of Regulation (EEC) No 1836/82. However, notwithstanding Article 5 of that Regulation, the minimum price to be met shall be equal to the minimum price for the sale of barley applying on the closing date for submission of tenders.

Article 3

1. Tenderers shall undertake to use as animal feed, by 31 July 1991 at the latest, any products that they are awarded, unless they are prevented from so doing by *force majeure.*

2. The successful tenderer shall lodge a security of ECU 70 per tonne against discharge of compliance with the conditions laid down in paragraph 1. The security shall be lodged within two working days at the latest of that on which the notice of award is received.

Article 4

1. The obligation referred to in Article 3 (1) shall be deemed a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 [9]. It shall only be considered to have been discharged if the successful tenderer provides proof of having complied therewith.

2. Proof that the cereals covered by this Regulation have been used shall be provided in accordance with Regulation (EEC) No 569/88.

[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 353, 17. 12. 1990, p. 23.
[3] OJ No L 139, 24. 5. 1986, p. 36.
[4] OJ No L 201, 31. 7. 1990, p. 5.
[5] OJ No L 202, 9. 7. 1982, p. 23.
[6] OJ No L 249, 12. 9. 1990, p. 8.
[7] OJ No L 55, 1. 3. 1988, p. 1.
[8] OJ No L 115, 8. 5. 1991, p. 21.
[9] OJ No L 205, 3. 8. 1985, p. 5.

3. Regulation (EEC) No 569/88 is hereby amended as follows :

In Part II of the Annex (Products subject to a use and/or destination other than that mentioned under I), the following point and corresponding footnote are added :

'(39) Commission Regulation (EEC) No 1302/91 of 17 May 1991 on the issue of a standing invitation to tender for the resale on the Community internal market of approximately 1 200 tonnes of durum wheat held by the Danish intervention agency :

On the dispatch of the durum wheat in question, section 104 the following B to be added :

— Destinado a la utilización prevista en el artículo 1 del Reglamento (CEE) n° 1302/91,

— Bestemt til afsætning efter artikel 1 i forordning (EØF) nr. 1302/91,

— Zum Absatz gemäß Artikel 1 der Verordnung (EWG) Nr. 1302/91 bestimmt,

— Προορίζεται να διατεθεί σύμφωνα με το άρθρο 1 του κανονισμού (ΕΟΚ) αριθ. 1302/91,

— For use in accordance with Article 1 of Regulation (EEC) No 1302/91,

— Destiné à être écoulé [article 1er du règlement (CEE) n° 1302/91],

— Destinato ad essere smerciato a norma dell'articolo 1 del regolamento (CEE) n. 1302/91,

— Bestemd om te worden afgezet overeenkomstig artikel 1 van Verordening (EEG) nr. 1302/91,

— Destinado a ser escoado na alimentação animal [artigo 1º do Regulamento (CEE) nº 1302/91].

(39) OJ No L 123, 18. 5. 1991, p. 23.'

Article 5

1. The closing date for the submission of tenders for the first partial invitation to tender shall be no later than 30 May 1991.

2. The closing date for the submission of tenders for the last partial invitation to tender shall be 27 June 1991.

3. Tenders must be lodged with the Danish intervention agency at the following adress :

— EF-Direktoratet, Direktoratet for Markedsordningerne Frederiksborggade 18, DK-1360 Copenhagen K (telex : 15137 DK ; telecopier : 33926948).

Article 6

The Danish intervention agency shall notify the Commission, at the latest by Tuesday of the week following the closing date for the submission of tenders, of the quantities and average prices of the various lots sold.

Article 7

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, 17 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission