COMMISSION REGULATION (EEC) No 2436/91

of 7 August 1991

opening an invitation to tender for the sale of baled tobacco held by the German, Greek and Italian intervention agencies

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 1737/91 (2), and in particular Article 7 (4) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (3), as last amended by Regulation EEC) No 2205/90 (4), and in particular Article 5 (3) thereof,

Whereas Commission Regulation (EEC) No 3389/73 (5), as last amended by Regulation (EEC) No 395/90 (6), 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 cost 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, in order to ensure tenders are obtained for all tobacco varieties, provision should be made to sell by groups of lots, beginning with those varieties for which there is least demand on the market;

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 sale by groups of lots should be carried out at close intervals and, as a result, it is necessary to derogate from Article 3 of Regulation (EEC) No 3389/73 as regards the time limit of 45 days between the date of publication of the notice in the *Official Journal of the European Communities* and the date fixed for the submission of tenders, which should be reduced to 20 days;

Whereas, for tendering procedures covering tobacco stored in several Member States, provision should be made for tenders to be submitted in ecus; whereas the operative event for the agricultural conversion rate to be applied to tenders for which contracts are awarded is the withdrawal of the tobacco; whereas, however, in certain cases the agricultural conversion rate applicable on the final date for submission of tenders should be used;

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

HAS ADOPTED THIS REGULATION:

Article 1

Eleven lots of baled raw tobacco from the 1986, 1987, 1988 and 1989 harvests, held by the German, Greek and Italian intervention agencies, with a total weight of 105 486 276 kilograms, broken down by variety as shown in the Annex hereto, shall be sold for export.

The lots shall be sold successively on the principle that each new group of lots shall not be sold until the preceding group of lots has been awarded. The Commission shall give notice of the sale of the lots in notices of invitation to tender to be published in the *Official Journal of the European Communities,* C series.

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 as indicated in the notice of invitation to tender for each group of lots.

Notwithstanding Article 3 of Regulation (EEC) No 3389/73, the notices of invitation to tender may be published in the Official Journal 20 days before the date fixed for the submission of tenders.

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:

(1) OJ No L 94, 28. 4. 1970, p. 1.
(2) OJ No L 163, 26. 6. 1991, p. 11.
(3) OJ No L 164, 24. 6. 1985, p. 1.
(4) OJ No L 201, 31. 7. 1990, p. 9.
(5) OJ No L 345, 15. 12. 1973, p. 47.
(6) OJ No L 42, 16. 2. 1990, p. 46.

(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 referred to in Article 5 of Regulation (EEC) No 3389/73 must, for the tobacco stored in Germany, be lodged with and in the name of the Bundesanstalt für landwirtschaftliche Markteordnung (BALM) Adickesalle 40, D-6000 Frankfurt am Main, for the tobacco stored in Greece with and in the name of the Ypiresia Diachirisis Agoron Georgikou Proionton (Ydagep), Acharnon 241, GR-10446 Athens, and for the tobacco stored in Italy with and in the name of Azienda di Stato per gli interventi nel mercato agricolo, sezione specializzata per il tabacco (AIMA), via Cuddio Galimberti 47, I-00136 Rome (Italy).

2. The Commisison 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

Notwithstanding Article 4 (2) of Regulation (EEC) No 3389/73, the price per kilogram of tobacco tendered must be expressed in ecus per kilogram.

Article 7

The operative event for the agricultural conversion rate applied for payment:

— of securities, shall be the time limit referred to in Article 3,

— of tenders which are awarded as contract, shall be the withdrawal of all the tobacco concerned.

However, in cases where all the tobacco is withdrawn before the end of the month following that of the time referred to in Article 3, the rate of exchange into national currency of the tenders which are awarded a contract shall be the agricultural conversion rate in force on that date.

Article 8

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, 7 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

First sale

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Tsebelia	1987	BALM	1 002 269
	Tsebelia	1987	AIMA	4 647 876
	Tsebelia	1988	AIMA	16 728 093
	Tsebelia	1988	Ydagep	94 245
	Tsebelia	1989	AIMA	4 904 746
	Tsebelia	1989	Ydagep	2 487 824
2	Mavra	1986	Ydagep	612 982
	Mavra	1987	AIMA	1 212 508
	Mavra	1987	Ydagep	333 872
	Mavra	1988	AIMA	7 379 863
	Mavra	1988	Ydagep	1 189 776
	Mavra	1989	AIMA	419 673
	Mavra	1989	Ydagep	2 085 169
3	Forchheimer Havanna	1987	AIMA	1 076 394
	Forchheimer Havanna	1988	AIMA	2 221 958
	Forchheimer Havanna	1988	AIMA	642 795
4	Badischer Geudertheimer	1988	AIMA	7 517 715

Second sale

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Kaba Koulak n.c.	1986	Ydagep	318 463
	Kaba Koulak n.c.	1988	Ydagep	375 154
	Kaba Koulak n.c.	1989	Ydagep	1 100 006
	Myrodata	1988	Ydagep	264 757
	Myrodata	1989	Ydagep	3 129 700
	Zychnomyrodata	1988	Ydagep	396 773
	Zychnomyrodata	1989	Ydagep	413 036
2	Xanti Yaka	1988	AIMA	1 890 224
	Xanti Yaka	1989	AIMA	2 934 096
	Perustitza	1988	AIMA	1 556 999
	Perustitza	1989	AIMA	1 221 911
	Erzegovina	1988	AIMA	370 695
	Erzegovina	1989	AIMA	471 274

Third sale

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Burley EL	1986	Ydagep	504 667
	Burley I	1987	AIMA	1 724 626
	Burley I	1988	AIMA	2 937 069
	Badischer Burley	1988	AIMA	864 592
	Burley EL	1988	Ydagep	546 668
	Burley I	1989	AIMA	1 006 072
	Badischer Burley	1989	AIMA	65 815
	Kentucky	1987	AIMA	656 976
	Kentucky	1988	AIMA	126 965
	Kentucky	1989	AIMA	166 105
	Maryland	1988	AIMA	93 224
	Maryland	1989	AIMA	96 825

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
2	Bright	1987	AIMA	439 462
	Bright	1988	AIMA	2 390 963
	Virginia EL	1988	Ydagep	1 139
	Bright	1989	AIMA	523 638

Fourth sale

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Basmas	1986	Ydagep	238 844
	Basmas	1987	Ydagep	91 826
	Basmas	1988	Ydagep	3 119 982
	Basmas	1989	Ydagep	3 168 839
2	Katerini	1986	Ydagep	459 948
	Katerini	1988	Ydagep	2 617 348
	Katerini	1988	AIMA	402 322
	Katerini	1989	Ydagep	1 817 793
	Katerini	1989	AIMA	98 170
3	Kaba koulak Cl.	1986	Ydagep	1 190 990
	Kaba koulak Cl.	1988	Ydagep	5 723 391
	Kaba koulak Cl.	1989	Ydagep	5 411 171