COMMISSION REGULATION (EC) No 706/94

of 29 March 1994

opening individual sales by invitation to tender for the export of vinous alcohol held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine [1], as last amended by Regulation (EEC) No 1566/93 [2],

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies [3],

Whereas Commission Regulation (EEC) No 377/93 [4], as amended by Regulation (EEC) No 2192/93 [5], lays down detailed rules for the disposal of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, French and Spanish intervention agencies;

Whereas individual sales by invitation to tender should be organized for the export of alcohol to certain third countries for end use as motor fuel; whereas these countries should be given an assurance of greater continuity of supply;

Whereas the invitations to tender opened by this Regulation relate to certain third countries where there is some guarantee that exports of vinous alcohol will not disturb their markets in alcohol and spirituous beverages; whereas the amount of and detailed rules for the release of the performance security may be adapted accordingly;

Whereas sales should be organized separately for dispatch to certain countries in Central America and to Caribbean countries covered by the Caribbean Basin Initiative, in particular to take account of certain extra costs resulting from the difference in distance and the possibilites of securing onward or return freight in the countries concerned by the Caribbean Basin Initiative;

Whereas Regulation (EEC) No 2192/93 concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93 specifies the agricultural conversion rates to be applied in order to convert the payments and securities provided for in connection with individual invitations to tender into national currency;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Five individual sales by invitation to tender Nos 119/94 EC, 120/94 EC, 121/94 EC, 122/94 EC and 123/94 EC shall be held of a total quantity of 300 000 hl of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, French and Spanish intervention agencies. The individual invitation to tender No 119/94 EC shall cover 100 000 hl of alcohol at 100 % vol.

Each of the individual invitations to tender Nos 120/94 EC, 121/94 EC, 122/94 EC and 123/94 EC shall cover 50 000 hl of alcohol at 100 % vol.

2. The alcohol offered for sale:

— shall be for export to outside the European Community,

— must be imported into and dehydrated in one of the following third countries:

  — Guatemala,

  — Belize,

  — Honduras, including the Swan Islands,

  — El Salvador,

  — Costa Rica,

— must be used only as motor fuel.

(1) OJ No L 84, 27. 3. 1987, p. 1.
(2) OJ No L 154, 25. 6. 1993, p. 39.
(3) OJ No L 346, 15. 12. 1988, p. 7.
(4) OJ No L 43, 20. 2. 1993, p. 6.
(5) OJ No L 196, 5. 8. 1993, p. 19.

Article 2

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in the Annex hereto.

Article 3

The sales shall take place in accordance with Regulation (EEC) No 377/93, and in particular Articles 10 to 18 and 30 to 38 thereof.

However:

— one half of the performance security shall be released by the intervention agency holding the alcohol on removal of the quantity concerned from the agency's stores when the successful tenderer furnishes proof that that quantity has been placed under customs supervision in the territory of one of the third countries listed in Article 1 (2),

— the remainder of the performance security shall be released in accordance with Article 34 (3) (b) of Regulation (EEC) No 377/93.

In addition, to be admissible, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. Tenders must also include a statement by the tenderer to the effect that he has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 1 (2) who has undertaken to dehydrate the alcohol awarded in one of these countries and to export it for use solely in the motor fuel sector.

Article 4

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, 29 March 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

INDIVIDUAL INVITATION TO TENDER No 119/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Miroline, Terre Plein Nord, 14600 Honfleur		13 199 30 254 43 297	35 35 35	Raw + 92° Raw + 92° Raw + 92°
	Longuefuye, 53200 — Longuefuye		13 250	35	Raw + 92°
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

   Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

   — be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or

   — be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 119/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must:

   (a) include a reference to individual sale by tender No 119/94/EC;

   (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;

   (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tél.: 57 51 03 03; télex: 572 025; télécopie: 57 25 07 25).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 120/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tarancón		1 131	35 + 36	Neutral
	Tarancón		24 797	35 + 36	Neutral
	Tarancón		24 072	35 + 36	Neutral
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

   Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

   — be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi, B-1049 Brussels, or

   — be submitted at the reception of the Loi 120 building of the Commission of the European Communities, 130 rue de la Loi, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 120/94 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 19 April 1994.

5. Tenders must state the name and address of the tenderer and must :

   (a) include a reference to individual sale by tender No 120/94/EC ;

   (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;

   (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— SENPA, Beneficencia 8, E-28004 Madrid (tel.: 347 65 00; télex: 23427 SENPA; fax: 521 98 32).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 121/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Villarrobledo		46 380	35 + 36	'Destilado'
	Villarrobledo		3 620	39	'Destilado'
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

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INDIVIDUAL INVITATION TO TENDER No 122/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Mazzari SpA		8 000	39	Raw alcohol
	Bonollo SpA		10 000	39	Raw alcohol
	Di Trani SpA		8 500	35	Raw alcohol
	Di Trani SpA		7 000	36	Raw alcohol
	CA.VI.RO scrl		8 500	35	Raw alcohol
	Rodi srl		4 500	35	Raw alcohol
	Sapis SpA		2 500	39	Raw alcohol
	Bonollo SpA		1 000	35	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

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6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

— AIMA, Via Palestro 81, I-00185 Roma (tel.: 47 49 91 ; telex : 62 03 31, 62 02 52, 61 30 03 ; fax : 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.

INDIVIDUAL INVITATION TO TENDER No 123/94 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Bonollo SpA		4 000	35	Raw alcohol
	Rodi SRL		1 500	36	Raw alcohol
	Di Trami SpA		2 500	39	Raw alcohol
	Bonollo SpA		3 000	36	Raw alcohol
	G. Di Lorenzo SpA		5 000	35	Raw alcohol
	G. De Luca SAS		9 000	35	Raw alcohol
	Meri SRL		15 500	39	Raw alcohol
	Del Salento SpA		5 000	35	Raw alcohol
	Del Sud SpA		2 500	36	Raw alcohol
	F.lli Balice SNC		2 000	36	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 1 (2) of this Regulation as for use exclusively as motor fuel.

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   (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93 and the final destination of the alcohol awarded, and the statement referring to the engagement of an operator for dehydration and use solely in the motor fuel sector provided for in Article 3 of this Regulation.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

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   This security must correspond to a sum of ECU 3 per hectolitre of alcohol at 100 % vol.

IV. **Award of contract**

At the same time as he provides evidence of the lodging of a performance security of ECU 20 per hectolitre of alcohol at 100 % vol, the successful tenderer will obtain a statement of award from the intervention agency concerned within 20 days of the date of receipt of the Commission's decision awarding the lot in question.