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COMMISSION REGULATION (EC) No 111/1999

of 18 January 1999

laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation

(OJ L 14, 19.1.1999, p. 3)

Amended by:

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▼B

COMMISSION REGULATION (EC) No 111/1999

of 18 January 1999

laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2802/98 of 17 December 1998 on a programme to supply agricultural products to the Russian Federation [1], and in particular Article 4(2) thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro [2],

Whereas Regulation (EC) No 2802/98 provides for measures relating to the free supply of agricultural products to Russia; whereas, with a view to implementing those measures, general rules on its application, and in particular rules on participation in tenders, the award of contracts for supplies, and the obligations to be met by successful tenderers should be laid down;

Whereas the supplies cover agricultural products from intervention stocks without further processing and products not available from intervention stocks but belonging to the same group of products; whereas specific detailed rules should also be laid down for supplies of processed products; whereas the latter should be allowed to be paid for in raw materials from intervention stocks;

Whereas, to ensure satisfactory competition between the various operators in the Community, in the case of the supply of processed products and of products not available in intervention that must be mobilised on the Community market, these supplies should be organised in two stages and contracts awarded separately for the manufacture of the processed product or the mobilisation of the product on the market, as appropriate, and then for delivery to the delivery stage laid down for supply to the recipient country;

Whereas pursuant to Article 14 of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture [3], amounts quoted in tenders submitted in response to invitations to tender organised under an instrument forming part of the common agricultural policy must be expressed in euros; whereas Article 5(1) of that Regulation provides that in such cases the operative event for the agricultural exchange rate is the final day for the submission of tenders; whereas paragraphs 3 and 4 of that Article specify the operative events applicable to advances and securities;

Whereas these rules on application must also include, prior to exit from the Community territory and at sea ports and frontier points of destination of the products, a system of controls and the lodging of securities to ensure that the supply operation is properly conducted; whereas, furthermore, proof that the products concerned have been taken over by the Russian authorities is to be provided by way of a special take-over certificate;

Whereas it is appropriate to provide for the possibility of allowing a certain tolerance in the case of losses to take account of particular difficulties;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention [4], as last amended by Regulation (EC) No 770/96 [5];

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(1) OJ L 349, 24. 12. 1998, p. 12.
(2) OJ L 349, 24. 12. 1998, p. 1.
(3) OJ L 349, 24. 12. 1998, p. 36.
(4) OJ L 301, 17. 10. 1992, p. 17.
(5) OJ L 104, 27. 4. 1996, p. 13.

▼B

Whereas it should be specified that Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products [1], as last amended by Regulation (EC) No 3403/93 [2], is to apply to supplies governed by this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply to the free supply for agricultural products to Russia pursuant to Regulation (EC) No 2802/98, without prejudice to any additional provisions adopted in Regulations opening invitations to tender for awarding contracts for individual supplies.

Article 2

1. An invitation to tender is opened to determine the costs of supply, to the sea ports and frontier points of take over by the recipient laid down in the notice of invitation to tender, of products either withdrawn from intervention stores or mobilised on the Community market.

(a) Such costs may relate to the supply of goods from the loading bay of the intervention agency store, or loaded onto the means of transport, to a point of take over at the delivery stage laid down.

(b) Such costs may relate to the supply of a product, from a Community store, port or railway station, loaded onto the means of transport, to the point of take over at the delivery stage laid down.

2. The invitation to tender may cover the quantity of products to be removed physically from intervention stocks as payment for the supply of processed products from the same group of products. In that case, the costs shall in particular cover the processing, packaging and labelling of the products to be delivered to the delivery stage laid down in the notice of invitation to tender, in accordance with the individual invitation to tender.

3. The invitation to tender may cover the determination of the costs of the supply of products to be mobilised on the Community market. For such supplies, the costs shall cover in particular the price of the product and the costs of packaging and labelling the products to be delivered to the delivery stage laid down in the notice of invitation to tender, in accordance with the individual invitation to tender.

Article 3

Participation in tendering procedures shall be open on equal terms to any natural person who is a national of a Member State and established in the Community and to any company which is established in accordance with the laws of a Member State and whose registered office, central administration or main establishment is in a Member State.

Article 4

1. Tenders shall be submitted in writing to the intervention agency at the address given in the notice of invitation to tender before the date and time indicated.

Tenders shall be placed inside two sealed envelopes. The inner envelope shall bear, in addition to the address given in the notice of invitation to tender, the number of the regulation announcing the invitation to tender and the following: 'Submission from (business name of the tenderer) — To be opened only be the committee responsible for opening tenders'.

Tenders submitted by fax, telex or electronic mail shall not be admissible.

2. Tenders shall be opened in public and the body responsible shall publicise the amounts or quantities, as appropriate, tendered for each lot.

(1) OJ L 205, 3. 8. 1985, p. 5.
(2) OJ L 310, 14. 12. 1993, p. 4.

▼M1

3. The intervention agencies shall satisfy themselves that tenderers and the subcontractors, wholly-milled rice producers and slaughterhouses involved in the mobilisation of pigmeat indicated in their tenders have the technical and financial capacity to meet the obligations under the supply operations for which they submit tenders.

▼B

Article 5

1. Tenders shall be admissible only where they:

(a) clearly indicate the regulation announcing the individual invitation to tender and the number of the lot to which they relate;

(b) give the name and address of the tenderer, who must be established in the Community, together with his VAT identification number and telex and/or fax number;

(c) cover one single, entire lot (net weight);

(d) in the case of the tenders referred to in Article 2(1) and (3), express the various amounts quoted in euros;

(e) indicate, where Article 2(1)(a) or (b) applies:

(1) the amount per tonne gross tendered for each destination allowing for all of the possible departure points provided for in the invitation to tender;

(2) the names and addresses of all forwarding agents and subcontractors to be used in executing the supply on Community territory and in thrid countries;

(3) the means of transport to be used, specifying their capacity;

▼M1

(4) the route, including border crossing points and indicating any points at which the goods are to be transferred from one means of transport to another outside the Community's customs territory; in such cases the tenderer undertakes to communicate in writing to the authorities and bodies indicated to the tenderer by the Commission, at least three days in advance, the dates on which the transhipments are to take place and the probable dates of the principal operations, in particular loading and arrival at destination;

▼B

(5) a precise breakdown of the tender in accordance with the headings given in Annex II;

▼M1

(6) the undertaking by the tenderer to submit, in the event of his tender being successful, the original of the insurance policy taken out to cover all risks relating to transport;

▼B

(f) indicate, where Article 2(2) applies, in the case of rice supplies:

(1) the proposed quantity of product, expressed in tonnes (net weight), to be exchanged for one tonne net of finished product to be delivered under the conditions and at the delivery stage laid down in the invitation to tender;

(2) the exact address(es) of the store(s) at which the goods are to be kept prior to dispatch;

▼M1

(3) the name(s) and address(es) of the businesses producing the wholly-milled rice and of all subcontractors and forwarding agents to be used in the operation;

▼B

(g) indicate, where Article 2(3) applies, in the case of pigmeat supplies:

▼M1

(1) the amount tendered per tonne (net), taking account of the cost of processing, packaging, transport and storage to the delivery stage specified in the invitation to tender;

▼B

(2) the exact address(es) of the store(s) at which the goods are to be kept prior to dispatch;

▼M1

(3) the name(s) and address(es) of the slaughterhouses involved in the mobilisation of the products and of all subcontractors and forwarding agents to be used in the operation;

▼B

(h) are accompanied by proof that the tenderer has lodged, in favour of the intervention agency designated for submission of tenders, a tendering security for the unitary amount laid down in the notice of invitation to tender in accordance with Article 8(1) of Title III of Regulation (EEC) No 2220/85. Proof shall be furnished by means of the original of the document issued by the financial body providing the security drawn up in accordance with Annex III;

(i) are accompanied by the original of the written undertaking by the financial body concerned to provide the supply security provided for in Article 7 drawn up ►**M1** in accordance with Annex IV ◄ .

▼M1

The securities provided for in this Regulation shall be lodged by credit institutions approved by the Member States and included on the list drawn up by the Commission [1] in accordance with Articles 3(7) and 10(2) of Council Directive 77/780/EEC [2]. A security lodged by an approved institution not included on the list shall be admissible if the credit institution indicates in its security document the reference to the national decision granting it that approval. Securities must be accompanied by details of the person or persons authorised to sign the financial documents, including their official capacity and a specimen of their signature.

▼B

2. Tenders submitted which are not in accordance with the requirements of this Article or, where applicable, the additional requirements of a regulation opening an individual tender, or which contain conditions other than those laid down, shall be inadmissible.

▼M1

3. Tenders shall be valid for 15 days after the final date for the submission of tenders.

▼B

4. Once submitted, tenders may be neither changed nor withdrawn.

Article 6

1. The intervention agency or agencies concerned shall send the Commission by fax or written telecommunication, within 24 hours of the end of the period for the submission of tenders, a communication, quoting the Regulation opening the invitation to tender, for each lot comprising:

(a) the names and addresses of the tenderers who have submitted admissible tenders pursuant in particular to Articles 3, 4 and 5;

(b) and for each admissible tender, the amount or quantity tendered, as appropriate.

▼M1

The intervention agency or agencies concerned shall, within the time limit specified in the previous subparagraph, forward to the Commission, for each lot, a complete copy of the two most favourable tenders received, accompanied by a copy of the security and of the financial undertaking mentioned in Article 5(1)(h) and (i) and the specimen signatures of the persons authorised to issue those documents.

▼B

2. On the basis of the tenders submitted, it may be decided, with regard to each lot:

— not to award any contract for supply,
or

— to award the supply contract as appropriate on the basis of the price or quantity offered.

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(1) OJ C 237, 28. 7. 1998, p. 1.
(2) OJ L 322, 17. 12. 1977, p. 30.

▼M1

3. The Commission shall inform the successful tenderer of the award of the contract as soon as possible and shall send a copy of that decision to the intervention agency or agencies which received the tenders.

▼B

4. The intervention agencies that received tenders shall inform tenderers as soon as possible, by fax or electronic mail if necessary, of the outcome of their participation in the tender.

▼M1

▼B

Article 7

▼M1

1. In the case of a supply operation as referred to in Article 2(1)(a) or (b), the successful tenderer shall lodge, within five working days of receiving notification of award of the tender, a supply security of an amount equal to the quantities to be removed for each ship or for each destination, multiplied by the unitary amount laid down in the notice of invitation to tender.

Removal of the goods may commence once the intervention agency has obtained proof that the supply security has been lodged in accordance with paragraph 4.

▼B

2. In the case of supplies as referred to in Article 2(2), within five working days of the notification of the award of the contract, the successful tenderer shall lodge a supply security of an amount equal to the net quantities to be taken over for each lot, multiplied by the unitary amount laid down in the notice of invitation to tender.

3. In the case of supplies as referred to in Article 2(3), within five working days of the award of the contract, the successful tenderer shall lodge a supply security of an amount equal to 10 % of the tender, multiplied by the net quantities to be supplied.

4. The supply security shall be lodged in accordance with Article 8(1) of Title III of Regulation (EEC) No 2220/85 in favour of the intervention agency responsible for payment.

Proof of the lodging of the supply security shall be provided by means of the original of the document issued by the financial body providing the security drawn up in accordance with Annex III.

▼M1

Article 7a

1. With regard to supply operations concerning the production of wholly-milled rice and the mobilisation of pigmeat on the Community market, the successful tenderer shall be paid a lump sum of EUR 0,45 per tonne (net) per day for the rice and EUR 0,90 per tonne (net) per day for the pigmeat to cover all expenses (parking, insurance, security, securities, etc.) in the event that the transporter cannot take over the goods within the time limit set for reasons beyond his control.

2. With regard to a supply operation as referred to in Article 2(1)(a), the removal certificate shall be issued by the intervention agency within three working days from the end of the operations to remove all the quantities stored in a warehouse indicated in the Regulation governing the supply in question. The intervention agency shall be liable to pay the cost of late issuance of the certificate, that cost to be determined by applying an interest rate equal to the reference rate mentioned in Annex VII applicable in the member State concerned on the last day for the submission of tenders plus one and a half percentage points.

▼B

Article 8

1. Except in cases of *force majeure*, successful tenderers shall bear all risks to which the goods may be subject, and in particular their loss or deterioration, up to the specified supply stage.

▼B

2. The successful tenderer responsible for transport shall have delivery carried out by means of transport providing adequate assurance, in particular in terms of hygiene, of proper preservation and conveyance of the goods. In the case of transport by sea, the vessels used shall be listed in the larger classes in international classification registers.

3. In the event of difficulties arising in the course of execution of supply, after the products have been taken over by the successful tenderers, and except in cases of emergency, the Commission alone shall have the power to give instructions to facilitate completion of supply.

4. The Commission may, at the request of the intervention agency concerned, allow a tolerance in so far as unidentifiable losses are concerned, to take account of particular difficulties.

Article 9

1. Successful tenderers shall undergo, prior to exit of the goods from the Community territory, any controls requested and conducted by or on behalf of the Commission at the time of production, packaging, storage or loading. Such controls shall relate to the quantity, quality, health status, packaging and labelling of the supply. The results of these controls are opposable by all interested parties to the extent that the latter have had the possibility to participate in the controls.

Where samples are taken, the agency responsible for controls shall keep additional samples at the Commission's expense for the event of any subsequent disputes.

▼M1

In the case of a supply operation concerning the production of wholly-milled rice or the mobilisation of pigmeat on the Community market, the removal certificate drawn up in accordance with Annex V and checked and signed by the control agency shall certify conformity of the product with the rules laid down for its supply.

▼B

2. Where, in the case of the supplies provided for in Article 2(2) and (3), the quality of the goods provided by the intervention agency or suppliers does not meet the standards laid down in the notice of invitation to tender, the agency responsible for the controls shall immediately inform the Commission and loading shall be suspended.

3. Where the quality of the goods provided by the intervention agency does not meet the minimum standards laid down for intervention buying in or, in the case of beef and veal, the standards laid down for intervention storage, the intervention agency shall immediately provide goods meeting the requiremens laid down for the supply.

The additional costs incurred by the successful tenderers (additional transport costs, demurrage, etc.) shall be borne by the intervention agency.

Where this paragraph is applied, Article 2(3)(c) of Commission Regulation (EEC) No 3597/90 [1] shall apply.

4. Where, in the case of the supplies provided for in Article 2(2) and (3), the goods provided by the suppliers do not meet the quality standards laid down in the notice of invitation to tender, the additional transport costs incurred by the successful tenderer shall be borne by those suppliers, without prejudice to Article 12(2).

▼M1

5. In the case of the supply of beef/veal and pigmeat, the intervention agency holding the product and the successful tenderer, or, where applicable, the storekeeper for the account of the successful tenderer, shall undergo any controls requested and conducted by agents designated by the recipient country on Community customs territory.

6. The agency responsible for the controls shall seal the means of transport leaving Community customs territory at the time of loading. In the case of transhipment outside Community customs territory, the agency designated by the Commission shall verify that the seals on the means of transport arriving at the points of transhipment are intact, and shall seal the new means of transport used after transhipment.

[1] OJ L 350, 14. 12. 1990, p. 1.

▼B

7. Successful tenderers shall undergo, at the sea ports and frontier points of destination of the products laid down in the notice of invitation to tender, any controls requested and conducted by or on behalf of the Commission.

A certificate of conformity, or of non-conformity, detailing the checks made and the results, shall be issued to the successful tenderer on completion of the controls. The agency responsible for the controls shall send a copy of this certificate to the Commission.

8. The costs of the controls shall be borne by the Community, except for costs relating to the controls referred to in paragraph 5.

▼M1

Article 10

1. Applications for payment of the supply shall be submitted to the intervention agency referred to in Article 4 within two months of the end of the period laid down for the supply in the notice of invitation to tender. Except in cases of *force majeure*, where this provision is not complied with the amount of the payment shall be reduced by 10 % for the first month's delay and 5 % for each month thereafter.

2. Applications for payment shall be accompanied by the following supporting documents:

(a) where Article 2(1)(b) applies:

— a copy of the transport documents,

— the original of the take-over certificate issued by the control agency designated by the Commission and signed by the representative of the recipient country given in the Annex to the regulation opening the invitation to tender for the supply. That document shall be drawn up in accordance with Annex I,

— the certificate of conformity at the delivery stage referred to in Article 9(7),

— according to the case, a copy of the export licence or the export declaration where an export licence is not required under the legislation for the common organisation of the market;

(b) where Article 2(1)(a) applies, in addition to the documents indicated under (a) above applications shall be accompanied by the control document referred to in Article 14(2).

3. In the case of supplies as referred to in Article 2(1)(a) or (b), payment of the tender shall be made in respect of the quantity stated in the take-over certificate issued by the control agency designated by the Commission and signed by the representative of the recipient country indicated in the Annex to the regulation opening the invitation to tender for the supply. That document shall be drawn up in accordance with Annex I.

4. In the case of supplies as referred to Article 2(2), the quantity of intervention product awarded shall be made available to the successful tenderer on presentation of proof of lodging of the security pursuant to Article 7(2).

5. In the case of supplies as referred to Article 2(3), payment of the tender of the successful tenderer for mobilisation of the product shall be made on presentation of the removal certificate drawn up in accordance with Annex V, issued by the designated transporter and signed by the control agency referred to in Article 9(1) after complete loading of the lot.

6. Where take over by the recipient's representative at the delivery stage is delayed owing to circumstances beyond the control of the successful tenderer, the additional costs borne by the latter shall be reimbursed by the recipient country following an examination of the supporting documents.

7. In the case of transport by truck on the roads of the Russian Federation, the tenderer shall, in application of the undertaking given as a result of his tender, forward to the Russian authorities the invoices for the costs determined in accordance with the technical appendix to the Memorandum of Understanding referred to in Article 15.

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Article 11

1. For the tendering security, the primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the following:

(a) a requirement not to withdraw the tender;

(b) the lodging of the supply security in accordance with Article 7;

(c) additionally, for a supply as referred to in Article 2(2), the physical removal from intervention stocks of the quantities awarded. On expiry of the time limit laid down for removal, the security shall be forfeited for those quantities not yet removed in accordance with Article 23(2) of Regulation (EEC) No 2220/85. In addition, the quantity to be removed shall be reduced by 10 % for each month of delay.

2. The tendering security shall be released:

— if the tender is not accepted,

— in the case of supplies as provided for in Article 2(1)(a) or (b) and Article 2(3), upon presentation of proof of the lodging of the supply security in accordance with Article 7,

— in the case of supplies as referred to in Article 2(2), upon presentation of the certificate of removal issued by the intervention agency for all of the quantities awarded.

Article 12

1. For the supply security, the primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the supply of the full quantity of the product, of a quality substantially unchanged as compared with:

— that ascertained at the time of removal from the intervention store, in the case of a supply as referred to in Article 2(1)(a),

— that ascertained at the time of take over by the transporter, in the case of a supply as referred to in Article 2(1)(b),

— that specified in the notice of invitation to tender, in the case of a supply as referred to in Article 2(2) and (3).

2. The supply security shall be released when the successful tenderer provides proof of execution of the supply in accordance with the requirements of this Regulation and the Regulation opening the individual invitation to tender.

Such proof shall be provided:

(a) in the case of supplies as provided for in Article 2(1)(a) or (b), by presenting the documents referred to in Article 10(2)(a) or (b) as appropriate.

The security shall be forfeited for quantities in respect of which no proof is supplied;

▼M1

(b) in the case of supplies as provided for in Article 2(2) and (3), by presenting the removal certificate drawn up in accordance with Annex V, issued by the transporter and signed by the control agency mentioned in Article 9(1).

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The security shall be forfeited:

— for quantities not meeting the conditions laid down for the supply,

— for quantities lost in particular as a result of packaging which is inappropriate for the type of transport foreseen,

— up to an amount of EUR 1 per tonne per day, multiplied by the quantities not loaded, where the loading rate stipulated by the invitation to tender has not been respected.

▼M1

3. Where delays occur at the stage laid down for the supply, the supply security shall be forfeited in respect of those quantities not taken over within the time limits or delivered outside of the time limits, up to an amount of EUR 0,75 per tonne per day of delay. With effect from the 11th day of delay the amount forfeited shall be increased to EUR 1,00 per tonne per additional day. These provisions shall apply where the delay in take over or delivery is attributable to the successful tenderer.

4. In the case of supplies as provided for in Article 2(1)(a) or (b), the supply security shall be released in accordance with the conditions laid down above or in instalments of 20 % each time proof is presented that 20 % of the quantity of a lot has been delivered.

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Article 13

Where Article 2(1)(a) or (b) applies, the successful tenderer may on request receive a payment on account equal to 90 % of the amount obtained by multiplying the net quantities taken over for a product, a destination and a delivery date by the unitary amounts indicated in his tender.

The payment on account shall be made upon presentation of a removal certificate, drawn up in accordance with Annex V or VI, issued, as appropriate, by the intervention agency of the Member State holding the product or by the successful tenderer for the manufacture of the processed product or the mobilisation of the product on the Community market, and on presentation of proof of the lodging of a payment-on-account security for an amount equal to the amount to be paid, in favour of the intervention agency responsible for payment. The security shall be lodged in accordance with Annex III.

▼M1

The payment-on-account security shall be released when the conditions laid down for the payment of the balance of the supply, in application of Article 10, have been met.

Article 14

1. The export licences requested and delivered for the execution of the supplies, in application where appropriate of the legislation for the common organisation of the market, shall contain in Box 20 the following entry:

‘Council Regulation (EC) No 2802/98. Not eligible for export refunds.’

2. The export declaration and the control document issued pursuant to Article 3 of Regulation (EEC) No 3002/92 shall indicate the following:

‘Commission Regulation (EC) No 111/1999 laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation. Not eligible for export refunds.’

3. When the export of the product is subject to the presentation of an application for an export licence, the application shall be accompanied by the proof that the applicant is a successful tenderer of a supply under Regulation (EC) No 2802/98. Such proof shall be provided by a copy of the decision to award the contract referred to in Article 6(3).

Export licences shall be issued only if proof is provided that the supply security has been lodged in accordance with Article 7. Lodging of that security shall be deemed to constitute the lodging of the licence security, By way of derogation from Title III, Section 4, of Regulation (EEC) No 3719/88, it shall be released under the conditions laid down in Article 12(2).

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Article 15

Upon request, the operator may obtain from the intervention agency referred to in Article 4 the relevant provisions, in English or Russian, of the Memorandum of Understanding between the European Community and the Russian Federation applicable to individual invitations to tender for supply contracts opened pursuant to Regulation (EC) No 2802/98.

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Article 16

The Court of Justice of the European Communities shall be competent to resolve any dispute resulting from the implementation or the non-implementation or from the interpretation of the rules governing supply operations carried out in accordance with this Regulation.

Article 17

This Regulation shall enter into force on the 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.

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ANNEX I (a)

Transport by sea

Regulation (EC) No 111/1999

TAKE-OVER CERTIFICATE

I, the undersigned .....
(Name/first name/position)

acting on behalf of .....

hereby certify that I have taken over the following goods:

Product:	
Packaging:	
Total quantity in tonnes (net): (gross):	
Number of bags (rice/milk powder): Boxes (boned beef/veal):	
Place and date of take over:	
Name of vessel:	
Seal numbers on arrival:	
Name and address of firm responsible for transport:	

Name and address of control company: .....

Name and signature of their local representative: .....

Observation or reservations:

.....

.....

.....
(Signature and stamp of recipient)

▼B

ANNEX I(b)

Transport by rail or truck

Regulation (EC) No 111/1999

Train No .....

Certificate of take-over on arrival of wagons or trucks at the designated frontier points.

I, the undersigned .....
(Name/first name/position)

acting on behalf of .....

hereby certify that I have taken over the following goods:

Type of product: .....

Place and date of take over: .....

Wagon numbers/truck registration numbers	Seal numbers	Quantities (net weight)	Date of border crossing	Quantities (1) Signature and remarks
1	.....	.....	.....	.....
2	.....	.....	.....	.....
3	.....	.....	.....	.....
4	.....	.....	.....	.....
5	.....	.....	.....	.....
6	.....	.....	.....	.....
7	.....	.....	.....	.....
8	.....	.....	.....	.....
9	.....	.....	.....	.....
10	.....	.....	.....	.....
(1) To be completed for wagons or trucks checked — enter weight measured.				

Name and address of transport company: .....

Name and address of control company: .....

Observations and reservations: .....

Representative of control company

.....
(Name, signature and stamp)

.....
(Name, signature and stamp of recipient)

▼M1

ANNEX II

Break-down of tender in EUR/tonne (1)

1. Handling and loading costs
2. Forwarding costs
3. Costs of placing fob
4. Sea freight
5. Cost of loading onto wagons
6. Rail costs prior to transhipment
7. Cost of transhipment onto wagons
8. Rail costs after transhipment to Russian border
9. Cost of land transport by truck to Russian border
10. Cost of insurance to cover all risks relating to transport
11. Cost of bank guarantees
12. Administrative costs (certificates, customs documents, etc.)
13. Miscellaneous costs

Total EUR/tonne…

(1) If the tender is to be admissible, pursuant to Article 5(1)(e)(5), it must contain a figure for the relevant headings in this Annex, taking account of the type of supply operation.

▼B

ANNEX III

Lodging of securities

Tendering security (*) No ..... (Article 5(1)(h) of Regulation (EC) No 111/1999)

Supply security (*) No ..... (Article 7 of Regulation (EC) No 111/1999)

Payment security (*) No ..... (Article 13 of Regulation (EC) No 111/1999)

Commission Regulation (EC) No ...../.... of .../.../....(1)

Tenderer:

Goods/quantity:

Destination:

Amount of security:

We, the undersigned ..... (name, address, fax and telephone numbers of bank), represented by Mr/Mrs/Ms ..... (position), hereby guarantee jointly and severally in favour of the intervention agency ..... (address) the amount of:

Currency and amount in figures
(Currency and amount in letters)

to guarantee that the company ..... (name and address) will carry out its obligations resulting from the tender of ...../...../..... relating to ..... (number and title of the tender regulation).

This guarantee:

1. is of unlimited validity;
2. is payable to the intervention agency upon its first request, on the basis of a simple declaration that the company ..... has not respected its obligations;
3. may be released only by the intervention agency by:
   — returning the original of this guarantee,
   — the explicit release (possibly in part) by the intervention agency.

Done at ....., ...

To be attached: A list of the persons authorised to sign the guarantees with specimen signatures.

(*) As applicable.
(1) Regulation opening the invitation to tender.

▼B

ANNEX IV

Undertaking to lodge a supply security

In accordance with Article 7 of Regulation (EC) No 111/1999

Tenderer: .....

Lot No: .....

Goods/quantities: .....

Amount of security: .....

We, the undersigned ..... (name, address, fax and telephone numbers of bank), represented by Mr/Mrs/Ms ..... (position), hereby irrevocably undertake to issue a supply guarantee jointly and severally for ..... (company) for an amount of EUR ..... in favour of the intervention agency ..... (address) in the event of that company being a successful tenderer.

►(1) Our guarantee will be issued in accordance with Article 7 of and Annex III to Regulation (EC) No 111/1999. ◄

.....
(Signature)

►(1) M1

▼B

ANNEX V

REMOVAL CERTIFICATE

(supply referred to in Article 2(2) or (3) of Regulation (EC) No 111/1999)

I, the undersigned .....
(name/first name/position)

acting on behalf of .....

hereby certify that I have taken over the following goods:

Product:	
Packaging:	
Number of bags:	
Total quantity in tonnes: — net: — gross:	
Place and date of take over:	
Name of vessel:	

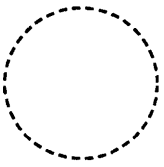
Name/address of control company: .....
Name and signature of local representative: .....

Observations or reservations:

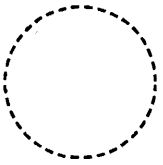
.....

.....

.....



.....
(Signature and stamp of manufacturer (1))



.....
(Signature and stamp of transporter)

Certificate to be completed in duplicate, one copy for the manufacturer for obtaining release of the supply security, the other for the transporter for submitting the application for the payment on account referred to in Article 13 of Regulation (EC) No 111/1999.

(1) The operator responsible, as appropriate, for processing or mobilisation on the market.

▼B

ANNEX VI

REMOVAL CERTIFICATE

for products from intervention stocks

(supply referred to in Article 2(1)(a) or (2) of Regulation (EC) No 111/1999)

Store: .....

Tender Regulation (EC) No: .....

Product: .....

Lot No: .....

Type of product and dates of removal	Quantities removed
Total	

.....

(Date, stamp and signature of store official)

▼M1

ANNEX VII

Reference interest rate referred to in Article 7(a)(2)

— Belgium: Interest rate on three-month Treasury certificate (European Central Bank)

— Denmark: Three-month interbank interest rate (Danish Central Bank)

— Germany: Three-month interest rate (European Central Bank)

— Greece: Three-month ATHIBOR (Reuters)

— Spain: Three-month interbank interest rate (Spanish Central Bank)

— Finland: Three-month HELIBOR (European Central Bank)

— France: Three-month PIBOR (European Central Bank)

— Ireland: Three-month interbank fixed rate (European Central Bank)

— Italy: Three-month interbank interest rate (FT)

— Luxembourg: Interest rate on three-month Treasury certificate (European Central Bank)

— Netherlands: Three-month interbank interest rate (European Central Bank)

— Austria: Three-month VIBOR (European Central Bank)

— Portugal: Three-month interbank interest rate (Portuguese Central Bank)

— Sweden: Three-month STIBOR (European Central Bank)

— United Kingdom: Three-month interbank interest rate