COMMISSION REGULATION (EC) No 491/1999

of 5 March 1999

on a sale by tender of beef held by certain intervention agencies for export

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal [1], as last amended by Regulation (EC) No 1633/98 [2], and in particular Article 7(3) thereof,

Whereas the application of intervention measures in respect of beef has resulted in a build-up of stocks in several Member States; whereas outlets for those products exist in certain third countries; whereas, in order to prevent storage being prolonged excessively, part of those stocks should be put up for sale by tender for export to those countries;

Whereas the sale should be conducted in accordance with Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies [3], as last amended by Regulation (EC) No 2417/95 [4], and in particular Titles II and III thereof, and 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 [5], as last amended by Regulation (EC) No 770/96 [6], subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas, in order to ensure that the sales by tender are conducted properly and uniformly, measures in addition to those provided for in Article 8(1) of Regulation (EEC) No 2173/79 should be adopted;

Whereas provision should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of that point is creating in the Member States concerned;

Whereas, for practical reasons, export refunds will not be granted on beef sold under this Regulation; whereas, however, successful tenderers will be required to apply for export licences for the quantity awarded, in accordance with Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector [7], as last amended by Regulation (EC) No 2648/98 [8];

Whereas, in order to ensure that the beef sold is exported to the eligible third countries, provision should be made for a security to be lodged before the goods are taken over and the primary requirements should be determined;

Whereas products from intervention stocks may in certain cases have undergone several handling operations; whereas, to help ensure satisfactory presentation and marketing, the repackaging of the products should be authorised in certain circumstances;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The following approximate quantities of intervention products bought in pursuant to Article 6 of Regulation (EEC) No 805/68 shall be put up for sale:

— 700 tonnes of bone-in beef held by the German intervention agency,

— 700 tonnes of bone-in beef held by the French intervention agency,

[1] OJ L 148, 28. 6. 1968, p. 24.
[2] OJ L 210, 28. 7. 1998, p. 17.
[3] OJ L 251, 5. 10. 1979, p. 12.
[4] OJ L 248, 14. 10. 1995, p. 39.
[5] OJ L 301, 17. 10. 1992, p. 17.
[6] OJ L 104, 27. 4. 1996, p. 13.
[7] OJ L 143, 27. 6. 1995, p. 35.
[8] OJ L 335, 10. 12. 1998, p. 39.

— 700 tonnes of bone-in beef held by the Spanish intervention agency,

— 6 000 tonnes of boneless beef held by the Irish intervention agency.

2. The beef shall be exported to the zones '02' to '09' destinations listed in Annex II to Commission Regulation (EC) No 2697/98 [1].

3. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulation (EEC) No 2173/79, and in particular Titles II and III thereof, and Regulation (EEC) No 3002/92.

Article 2

1. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, this Regulation shall serve as a general notice of invitation to tender.

The intervention agencies concerned shall draw up notices of invitation to tender setting out in particular:

— the quantities of beef put up for sale, and

— the deadline and place for the submission of tenders.

2. Particulars of the quantities and the places where the products are stored may be obtained by the parties concerned at the addresses set out in the Annex II. The intervention agencies shall, in addition, display the notices referred to in paragraph 1 at their head offices and may also publish them in other ways.

3. The intervention agencies concerned shall sell first meat which has been in storage for the longest time.

4. Only tenders reaching the intervention agencies concerned by 12 noon on 22 March 1999 shall be considered.

5. Tenders shall be valid only if they relate to a minimum of 15 tonnes.

6. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, tenders must be submitted to the intervention agency concerned in sealed envelopes bearing a reference to this Regulation. The sealed envelopes must not be opened by the intervention agency before the deadline for submission as referred to in paragraph 4 has expired.

7. Notwithstanding Article 8(2)(b) of Regulation (EEC) No 2173/79, tenders shall not specify the store or stores where the products are held.

8. Notwithstanding Article 15(1) of Regulation (EEC) No 2173/79, the security shall be EUR 12 per 100 kilograms.

The submission of an application for an export licence as referred to in Article 4(2) shall constitute a primary requirement in addition to the requirements laid down in Article 15(3) of Regulation (EEC) No 2173/79.

Article 3

1. Not later than the day following the closing date for the submission of tenders, the Member States shall send the Commission details of tenders received.

2. Following scrutiny of the tenders, a minimum selling price per product shall be set or no award shall be made.

Article 4

1. The intervention agency shall send each tenderer the information referred to in Article 11 of Regulation (EEC) No 2173/79 by fax.

2. Within five working days of the date on which the information as referred to in paragraph 1 is forwarded, the successful tenderers shall apply for one or more export licences as referred to in the first indent of Article 8(2) of Regulation (EC) No 1445/95 in respect of the quantity awarded. Applications shall be accompanied by the fax as referred to in paragraph 1 and shall contain in box 7 the name of one of the zones '02' to '09' countries referred to in Article 1(2). In addition, one of the following shall be entered in box 20 of applications:

— Productos de intervención sin restitución [Reglamento (CE) nº 491/1999]

— Interventionsvarer uden restitution [Forordning (EF) nr. 491/1999]

— Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 491/1999]

— Προϊόντα παρέμβασης χωρίς επιστροφή [κανονισμός (ΕΚ) αριθ. 491/1999]

— Intervention products without refund [Regulation (EC) No 491/1999]

— Produits d'intervention sans restitution [règlement (CE) nº 491/1999]

— Prodotti d'intervento senza restituzione [Regolamento (CE) n. 491/1999]

— Producten uit interventievoorraden zonder restitutie [Verordening (EG) nr. 491/1999]

— Produtos de intervenção sem restituição [Regulamento (CE) n.º 491/1999]

— Interventiotuotteita – ei vientitukea [Asetus (EY) N:o 491/1999]

— Interventionsprodukt utan exportbidrag [Förordning (EG) nr 491/1999].

[1] OJ L 338, 15. 12. 1998, p. 20.

Article 5

1. Notwithstanding Article 18(1) of Regulation (EEC) No 2173/79, the delivery period shall run for three months from the date of the notification as referred to in Article 4(1) of this Regulation.

2. Notwithstanding the first indent of Article 8(2) of Regulation (EC) No 1445/95, export licences applied for in accordance with Article 4(2) of this Regulation shall be valid for 90 days.

Article 6

1. A security shall be lodged by the buyer before the goods are taken over to ensure they are exported to the third countries referred to in Article 1(2). Import into one of those countries shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ([1]).

2. The security referred to in paragraph 1 shall be, per tonne:

— the difference between the tender price per tonne and EUR 2 000 for bone-in hindquarters,

— the difference between the tender price per tonne and EUR 1 300 for bone-in forequarters,

— the difference between the tender price per tonne and EUR 3 200 for boneless meat falling within codes INT 12 to INT 16 and code INT 19,

— the difference between the tender price and EUR 1 800 for other boneless meat.

Article 7

The competent authorities may permit intervention products with torn or soiled packaging to be put up in new packaging of the same type, under their supervision and before being presented for dispatch at the customs office of departure.

Article 8

No export refund shall be granted on meat sold under this Regulation.

Removal orders as referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, export declarations and, where appropriate, T5 control copies shall contain one of the following entries:

— Productos de intervención sin restitución [Reglamento (CE) nº 491/1999]

— Interventionsvarer uden restitution [Forordning (EF) nr. 491/1999]

— Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 491/1999]

— Προϊόντα παρέμβασης χωρίς επιστροφή [κανονισμός (ΕΚ) αριθ. 491/1999]

— Intervention products without refund (Regulation (EC) No 491/1999)

— Produits d'intervention sans restitution [règlement (CE) nº 491/1999]

— Prodotti d'intervento senza restituzione [Regolamento (CE) n. 491/1999]

— Producten uit interventievoorraden zonder restitutie [Verordening (EG) nr. 491/1999]

— Produtos de intervenção sem restituição [Regulamento (CE) nº 491/1999]

— Interventiotuotteita – ei vientitukea [Asetus (EY) N:o 491/1999]

— Interventionsprodukt utan exportbidrag [Förordning (EG) nr 491/1999].

Article 9

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, 5 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

([1]) OJ L 205, 3. 8. 1985, p. 5.

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I

Estado miembro	Productos (1)	Cantidad aproximada (toneladas)
Medlemsstat	Produkter (1)	Tilnærmet mængde (tons)
Mitgliedstaat	Erzeugnisse (1)	Ungefähre Mengen (Tonnen)
Κράτος μέλος	Προϊόντα (1)	Κατά προσέγγιση ποσότητα (τόνοι)
Member State	Products (1)	Approximate quantity (tonnes)
État membre	Produits (1)	Quantité approximative (tonnes)
Stato membro	Prodotti (1)	Quantità approssimativa (tonnellate)
Lidstaat	Producten (1)	Hoeveelheid bij benadering (ton)
Estado-membro	Produtos (1)	Quantidade aproximada (toneladas)
Jäsenvaltio	Tuotteet (1)	Arvioitu määrä (tonneina)
Medlemsstat	Produkter (1)	Ungefärlig kvantitet (ton)

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	— Vorderviertel	350
	— Hinterviertel	350
ESPAÑA	— Cuartos delanteros	350
	— Cuartos traseros	350
FRANCE	— Quartiers avant	350
	— Quartiers arrière	350

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

IRELAND	— shank (code INT 11)	750
	— thick flank (code INT 12)	200
	— topside (code INT 13)	200
	— silverside (code INT 14)	200
	— rump (code INT 16)	200
	— flank (code INT 18)	1 000
	— fore rib (code INT 19)	200
	— shin (code INT 21)	750
	— shoulder (code INT 22)	500
	— brisket (code INT 23)	1 000
	— forequarter (code INT 24)	1 000

(1) Véanse los anexos V y VII del Reglamento (CEE) nº 2456/93de la Comisión (DO L 225 de 4. 9. 1993, p. 4), cuya última modificación la constituye el Reglamento (CE) nº 2812/98 (DO L 349 de 24. 12. 1998, p. 47).

(1) Se bilag V og VII til Kommission forordning (EØF) nr. 2456/93 (EFT L 225 af 4. 9. 1993, s. 4), senest ændret ved forordning (EF) nr. 2812/98 (EFT L 349 af 24. 12. 1998, s. 47).

(1) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4. 9. 1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2812/98 (ABl. L 349 vom 24. 12. 1998, S. 47).

(1) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4. 9. 1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2812/98 (ΕΕ L 349 της 24. 12. 1998, σ. 47).

(1) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2812/98 (OJ L 349, 24.12.1998, p. 47).

(1) Voir annexes V et VII du règlement (CEE) nº 2456/93 de la Commission (JO L 225 du 4. 9. 1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) nº 2812/98 (JO L 349 du 24. 12. 1998, p. 47).

(1) Cfr. allegato V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2812/98 (GU L 349 del 24. 12. 1998, pag. 47).

(1) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4. 9. 1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2812/98 (PB L 349 van 24. 12. 1998, blz. 47).

(1) Ver anexos V e VII do Regulamento da Comissão (CEE) n.º 2456/93 (JO L 225 de 4. 9. 1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n.º 2812/98 (JO L 349 de 24. 12. 1998, p. 47).

(1) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2812/98 (EYVL L 349, 24.12.1998, s. 47) liitteet V ja VII.

(1) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2812/98 (EGT L 349, 24.12.1998, s. 47).

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II

Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser

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