COMMISSION REGULATION (EC) No 117/2006

of 24 January 2006

opening a tendering procedure for the sale of wine alcohol for use as bioethanol in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine [1], and in particular Article 33 thereof,

Whereas:

(1) Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms [2] lays down, among other things, detailed rules for disposing of stocks of alcohol obtained from distillation under Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine [3] and referred to in Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and held by the intervention agencies.

(2) A tendering procedure for the sale of wine alcohol for exclusive use as bioethanol in the fuel sector in the Community should be organised in accordance with Article 92 of Regulation (EC) No 1623/2000 with a view to reducing Community stocks of wine alcohol and ensuring the continuity of supplies to firms approved under that Article.

(3) Since 1 January 1999, in accordance with Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro [4], the selling price and securities must be expressed, and payments made, in euro.

(4) 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. Tendering procedure No 4/2006 EC is hereby opened for the sale of wine alcohol for use as bioethanol in the Community.

The alcohol concerned has been produced from distillation under Articles 35 and 36 of Regulation (EEC) No 822/87 and Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and is held by the intervention agencies of the Member States.

2. The total volume put up for sale is 666 095,04 hectolitres of alcohol at 100 % vol., broken down as follows:

(a) one lot with the number 31/2006 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(b) one lot with the number 32/2006 EC for a quantity of 100 000 hectolitres of alcohol at 100 % vol.;

(c) one lot with the number 33/2006 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(d) one lot with the number 34/2006 EC for a quantity of 100 000 hectolitres of alcohol at 100 % vol.;

(e) one lot with the number 35/2006 EC for a quantity of 100 000 hectolitres of alcohol at 100 % vol.;

(f) one lot with the number 36/2006 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(g) one lot with the number 37/2006 EC for a quantity of 100 000 hectolitres of alcohol at 100 % vol.;

(h) one lot with the number 38/2006 EC for a quantity of 100 000 hectolitres of alcohol at 100 % vol.,

(i) one lot with the number 39/2006 EC for a quantity of 16 095,04 hectolitres of alcohol at 100 % vol.

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[1] OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).
[2] OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1820/2005 (OJ L 293, 9.11.2005, p. 8).
[3] OJ L 84, 27.3.1987, p. 1. Regulation repealed by Regulation (EC) No 1493/1999.
[4] OJ L 349, 24.12.1998, p. 1.

3. The location and references of the vats making up the lots, the quantity of alcohol in each vat, the alcoholic strength and the characteristics of the alcohol are as set out in Annex I to this Regulation.

4. Only firms approved under Article 92 of Regulation (EC) No 1623/2000 may take part in the tendering procedure.

Article 2

The sale shall be conducted in accordance with Articles 93, 94, 94b, 94c, 94d, 95, 96, 97, 98, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

Article 3

1. Tenders shall be delivered to the intervention agencies holding the alcohol listed in Annex II or sent by registered mail to the address of the intervention agency.

2. Tenders shall be placed in a sealed double envelope, the inside envelope marked 'Tender under procedure No 4/2006 EC for use as bioethanol in the Community', the outer envelope bearing the address of the intervention agency concerned.

3. Tenders must reach the intervention agency concerned not later than 12 noon Brussels time on 1 March 2006.

Article 4

1. To be eligible for consideration, tenders must comply with Articles 94 and 97 of Regulation (EC) No 1623/2000.

2. To be eligible for consideration, when they are presented, tenders must be accompanied by:

(a) proof that a tendering security of EUR 4 per hectolitre of alcohol at 100 % vol. has been lodged with the intervention agency holding the alcohol concerned;

(b) the name and address of the tenderer, the reference number of the notice of invitation to tender and the price proposed, expressed in euro per hectolitre of alcohol at 100 % vol.;

(c) an undertaking by tenderers that they will comply with all the rules applicable to this tendering procedure;

(d) a statement by tenderers to the effect that:

(i) they waive all claims in respect of the quality and characteristics of any alcohol awarded to them,

(ii) they agree to submit to any checks made on the destination and use made of the alcohol,

(iii) they accept that it is their responsibility to provide evidence that the alcohol is used as specified in the notice of invitation to tender in question.

Article 5

The notifications provided for in Article 94a of Regulation (EC) No 1623/2000 relating to the tendering procedure opened by this Regulation shall be sent to the Commission at the address given in Annex III to this Regulation.

Article 6

The formalities for sampling shall be as set out in Article 98 of Regulation (EC) No 1623/2000.

The intervention agency shall provide all the necessary information on the characteristics of the alcohol put up for sale.

On application to the intervention agency concerned, interested parties may obtain samples of the alcohol put up for sale, taken by a representative of the intervention agency concerned.

Article 7

1. The intervention agencies in the Member States in which the alcohol put up for sale is stored shall carry out appropriate checks to verify the nature of the alcohol at the time of end-use. To that end, they may:

(a) apply Article 102 of Regulation (EC) No 1623/2000 *mutatis mutandis*;

(b) carry out checks on samples using nuclear magnetic resonance analysis to verify the nature of the alcohol at the time of end-use.

2. The costs of the checks referred to in paragraph 1 shall be borne by the firms to which the alcohol is sold.

Article 8

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 January 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Member State and lot number	Location	Vat No	Quantity in hectolitres of alcohol at 100 % vol.	Regulation (EC) No 1493/1999 (Article)	Regulation (EC) No 822/87 (Article)	Type of alcohol
Spain	Tarancón	C-5	24 831	30		raw
Lot No 31/2006 EC		C-6	25 169	30		raw
	Total		50 000			
Spain	Tarancón	C-1	25 117	27		raw
Lot No 32/2006 EC		C-2	24 998	27		
		D-3	25 159	27		
		D-4	24 726	27		raw
	Total		100 000			
France	Onivins — Longuefuye 53200 Longuefuye	10	22 420	28		raw
Lot No 33/2006 EC		12	22 440	28		raw
		18	5 140	28		raw
	Total		50 000			
France	Onivins — Port-La-Nouvelle Entrepôt d'alcool Av. Adolphe Turrel, BP 62 11210 Port-La-Nouvelle	10	7 205	27		raw
Lot No 34/2006 EC		9	22 280	27		raw
		26	12 370	30		raw
		25	12 245	27		raw
		24	12 515	27		raw
		23	780	28		raw
		23	11 340	30		raw
		23	140	30		raw
		22	11 090	28		raw
		22	1 330	30		raw
		36	8 705	27		raw
	Total		100 000			
France	Deulep — PSL 13230 Port-Saint-Louis-du-Rhône	B1	42 640	27		raw
Lot No 35/2006 EC	Deulep Bld Chanzy 30800 Saint-Gilles-du-Gard	72	38 690	30		raw
		72	6 890	30		raw
		72	470	27		raw
		73	11 310	30		raw
	Total		100 000			

Member State and lot number	Location	Vat No	Quantity in hectolitres of alcohol at 100 % vol.	Regulation (EC) No 1493/1999 (Article)	Regulation (EC) No 822/87 (Article)	Type of alcohol
Italy	Bertolino — Partinico (PA)	3A-33A-34A	27 100	27 + 30		raw
Lot No 36/2006 EC	Trapas — Petrosine (TP)	20A	8 500	30		raw
	Enodistil	22A	2 700	30		raw
	S.V.M. — Sciacca (AG)	4A-30A-32A-35A	2 200	27		raw
	GE.DIS — Marsala (TP)	88-10B	9 500	30		raw
	Total		50 000			
Italy	S.V.A. — Ortona (CH)	20A	2 000	27		raw
Lot No 37/2006 EC	Bonollo — Paduni-Anagni (FR)	15A-35A-49A-51A	35 000	27 + 30		raw
	Deta — Barberino Val d'Elsa (FI)	5A	1 500	27		raw
	Balice Distill. — San Bastilio Motolla (TA)	2A	1 000	27		raw
	D'Auria — Ortona (CH)	17A-19A-21A-22A-41A	12 000	27		raw
	De Luca — Novoli (LE)	7A-16A	9 950,62	27		raw
	Di Lorenzo — Ponte Valleceppi (PG)	26A	6 929,30	30		raw
	Di Lorenzo — Pontenuovo di Torgiano (PG)	1B		27		raw
	Balice S.n.c. — Valenano (BA)	11A-46A-49A-50A-51A	14 500	27		raw
	D.C.A. — Ascoli Piceno (AP)	101-81-17-103-44	1 306,93		35 + 36	raw/neutral
	Distill. Del Sud — Rutigliano	18 + 23 + 36 + 72 + 73	7 242,45		36	neutral
	Caviro — Carapelle (FG)	5C	8 570,70	27		raw
	Total		100 000			
Italy	Caviro — Faenza (RA)	3A-12A-13A-14A	25 429,30	27 + 30		raw
Lot No 38/2006 EC	Di Lorenzo — Pontenuovo di Torgiano (PG)	1B	8 570,70	27		raw
	Mazzari — S.Agata sul Santerno (RA)	5A-6A	34 000	27		raw
	Dister — Faenza (RA)	121A-124A	7 000	27 + 30		raw
	I.C.V. — Borgoricco (PD)	5A	2 000	27		raw
	Tampieri — Faenza (RA)	15A-17A-18A-19A	3 000	27		raw
	Villapana — Faenza (RA)	6A-8A	11 000	27		raw
	Cipriani — Chizzola di Ala	2A-3A-24A-30A	9 000	27		raw
	Total		100 000			

Member State and lot number	Location	Vat No	Quantity in hectolitres of alcohol at 100 % vol.	Regulation (EC) No 1493/1999 (Article)	Regulation (EC) No 822/87 (Article)	Type of alcohol
Hungary Lot No 39/2006 EC	Miskolci Likőrgyár Rt. 3527 Miskolc, Vitéz u. 13. Hrsz.: 4686/5, 4686/2	I/3	129,11	27		raw
		I/4	139,57	27		raw
		I/5	136,19	27		raw
		I/6	136,84	27		raw
		I/7	123,37	27		raw
		I/8	140,10	27		raw
		I/9	136,15	27		raw
		I/10	137,61	27		raw
		I/11	123,42	27		raw
		I/12	137,57	27		raw
		III/31	129,11	27		raw
		III/32	129,11	27		raw
		III/33	129,11	27		raw
		III/34	129,11	27		raw
	Tokaj Kereskedőház Rt. 3934 Tolcsva, Petőfi Sándor u. 32. Hrsz.: 142/1	2214440	4 819,02	27		raw
		2214450	3 962,76	27		raw
	Tokaj Kereskedőház Rt. 3943 Bodrogolaszi, Ország út 19. Hrsz.: 196-198, 200-202	SZ/I	1 832,10	27		raw
		SZ/II	1 842,46	27		raw
		SZ/III	1 782,33	27		raw
	Total		16 095,04			

ANNEX II

Intervention agencies holding the alcohol referred to in article 3

Onivins-Libourne — Délégation nationale, 17 avenue de la Ballastière, BP 231, F-33505 Libourne Cedex (Tel. (33) 557 55 20 00; telex 57 20 25; Fax (33) 557 55 20 59)

FEGA — Beneficencia, 8, E-28004 Madrid (Tel. (34) 913 47 64 66; Fax (34) 913 47 64 65)

AGEA — Via Torino, 45, I-00184 Roma (Tel. (39-06) 49 49 97 14; Fax (39-06) 49 49 97 61)

Mezógazdasági és Vidékfejlesztési Hivatal — H-1385 Budapest, 62, Pf. 867 (Tel. (36) 1-219 45 14; Fax (36) 1-219 45 11, (36) 1-219 45 12).

ANNEX III

Address referred to in article 5

European Commission
Directorate-General for Agriculture and Rural Development, Unit D-2
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 298 55 28
E-mail address: agri-market-tenders@cec.eu.int