COMMISSION REGULATION (EC) No 293/2007

of 19 March 2007

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 9/2007 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 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 653 380,74 hectolitres of alcohol at 100 % vol., broken down as follows:

(a) one lot with the number 96/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(b) one lot with the number 97/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(c) one lot with the number 98/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(d) one lot with the number 99/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(e) one lot with the number 100/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(f) one lot with the number 101/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(g) one lot with the number 102/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(h) one lot with the number 103/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(i) one lot with the number 104/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

[1] OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).
[2] OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 2016/2006 (OJ L 384, 29.12.2006, p. 38).
[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.

(j) one lot with the number 105/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(k) one lot with the number 106/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(l) one lot with the number 107/2007 EC for a quantity of 50 000 hectolitres of alcohol at 100 % vol.;

(m) one lot with the number 108/2007 EC for a quantity of 53 380,74 hectolitres of alcohol at 100 % vol.

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 9/2007 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 2 April 2007.

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, 19 March 2007.

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)	Type of alcohol
Spain Lot No 96/2007 EC	Tarancon	A-2	21 335	27	raw
		B-9	24 685	27	raw
		B-10	3 980	27	raw
	Total		50 000		
Spain Lot No 97/2007 EC	Tarancon	C-7	24 882	30	raw
		D-7	24 659	30	raw
		C-8	459	30	raw
	Total		50 000		
Spain Lot No 98/2007 EC	Tarancon	C-8	24 313	30	raw
		D-8	24 867	30	raw
		A-6	820	30	raw
	Total		50 000		
France Lot No 99/2007 EC	Viniflhor — Port-la-Nouvelle M. Mortefon Entrepôt d'alcool Av. Adolphe-Turrel Bp 62 F-11210 Port-la-Nouvelle	8	12 550	27	raw
		6	11 590	27	raw
		33	6 250	27	raw
		8B	1 490	28	raw
		8B	2 015	30	raw
		6B	8 250	30	raw
		6B	1 150	30	raw
		6B	555	28	raw
		8B	6 150	30	raw
	Total		50 000		
France Lot No 100/2007 EC	Viniflhor — Port-la-Nouvelle M. Mortefon Entrepôt d'alcool Av. Adolphe-Turrel Bp 62 F-11210 Port-la-Nouvelle	10	14 155	27	raw
		13	5 200	27	raw
		13B	6 220	30	raw
		13B	220	30	raw
		13B	645	28	raw
		10B	3 920	30	raw
		10B	690	30	raw
		10B	2 105	28	raw
		15	2 980	30	raw
		15	9 210	30	raw
		33	4 655	27	raw
	Total		50 000		
France Lot No 101/2007 EC	Viniflhor — Port-la-Nouvelle M. Mortefon Entrepôt d'alcool Av. Adolphe-Turrel Bp 62 F-11210 Port-la-Nouvelle	26	5 790	30	raw
		20B	1 080	28	raw
		26B	3 485	27	raw
		26	3 080	30	raw
		22	7 450	30	raw
		22	4 910	30	raw
		33	12 855	27	raw
		20	11 350	27	raw
	Total		50 000		

Member State and lot number	Location	Vat No	Quantity in hectolitres of alcohol at 100 % vol.	Regulation (EC) No 1493/1999 (Article)	Type of alcohol
France Lot No 102/2007 EC	Viniflhor — Longuefuye M^me Bretaudeau F-53200 Longuefuye	4B	1 835	28	raw
		4	18 410	27	raw
		22	4 980	27	raw
		9BIS	2 245	30	raw
		9BIS	915	30	raw
		9BIS	4 425	28	raw
		9	14 900	27	raw
		4B	815	30	raw
		4B	1 475	30	raw
	Total		50 000		
France Lot No 103/2007 EC	Deulep M. Coulomb Bld Chanzy F-30800 Saint-Gilles-du-Gard	73B	5 930	27	raw
		501	7 510	27	raw
		503	5 450	27	raw
		506	7 120	30	raw
		504B	6 765	27	raw
		501B	570	30	raw
		501B	1 010	30	raw
		506	1 530	30	raw
		506	275	28	raw
		502	9 145	27	raw
		73	930	30	raw
		503B	270	28	raw
		503B	2 545	30	raw
		503B	950	30	raw
	Total		50 000		
France Lot No 104/2007 EC	Deulep — Psl F-13230 Port-Saint-Louis-du-Rhône	D2	2 745	28	raw
		D2	28 630	30	raw
		D2	18 625	30	raw
	Total		50 000		
Italy Lot No 105/2007 EC	Cipriani — Chizzola d'Ala (TN)	27a	4 700	27	raw
	Dister — Faenza (RA)	127a	4 500	27	raw
	I.C.V. — Borgoricco (PD)	6a	2 200	27	raw
	Mazzari — S. Agata sul Santerno (RA)	4a-15a	10 100	30	raw
	Tampieri — Faenza (RA)	6a-7a-16a	1 500	27	raw
	Villapana — Faenza (RA)	4a-2a-10a	7 300	27	raw
	Deta-Barberino Val d'Elsa (FI)	7a	2 200	27	raw
	Caviro — Faenza (RA)	15a-6a-8a-5a	17 500	27	raw
	Total		50 000		
Italy Lot No 106/2007 EC	Bonollo — Paduni (FR)	35a-37a	24 500	27/30	raw
	Mazzari — S. Agata sul Santerno (RA)	4a-15a	12 100	30	raw
	Di Lorenzo — Ponte Valleceppi (PG)	19a-22a	10 500	27	raw
	D'Auria — Ortona (CH)	22a-62a-76a	1 000	27	raw
	S.V.A. — Ortona (CH)	19a	1 900	30	raw
	Total		50 000		

Member State and lot number	Location	Vat No	Quantity in hectolitres of alcohol at 100 % vol.	Regulation (EC) No 1493/1999 (Article)	Type of alcohol
Italy Lot No 107/2007 EC	Balice Distill. — San Basilio Mottola (TA)	4a	1 900	27	raw
	Balice S.n.c. — Valenzano (BA)	1a-13a-14a-15a-16a-45a	8 300	27	raw
	De Luca — Novoli (LE)	1a-8a-9a	2 800	27	raw
	Bertolino — Partinico (PA)	24a-27a	18 700	30	raw
	D'Auria — Ortona (CH)	22a-62a-76a	6 000	27	raw
	S.V.M. — Sciacca (AG)	2a-3a-4a-8a-21a-30a-35a-36a-37	4 200	27/30	raw
	GE.DIS — Marsala (TP)	14b	8 100	30	raw
	Total		50 000		
Greece Lot No 108/2007 EC	Οινοποιητικός συνεταιρισμός Μεσσηνίας Πύργος τριφυλίας (Oinopoiitikos Sinetairismos Messinias)	76	454,96	30	raw
		77	432,94	30	raw
		85	1 782,89	30	raw
		86	1 684,51	30	raw
		87	1 756,59	30	raw
		88	1 753,86	30	raw
		95	873,44	30	raw
		75	444,79	30	raw
		28	904,89	30	raw
		80	463,46	30	raw
		73	387,14	30	raw
		78	27,72	30	raw
		15	1 747,04	30	raw
		16	1 713,67	30	raw
		26	853,18	30	raw
		74	427,35	30	raw
		17	1 743,76	30	raw
		94	887,65	30	raw
		84	1 786,52	30	raw
		79	439,47	30	raw
		93	908,63	30	raw
		83	1 795,78	30	raw
		82	1 758,86	30	raw
		12	1 800,87	30	raw
		11	1 744,16	30	raw
		18	1 707,83	30	raw
		13	1 788,73	30	raw
		96	827,49	30	raw
		81	1 805,07	30	raw
		14	1 800,04	30	raw
		97	915,07	30	raw
		92	908,96	30	raw
		99	911,94	30	raw
		25	905,06	30	raw
		108	432,18	30	raw
		107	432,77	30	raw
		105	448,22	30	raw

Member State and lot number	Location	Vat No	Quantity in hectolitres of alcohol at 100 % vol.	Regulation (EC) No 1493/1999 (Article)	Type of alcohol
		106	441,22	30	raw
		27	897,73	30	raw
		29	579,19	30	raw
		30	667,69	30	raw
		19	901,65	27	raw
		20	892,07	27	raw
		21	900,28	27	raw
		22	899,54	27	raw
		23	882,32	27	raw
		24	653,58	27	raw
		89	847,09	27	raw
		90	880,83	27	raw
		91	856,22	27	raw
		98	878,23	27	raw
		100	745,61	27	raw
	Total		53 380,74		

ANNEX II

Intervention agencies holding the alcohol referred to in Article 3

Viniflhor — Libourne	Délégation nationale, 17 avenue de la Ballastière, BP 231, F-33505 Libourne Cedex (Tél. (33-5) 57 55 20 00; télex 57 20 25; fax (33) 557 55 20 59)
FEGA	Beneficencia, 8, E-28004 Madrid (Tél. (34-91) 347 64 66; fax (34-91) 347 64 65)
AGEA	Via Torino, 45, I-00184 Rome (Tél. (39) 06 49 49 97 14; fax (39) 06 49 49 97 61)
Ο.Π.Ε.Κ.Ε.Π.Ε.	Αχαρνών (Aharnon) 241, 10446 Athènes, Grèce (Tél. (30-210) 212 47 99; fax (30-210) 212 47 91)

ANNEX III

Address referred to in Article 5

European Commission

Directorate-General for Agriculture and Rural Development, Unit D-2

B-1049 Brussels

Fax (32-2) 292 17 75

E-mail: agri-market-tenders@ec.europa.eu