

Official Journal

of the European Communities

ISSN 0378-6978

L 366

Volume 24

22 December 1981

English edition

Legislation

Contents

I Acts whose publication is obligatory

- * Council Regulation (EEC) No 3658/81 of 15 December 1981 amending for the fourth time Regulation (EEC) No 351/79 concerning the addition of alcohol to products in the wine sector 1**
- * Council Regulation (EEC) No 3659/81 of 15 December 1981 extending Regulation (EEC) No 1145/81 laying down general rules for the application of the minimum price for table wine 3**
- * Council Regulation (EEC) No 3660/81 of 15 December 1981 fixing for 1982 the quantity of oil seeds and vegetable oils for which the Hellenic Republic is authorized to apply an import control system 4**
- * Council Regulation (EEC) No 3661/81 of 15 December 1981 on interim measures concerning application of the arrangements with Austria and Finland concerning cheese 5**
- Commission Regulation (EEC) No 3662/81 of 21 December 1981 fixing the import levies on cereals and on wheat or rye flour, groats and meal 6
- Commission Regulation (EEC) No 3663/81 of 21 December 1981 fixing the premiums to be added to the import levies on cereals, flour and malt 8
- * Commission Regulation (EEC) No 3664/81 of 18 December 1981 on arrangements for imports into Denmark, the United Kingdom, Ireland and Benelux of certain textile products originating in the Peoples' Republic of China 10**
- Commission Regulation (EEC) No 3665/81 of 21 December 1981 opening an invitation to tender for the mobilization of maize as food aid for Upper Volta . . . 12
- Commission Regulation (EEC) No 3666/81 of 21 December 1981 opening an invitation to tender for the mobilization of maize as food aid for the Republic of Niger . . 15

NOTICE TO READERS

As a result of the increase in production costs, the subscription prices for the calendar years 1982 to the Official Journal and its Supplement have been determined as follows :

Official Journal series L + C : Bfrs 6 000 £ 87 £Irl 100

Supplement to Official Journal : Bfrs 2 700 £ 39 £Irl 45

To ensure an uninterrupted supply, subscribers that do not have standing orders are requested to renew their subscriptions, without delay, either at their usual bookseller or through the following sales offices :

in the United Kingdom : H. M. Stationery Office

PO Box 569

London SE1 9NH

in Ireland : Stationery Office

Dublin 4

in Sweden : Librairie C. E. Fritzes

Regeringsgatan 12

Box 16356

103 27 Stockholm

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3658/81

of 15 December 1981

amending for the fourth time Regulation (EEC) No 351/79 concerning the addition of alcohol to products in the wine sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 3577/81⁽²⁾, and in particular Article 42 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, pending the adoption of provisions supplementing or harmonizing the definitions of semi-sparkling wines and of products falling within heading No 22.06 of the Common Customs Tariff, provision should be made to extend by one year the provisions referred to in Article 4 of Council Regulation (EEC) No 351/79⁽³⁾, as last amended by Regulation (EEC) No 3196/80⁽⁴⁾; whereas, moreover, experience has shown that no difficulty should arise following this extension;

Whereas the conditions that could justify the addition of alcohol to table wine and to quality wine psr dispatched to the non-European areas of Member States are no longer met; whereas the authorization to that effect given by Article 1 (1) of Regulation (EEC) No 351/79 should be withdrawn, whilst laying down a brief transitional period allowing all the operators to adapt to the new provisions,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 351/79 shall be amended as follows:

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 359, 15. 12. 1981, p. 1.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 90.

⁽⁴⁾ OJ No L 333, 11. 12. 1980, p. 6.

1. Article 1 (1) shall be replaced by the following:

'1. table wines and quality wines psr, where climatic conditions or consumer habits necessitate an addition of alcohol and where:

- they are exported to third countries, or
- they are dispatched to the non-European areas of Member States, on condition that they are not re-dispatched to the European areas of Member States;'

2. In the French and Greek versions, 'vol' shall be inserted after '95 %', '52 %' and '80 %' in Article 2 (1).

3. Article 4 shall be replaced by the following:

Article 4

1. The second indent of Article 1 (1) shall be applicable until 31 August 1982.

2. The following shall be applicable until 31 December 1982:

- Article 1 (2) (b) and (3),
- the second subparagraph of Article 2 (1), in so far as it refers to the products specified in Article 1 (2) (b),
- Article 2 (2), in so far as it refers to the products specified in Article 1 (3).'

Article 2

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.

Done at Brussels, 15 December 1981.

For the Council

The President

P. WALKER

**COUNCIL REGULATION (EEC) No 3659/81
of 15 December 1981**

**extending Regulation (EEC) No 1145/81 laying down general rules for the
application of the minimum price for table wine**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Economic Community,

Article 1

Having regard to Council Regulation (EEC) No
337/79 of 5 February 1979 on the common organiza-
tion of the market in wine ⁽¹⁾, as last amended by
Regulation (EEC) No 3577/81 ⁽²⁾, and in particular
Article 15a ⁽⁴⁾,

The date '15 December 1981' in the second paragraph
of Article 22 of Regulation (EEC) No 1145/81 is
hereby replaced by that of '15 December 1982'.

Having regard to the proposal from the Commission,

Article 2

Whereas Regulation (EEC) No 1145/81 ⁽³⁾ applies
only until 15 December 1981; whereas an amend-
ment of the Community provisions in respect of distil-
lation is anticipated; whereas it therefore seems appro-
priate in these circumstances to extend Regulation
(EEC) No 1145/81 by one year,

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

It shall apply from 16 December 1981.

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

Done at Brussels, 15 December 1981.

For the Council

The President

P. WALKER

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 359, 15. 12. 1981, p. 1.

⁽³⁾ OJ No L 120, 1. 5. 1981, p. 7.

COUNCIL REGULATION (EEC) No 3660/81**of 15 December 1981****fixing for 1982 the quantity of oil seeds and vegetable oils for which the Hellenic Republic is authorized to apply an import control system**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the 1979 Act of Accession,

Having regard to Regulation (EEC) No 39/81 of
1 January 1981 authorizing the Hellenic Republic to
apply a temporary system for control of imports of oil
seeds and vegetable oils⁽¹⁾, and in particular Article
4 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 39/81 authorized
Greece to apply, up to 31 December 1983, a system of
import documents for oil seeds and vegetable oils
imported onto its territory; whereas the maximum

quantity of oils beyond which Greece may suspend
the issue of documents was fixed at 25 000 tonnes for
1981; whereas it is necessary to fix the maximum
quantity for 1982,

HAS ADOPTED THIS REGULATION:

Article 1

The ceiling figures for oil seeds and vegetable oils
referred to in Article 4 (2) of Regulation (EEC) No
39/81 are hereby fixed at 30 000 tonnes for 1982.

Article 2

This Regulation shall enter into force on 1 January
1982.

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

Done at Brussels, 15 December 1981.

For the Council

The President

P. WALKER

⁽¹⁾ OJ No L 3, 1. 1. 1981, p. 9.

COUNCIL REGULATION (EEC) No 3661/81
of 15 December 1981
on interim measures concerning application of the arrangements with Austria
and Finland concerning cheese

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by the 1979 Act of Accession, and in particular Article 14 thereof,

Having regard to the Council Decision of 19 October 1981 on the conclusion of an overall agreement resulting from the negotiations and consultations between Austria and the European Economic Community concerning trade in various agricultural products,

Having regard to the Council Decision of 3 December 1981 on the conclusion of an Agreement resulting from the negotiations and consultations between the European Economic Community and the Republic of Finland concerning trade in various agricultural products⁽²⁾,

Having regard to the proposal from the Commission,

Whereas the said Agreements lay down special conditions for import of the products in question; whereas they are to be implemented at the same time; whereas, for the arrangements concerning cheese, this entry into force is provided for as coming into force with effect from 1 January 1982;

Whereas the shortage of time available before that date means that interim measures must be adopted pending measures to be taken according to the usual procedures to ensure the adoption of implementing Regulations;

Whereas, in these circumstances, it is necessary that the Commission adopt, by means of the procedure provided for in Article 30 of Regulation (EEC) No 804/68, the said interim measures,

HAS ADOPTED THIS REGULATION:

Article 1

The interim measures concerning application of the arrangements with Austria and Finland concerning cheese shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

Article 2

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

It shall apply until 15 April 1982.

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

Done at Brussels, 15 December 1981.

For the Council

The President

P. WALKER

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 359, 15. 12. 1981, p. 24.

**COMMISSION REGULATION (EEC) No 3662/81
of 21 December 1981**

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1949/81 ⁽²⁾, and in particular
Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy ⁽³⁾, as last amended by Regulation (EEC)
No 2543/73 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas, the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 2196/81 ⁽⁵⁾ and subsequent amending
Regulations;

Whereas, if the levy system is to operate normally,
levies should be calculated on the following basis:

— in the case of currencies which are maintained in
relation to each other at any given moment within

a band of 2.25 %, a rate of exchange based on
their effective parity,

— for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies in relation to the Community
currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on
18 December 1981;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2196/81 to today's
offer prices and quotations known to the Commission
that the levies at present in force should be altered to
the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in
Article 1 (a), (b) and (c) of Regulation (EEC) No
2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 December
1981.

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

Done at Brussels, 21 December 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 21 December 1981 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	76.06
10.01 B	Durum wheat	131.65 ⁽¹⁾ ⁽²⁾
10.02	Rye	44.21 ⁽²⁾
10.03	Barley	70.62
10.04	Oats	50.56
10.05 B	Maize, other than hybrid maize for sowing	102.01 ⁽³⁾ ⁽²⁾
10.07 A	Buckwheat	0
10.07 B	Millet	74.02 ⁽⁴⁾
10.07 C	Grain sorghum	88.16 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	119.67
11.01 B	Rye flour	75.87
11.02 A I a)	Durum wheat groats and meal	217.33
11.02 A I b)	Common wheat groats and meal	128.16

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

**COMMISSION REGULATION (EEC) No 3663/81
of 21 December 1981**

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1949/81⁽²⁾, and in particular
Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy⁽³⁾, as last amended by Regulation (EEC)
No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2197/81⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally,
levies should be calculated on the following basis:

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2.25 % a rate of exchange based on their
effective parity,

- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies in relation to the Community
currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on
18 December 1981;

Whereas on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in
force, which are to be added to the levies, should be
altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation
(EEC) No 2727/75 to be added to the import levies
fixed in advance in respect of cereals and malt shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 December
1981.

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

Done at Brussels, 21 December 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 21 December 1981 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3664/81**of 18 December 1981****on arrangements for imports into Denmark, the United Kingdom, Ireland and Benelux of certain textile products originating in the Peoples' Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3061/79 of 20 December 1979 on common rules for imports of certain textile products originating in China⁽¹⁾, and in particular Article 11 (4) and (5) thereof,

Whereas Article 11 of Regulation (EEC) No 3061/79 lays down the conditions under which quantitative limitations may be established; whereas imports of certain textile products originating in China are in danger of exceeding, or have exceeded in the Danish, United Kingdom, Irish and Benelux markets, the level set out in paragraph 3 of the said Article;

Whereas in accordance with paragraph 5 of the said Article 11 of Regulation (EEC) No 3061/79, China was notified of a request for consultations; whereas, pending the outcome of those consultations, a quantitative limit, as indicated in the request for consultations, has been placed provisionally on the products in question;

Whereas the products in question exported from China between 1 January 1981 and the date of entry into force of this Regulation must be set off against the quantitative limit which has been introduced;

Whereas this quantitative limit does not prevent the importation of products covered by it but shipped from China before the date of notification of the request for consultations,

HAS ADOPTED THIS REGULATION:

Article 1

Importation into Denmark, the United Kingdom, Ireland and Benelux of the category of products originating in China and specified in the Annex hereto shall be subject to the quantitative limits given in that Annex and to the provisions of Article 2.

Article 2

1. Products as referred to in Article 1 shipped from China to Denmark, the United Kingdom, Ireland and Benelux before the date of entry into force of this Regulation, which have not yet been released for free circulation, shall be so released subject to the presentation of a shipment certificate proving that shipment actually took place before that date.

2. All quantities of products shipped from China on or after 1 January 1981 and released for free circulation shall be deducted from the quantitative limit laid down. This limit shall not, however, prevent the importation of products covered by it but shipped from China before the date of entry into force of this Regulation.

Article 3

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

It shall apply until the entry into force of a definitive Regulation adopted following the current consultations.

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

Done at Brussels, 18 December 1981.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ OJ No L 345, 31. 12. 1979, p. 1.

ANNEX

Category	CCT heading No	NIMEXE code (1981)	Description	Third countries	Member States	Units	Quantitative limits from 1 January to 31 December	
							1981	1982
13	60.04 B IV b) 1 cc) 2 dd) d) 1 cc) 2 cc)	60.04-48; 56; 75; 85	Under garments, knitted or crocheted, not elastic or rubberized: Men's and boys' underpants and briefs, women's girls' and infants' (other than babies) knickers and briefs, knitted or crocheted, not elastic or rubberized, of cotton or synthetic textile fibres	China	BNL IRL	1 000 pieces	500 300 (')	500
21	61.01 B IV 61.02 B II d)	61.01-29; 31; 32 61.02-25; 26; 28	Men's and boys' outer garments: Women's, girls' and infants' outer garments: B. Other: Parkas; anoraks, windcheaters, waister jackets and the like, woven, of wool, of cotton or of man-made textile fibres	China	DK	1 000 pieces	32	32
25	60.04 B IV b) 2 aa) bb) d) 2 aa) bb)	60.04-51; 53; 81; 83	Under garments, knitted or crocheted, not elastic or rubberized: Women's, girls' and infants' (other than babies) knitted or crocheted pyjamas and night-dresses, of cotton or synthetic fibres	China	UK	1 000 pieces	67	67
73	60.05 A II b) 3	60.05-16; 17; 19	Outer garments and other articles, knitted or crocheted, not elastic or rubberized: A. Outer garments and clothing accessories: II. Other: Track suits of knitted or crocheted fabric, not elastic or rubberized, of wool, of cotton or of man-made textile fibres	China	DK	1 000 pieces	60	40

(') The only quantity fixed for the years 1981 to 1983.

COMMISSION REGULATION (EEC) No 3665/81

of 21 December 1981

opening an invitation to tender for the mobilization of maize as food aid for
Upper Volta

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1949/81 ⁽²⁾, and in particular
Article 28 thereof,

Having regard to Council Regulation (EEC) No
2750/75 of 29 October 1975 laying down the condi-
tions for the mobilization of cereals as food aid ⁽³⁾, and
in particular Article 6 thereof,

Having regard to Council Regulation No 129 of 23
October 1962 on the value of the unit of account and
the exchange rates to be applied for the purposes of
the common agricultural policy ⁽⁴⁾, as last amended by
Regulation (EEC) No 2543/73 ⁽⁵⁾, and in particular
Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas on 19 May 1981 the Council of the European
Communities declared that by way of Community
action it proposed to grant the Upper Volta 8 000
tonnes of maize under its 1981 food-aid programme ;

Whereas pursuant to Article 3 (3) of Council Regula-
tion (EEC) No 2750/75 the goods may be purchased
anywhere on the Community market ;

Whereas the proposed invitation to tender should be
for supply of the products delivered to Abidjan, that is
at the moment when the goods are actually placed on
the quay or in the lighter where applicable ;

Whereas tenders may be submitted by tenderers
established in any Member State of the Community
and may relate to products mobilized anywhere within
those Member States ; whereas, in view of the currency
situation in the Member States and in order to ensure
that the tenders are as comparable as possible, account

should be taken of the effect on each tender of the
currency situation in the Member State in which the
customs export formalities will be completed ;

Whereas the contract should be awarded to the
tenderer who makes the best offer ;

Whereas it must be made clear who is to bear any
costs which arise in the event that for reasons of *force
majeure* the operation in question is not completed
within the time stipulated ;

Whereas provision should be made for security to be
given for the purpose of guaranteeing that the obliga-
tions arising by virtue of participation in the invitation
to tender for supplies to the Upper Volta will be
fulfilled ;

Whereas the French intervention agency should be
made responsible for the tendering procedure in ques-
tion ;

Whereas it is important that the Commission be
informed without delay of the tenders submitted in
response to the invitation and of those accepted by the
intervention agency ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Tenders are hereby invited for the supply to the
Upper Volta by way of Community food-aid action of
8 000 tonnes of maize.

2. The tendering procedure shall take place in
France in three lots :

- Lot 1 : 1 000 tonnes,
- Lot 2 : 1 000 tonnes,
- Lot 3 : 6 000 tonnes.

The products shall be mobilized on the Community
market. The products shall be loaded from a Commu-
nity port.

3. The invitation to tender provided for in para-
graph 1 is for supply of products delivered to Abidjan
that is at the moment when the goods are actually
placed on the quay or in the lighter where applicable.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

4. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks of a net capacity of 50 kilograms.

Minimum weight of the sacks shall be 600 grams. The following shall be printed on the sacks:

'Maïs / Don de la Communauté économique européenne à la Haute Volta.'

To allow for the possibility of rebagging, the successful tenderer shall supply 2 % of new empty sacks, of the same quality as those containing the goods but with the printing followed by a capital letter 'R'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 6 January 1982.

2. The closing date for submission of tenders shall be 6 January 1982 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for submission of tenders.

Article 3

1. The prices offered must be expressed in the currency of the Member State in which the invitation to tender was issued.

2. Tenders must in particular mention the Member State in which the tenderer, in the event of his being declared successful, expects to complete the customs export formalities for the products concerned.

3. For the purpose of rendering the tenders comparable the prices shall be corrected by the monetary compensatory amount applicable on the closing date for submission of tenders to exports from the Member State mentioned in the tender pursuant to paragraph 2. Such correction shall be made by:

- increasing prices which mention a Member State whose currency has depreciated,
- reducing prices which mention a Member State whose currency has been revalued.

The monetary compensatory amount shall, where appropriate, be converted into the currency of the Member State in which the invitation to tender is issued using:

- in the case when the currencies concerned are kept at any given moment within a band of 2.25 %, a conversion rate resulting from their central rate,

— in other cases, the relationship between the two currencies concerned, established by using the latest statement of their exchange rates made immediately preceding the closing date for the submission of tenders as published in the 'C' series of the *Official Journal of the European Communities*.

Article 4

The contract shall be awarded to the tenderer offering the best terms, taking into consideration the adjustment referred to in Article 3 (3).

However, if the tenders submitted do not appear to reflect normal market prices and costs, the intervention agency may cancel the invitation to tender.

Article 5

1. The tenderer shall give security in an amount of 6 ECU per tonne of goods.

It shall be released:

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
- in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
- in the case of the successful tenderer, for quantities not supplied by reason of *force majeure*.

2. The security required under paragraph 1 may be provided in the form of a cash deposit or of a guarantee issued by a credit institution conforming to criteria laid down by each Member State.

Article 6

1. The maize referred to in Article 1 must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed.

2. For this purpose the intervention agency of the country of shipment shall arrange for a check at the port at the time of loading on the nature, quality and packaging of the goods. Following inspection an attestation shall be issued. The costs relating thereto shall be borne by the successful tenderer.

3. Samples intended for analysis shall be taken and the inspection shall be carried out in accordance with the trade practices in force in the country of shipment.

Article 7

1. The French intervention agency shall be responsible for organizing the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to Commission the list of firms which have responded to the invitation to tender, specifying the terms of each tender, together with the name and business name of the successful tenderer.

3. Where the customs export formalities for the mobilized product are completed in a Member State other than that in which the invitation to tender is issued, the intervention agency of the latter Member State shall be responsible for the operations following tendering, including payment to the successful tenderer.

In such case, the intervention agency choosing the successful tenderer shall immediately inform the intervention agency of the Member State concerned and shall supply it with all the information which it may require.

Furthermore, the amount of the successful tender shall be paid after it has been converted using the average of the spot rates referred to in the second subparagraph of Article 3 (3) to the tenderer in the currency of the Member State in which the operations relating to the tendering are completed.

4. The intervention agency shall request the successful tenderer to supply the following information :

- (a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and the type of packing ;

- (b) the date of the departure of the ships, the estimated date of arrival of the products at their destination ;

- (c) all possible contingencies which might occur during transportation of the products.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it shall send as soon as possible to the latter the information necessary for releasing the security.

Article 8

As regards this tender the intervention agency is authorized to make an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the taking of a security for an amount equal to the initial payment.

Article 9

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, 21 December 1981.

For the Commission

Poul DALSAER

Member of the Commission

COMMISSION REGULATION (EEC) No 3666/81

of 21 December 1981

opening an invitation to tender for the mobilization of maize as food aid for the Republic of Niger

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1949/81⁽²⁾, and in particular Article 28 thereof,

Having regard to Council Regulation (EEC) No 2750/75 of 29 October 1975 laying down the conditions for the mobilization of cereals as food aid⁽³⁾, and in particular Article 6 thereof,

Having regard to Council Regulation No 129 of 23 October 1962 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 2543/73⁽⁵⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas on 19 May 1981 the Council of the European Communities declared that by way of Community action it proposed to grant the Republic of Niger 5 000 tonnes of maize under its 1981 food-aid programme;

Whereas pursuant to Article 3 (3) of Council Regulation (EEC) No 2750/75 the goods may be purchased anywhere on the Community market;

Whereas the proposed invitation to tender should be for supply of the products delivered to Cotonou, that is at the moment when the goods are actually placed on the quay or in the lighter where applicable;

Whereas tenders may be submitted by tenderers established in any Member State of the Community and may relate to products mobilized anywhere within those Member States; whereas, in view of the currency

situation in the Member States and in order to ensure that the tenders are as comparable as possible, account should be taken of the effect on each tender of the currency situation in the Member State in which the customs export formalities will be completed;

Whereas the contract should be awarded to the tenderer who makes the best offer;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the time stipulated;

Whereas provision should be made for security to be given for the purpose of guaranteeing that the obligations arising by virtue of participation in the invitation to tender for supplies to the Republic of Niger will be fulfilled;

Whereas the French intervention agency should be made responsible for the tendering procedure in question;

Whereas it is important that the Commission be informed without delay of the tenders submitted in response to the invitation and of those accepted by the intervention agency;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders are hereby invited for the supply to the Republic of Niger by way of Community-food-aid action of 5 000 tonnes of maize.

2. The tendering procedure shall take place in France in two lots (3 500 tonnes and 1 500 tonnes). The products shall be mobilized on the Community market. The products shall be loaded from a Community port.

3. The invitation to tender provided for in paragraph 1 is for supply of products delivered to Cotonou that is at the moment when the goods are actually placed on the quay or in the lighter where applicable.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 89.

⁽⁴⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁵⁾ OJ No L 263, 19. 9. 1973, p. 1.

4. The successful tenderer shall deliver the product specified in paragraph 1 in new jute sacks of a net capacity of 50 kilograms.

Minimum weight of the sacks shall be 600 grams. The following shall be printed on the sacks:

'Maïs / Don de la Communauté économique européenne à la république du Niger.'

To allow for the possibility of rebagging, the successful tenderer shall supply 2 % of new empty sacks, of the same quality as those containing the goods but with the printing followed by a capital letter 'R'.

Article 2

1. The decision on tenders received in response to the invitation provided for in Article 1 shall be taken on 6 January 1982.

2. The closing date for submission of tenders shall be 6 January 1982 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than nine days before the closing date for submission of tenders.

Article 3

1. The prices offered must be expressed in the currency of the Member State in which the invitation to tender was issued.

2. Tenders must in particular mention the Member State in which the tenderer, in the event of his being declared successful, expects to complete the customs export formalities for the products concerned.

3. For the purpose of rendering the tenders comparable the prices shall be corrected by the monetary compensatory amount applicable on the closing date for submission of tenders to exports from the Member State mentioned in the tender pursuant to paragraph 2. Such correction shall be made by:

- increasing prices which mention a Member State whose currency has depreciated,
- reducing prices which mention a Member State whose currency has been revalued.

The monetary compensatory amount shall, where appropriate, be converted into the currency of the Member State in which the invitation to tender is issued using:

- in the case when the currencies concerned are kept at any given moment within a band of 2.25 %, a conversion rate resulting from their central rate,

- in other cases, the relationship between the two currencies concerned, established by using the latest statement of their exchange rates made immediately preceding the closing date for the submission of tenders as published in the 'C' series of the *Official Journal of the European Communities*.

Article 4

The contract shall be awarded to the tenderer offering the best terms, taking into consideration the adjustment referred to in Article 3 (3).

However, if the tenders submitted do not appear to reflect normal market prices and costs, the intervention agency may cancel the invitation to tender.

Article 5

1. The tenderer shall give security in an amount of 6 ECU per tonne of goods.

It shall be released:

- in the case of all tenderers whose tenders are unsuccessful or are not accepted,
- in the case of the successful tenderer, when the operations concerned have been carried out within the prescribed time limit and on submission of the original export licence duly granted and endorsed by the competent authorities of the Member State mentioned in the tender pursuant to Article 3 (2),
- in the case of the successful tenderer, for quantities not supplied by reason of *force majeure*.

2. The security required under paragraph 1 may be provided in the form of a cash deposit or of a guarantee issued by a credit institution conforming to criteria laid down by each Member State.

Article 6

1. The maize referred to in Article 1 must be of fair and sound merchantable quality and correspond at least to the standard quality for which the intervention price is fixed.

2. For this purpose the intervention agency of the country of shipment shall arrange for a check at the port at the time of loading on the nature, quality and packaging of the goods. Following inspection an attestation shall be issued. The costs relating thereto shall be borne by the successful tenderer.

3. Samples intended for analysis shall be taken and the inspection shall be carried out in accordance with the trade practices in force in the country of shipment.

Article 7

1. The French intervention agency shall be responsible for organizing the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to Commission the list of firms which have responded to the invitation to tender, specifying the terms of each tender, together with the name and business name of the successful tenderer.

3. Where the customs export formalities for the mobilized product are completed in a Member State other than that in which the invitation to tender is issued, the intervention agency of the latter Member State shall be responsible for the operations following tendering, including payment to the successful tenderer.

In such case, the intervention agency choosing the successful tenderer shall immediately inform the intervention agency of the Member State concerned and shall supply it with all the information which it may require.

Furthermore, the amount of the successful tender shall be paid after it has been converted using the average of the spot rates referred to in the second subparagraph of Article 3 (3) to the tenderer in the currency of the Member State in which the operations relating to the tendering are completed.

4. The intervention agency shall request the successful tenderer to supply the following information:

- (a) after each shipment, a statement giving details of the quantities loaded, the quality of the products and the type of packing;

- (b) the date of the departure of the ships, the estimated date of arrival of the products at their destination;

- (c) all possible contingencies which might occur during transportation of the products.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

5. When the intervention agency responsible for the operations relating to tendering is not the intervention agency which appoints the successful tenderer, it shall send as soon as possible to the latter the information necessary for releasing the security.

Article 8

As regards this tender the intervention agency is authorized to make an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of that document and subject to the taking of a security for an amount equal to the initial payment.

Article 9

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, 21 December 1981.

For the Commission

Poul DALSAER

Member of the Commission
