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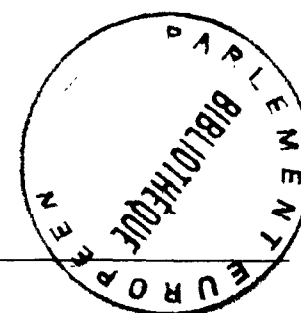
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2380/84**of 17 August 1984****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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽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 agricultural 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 Regulation (EEC) No 2221/84⁽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 central rate, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 16 August 1984;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2221/84 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 18 August 1984.

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

Done at Brussels, 17 August 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 1.

ANNEX

to the Commission Regulation of 17 August 1984 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	76,54
10.01 B II	Durum wheat	120,46 ⁽¹⁾ ⁽²⁾
10.02	Rye	85,34 ⁽⁶⁾
10.03	Barley	71,60
10.04	Oats	43,00
10.05 B	Maize, other than hybrid maize for sowing	40,06 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	80,14 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	120,16
11.01 B	Rye flour	133,46
11.02 A I a)	Durum wheat groats and meal	199,80
11.02 A I b)	Common wheat groats and meal	129,77

⁽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.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 2381/84**of 17 August 1984****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 1018/84 ⁽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
2222/84 ⁽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 central rate, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)
No 974/71, as last amended by Regulation (EEC)
No 855/84,

- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded for a given period in
relation to the Community currencies referred to
in the previous indent and the aforesaid coeffi-
cient;

Whereas these exchange rates being those recorded on
16 August 1984;

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 18 August
1984.

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

Done at Brussels, 17 August 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 4.

ANNEX

to the Commission Regulation of 17 August 1984 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 8	1st period 9	2nd period 10	3rd period 11
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	1,24
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	7,12	7,12	22,90
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	5,14	5,14	0,74
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 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2382/84

of 14 August 1984

on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Articles 13 (2), 18 (5), 19 (4) and (7) and the second paragraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 608/72 of 23 March 1972 laying down rules to be applied in the case of considerable price rises on the world sugar market⁽³⁾, and in particular Article 1 (1) thereof,

Whereas, in view of the situation on the Community and world sugar markets, a principal standing invitation to tender should be issued for export of white sugar which, having regard to possible fluctuations in world prices for sugar, must provide for the determination of export levies and/or export refunds;

Whereas the general rules governing invitations to tender for the purpose of determining export refunds for sugar were laid down in Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽⁴⁾, as last amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the transactions involved, special detailed rules should be laid down in this Regulation, and those provided for in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1467/77⁽⁷⁾, should not apply; whereas, for the same reasons, appropriate provisions should be laid down with regard to export licences issued in connection with the standing invitation to tender and there should be a derogation from Commission Regulation (EEC) No 2630/81 of 10 September 1981 on special detailed

rules for the application of the system of import and export licences for sugar⁽⁸⁾, as last amended by Regulation (EEC) No 3130/82⁽⁹⁾, from Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products⁽¹⁰⁾, as last amended by Regulation (EEC) No 2666/82⁽¹¹⁾, and from Commission Regulation (EEC) No 645/75 of 13 March 1975 laying down common detailed rules for the application of the export levies and charges on agricultural products⁽¹²⁾, as last amended by Regulation (EEC) No 1607/80⁽¹³⁾;

Whereas the second subparagraph of Article 3 (1) of Commission Regulation (EEC) No 1160/82 of 14 May 1982 providing for the advance fixing of monetary compensatory amounts⁽¹⁴⁾ provides that, where the levy or refund is fixed in advance by means of tenders, applications to fix the monetary compensatory amount in advance shall be accepted only if the party concerned has declared in writing at the time of submission of the tender that he will also apply to fix the monetary compensatory amount in advance if the tender is accepted in whole or in part; whereas, in such cases, the obligation to lodge an application to fix the levy or refund in advance following acceptance of the tender involves an obligation to request at the same time advance fixing of the monetary compensatory amount; whereas, for reasons peculiar to the market in sugar, when an operator intends to make use of the facility of fixing a monetary compensatory amount in advance in connection with an export levy or refund fixed in advance under a tendering procedure he only makes up his mind to do so at the moment when the application for the export licence is made; whereas it is only after he has been declared successful in respect of a levy or refund for the quantity of sugar indicated in his tender that the said monetary compensatory amount can be fixed in advance; whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that application for

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 258, 11. 9. 1981, p. 16.

⁽⁹⁾ OJ No L 329, 25. 11. 1982, p. 20.

⁽¹⁰⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽¹¹⁾ OJ No L 283, 6. 10. 1982, p. 7.

⁽¹²⁾ OJ No L 67, 14. 3. 1975, p. 16.

⁽¹³⁾ OJ No L 160, 26. 6. 1980, p. 42.

⁽¹⁴⁾ OJ No L 134, 15. 5. 1982, p. 22.

advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be optional;

Whereas the fact that export licences issued in respect of partial invitations to tender held from 1 February 1985 are valid only until 30 June 1985 could, in certain borderline cases, make it impossible actually to export the goods before the new marketing year begins; whereas it is therefore appropriate to authorize the Member State in question to provide, as a concessionary measure, that the parties concerned have, if they submit a duly substantiated request to that effect, until 15 July 1985 to export the goods, on the understanding that the said goods are, to all intents and purposes, to be regarded as having been exported on 30 June 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a principal standing invitation to tender in order to determine export levies and/or export refunds on white sugar, and during the period of validity of this standing invitation there shall be issued partial invitations to tender.

2. The standing invitation to tender shall remain open until 12 June 1985.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. Member States shall draw up a notice of invitation to tender which shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate in particular the terms of the invitation to tender.

3. The notice shall be published only for the purpose of opening the standing invitation to tender. It may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

- (a) shall begin on 18 August 1984;
- (b) shall end on 22 August 1984 at 10.30 a.m.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

- (a) shall begin on the first working day following the end of the preceding period;
- (b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which was to end on:

- Wednesday 21 November 1984 shall end on Tuesday 20 November 1984 at 10.30 a.m.,
- Wednesday 2 January 1985 shall end on Thursday 3 January 1985 at 10.30 a.m.,
- Wednesday 1 and Wednesday 8 May 1985 shall end on Thursday 2 and Tuesday 7 May 1985, respectively, at 10.30 a.m.,
- Wednesday 5 June 1985 shall end on Tuesday 4 June 1985 at 10.30 a.m.

4. Notwithstanding paragraph 2, no partial invitation to tender will be issued on Wednesday 26 December 1984.

5. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex or telegram.

2. An offer must indicate:

- (a) the reference number of the invitation to tender to which the offer relates;
- (b) the name and address of the tenderer;
- (c) the quantity of white sugar to be exported;
- (d) the amount of the export levy or, where applicable, of the export refund per 100 kilograms of white sugar, expressed in the currency of the Member State in which the tender is submitted;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of white sugar;

- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if his tender is successful he will, within the period laid down in Article 12 (b), apply for an export licence or licences in respect of the quantities of white sugar to be exported;
- (d) it includes a declaration by the tenderer that if his tender is successful he will:

- where the obligation to export created by the export licence referred to in Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (3), and

- within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;

- (e) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

- (a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question;
- (b) the tender, if successful, relates to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the notice of invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (3), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in the case of *force majeure*, the security will be released:

- (a) to tenderers only in respect of the quantity for which no award was made;
- (b) to successful tenderers only if they applied for their export licence within the period laid down in Article 12 (b) and only for the quantity in respect of which they have fulfilled the obligation created by that licence, Article 33 of Regulation (EEC) No 3183/80 remaining applicable.

Any unreleased security and the supplementary security referred to in Article 13 (3) shall be forfeited in respect of a quantity for which the above obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such a manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for that partial invitation.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the intervention price for white sugar for the 1984/85 marketing year and, in particular, the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

- a minimum export levy, or
- a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

- if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,
- if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;

- (b) the quantity of white sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to claim in respect of the quantity awarded, an export licence indicating, as appropriate, the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that quantity, Article 12 (2) of that Regulation and Article 10 of Regulation (EEC) No 645/75 not applying in such a case. The application shall be lodged in accordance with the relevant provisions of Regulation (EEC) No 3183/80, not later than:
 - the last working day preceding the date of the partial invitation to tender to be held the following week, or
 - if no partial invitation to tender is due to be held that week, the last working day of the following week;
- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (3).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the white sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However:

- (a) licences issued in connection with partial invitations:
 - issued in the period 22 August to 12 September 1984 may be used only from 15 September 1984,
 - issued in the period 13 September to 10 October 1984 may be used from the day of issue, and shall be valid only until 30 November 1984;

- (b) licences issued in connection with partial invitations issued in the period 17 October to 28 November 1984 may be used only from 1 December 1984 and shall be valid until 30 April 1985;
 - (c) licences issued in connection with partial invitations issued from 1 February 1985 shall be valid only until 30 June 1985. The competent authority of the Member State which issued the said licences may, if the licence holder submits a written, substantiated request to that effect, extend their period of validity until 15 July 1985 at the latest. Where an export licence's period of validity is extended pursuant to this subparagraph the goods shall be regarded as having been exported on 30 June 1985.
3. Except in cases of *force majeure*, if the obligation to export created by export licence applied for within the period referred to under Article 12 (b) has not been fulfilled and if the security referred to in Article 6 is less than :
- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence, or
 - (b) the sum of the export levy indicated on the licence and the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence, or
 - (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence reduced by the refund indicated on the said licence,

then, under the time limits and conditions laid down in Article 33 of Regulation (EEC) No 3183/80 and by way of a supplementary security for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6.

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second subparagraph of Article 3 (1) of Regulation (EEC) No 1160/82 shall not apply.

When use is made of the provisions of the first subparagraph of Article 3 (1) of that Regulation, those of the third subparagraph of paragraph 1 and of paragraph 2 of that Article shall remain applicable to this tendering procedure.

Article 15

The invitations to tender referred to in Regulations (EEC) No 1881/83 ⁽¹⁾ and (EEC) No 1883/83 ⁽²⁾ shall be closed with effect from 23 August 1984.

Article 16

This Regulation shall enter into force on 18 August 1984.

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

Done at Brussels, 14 August 1984.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 187, 12. 7. 1983, p. 10.

⁽²⁾ OJ No L 187, 12. 7. 1983, p. 20.

COMMISSION REGULATION (EEC) No 2383/84**of 14 August 1984****on a principal standing invitation to tender in order to determine levies and/or refunds on exports of raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular Articles 13 (2), 18 (5), 19 (4) and (7) and the second paragraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 608/72 of 23 March 1972 laying down rules to be applied in the case of considerable price rises on the world sugar market⁽³⁾, and in particular Article 1 (1) thereof,

Whereas, in view of the situation on the Community and world sugar markets, a principal standing invitation to tender should be issued for export of raw sugar obtained from beet or cane harvested in the Community; whereas, in view of possible fluctuations in world prices for sugar, the invitation to tender must provide for the determination of export levies and/or export refunds;

Whereas the general rules governing invitations to tender for the purpose of determining export refunds for sugar were laid down in Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽⁴⁾, as last amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the transactions involved, special detailed rules should be laid down in this Regulation, and those provided for in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1467/77⁽⁷⁾, should not apply; whereas, for the same reasons, appropriate provisions should be laid down with regard to export licences issued in connection with the standing invitation to tender and there should

be a derogation from Commission Regulation (EEC) No 2630/81 of 10 September 1981 on special detailed rules for the application of the system of import and export licences for sugar⁽⁸⁾, as last amended by Regulation (EEC) No 3130/82⁽⁹⁾, from Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products⁽¹⁰⁾, as last amended by Regulation (EEC) No 2666/82⁽¹¹⁾, and from Commission Regulation (EEC) No 645/75 of 13 March 1975 laying down common detailed rules for the application of the export levies and charges on agricultural products⁽¹²⁾, as last amended by Regulation (EEC) No 1607/80⁽¹³⁾;

Whereas the second subparagraph of Article 3 (1) of Commission Regulation (EEC) No 1160/82 of 14 May 1982 providing for the advance fixing of monetary compensatory amounts⁽¹⁴⁾ provides that, where the levy or refund is fixed in advance by means of tenders, applications to fix the monetary compensatory amount in advance shall be accepted only if the party concerned has declared in writing at the time of submission of the tender that he will also apply to fix the monetary compensatory amount in advance if the tender is accepted in whole or in part; whereas, in such cases, the obligation to lodge an application to fix the levy or refund in advance following acceptance of the tender involves an obligation to request at the same time advance fixing of the monetary compensatory amount; whereas, for reasons peculiar to the market in sugar, when an operator intends to make use of the facility of fixing a monetary compensatory amount in advance in connection with an export levy or refund fixed in advance under a tendering procedure he only makes up his mind to do so at the moment when the application for the export licence is made; whereas it is only after he has been declared successful in respect of a levy or refund for the quantity of sugar indicated in his tender that the said monetary compensatory amount can be fixed in advance; whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that application for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be optional;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 258, 11. 9. 1981, p. 16.

⁽⁹⁾ OJ No L 329, 25. 11. 1982, p. 20.

⁽¹⁰⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽¹¹⁾ OJ No L 283, 6. 10. 1982, p. 7.

⁽¹²⁾ OJ No L 67, 14. 3. 1975, p. 16.

⁽¹³⁾ OJ No L 160, 26. 6. 1980, p. 42.

⁽¹⁴⁾ OJ No L 134, 15. 5. 1982, p. 22.

Whereas the fact that export licences issued in respect of partial invitations to tender held from 1 February 1985 are valid only until 30 June 1985 could, in certain borderline cases, make it impossible actually to export the goods before the new marketing year beings; whereas it is therefore appropriate to authorize the Member State in question to provide, as a concessionary measure, that the parties concerned have, if they submit a duly substantiated request to that effect, until 15 July 1985 to export the goods, on the understanding that the said goods are, to all intents and purposes, to be regarded as having been exported on 30 June 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a principal standing invitation to tender in order to determine export levies and/or export refunds on raw sugar obtained from beet or cane harvested in the Community, and during the period of validity of this standing invitation there shall be issued partial invitations to tender.

2. The standing invitation to tender shall remain open until 12 June 1985.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. Member States shall draw up a notice of invitation to tender which shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate in particular the terms of the invitation to tender.

3. The notice shall be published only for the purpose of opening the standing invitation to tender. It may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

(a) shall begin on 18 August 1984;

(b) shall end on 22 August 1984 at 10.30 a.m.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

(a) shall begin on the first working day following the end of the preceding period;

(b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which was to end on:

— Wednesday 21 November 1984 shall end on Tuesday 20 November 1984 at 10.30 a.m.,

— Wednesday 2 January 1985 shall end on Thursday 3 January 1985 at 10.30 a.m.,

— Wednesday 1 and Wednesday 8 May 1985 shall end on Thursday 2 and Tuesday 7 May 1985, respectively, at 10.30 a.m.,

— Wednesday 5 June 1985 shall end on Tuesday 4 June 1985 at 10.30 a.m.

4. Notwithstanding paragraph 2, no partial invitation to tender will be issued on Wednesday 26 December 1984.

5. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex or telegram.

2. A tender must indicate:

(a) the reference number of the invitation to tender to which the offer relates;

(b) the name and address of the tenderer;

(c) the quantity *tel quel* of raw sugar to be exported;

(d) the amount of the export levy or, where applicable, of the export refund per 100 kilograms of standard quality sugar, expressed in the currency of the Member State in which the tender is submitted;

(e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of raw sugar;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if his tender is successful he will, within the period laid down in Article 12 (b), apply for an export licence or licences in respect of the quantities of raw sugar to be exported;
- (d) it includes a declaration by the tenderer certifying that:
 - the product intended for export consists of raw sugar obtained from either beet or from cane harvested in the Community, and
 - the customs export formalities will be completed in the French overseas departments in the case of sugar obtained from cane harvested in the Community;
- (e) it includes a declaration by the tenderer that if his tender is successful he will:
 - where the obligation to export created by the export licence referred to in Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (4), and
 - within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;
- (f) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

- (a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question;
- (b) the tender, if successful, relates to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the notice of invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article

13 (4), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in the case of *force majeure*, the security will be released:

- (a) to tenderers only in respect of the quantity for which no award was made;
- (b) to successful tenderers only if they applied for their export licence within the period laid down in Article 12 (b) and only for the quantity in respect of which they have fulfilled the obligation created by that licence, Article 33 of Regulation (EEC) No 3183/80 remaining applicable.

Any unreleased security and the supplementary security referred to in Article 13 (4) shall be forfeited in respect of a quantity for which the above obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such a manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for that partial invitation.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the intervention price for raw sugar for the 1984/85 marketing year and, in parti-

cular, the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either :

- a minimum export levy, or
- a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender :

- if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy ; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,
- if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent ; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows :

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or

— by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate :

- (a) the reference number of the invitation to which the tender relates ;
- (b) the quantity *tel quel* of raw sugar to be exported ;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of standard quality raw sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have :

- (a) the right to claim in respect of the quantity awarded, an export licence indicating as appropriate the export levy or the export refund quoted in his tender ;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that quantity, Article 12 (2) of that Regulation and Article 10 of Regulation (EEC) No 645/75 not applying in such a case. The application shall be lodged, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, not later than :
 - the last working day preceding the date of the partial invitation to tender to be held the following week, or
 - if no partial invitation to tender is due to be held that week, the last working day of the following week ;
- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (4).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the raw sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However :

- (a) licences issued in connection with partial invitations :
 - issued in the period 22 August to 12 September 1984 may be used only from 15 September 1984,
 - issued in the period 13 September to 10 October 1984 may be used from the day of issue,
 and shall be valid only until 30 November 1984 ;
- (b) licences issued in connection with partial invitations issued in the period 17 October to 28 November 1984 may be used only from 1 December 1984 and shall be valid until 30 April 1985 ;
- (c) licences issued in connection with partial invitations issued from 1 February 1985 shall be valid only until 30 June 1985. The competent authority of the Member State which issued the said licences may, if the licence holder submits a written, substantiated request to that effect, extend their period of validity until 15 July 1985 at the latest. Where an export licence's period of validity is extended in accordance with this subparagraph the goods shall be regarded as having been exported on 30 June 1985.

3. Section 18 (a) of the export licences issued in respect of a partial invitation to tender shall contain one of the following endorsements :

'In the case of raw sugar obtained from cane harvested in the Community, licence valid only for the French overseas departments',

'Licens udelukkende gyldig for de franske oversøiske departementer, når det drejer sig om råssukker fremstillet af sukkerrør høstet i Fællesskabet',

'Im Fall von Rohzucker, der aus in der Gemeinschaft geerntetem Zuckerrohr gewonnen wurde, ist die Lizenz nur gültig für die französischen überseeischen Departements',

'Όταν πρόκειται για ακατέργαστη ζάχαρη που λαμβάνεται από ζαχαροκάλαμα που έχουν συγκομιστεί στην Κοινότητα, πιστοποιητικό που ισχύει αποκλειστικά για τα υπερπόντια γαλλικά διαμερίσματα',

'En cas de sucre brut obtenu à partir de cannes récoltées dans la Communauté, certificat valable

uniquement pour les départements français d'outre-mer',

'Nel caso di zucchero greggio ottenuto da canne raccolte nella Comunità, titolo valido soltanto nei dipartimenti francesi d'oltremare',

'In geval van ruwe suiker, vervaardigd uit in de Gemeenschap geoogst suikerriet, certificaat alleen geldig voor de Franse overzeese departementen'.

4. Except in cases of *force majeure*, if the obligation to export created by an export licence applied for within the period referred to under Article 12 (b) has not been fulfilled and if the security referred to in Article 6 is less than :

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence ; or
- (b) the sum of the export levy indicated on the licence and the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence ; or
- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence, reduced by the refund indicated on the said licence ;

then, under the time limits and conditions laid down in Article 33 of Regulation (EEC) No 3183/80 and by way of a supplementary security for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6.

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second subparagraph of Article 3 (1) of Regulation (EEC) No 1160/82 shall not apply.

When use is made of the provisions of the first subparagraph of Article 3 (1) of that Regulation, those of the third subparagraph of paragraph 1 and of paragraph 2 of that Article shall remain applicable to this tendering procedure.

Article 15

This Regulation shall enter into force on 18 August 1984.

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

Done at Brussels, 14 August 1984.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION REGULATION (EEC) No 2384/84**of 14 August 1984****on a supplementary standing invitation to tender in order to determine levies
and/or refunds on exports of white sugar**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common organization
of the markets in the sugar sector⁽¹⁾, as last amended
by Regulation (EEC) No 606/82⁽²⁾, and in particular
Articles 13 (2), 18 (5), 19 (4) and (7) and the second
paragraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 608/72
of 23 March 1972 laying down rules to be applied in
the case of considerable price rises on the world sugar
market⁽³⁾, and in particular Article 1 (1) thereof,

Whereas, in view of the situation on the Community
and world sugar markets, a supplementary standing
invitation to tender should be issued for export of
white sugar which, having regard to possible fluctua-
tions in world prices for sugar, must provide for the
determination of export levies and/or export refunds ;

Whereas the general rules governing invitations to
tender for the purpose of determining export refunds
for sugar were laid down in Council Regulation (EEC)
No 766/68 of 18 June 1968 laying down general rules
for granting export refunds on sugar⁽⁴⁾, as last
amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the transac-
tions involved, special detailed rules should be laid
down in this Regulation, and those provided for in
Commission Regulation (EEC) No 394/70 of 2 March
1970 on detailed rules for granting export refunds on
sugar⁽⁶⁾, as last amended by Regulation (EEC) No

1467/77⁽⁷⁾, should not apply ; whereas, for the same
reasons, appropriate provisions should be laid down
with regard to export licences issued in connection
with the standing invitation to tender and there should
be a derogation from Commission Regulation (EEC)
No 2630/81 of 10 September 1981 on special detailed
rules for the application of the system of import and
export licences for sugar⁽⁸⁾, as last amended by Regu-
lation (EEC) No 3130/82⁽⁹⁾, from Commission Regu-
lation (EEC) No 3183/80 of 3 December 1980 laying
down common detailed rules for the application of the
system of import and export licences and advance-
fixing certificates for agricultural products⁽¹⁰⁾, as last
amended by Regulation (EEC) No 2666/82⁽¹¹⁾, and
from Commission Regulation (EEC) No 645/75 of 13
March 1975 laying down common detailed rules for
the application of the export levies and charges on
agricultural products⁽¹²⁾, as last amended by Regula-
tion (EEC) No 1607/80⁽¹³⁾;

Whereas the second subparagraph of Article 3 (1) of
Commission Regulation (EEC) No 1160/82 of 14 May
1982 providing for the advance fixing of monetary
compensatory amounts⁽¹⁴⁾ provides that, where the
levy or refund is fixed in advance by means of tenders,
applications to fix the monetary compensatory amount
in advance shall be accepted only if the party
concerned has declared in writing at the time of
submission of the tender that he will also apply to fix
the monetary compensatory amount in advance if the
tender is accepted in whole or in part ; whereas, in
such cases, the obligation to lodge an application to fix
the levy or refund in advance following acceptance of
the tender involves an obligation to request at the
same time advance fixing of the monetary compensa-
tory amount ; whereas, for reasons peculiar to the
market in sugar, when an operator intends to make use
of the facility of fixing a monetary compensatory
amount in advance in connection with an export levy
or refund fixed in advance under a tendering proce-
dure he only makes up his mind to do so at the
moment when the application for the export licence is
made ; whereas it is only after he has been declared
successful in respect of a levy or refund for the quan-
tity of sugar indicated in his tender that the said

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 258 11. 9. 1981, p. 16.

⁽⁹⁾ OJ No L 329, 25. 11. 1982, p. 20.

⁽¹⁰⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽¹¹⁾ OJ No L 283, 6. 10. 1982, p. 7.

⁽¹²⁾ OJ No L 67, 14. 3. 1975, p. 16.

⁽¹³⁾ OJ No L 160, 26. 6. 1980, p. 42.

⁽¹⁴⁾ OJ No L 134, 15. 5. 1982, p. 22.

monetary compensatory amount can be fixed in advance; whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that application for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be optional;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a supplementary standing invitation to tender in order to determine export levies and/or export refunds on white sugar, and during the period of validity of this standing invitation there shall be issued partial invitations to tender.
2. The standing invitation to tender shall remain open until a date to be determined subsequently.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. Member States shall draw up a notice of invitation to tender which shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.
2. The notice shall indicate in particular the terms of the invitation to tender.
3. The notice shall be published only for the purpose of opening the standing invitation to tender. It may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:
 - (a) shall begin on 26 April 1985;
 - (b) shall end on 2 May 1985 at 10.30 a.m.
2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:
 - (a) shall begin on the first working day following the end of the preceding period;

(b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which was to end on:

- Wednesday 8 May 1985 shall end on Tuesday 7 May 1985 at 10.30 a.m.,
- Wednesday 5 June 1985 shall end on Tuesday 4 June 1985 at 10.30 a.m.

4. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex or telegram.

2. An offer must indicate:

- (a) the reference number of the invitation to tender to which the offer relates;
- (b) the name and address of the tenderer;
- (c) the quantity of white sugar to be exported;
- (d) the amount of the export levy or, where applicable, of the export refund per 100 kilograms of white sugar, expressed in the currency of the Member State in which the tender is submitted;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

- (a) the quantity to be exported is not less than 250 tonnes of white sugar;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if his tender is successful he will, within the period laid down in Article 12 (b), apply for an export licence or licences in respect of the quantities of white sugar to be exported;
- (d) it includes a declaration by the tenderer that if his tender is successful he will:
 - where the obligation to export created by the export licence referred to in Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (4), and

- within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;
 - (e) it contains all the information required under paragraph 2.
4. A tender may stipulate that it is to be regarded as having been submitted only if:
- (a) the minimum export levy or, where applicable the maximum export refund, is fixed on the day of the expiry of the period for the submission of the tenders in question;
 - (b) the tender, if successful, relates to all or a specified part of the tendered quantity.
5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the notice of invitation to tender, shall not be considered.
6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (4), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.
2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.
3. Except in the case of *force majeure*, the security will be released:
- (a) to tenderers only in respect of the quantity for which no award was made;
 - (b) to successful tenderers only if they applied for their export licence within the period laid down in Article 12 (b) and only for the quantity in respect of which they have fulfilled the obligation created by that licence, Article 33 of Regulation (EEC) No 3183/80 remaining applicable.

Any unreleased security and the supplementary security referred to in Article 13 (4) shall be forfeited in respect of a quantity for which the above obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.
2. Tenders shall be communicated to the Commission forthwith and in such a manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for that partial invitation.
2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the intervention price for white sugar for the 1984/85 marketing year and, in particular, the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:
- a minimum export levy, or
 - a maximum export refund.
2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.
3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:
- if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,

— if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity of white sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to claim in respect of the quantity awarded, an export licence indicating as appropriate the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that quantity, Article 12 (2) of that Regulation and Article 10 of Regulation (EEC) No 645/75 not applying in such a case. The applica-

tion shall be lodged, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, not later than:

- the last working day preceding the date of the partial invitation to tender to be held the following week, or
 - if no partial invitation to tender is due to be held that week, the last working day of the following week;
- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (4).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the white sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until 30 September 1985.

3. Export licences issued in connection with a partial invitation to tender held between 2 May and 26 June 1985 shall be used only with effect from 1 July 1985.

4. Except in cases of *force majeure*, if the obligation to export created by an export licence applied for within the period referred to under Article 12 (b) has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence; or
- (b) the sum of the export levy indicated on the licence and the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence; or
- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence reduced by the refund indicated on the said licence;

then, under the time limits and conditions laid down in Article 33 of Regulation (EEC) No 3183/80 and by way of a supplementary security for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6.

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second subparagraph of Article 3 (1) of Regulation (EEC) No 1160/82 shall not apply.

When use is made of the provisions of the first subparagraph of Article 3 (1) of that Regulation, those of the third subparagraph of paragraph 1 and of paragraph 2 of that Article shall remain applicable to this tendering procedure.

Article 15

1. In so far as the conditions set out in Article 12 of Regulation (EEC) No 766/68 are satisfied, any export refunds and export levies fixed in advance in connection with this invitation to tender before 1 July 1985 for sugar exported on or after that date shall, at the request of the party concerned, be adjusted in accordance with paragraph 2.

2. For purposes of the adjustment referred to in paragraph 1, the export refund shall be increased, and the export levy decreased, by the difference, expressed in ECU per 100 kilograms, between the intervention

price of white sugar applicable with effect from 1 July 1985 and the intervention price of that sugar applicable on 30 June 1985.

In calculating the difference referred to in the above subparagraph there shall be added to these intervention prices the relevant storage levy as referred to under (a) of the third subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81.

3. The request referred to in paragraph 1 must be submitted by the export-licence holders concerned, before completion of the customs export formalities relating to the quantities concerned, to the Member State which issued the licence.

That Member State shall insert the relevant adjustment in section 18 (a) of the export licence and shall place its stamp thereon.

The Member States shall inform the Commission without delay of the quantities of sugar covered by the requests referred to in paragraph 1.

Article 16

This Regulation shall enter into force on 18 August 1984.

It shall apply from 26 April 1985.

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

Done at Brussels, 14 August 1984.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION REGULATION (EEC) No 2385/84

of 14 August 1984

on a supplementary standing invitation to tender in order to determine levies
and/or refunds on exports of raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common organization
of the markets in the sugar sector⁽¹⁾, as last amended
by Regulation (EEC) No 606/82⁽²⁾, and in particular
Articles 13 (2), 18 (5), 19 (4) and (7) and the second
paragraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 608/72
of 23 March 1972 laying down rules to be applied in
the case of considerable price rises on the world sugar
market⁽³⁾, and in particular Article 1 (1) thereof,

Whereas, in view of the situation on the Community
and world sugar markets, a supplementary standing
invitation to tender should be issued for export of raw
sugar obtained from beet or cane harvested in the
Community; whereas, in view of possible fluctuations
in world prices for sugar, the invitation to tender must
provide for the determination of export levies and/or
export refunds;

Whereas the general rules governing invitations to
tender for the purpose of determining export refunds
for sugar were laid down in Council Regulation (EEC)
No 766/68 of 18 June 1968 laying down general rules
for granting export refunds on sugar⁽⁴⁾, as last
amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the trans-
actions involved, special detailed rules should be laid
down in this Regulation, and those provided for in
Commission Regulation (EEC) No 394/70 of 2 March
1970 on detailed rules for granting export refunds on
sugar⁽⁶⁾, as last amended by Regulation (EEC) No
1467/77⁽⁷⁾, should not apply; whereas, for the same
reasons, appropriate provisions should be laid down
with regard to export licences issued in connection
with the standing invitation to tender and there should

be a derogation from Commission Regulation (EEC)
No 2630/81 of 10 September 1981 on special detailed
rules for the application of the system of import and
export licences for sugar⁽⁸⁾, as last amended by Regu-
lation (EEC) No 3130/82⁽⁹⁾, from Commission Regu-
lation (EEC) No 3183/80 of 3 December 1980 laying
down common detailed rules for the application of the
system of import and export licences and advance-
fixing certificates for agricultural products⁽¹⁰⁾, as last
amended by Regulation (EEC) No 2666/82⁽¹¹⁾, and
from Commission Regulation (EEC) No 645/75 of 13
March 1975 laying down common detailed rules for
the application of the export levies and charges on
agricultural products⁽¹²⁾, as last amended by Regula-
tion (EEC) No 1607/80⁽¹³⁾;

Whereas the second subparagraph of Article 3 (1) of
Commission Regulation (EEC) No 1160/82 of 14 May
1982 providing for the advance fixing of monetary
compensatory amounts⁽¹⁴⁾ provides that, where the
levy or refund is fixed in advance by means of tenders,
applications to fix the monetary compensatory amount
in advance shall be accepted only if the party
concerned has declared in writing at the time of
submission of the tender that he will also apply to fix
the monetary compensatory amount in advance if the
tender is accepted in whole or in part; whereas, in
such cases, the obligation to lodge an application to fix
the levy or refund in advance following acceptance of
the tender involves an obligation to request at the
same time advance fixing of the monetary compensa-
tory amount; whereas, for reasons peculiar to the
market in sugar, when an operator intends to make use
of the facility of fixing a monetary compensatory
amount in advance in connection with an export levy
or refund fixed in advance under a tendering pro-
cedure he only makes up his mind to do so at the
moment when the application for the export licence is
made; whereas it is only after he has been declared
successful in respect of a levy or refund for the quan-
tity of sugar indicated in his tender that the said
monetary compensatory amount can be fixed in

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 258, 11. 9. 1981, p. 16.

⁽⁹⁾ OJ No L 329, 25. 11. 1982, p. 20.

⁽¹⁰⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽¹¹⁾ OJ No L 283, 6. 10. 1982, p. 7.

⁽¹²⁾ OJ No L 67, 14. 3. 1975, p. 16.

⁽¹³⁾ OJ No L 160, 26. 6. 1980, p. 42.

⁽¹⁴⁾ OJ No L 134, 15. 5. 1982, p. 22.

advance; whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that application for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be optional;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be issued a supplementary standing invitation to tender in order to determine export levies and/or export refunds on raw sugar obtained from beet or cane harvested in the Community, and during the period of validity of this standing invitation there shall be issued partial invitations to tender.

2. The standing invitation to tender shall remain open until a date to be determined subsequently.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. Member States shall draw up a notice of invitation to tender which shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate in particular the terms of the invitation to tender.

3. The notice shall be published only for the purpose of opening the standing invitation to tender. It may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

(a) shall begin on 26 April 1985;

(b) shall end on 2 May 1985 at 10.30 a.m.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

(a) shall begin on the first working day following the end of the preceding period;

(b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which would otherwise expire on:

— Wednesday 8 May 1985 shall end on Tuesday 7 May 1985, at 10.30 a.m.,

— Wednesday 5 June 1985 shall end on Tuesday 4 June 1985 at 10.30 a.m.

4. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex or telegram.

2. A tender must indicate:

(a) the reference number of the invitation to tender to which the offer relates;

(b) the name and address of the tenderer;

(c) the quantity *tel quel* of raw sugar to be exported;

(d) the amount of the export levy or, where applicable, of the export refund per 100 kilograms of standard quality sugar, expressed in the currency of the Member State in which the tender is submitted;

(e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

(a) the quantity to be exported is not less than 250 tonnes of raw sugar;

(b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;

(c) it includes a declaration by the tenderer that if his offer is successful he will, within the period laid down in Article 12 (b), apply for an export licence or licences in respect of the quantities of raw sugar to be exported;

(d) it includes a declaration by the tenderer certifying that:

— the product intended for export consists of raw sugar obtained either from beet or from cane harvested in the Community, and

— the customs export formalities will be completed in the French overseas departments in the case of sugar obtained from cane harvested in the Community;

(e) it includes a declaration by the tenderer that if his tender is successful he will :

- where the obligation to export created by the export licence referred to in Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (5), and
- within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used ;

(f) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if :

- (a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question ;
- (b) the tender, if successful, relates to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the notice of invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (5), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in the case of *force majeure*, the security will be released :

- (a) to tenderers only in respect of the quantity for which no award was made ;
- (b) to successful tenderers only if they applied for their export licence within the period laid down in Article 12 (b) and only for the quantity in respect of which they have fulfilled the obligation created by that licence, Article 33 of Regulation (EEC) No 3183/80 remaining applicable.

Any unreleased security and the supplementary security referred to in Article 13 (5) shall be forfeited in respect of a quantity for which the above obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such a manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for that partial invitation.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the intervention price for raw sugar for the 1984/85 marketing year and, in particular, the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either :

- a minimum export levy, or
- a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender :

- if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,
- if maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity *tel quel* of raw sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of raw sugar of standard quality of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to claim in respect of the quantity awarded, an export licence indicating as appro-

priate the export levy or the export refund quoted in his tender;

- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that quantity, Article 12 (2) of that Regulation and Article 10 of Regulation (EEC) No 645/75 not applying in such a case. The application shall be lodged, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, not later than:
 - the last working day preceding the date of the partial invitation to tender scheduled to be held the following week, or
 - if no partial invitation to tender is scheduled for that week, the last working day of the following week;
- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (5).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the raw sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until 30 September 1985.

3. Export licences issued in connection with a partial invitation to tender under this standing invitation to tender held between 2 May and 26 June 1985 shall be used only with effect from 1 July 1985.

4. Section 18 (a) of the export licences issued in respect of a partial invitation to tender shall contain one of the following endorsements:

'In the case of raw sugar obtained from cane harvested in the Community, licence valid only for the French overseas departments',

'Licens udelukkende gyldig for de franske oversøiske departementer, når det drejer sig om råsukker fremstillet af sukkerrør høstet i Fællesskabet',

'Im Fall von Rohzucker, der aus in der Gemeinschaft geerntetem Zuckerrohr gewonnen wurde, ist die Lizenz nur gültig für die französischen überseeischen Departements',

'Όταν πρόκειται για ακατέργαστη ζάχαρη που λαμβάνεται από ζαχαροκάλαμα που έχουν συγκομιστεί στην Κοινότητα, πιστοποιητικό που ισχύει αποκλειστικά για τα υπερπόντια γαλλικά διαμερίσματα',

'En cas de sucre brut obtenu à partir de cannes récoltées dans la Communauté, certificat valable uniquement pour les départements français d'outre-mer',

'Nel caso di zucchero greggio ottenuto da canne raccolte nella Comunità, titolo valido soltanto nei dipartimenti francesi d'oltremare',

'In geval van ruwe suiker, vervaardigd uit in de Gemeenschap geoogst suikerriet, certificaat alleen geldig voor de Franse overzeese departementen'.

5. Except in cases of *force majeure*, if the obligation to export created by an export licence applied for within the period referred to under Article 12(b) has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence; or
- (b) the sum of the export levy indicated on the licence and the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence; or
- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence, reduced by the refund indicated on the said licence;

then, under the time limits and conditions laid down in Article 33 of Regulation (EEC) No 3183/80 and by way of a supplementary security for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6.

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second subparagraph of Article 3 (1) of Regulation (EEC) No 1160/82 shall not apply.

When use is made of the provisions of the first subparagraph of Article 3 (1) of that Regulation, those of the third subparagraph of paragraph 1 and of paragraph 2 of that Article shall remain applicable to this tendering procedure.

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

Done at Brussels, 14 August 1984.

For the Commission

Étienne DAVIGNON

Vice-President

Article 15

1. In so far as the conditions set out in Article 12 of Regulation (EEC) No 766/68 are satisfied, any export refunds and export levies fixed in advance in connection with this invitation to tender before 1 July 1985 for sugar exported on or after that date shall, at the request of the party concerned, be adjusted in accordance with paragraph 2.

2. For purposes of the adjustment referred to in paragraph 1, the export refund shall be increased, and the export levy decreased, by the difference, expressed in ECU per 100 kilograms, between the intervention price of raw sugar applicable with effect from 1 July 1985 and the intervention price of that sugar applicable on 30 June 1985.

In calculating the difference referred to in the above subparagraph there shall be added to these intervention prices the relevant storage levy as referred to under (a) of the third subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81.

3. For the purposes of the adjustment referred to in paragraph 1, where the yield of the raw sugar differs from that of the standard quality as defined in Council Regulation (EEC) No 431/68⁽¹⁾, the amount of the adjustment shall be adapted in accordance with Article 2 of Regulation (EEC) No 837/68⁽²⁾.

4. The request referred to in paragraph 1 must be submitted by the export-licence holders concerned, before completion of the customs export formalities relating to the quantities concerned, to the Member State which issued the licence.

That Member State shall insert the relevant adjustment in section 18 (a) of the export licence and shall place its stamp thereon.

The Member States shall inform the Commission without delay of the quantities of sugar covered by the requests referred to in paragraph 1.

Article 16

This Regulation shall enter into force on 18 August 1984.

It shall apply from 26 April 1985.

⁽¹⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽²⁾ OJ No L 151, 30. 6. 1968, p. 42.

COMMISSION REGULATION (EEC) No 2386/84

of 13 August 1984

amending Regulation (EEC) No 2406/83 on the grant of aid for the use in wine-making of concentrated grape must and rectified concentrated grape must in respect of the 1983/84 wine-growing year

THE COMMISSION 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 1208/84 ⁽²⁾, and in particular Articles 14 (4) and 65 thereof,

Whereas Article 4 of Regulation (EEC) No 2406/83 ⁽³⁾ lays down that the aid shall be paid to the producer not later than 31 August 1984, except in cases of *force majeure* or where administrative enquiries have been commenced concerning entitlement to the aid;

Whereas this provision, which has only been applicable as from 1 September 1983, is causing administrative complications for the intervention agencies; whereas, owing to this, the abovementioned date should be extended until 31 October 1984; whereas, subsequent to this extension, the latest permitted date for the notifications which Member States should send to the Commission within the meaning of Article 6 of

the abovementioned Regulation should also be extended;

Whereas 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

Regulation (EEC) No 2406/84 is hereby amended as follows:

1. In Article 4, '31 August 1984' is replaced by '31 October 1984';
2. In Article 6, '31 October 1984' is replaced by '30 November 1984'.

Article 2

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, 13 August 1984.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 115, 1. 5. 1984, p. 77.

⁽³⁾ OJ No L 236, 26. 8. 1983, p. 13.

COMMISSION REGULATION (EEC) No 2387/84**of 14 August 1984****amending Regulation (EEC) No 900/84 in respect of coefficients to be applied to milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States ⁽¹⁾, as last amended by Regulation (EEC) No 855/84 ⁽²⁾, and in particular Article 6 thereof,

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 974/71 were fixed in Commission Regulation (EEC) No 900/84 ⁽³⁾, as last amended by Regulation (EEC) No 2332/84 ⁽⁴⁾;

Whereas Commission Regulations (EEC) No 2268/84 ⁽⁵⁾ and (EEC) No 2278/84 ⁽⁶⁾ make provision for the sale of butter and ghee for export at a set price; whereas the introduction of these Regulations makes it necessary, in connection with applying monetary compensatory amounts, to lay down coefficients by which the amount indicated is to be multiplied; whereas, therefore, certain additions should be made to part 5 of Annex I to Regulation (EEC) No 900/84;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following indents are hereby added to note ^(*) in part 5 of Annex I to Regulation (EEC) No 900/84:

- in Regulation (EEC) No 2268/84 (OJ No L 208, 3. 8. 1984), the amount indicated shall be multiplied by the coefficient 0,90,
- in Regulation (EEC) No 2278/84 (OJ No L 209, 4. 8. 1984), the amount indicated shall be multiplied by the coefficient 0,87.

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 from 3 September 1984.

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

Done at Brussels, 14 August 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽³⁾ OJ No L 92, 2. 4. 1984, p. 2.

⁽⁴⁾ OJ No L 216, 13. 8. 1984, p. 1.

⁽⁵⁾ OJ No L 208, 3. 8. 1984, p. 35.

⁽⁶⁾ OJ No L 209, 4. 8. 1984, p. 8.

COMMISSION REGULATION (EEC) No 2388/84

of 14 August 1984

on special detailed rules for the application of export refunds in the case of
certain preserved beef and veal products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 805/68
of 27 June 1968 on the common organization of the
market in beef and veal ⁽¹⁾, as last amended by the Act
of Accession of Greece, and in particular Article 18 (5)
thereof,

Whereas Council Regulation (EEC) No 565/80 ⁽²⁾
made it possible to pay an amount equal to the refund
as soon as a basic product is placed under customs
control guaranteeing its export from the Community
after processing;

Whereas provision should be made for the export to
third countries of preserved beef and veal products
manufactured under those arrangements from meat of
Community origin;

Whereas the provisions of this Regulation apply
without prejudice to Council Regulation (EEC) No
754/76 of 25 March 1976 relating to customs treat-
ment applicable to goods returned to the customs
territory of the Community ⁽³⁾;

Whereas, in cases where such preserved products are
re-imported into the Community, any refund granted
on export should be repaid;

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

Preserved products falling within subheading 16.02 B
III b) 1 bb) of the Common Customs Tariff which
meet the conditions laid down by this Regulation and

are exported to third countries shall be eligible for a
special refund where they are manufactured under the
arrangements provided for by Article 4 of Regulation
(EEC) No 565/80.

Article 2

The preserved products referred to in Article 1 must:

- be manufactured from beef and veal of Commu-
nity origin, and
- contain not less than 80 % of beef and veal, exclu-
ding offal and fat, and
- be put up in tins of a unit weight of not more than
500 grams net.

In addition, the name of the Member State in which
the product was manufactured shall be stamped in
relief, uncoded, on each of the tins, clearly visible, in a
language of that Member State.

Article 3

Where preserved products falling within subheading
16.02 B III b) 1 bb) of the Common Customs Tariff,
put up in accordance with Article 2, are re-imported
into the customs territory of the Community and not
declared for free circulation under Council Regulation
(EEC) No 754/76, the competent authority shall
authorize entry into free circulation only if, in addition
to the payment of duties applicable on import, proof is
provided that the amount of the refund granted on
export has been recovered. Where the amount granted
cannot be determined to the satisfaction of those
authorities it shall be considered to be equal to the
highest refund applicable on the date of acceptance of
the declaration of free circulation for the goods in
question.

Article 4

This Regulation shall enter into force on 10
September 1984.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽³⁾ OJ No L 89, 2. 4. 1976, p. 1.

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

Done at Brussels, 14 August 1984.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION REGULATION (EEC) No 2389/84

of 17 August 1984

altering the import levies on products processed from cereals and rice

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 1018/84⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 174/84⁽⁴⁾, and in particular Article 12 (4) 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 agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2171/84⁽⁷⁾, as last amended by Regulation (EEC) No 2361/84⁽⁸⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁹⁾ amended Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

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 central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 16 August 1984;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹¹⁾ the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 2171/84, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 August 1984.

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

Done at Brussels, 17 August 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 21, 26. 1. 1984, p. 1.
⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.
⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.
⁽⁷⁾ OJ No L 197, 27. 7. 1984, p. 38.
⁽⁸⁾ OJ No L 218, 15. 8. 1984, p. 21.
⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.
⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 17 August 1984 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	70,89 ⁽¹⁾	69,08 ⁽¹⁾ ⁽²⁾
07.06 A II	73,91 ⁽¹⁾	69,08 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	133,64	127,60
11.01 G ⁽²⁾	84,79	81,77
11.02 A III ⁽²⁾	133,64	127,60
11.02 A VII ⁽²⁾	84,79	81,77
11.02 B I a) 1 ⁽²⁾	116,44	113,42
11.02 B I b) 1 ⁽²⁾	116,44	113,42
11.02 B II d) ⁽²⁾	131,29	128,27
11.02 C III ⁽²⁾	183,27	177,23
11.02 C VI ⁽²⁾	131,29	128,27
11.02 D III ⁽²⁾	75,33	72,31
11.02 D VI ⁽²⁾	84,79	81,77
11.02 E I a) 1 ⁽²⁾	75,33	72,31
11.02 E I b) 1 ⁽²⁾	147,82	141,78
11.02 E II d) 2 ⁽²⁾	150,35	144,31
11.02 F III ⁽²⁾	133,64	127,60
11.02 F VII ⁽²⁾	84,79	81,77
11.04 C I	73,91	67,26 ⁽³⁾
11.07 A II a)	137,06 ⁽⁴⁾	126,18
11.07 A II b)	105,16	94,28
11.07 B	120,76 ⁽⁴⁾	109,88

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

⁽³⁾ In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrowroot falling within subheading 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading 11.08 A V.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2268/84 of 31 July 1984 on special sales of intervention butter for export to various destinations and amending Regulation (EEC) No 1687/76

(Official Journal of the European Communities No L 208 of 3 August 1984)

Page 35, Article 2(2), penultimate line is to read as follows :

'... the intervention agency of 5 ECU per 100 kilograms for the contract ...'.
