

COMMISSION REGULATION (EEC) No 2363/81

of 17 August 1981

opening an invitation to tender for the levy and/or refund for the export of
barley to Poland

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 organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1949/81⁽²⁾,

Having regard to Council Regulation (EEC) No
2747/75 of 29 October 1975 laying down general
rules to be applied in the event of the cereals market
being disturbed⁽³⁾, as last amended by Regulation
(EEC) No 2560/77⁽⁴⁾, and in particular Article 2 (1)
thereof,

Having regard to Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general
rules for granting export refunds on cereals and
criteria for fixing the amount of such refunds⁽⁵⁾, and
in particular Article 5 thereof,

Whereas the European Council agreed at its meeting
on 1 April 1981 in Brussels, that steps should be
taken to facilitate the purchase by Poland of certain
agricultural products of the Community; whereas in
view of the available supplies of Community cereals it
is possible to put at the disposal of Poland some
72 500 tonnes of barley;

Whereas, in view of the current situation on the
cereals market, an invitation should be opened in
respect of barley to tender for the export levy provided
for in the first indent of Article 2 (1) of Regulation
(EEC) No 2747/75 and/or for the export refund
provided for in Article 5 of Regulation (EEC) No
2746/75; whereas there is demand for barley on
certain specific markets; whereas, in order to ensure
supply, the invitation to tender for export should be
limited to exports to Poland;

Whereas the detailed procedural rules governing invi-
tations to tender are, as regards the fixing of the
export levy, laid down in Commission Regulation
(EEC) No 3130/73⁽⁶⁾, as amended by Regulations
(EEC) No 278/75⁽⁷⁾ and (EEC) No 771/75⁽⁸⁾ and, as

regards the fixing of the export refund, in Commis-
sion Regulation (EEC) No 279/75⁽⁹⁾, as amended by
Regulation (EEC) No 2944/78⁽¹⁰⁾; whereas the
commitments on the part of the tenderer include an
obligation to lodge an application for an export
licence; whereas compliance with this obligation may
be ensured by requiring tenderers to lodge a tendering
security of 12 ECU per tonne when they submit their
tenders;

Whereas, in order to ensure equal treatment to all
concerned, it is necessary to make provision such that
the periods of validity of licences issued are identical;

Whereas, in order to ensure the smooth operation of
the tendering procedure, it is appropriate to prescribe
a minimum quantity to be tendered for and a time
limit and form for the communication of tenders
submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export levy provided for in the first indent of Article 2 (1) of Regulation (EEC) No 2747/75 and/or the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to barley for export to Poland.
3. The invitation shall remain open until 17 December 1981. During this period weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

1. A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 82.

⁽⁴⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 319, 20. 11. 1973, p. 10.

⁽⁷⁾ OJ No L 31, 5. 2. 1975, p. 7.

⁽⁸⁾ OJ No L 77, 26. 3. 1975, p. 13.

⁽⁹⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽¹⁰⁾ OJ No L 351, 15. 12. 1978, p. 16.

2. Tenders shall be valid only if they are accompanied by the proof of an undertaking to purchase by the Polish authorities covering the invitation to tender in question and a given quantity.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 3130/73 and in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

Article 4

1. Notwithstanding Article 21 (1) of Regulation (EEC) No 3183/80⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 3130/73 or under Article 8 (1) of Regulation (EEC) No 279/75 shall for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the second month following that of issue.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 3130/73 and Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

— to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or

— to fix a minimum export levy, taking account in particular of the criteria laid down in Article 3 (1) (b) and (d) of Regulation (EEC) No 2747/75, or

— to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund and to any tenderer who has tendered for an export levy.

Where a minimum export levy is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of levy equal to or greater than such minimum export levy.

Article 6

Tenders submitted must reach the Commission through the intermediary of Member States, at the latest, one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

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

Done at Brussels, 17 August 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 388, 13. 12. 1980, p. 1.

ANNEX

Weekly tender for the levy/refund for the export of barley to Poland

(Closing date for the submission of tenders (date/time))

I

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export levy in national currency per tonne
1		
2		
3		
4		
5		
etc.		

II

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export levy in national currency per tonne
1		
2		
3		
4		
5		
etc.		