

COMMISSION REGULATION (EEC) No 45/82

of 8 January 1982

amending Regulation (EEC) No 2729/81 in respect of the period to be observed in cases of advance fixing of the refund under an invitation to tender in a non-member country in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Article 15 (3) of Regulation (EEC) No 2729/81 is hereby replaced by the following :

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Articles 13 (3) and 17 (4) thereof,

‘3. Notwithstanding the second subparagraph of Article 43 (2) of Regulation (EEC) No 3183/80, the applicant for the licence must comply with a period of 40 days following the time limit for submission of tenders :

- either for informing the issuing agency of the results of the invitation to tender,
- or for providing proof that the time limit for submission of tenders has been deferred,
- or for submitting an application for extension of the said period where he is unable to know the results of the invitation to tender for reasons which are beyond his control.

Whereas Article 15 (3) of Commission Regulation (EEC) No 2729/81⁽²⁾ lays down that, notwithstanding the second subparagraph of Article 43 (2) of Commission Regulation (EEC) No 3183/80⁽³⁾, as last amended by Regulation (EEC) No 3392/81⁽⁴⁾, the period to be observed by an applicant for a licence for informing the issuing agency of the results of an invitation to tender issued by a public authority in a non-member country is fixed at 40 days after the time limit for submission of tenders ; whereas experience has shown that, in some cases, certain non-member countries do not make the award within the 40 days so laid down ; whereas, in such circumstances, the applicant is unable to comply with the requirement to communicate as stated above and, accordingly, runs the risk of the licence not being issued and of forfeiting the security ; whereas, accordingly, provision should be made for the Commission, in certain special circumstances, to decide that the period initially laid down should be extended ;

In the latter case, the Member State in question shall request the Commission to extend the period laid down in the first subparagraph, stating the non-member country and the agency issuing the invitation to tender, the quantity offered, the type of product concerned, the time limit for submission of tenders and the reasons put forward for such extension.

The Commission shall take a decision concerning the extension of the period and concerning the release of the security. It shall inform the Member States accordingly.’

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

Article 2

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 272, 26. 9. 1981, p. 19.

⁽³⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽⁴⁾ OJ No L 341, 28. 11. 1981, p. 30.

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

Done at Brussels, 8 January 1982.

For the Commission
Poul DALSGER
Member of the Commission
