

**COMMISSION REGULATION (EC) No 1948/2002
of 31 October 2002**

**amending Regulation (EEC) No 584/75 laying down detailed rules for the application of the system
of tendering for export refunds on rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(15) thereof,

Whereas:

- (1) Experience gained during preceding marketing years has shown that amendments should be made to Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾.
- (2) While maintaining anonymity, tenderers should be identified by a number in order to see which ones have submitted more than one tender and at what levels.
- (3) In order that the management of quantities awarded is more exact provision should be made for a coefficient for the award of quantities for tenders submitted at the level of the maximum refund, while allowing operators to fix a minimum quantity awarded below which their tenders will be considered not to have been submitted.
- (4) The Management Committee for Cereals has not delivered an opinion within the time limit laid down by its chairman,

- (e) in situations where the Commission fixes a coefficient for the award of quantities tendered in accordance with Article 5, a minimum quantity such that, if the quantity awarded falls short of the minimum quantity the tender shall be deemed not to have been submitted.;

2. Article 4(2) is replaced by the following:

'2. Tenderers shall be given an individual number for each weekly invitation to tender. Numbers shall be assigned on a random basis and independently on each occasion. Tenders shall be identified by their tenderer's number and communicated without delay to the Commission.;

3. in Article 5(2), the following sentence is added:

'In the case of tenders submitted at the level of the maximum refund, the fixing of the latter may be accompanied by the fixing of a coefficient for the award of the quantities tendered. This latter fixing shall be adopted in accordance with the procedure referred to in paragraph 1.;

4. in Article 7, the following is inserted:

- (c) the tender is considered not to have been submitted pursuant to Article 2;
- (d) the Commission shall fix an award coefficient. The amount released shall correspond to the quantity not accepted.'

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 584/75 is hereby amended as follows:

1. in Article 2(2), the following is added:
'and as appropriate

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, 31 October 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁴⁾ OJ L 35, 15.2.1995, p. 8.